

Proposed Pet Shop (Licensing) (Scotland) Bill

Page 1: Introduction

A proposal for a Bill to improve animal welfare by enhancing local authority pet shop licensing powers and updating the licensing system, including in relation to licence conditions, fees and inspections. The consultation runs from 26 March 2018 to 18 June 2018 All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document. Questions marked with an asterisk (*) require an answer All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response. Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded. Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here: [Consultation Document](#) [Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice attached to this consultation which explains how my personal data will be used

Page 2: About you

Are you responding as an individual or on behalf of an organisation?

on behalf of an organisation

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

No Response

Please select the category which best describes your organisation

Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole). A voice for (pet) rabbit welfare via a variety of means. Education, information, awareness. Highlighting welfare problems and seeking reform on various issues including problems unregulated/licensed breeding and sales of rabbits, alongside unsuitable products sold, such as housing and dietary. We also operate a small sanctuary for rescued rabbits who are not suitable for re-homing due to ongoing health problems related to their previous lives, in addition to assisting owners find new homes for their now 'unwanted' pets through vetting to ensure welfare is key. Additionally we have operated a low cost neutering scheme for rabbits utilizing the services of veterinary practices competent and knowledgeable in rabbit health.

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your name or the name of your organisation. This will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is how your name/name of your organisation will be published.

Advocates For Rabbit Welfare, Scottish Registered Charity. SCO44268

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

Page 8: Aim and approach

Q1. Which of the following best describes your view of the proposal to strengthen the licensing regime for pet shops in Scotland?

Fully supportive

Please explain the reasons for your response.

Current legislation is vastly outdated and not fit for purpose. Numerous bad welfare practices have been seen in-stores. Too many animal welfare issues relating to the numerous species sold which in turn leads to improper care and advice thereof. Advice on individual species and the welfare needs of, is lacking, varies from store to store and generally bad/poor. Improper diet fed and animals kept in unfavorable, barren conditions. Stocking densities alongside space allowances are extremely limited and space allowed per animal species too low. No room to allow freedom movement, environment enrichment etc. Licences are too easily obtained. Fees for licenses are too cheap and the cost vary depending on Local Authority (LA). No standard 'terms of license' nationwide. ALL LA's should utilise the 'Model Conditions For Pet Vending Licensing 2013' as guidance on best practise within the sector which clearly sets out the needs of various animal species and expected standards. Licence holders have suitable qualifications and knowledge in all species in their care, they must also continue to prove knowledge via similar methods undertaken by Veterinary professionals CPD as welfare issues come to light. e.g. Disease, breed specific problems such as Brachycephalic etc. Inspections by those responsible for overseeing the terms are lax, due to again various reasons: lack of 'inspector' knowledge on the variety of species sold, many have specific welfare needs to meet, finance, LA licensing departments. cover a whole host of issues: private hire (taxes), alcohol, gambling establishments etc - animal welfare (and knowledge of covering an array of different species) is considered to be of low priority to an already overstretched department. Complaints rarely acted on nor inspections thorough or followed through. Too much focus (within current terms) on Health and Safety, Fire Hazards, Hygiene than that of actual welfare and proper care of the wide variety of species sold.

Q2. Could the aims of the Bill be better delivered in another way (rather than by the means of a Bill in the Scottish Parliament)?

No

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Please explain the reasons for your response.

The legislation governing Pet Shop Licencing is vastly outdated and no longer fit for purpose.

Q3. Under the proposal, pet shop licence fees would be based on a recovery of the costs incurred by local authorities in processing applications and inspecting premises to ensure animal welfare standards are maintained. In your view, which of the following should local authorities do?

(a) Charge all pet shops the same licence fee.

Please give reasons for your answer. If you have selected option (c) please indicate which criteria you think should be used.

There are too many variations on fees payable to LA's across Scotland, ranging from the ridiculously cheap to moderate. Fees need to increase substantially and with that, a standard Pet Shop Licence fee set nationwide to help eliminate poorly run establishments.

Q4. Which of the following best expresses your view of developing statutory licence conditions, building on the current Model conditions for pet vending, that would apply to all pet shops in Scotland?

Fully supportive

Please give reasons for your answer, including any advantages or disadvantages of the proposal.

Current legislation is outdated and not fit for purpose. It is long overdue updated, and with that a national standard set for the whole of Scotland to ensure best practice and animal welfare. Good welfare is good business and as business, this is something all pet shops should have at core. However, the current situation, regional variations, and discrepancies allow for lax practices and high instances of poor welfare.

Q5. Which of the following best describes your view of banning the sale of puppies and kittens in pet shops?

Fully supportive

Please give reasons for your answer, including any advantages or disadvantages of the proposal.

Agreed: though it should not stop short at puppies and kittens. Ideally NO animal should be sold in our shops. It is an old, outdated practice which needs to end, Being able to walk into a shop, and walk out 5/10 mins later with an animal only leads to impulse buys and abandonment of that animal once the novelty wears off. This is pertinent as often these impulse buys are made to help keep the kids entertained, only for them to lose interest a short time later, and the animal passed on via other means or simply abandoned. Our interest lies with Rabbits: it is a sad fact that Rabbits are our 3rd most popular pet sold after puppies and kittens, but they are also the MOST neglected species of all. Quite a sad statistic. <http://news.bbc.co.uk/1/hi/uk/6166113.stm> Pet Shops should mainly trade in supplies, and work closely with animal welfare organisations and rescue centers. They need to be responsible for the issues they create: by working with, and promoting adoption via rescue, which in turn, will end impulse buys and encourage owners to research and prepare for their new pet, then the whole situation will improve and lessen the burden on charities like ourselves, and the needless suffering and neglect of the animals they currently sell, unheeded. Most of which come from unscrupulous, unregistered backyard breeders who themselves are not under scrutiny from inspections or required to be licenced (often livestock is 'traded' bypassing the need for licence as no money has changed hands).

Q6. Which of the following best describes your view of pet shop licence applications listing all animal categories they intend to sell, with owners under an obligation to inform the local authority before stocking any new categories?

Fully supportive

Please give reasons for your answer, including any advantages or disadvantages of the proposal.

With such a vast array of different animal species, pet shop licencees (and inspectors) need to ensure they have suitable knowledge and experience in care, health, welfare etc. A standard national qualification should be required for licencees, with continued training throughout to keep up with new findings in all aspects of their care. Inspectors too should know issues to look for and what welfare needs are required for each species.

Q7. Which of the following best describes your view of mandatory inspections for all pet shops before an initial licence is granted?

Fully supportive

Please give reasons for your answer, including any advantages or disadvantages of the proposal.

This is key to not only ensure the enclosures are large enough to comfortably house that animal, but it has the equipment available to enable that animal to have a welfare savvy environment to live in prior to sale. Currently enclosure sizes (and stocking densities thereof) allowance is too small - animals can stay in stores for long periods of time, and often brought in as very young so they have not yet fully grown; current legislation housing sizes are not large enough and therefore many animals are housed in enclosures too small for their needs. They need areas to hide, rest, play, move/exercise freely ... toys and similar items to entertain and not cause emotional / behavioural issues. It is known that animals that have little to do for very long periods, develop stereotypical behavior, which they do to cope with having inadequate stimulation. The right equipment relevant to that species has to be in place: e.g. all animals need some exposure to UVB, and reptiles are no exception. However, their need for this UVB is more urgent as, unlike other animals, many reptiles are dependent on this light to meet their calcium needs. This is because, from the UVB light, vitamin D3 is made which enables the absorption of calcium needed for strong bones, and ultimately a healthy reptile.

Q8. Which of the following best describes your view of all local authorities using a standardised approach to conducting and reporting on inspections of pet shops?

Fully supportive

Please give reasons for your answer, including any advantages or disadvantages of the proposal. Is there any reason why a standardised approach would not be appropriate?

There needs to be a national standard set. This will only be achieved by the overhaul of The Pet Animals Act. Replace and implement more current, stronger legislation, backed up by the use of Model Conditions for Pet Vending 2013 in addition to further (available) guidelines e.g. the Scottish Government's recently published Pet Rabbit Welfare Guidelines. <http://www.gov.scot/Resource/0053/00533983.pdf>

Q9. Which of the following best describes your view of local authorities using a risk-based assessment and issuing longer-term licences to pet shops that demonstrate a low risk to animal welfare?

Fully opposed

Please give reasons for your answer, including any advantages or disadvantages of the proposal.

Not supportive of this; with the well-being, health and welfare of animals at risk. Lack of inspections will only create lax and poor practices to continue unchecked. Annual renewals, with regular (unannounced) inspections

Q9. Which of the following best describes your view of local authorities using a risk-based assessment and issuing longer-term licences to pet shops that demonstrate a low risk to animal welfare?

are the only way to ensure terms of licence are kept, maintained and improved on as required.

Q10. Which of the following best describes your view of enabling local authorities to contract other qualified professionals (in addition to their own officers and vets) to carry out and report on pet shop inspections, including qualified officers from other local authorities?

Fully supportive

Please give reasons for your answer, including any advantages or disadvantages of the proposal.

Again, this would mainly depend on the knowledge and experience of the inspectors. There simply need to be more training in this area. With a vast array of animal species on sale and in stores, understanding the key welfare needs and requirements of those animals is a priority. Additionally, when bringing in a Vet to assist in pet shop inspections, they too must be up to date with the species needs; one such instance, the vet who assisted on a serious welfare complaint we submitted came from a local veterinary practice who's day to day professional consultations dealt largely in agriculture. Our complaint was specific to an unwell rabbit purchased; rabbits are classed as an exotic species in veterinary fields, so the background of the vet was not best placed to make judgement on health and welfare.

Q11. Which of the following best describes your view of enabling local authorities to take steps to address non-compliance with licence conditions, giving licensees the opportunity to make improvements before any further action is taken, with the power to revoke a licence as a last resort?

Partially opposed

Please give reasons for your answer, and any detail you think relevant, including what appropriate intermediate steps could be.

Ideally given the already high workload on the Licencing Departments of our Local Authorities we believe the creation of an independent body would be best placed to oversee licencing, inspection of Pet Shops as they are already overwhelmed, animal welfare issues considered low priority, the overall (species specific) knowledge and experience low and very low funds are allocated to this area. All these factors combined allow for lax operations and very little follow up when complaints are made; particularly those with a more serious nature which has a detrimental effect on the welfare of individual animals and the species in question. Licences are rarely revoked, yet poor practices are allowed to continue with very little follow up. Again this is due to the unworkable nature of current outdated legislation (Pet Animals Act 1956) however, the points mentioned above are still an issue.

Q12. Which of the following best describes your view of increasing the maximum fine for failing to comply with the legislation, in line with more recent animal welfare legislation?

Fully supportive

Please give reasons for your answer, including any advantages or disadvantages of the proposal.

Very supportive. Current fine thresholds are too low and only allows poor practices to continue and animal suffer, this is in turn passed onto the customer when they buy, in good faith, a 'healthy' animal, only to be burdened with high vet bills, or worse still, the loss of that animal, due to poor care and advice received at the point of sale.

Q13. Which of the following best describes your view of placing an obligation on pet shop owners to provide advice to people buying pets?

Fully supportive

Please give reasons for your answer, including any advantages or disadvantages of the proposal.

This is extremely important aspect of animal welfare. There are a vast array of animal species available to buy in pet shops, and the advice received is largely very poor and generally wrong in relation to their whole of life needs. Ensuring customers are given not only the correct care advice for the species, in addition to products, dietary and otherwise, is key to owner understanding and providing proper care for that animal. There are simply too many bad practices relating to care and understanding by pet shop owners which are being passed onto the customer. As mentioned previous, pet shops should be working with rescues and other animal welfare organisations to minimise impulse buys, and encourage adoptions of homeless animals (of which there are plenty).

Page 21: Financial implications

Q14. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

| | Significant increase in cost | Some increase in cost | Broadly cost neutral | Some reduction in cost | Significant reduction in cost | Unsure |
|--|------------------------------|-----------------------|----------------------|------------------------|-------------------------------|--------|
| (a) Local authorities | | X | | | | |
| (b) Pet shop owners | X | | | | | |
| (c) Individuals (including pet owners) | | | X | | | |
| (d) Animal welfare organisations | | | | X | | |

Please explain the reasons for your responses.

To deliver a more animal welfare focused service more finance should be allocated to those with the responsibility for overseeing terms of licensing pet shops are adhered to. Pet shop owners should face an increase: currently licensing have a broad range of price tags attached, which varies widely from LA to LA, some are ridiculously cheap, which allows for poor standards. There should be one - annual - fee nationwide, and set at a premium so as to ensure quality, expertise and experience of license holders is maintained. There are simply too many poorly run pet shops with low welfare standards. To pet owners, there should be little change in outlay - animals, regardless of species or size, are a big commitment; the actual cost of pets should be higher, and products sold should reflect their 'whole of life' needs. No more starter packs, items such as small cages etc should be sold. Many people buy these as a whole of life investment which the pet, particularly small furrries, fish, birds etc, soon outgrow. Many 'owners' do not upgrade these items and are led to believe they are suitable at the time of 'pet' purchase. This should also limit 'impulse' purchases, numerous animals, small furrries etc, are bought on a whim, and deals on small housing items (sold with a free bag of bedding/food/bowl etc) are widespread which again only encourages sales with little thought on whole of life care and the overall welfare needs of that animal. With the above changes, it should lessen the burden on our already over stretched rescues and their resources, particularly in the case of rabbits, they are at high risk of surrender before reaching the age of 6 months to one year old, the main reason given that the child has lost interest. Additionally, it the suggested changes above will lessen the likelihood of parents buying their child a small animal on impulse due to the aforementioned 'cheap starter pack deals' which only encourages high levels of impulse buys, more so when the animal itself is sold so cheaply too.

Q15. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

Yes

Please explain the reasons for your response

As previous, the increase in license 'ownership' upon businesses, and one to reflect a nationwide price tag standard, will bring some finance back to the department responsible for ensuring the terms are met, maintained and delivered. It can also help provide up to date training for inspectors. The use of Model Conditions for Pet Vending Licensing 2013 rolled out nationwide to work alongside the terms of licence will again maintain a national standard not only within the trade, but also ensure a standard of knowledge towards training inspectors thus leaving little room for variation and ensure welfare is key. Again, ideally an independent body would be best suited to overseeing pet shops licencing, inspections and so on.

Page 23: Equalities

Q16. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): race, disability, sex, gender re-assignment, age, religion and belief, sexual orientation, marriage and civil partnership, pregnancy and maternity?

Neutral (neither positive nor negative)

Please explain the reasons for your response.

I fail to see how any changes in licensing of pet shops will have a impact on these issues? Priority is that of animal welfare, not the question of equality of the business owner on such sensitive issues, therefore I do not consider this to be a factor nor should it have an impact upon the individuals granted a licence. The overall aim is to ensure those privileged with a license can not only demonstrate their expertise, but for them to maintain it (via similar means of Veterinary professionals who have to continue CPD throughout their career). Licenced Pet Shop owners should have a suitable, up to date qualification in animal care and welfare and continue to seek out new findings so as to demonstrate some level of continued learning relevant to the terms of Licence come annual renewal. This will help deliver a high welfare, quality service to ensure animals in their care, from the breeder to the store and onwards into the new home, so that the customer gets the best possible advice on care and welfare in addition to a happier and healthier life for the 'pet'.

Page 24: Sustainability

Q17. Do you consider that the proposed Bill can be delivered sustainably i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Yes

Please explain the reasons for your response.

Perhaps the main extra expense should be that on the pet shop owner/licensee who will bear the increase in licence fee, but this in turn should put an end to poor (animal welfare) practices which are routinely found in pet shops, and ensure those who are fit and able to continue provide the best care, advice and products possible. Extra funding from an increase in fee will be returned back to the body/department responsible for ensuring the terms of licence are met and animal welfare protected.

Page 25: General

Q18. Do you have any other comments or suggestions on the proposal?

I would like to apologise for perhaps some flimsy responses in this very important consultation. I started it late, and since then have been kept extremely busy by our Charity's rescued sanctuary rabbits, which in the past 3 weeks, have resulted in 4 of them requiring urgent vet care and ongoing aftercare in the home; sadly this has left me limited time to fully respond to the items raised.

I will of course be happy to supply further information and evidence if needed to back up the views stated. My main aim at this point is to ensure I submit some level of input to the consultation process prior to today's deadline.

We have previously submitted various complaints to numerous LA Licencing Dept over the years relating to poor care of rabbits we have come across in Scottish Pet Stores.
The current legislation is old, outdated, not fit for practice and in dire need of review and licence holders largely a law to themselves.