SUMMARY OF CONSULTATION RESPONSES

This document summarises and analyses the responses to a consultation exercise carried out on the above proposal.

The background to the proposal is set out in section 1, while section 2 gives an overview of the results. A detailed analysis of the responses to the consultation questions is given in section 3. These three sections have been prepared by the Scottish Parliament’s Non-Government Bills Unit (NGBU). Section 4 has been prepared by Jeremy Balfour MSP and includes his commentary on the results of the consultation.

Where respondents have requested that certain information be treated as “not for publication”, or that the response remain anonymous, these requests have been respected in this summary.

In some places, the summary includes quantitative data about responses, including numbers and proportions of respondents who have indicated support for, or opposition to, the proposal (or particular aspects of it). In interpreting this data, it should be borne in mind that respondents are self-selecting and it should not be assumed that their individual or collective views are representative of wider stakeholder or public opinion. The principal aim of the document is to identify the main points made by respondents, giving weight in particular to those supported by arguments and evidence and those from respondents with relevant experience and expertise. A consultation is not an opinion poll, and the best arguments may not be those that obtain majority support.

Copies of the individual responses are available on the following website https://www.jeremybalfour.org.uk. Responses have been numbered for ease of reference, and the relevant number is included in brackets after the name of the respondent.

A list of respondents is set out in the Annexe.
SECTION 1: INTRODUCTION AND BACKGROUND

Jeremy Balfour’s draft proposal, lodged on 23 March 2018, is 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 proposal was accompanied by a consultation document, prepared with the assistance of NGBU. This document was published on the Parliament’s website, from where it remains accessible: http://www.scottish.parliament.uk/parliamentarybusiness/Bills/29731.aspx.

The consultation period ran from 24 March 2018 to 18 June 2018.

The following organisations and individuals were contacted and informed of the launch:
• The Scottish Government;
• All 32 Scottish local authorities;
• 17 animal welfare organisations/associations/charities;
• 4 associations representing the pet trade industry;
• 3 associations representing the veterinary profession.

A press release was issued for general media coverage; an opinion piece on the consultation was published in the Edinburgh Evening News on 23 April 2018 and the Member was interviewed on BBC Radio Scotland’s “Good Morning Scotland” programme. Regular information on the consultation was posted on the Member’s social media accounts including Facebook and Twitter. Information was also included on his website.

The consultation exercise was run by Jeremy Balfour’s parliamentary office.

The consultation process is part of the procedure that MSPs must follow in order to obtain the right to introduce a Member’s Bill. Further information about the procedure can be found in the Parliament’s standing orders (see Rule 9.14) and in the Guidance on Public Bills, both of which are available on the Parliament’s website:
• Standing orders (Chapter 9): http://www.scottish.parliament.uk/parliamentarybusiness/26514.aspx
SECTION 2: OVERVIEW OF RESPONSES

In total, 44 responses were received. Eight responses (18%) were received from private individuals. Thirty-six responses (82%) were received from organisations.

The organisations described themselves as follows:

- 14 (32%) public sector organisations (13 Local Authorities and the Society of Chief Officers for Trading Standards Scotland);
- 12 (27%) third sector organisations, predominantly animal welfare organisations and charities;
- 5 (11%) representative organisations (including three organisations representing the pet retail sector, the Law Society of Scotland, and a joint response from the British Veterinary Association (BVA) Scottish Branch, the British Small Animal Veterinary Association (BSAVA) and the British Veterinary Zoological Society (BVZS));
- 4 (9%) private sector organisations;
- 1 (2%) non-specified organisation.

The 44 responses included:

- 4 (9%) anonymous submissions;
- 2 (4%) submissions that are “not for publication”.

Several respondents provided extensive comments and detail in their responses to many of the questions. For the purpose of this summary, key points and supporting evidence have been referred to. Individual responses are available to read on the Member’s website: www.jeremybalfour.org.uk.

There was strong overall support for strengthening the licensing regime for pet shops in Scotland, with general agreement that the existing legislation is outdated, and that greater consistency and a more standardised approach would be desirable across local authority areas in Scotland.

Several respondents qualified their support by raising the issue of the scope of the proposal and the need to cover pet sales more generally, beyond traditional pet shop premises, some also referring to online sales.

On the individual elements of a strengthened licensing regime that were asked about, most received considerable support and many responses contained suggestions on implementation.

The elements which generated most discussion and/or a more divided opinion were:

- Question 3 on the approach to calculating licence fees, which gave three options. Responses were spread between the three, with Options B (charging a basic fee and inspections separately) and C (differentiating fees on the basis of other criteria) receiving a very similar level of support.
• Question 5 on whether to ban the sale of puppies and kittens in pet shops. Again, there was overall support for the principle, but with several respondents stressing that this would have to be accompanied by a package of other measures to avoid unintended consequences. At the same time some respondents took the view that better regulated pet shops could play a role in monitoring the trade; and

• Question 9 on a risk-based approach to assessment, which received considerable overall support, with many suggestions made on how to implement it, but with several respondents emphasising that there should be continued annual inspections.
SECTION 3: RESPONSES TO CONSULTATION QUESTIONS

This section sets out an overview of responses to each question in the consultation document.

General aim of proposed Bill

Respondents were asked:

**Question 1: Which of the following best expresses your view of the proposal to strengthen the licensing regime for pet shops in Scotland (Fully supportive / Partially supportive / etc.)?**

**Please explain the reasons for your response.**

Forty-three of the 44 respondents (98% of the total) answered this question.

In total, 40 of the 43 respondents expressed support for the proposal to strengthen the licensing regime for pet shops in Scotland. A significant majority (31 of the 43, or 72%) were fully supportive. Nine (21%) were partially supportive. One respondent was neutral. One respondent was partially opposed. The reasons for opposing were not fully clear from the accompanying comment. One respondent provided comments but did not select any of the specific options given.

Reasons given by those supporting the general aims of the proposed Bill included the following:

- The current legislation, the 1951 Pet Animals Act, is out of date, lacks clarity and is overdue for reform;
- Legislation is needed. Codes of Practice are voluntary and can be ignored;
- A clearer, more consistent approach across all council areas is needed;
- Legislation is needed to better regulate unlicensed sellers and preserve well-functioning pet shops;
- Stricter, clearer conditions will benefit animal welfare and ensure only reliable suppliers can trade;
- The value of a more structured and standardized approach to inspections and training inspectors;
- The importance of sensible and proportional legislation to strike a balance between improving animal health and welfare while avoiding excessive burdens on local authorities and small businesses;
- Local authorities need additional tools, such as fixed penalty fines for non-compliance with licence conditions, as well as the power to revoke a licence.

“The Pet Animals Act 1951 is entirely inappropriate for regulating the models of pet sales in the 21st century, which are entirely different to 67 year ago, and the Bill is to be commended for seeking to modernise this
vital area of animal welfare”. (Battersea Dogs and Cats Home: Organisation 21; ID 88248041)

“By strengthening the licensing regime it will allow consistency across Scotland, including Pet Shop owners that have shops within different local authorities.” (Renfrewshire Council: Organisation 9; ID 87663603)

Several respondents qualified their support by raising other issues of importance to them.

Some referred to the need for a proportional approach, and to avoid excessive red tape and increase in costs or burden for businesses.

“Our hope is that any amendments to pet shop licences are made on the basis that pet shops are a welcome part of retail which are a part of the animal welfare solution, not the problem.” (Wright for Pets Ltd.: Organisation 16; ID 87931778),

A number of fully supportive and partially supportive respondents qualified their support by referring to the scope of the proposal and what it intends to tackle.

Of those, several raised the need to address pet sales more generally, beyond those taking place in more traditional pet shop retail premises. Some also referred to the need to strengthen regulation of animal establishments and activities more broadly, not only pet shops, and made reference to the recently made Animal Welfare (Licensing of Activities Involving Animals) (England) (2018) Regulations1.

Some respondents made similar remarks under Question 18, where additional comments could be provided. Rather than repeat points in two places the main discussion around these issues is included here in analysing Question 1.

**Pet sales and pet vending**

In their joint submission (partially supportive), the British Veterinary Association (BVA) Scottish Branch, British Small Animal Veterinary Association (BSAVA) and British Veterinary Zoological Society (BVZS) (Organisation 28) stated that a strengthened regulatory regime is needed to safeguard animal health and welfare and enable local authorities to enforce legislation through cost-recovery and appropriate expertise. Whilst supporting the overarching principles of the proposal, they stressed that pet shop licensing should not be addressed in isolation. They referred to three aspects, including the need for the proposal to cover ‘pet sales’ or ‘pet vending’:

“... consideration should be given to ensuring that any proposed legislation covers all retail businesses that participate in pet vending (including those that keep and sell animals that are not a conventional

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retail premises e.g. online sales) to ensure that by increasing licensing requirements these proposals do not result in the unintended consequence of driving pet sales online.”

OneKind (Organisation 27; ID 88279704), fully supportive, suggested that the definition of a pet shop under the Pet Animals Act 1951 should be clarified and extended to cover online sellers. Referring to the 1951 Act,

“It is explained at s.7(1) that “the keeping of a pet shop” means “the carrying on at premises of any nature (including a private dwelling) of a business of selling animals as pets”, with certain exceptions for the sale of surplus “pedigree” stock. It follows from this that most persons selling animals online should possess a pet shop licence even if they are carrying out the activity from home. OneKind is under the impression that not all the individuals carrying on a business of selling animals in Scotland do hold pet shop licences, and this impression is reinforced by examination of lists of licences published by local authorities – holders are overwhelmingly traditional retail premises.”

Dogs Trust (Organisation 26; ID 88260376), who are fully supportive, set out the shortfalls of the current system; acknowledged the recent repeal of the Pet Animals Act in England and redraft of the legislation; and expressed support for updating the pet shop licensing regime in Scotland in a similar vein. It also stressed the need to update the scope of the regime, referring specifically to the many pet shop operators that keep animals at private premises and trade via the internet:

“Whilst the current scope of the Act is deemed able to capture these sellers, it is difficult for under-resourced local authorities to identify and locate them, meaning they have to rely on the operators coming forward and applying for a licence or acting reactively on intelligence information. Through conversations with local authorities we are aware that identification of sellers is a large burden on their resources.”

A number of other organisations also referred variously to the need to address all pet sales, all retail businesses selling pets, sales from private premises and/or online sales. These include Cats Protection (Organisation 18; ID 88093116), Blue Cross (Organisation 17; ID 88068070), the Pet Industry Federation (PIF: Organisation 19; ID 88030316), Scotland for Animals (Organisation 31) and the Ornamental Aquatic Trade Association (OATA) (Organisation 15; ID 87911838).

Reasons given for why this is necessary relate in particular to:

- the current legislation not being clear enough;
- animal welfare being a concern whether pets are sold from a high street shop or online;
- fairness for more traditional pet shops that may face stricter regulation through updated legislation. Anyone in the business of selling pets should face the same requirements;
• risk of increased licensing requirements for traditional pet shops driving pet sales online.

The Pet Industry Federation (PIF: Organisation 19; ID 88030316), fully supportive, stated that any new licence legislation needs to fully cover ‘pet sales’, or the sale and transfer ownership of a pet, and not be called a ‘pet shop licence’:

“... there are now many different ways that potential owners can acquire pets other than through a conventional ‘bricks and mortar’ pet shop. PIF would advocate the traditional pet shops, provided the staff are trained and knowledgeable still represents one of the best ways that new owners can buy pets as they are open (almost every day) and are transparent (hundreds of people visit pet shops). The current legislation has become blurred as you don't need to be a traditional pet shop to have a pet shop licence (i.e. anyone can apply) neither do you have to have a shop with daily visitors to have a pet shop licence. Currently you could have a pet shop licence and sell animals from your home! Internet advertising of pets has sprung up … and this makes the selling and transfer of ownership more readily available to non-traditional pet shops sellers.”

East Ayrshire Council, Licensing Section (Organisation 24; ID 88241099) commented on how dog breeding legislation could be changed to better ensure breeders supplying pet shops are regulated and inspected. It went on to state that:

“For other animals, for example an individual breeding rabbits, the legislation should provide guidance as to when the operation is to be classed as a business and not a hobby, when carried on in premises not typically classed as a 'pet shop', for example a farm or private dwellinghouse.”

Cats Protection (Organisation 18; ID 88093116) also raised the issue of what constitutes a business of selling pets. It recommended this proposed Bill be informed by the provisions of the pet vending schedules and statutory guidance of the new English Regulations on Licensing Animal Activities. It provided detail in its response of its own recommendations for establishing a business test.

The Reptile and Exotic Pet Trade Association (REPTA: Organisation 20; ID 88176719) explained the need to define the activities that are licensable, stating that the English review has not adequately defined where licensing applies.

“... rather than using a catch all phrase like “commercial” it would be preferable to define activities, e.g. pet shops, wholesalers, importers, distributors etc.”

2 Available at: https://www.legislation.gov.uk/uksi/2018/486/contents/made
A number of respondents pointed to other activities involving animals, and/or other areas of legislation and licensing that could or should be dealt with alongside the strengthening of the pet shop licensing regime. This included:

- legislating for puppy and kitten farms, charities rehoming animals from countries where rabies is widespread, home boarding, doggy day-care and dog walking businesses (Fife Council: Organisation 8; ID 87298818);
- a registration and licensing system for people selling or transferring ownership of puppy litters (Dogs Trust: Organisation 26; ID 88260376);
- integrating pet shop and Dangerous Wild Animals (DWA) licensing, as it is not uncommon for pet shops to also have DWA licences for display animals or even to be selling DWA species (Joint BVA Scottish Branch, BSAVA, BVZS: Organisation 28).

BVA Scottish Branch (with BSAVA, BVZS) also mentioned that aligning with or building on the Animal Welfare (Licensing of Activities Involving Animals) (England) (2018) Regulations could give:

“… a consolidated understanding of regulatory requirements for local authorities and veterinary surgeons, cross-border coordination and prevent certain activities being moved to regions with less rigorous legislation.”

Other respondents voiced disappointment at the approach taken with the English Regulations:

“We are sad to say we believe that what will come into force in October 2018 is unnecessarily bureaucratic and imposes conditions on businesses that will have little or no effect on animal welfare. Despite the fact that more than three quarters of all UK pet shops that require a licence sell fish, OATA along with many other representatives from the business sector were not able to play any meaningful part in the creation of the licensing regime in England until the very late stages. We would therefore welcome early inclusion in any discussions about revising pet shop licensing in Scotland. As we have highlighted above, the largest proportion of pet shops in Scotland sell fish so any changes to pet shop licensing will affect our industry the most so we would be very pleased to play a role in any groups set up to discuss this issue.” (OATA: Organisation 15; ID 87911838)

Similar concerns were voiced by the Reptile and Exotic Pet Trade Association (REPTA: Organisation 20; ID88176719):

“The mandatory guidance produced to underpin Animal Activities Licensing in England is not fit for purpose, it is highly complex and bureaucratic, being process driven (form filling and ticking boxes) rather than outcome driven (quality of care given to the animals). The benefit to
animal welfare is extremely limited, but the impact on business will be substantive. We would urge the Scottish government to take a more proportionate and responsible look at pet vending and focus on issues that directly benefit animal welfare rather than bureaucracy and red tape.”

**Question 2: Could the aims of the Bill be better delivered in another way (rather than by the means of a Bill in the Scottish Parliament)? (Yes/No/Unsure)?**

**Please explain the reasons for your response.**

Forty-three respondents (98% of the total) answered this question. Two of the 43 respondents provided comments but did not directly indicate one of the three options.

In general, a considerable majority of respondents believed that legislation of some kind would be needed to deliver the aims of the Bill.

Thirty of the 43 respondents (70%) indicated that a Bill in the Scottish Parliament would be the best way to deliver the aims of the Bill. Of those, some referred more generally to some form of legislation being necessary. Two specifically mentioned secondary legislation as an option.

In explaining why a Bill in the Scottish Parliament would be the best way to deliver the aims of the Bill, some reiterated the point made in response to Question 1 – that the current legislation is outdated. Several referred to voluntary codes of practice not being sufficient/lacking legal force; many explained that legislation is needed to achieve significant change, or emphasised the need for statutory guidance to ensure full compliance.

In its response, the Law Society of Scotland (Organisation 29) stated:

“If it was agreed that the changes being outlined in this proposal were to come into effect, a number of these changes would need to be made by primary legislation. A Bill, for instance, would be required to amend section 1(5) and (6) of the 1951 Act for instance with regard to the length of the licence. Likewise, the introduction of a legal basis for a Model Conditions regime or an adaption of the five welfare needs as outlined above could provide a basis for consideration of grants, suspensions or revocations of licences. This would need primary legislation”. 

Four of the 43 respondents (9%) stated that it would be possible to achieve the aims other than by the means of a Bill in the Scottish Parliament. They mainly referred to other possible legislative measures. The respondents that did not directly indicate one of the three options but did provide comments also had other suggestions.

**Alternative options mentioned include:**
through Scottish Government Regulations under the 2006 Animal Health and Welfare (Scotland) Act;
by introducing a single animal establishment licence under the 2006 Animal Health and Welfare (Scotland) Act;
by adopting the English Animal Welfare (Licensing of Activities involving Animals) (England) 2018 Regulations; and
through a Government redraft of the existing Act.

Seven respondents were unsure.

Key elements of the proposed Bill

Sections 2 and 3 of the consultation document set out the context and background to the proposal as well as the key elements of the proposed Bill. The following questions (Q3-13) address those key elements.

Question 3: 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
(b) Charge all pet shops the same basic licence fee, but charge the costs of inspections separately to each pet shop.
(c) Differentiate licence fees for pet shops according to other criteria (e.g. shop surface area)

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

A total of 43 respondents answered this question. The remaining respondent did not directly respond to the question but did include comments on fees in their submission, stating that:

“Fees should take into account not only costs incurred by authorities, but also the detrimental effects of animals being classed as commodities to be bred and exchanged for profit.” (Scotland for Animals: Organisation 31)

Option (a) – All pet shops should be charged the same licence fee

Seven of the 43 respondents (16%) selected option (a), that all pet shops should be charged the same licence fee. This included OATA and REPTA. It also included two local authorities.

In understanding the preferences expressed in response to this question it is important to mention that two kinds of inspections were referred to: the inspections carried out by local authority licensing officers and specialist veterinary inspections.

Reasons given for charging all pet shops the same licence fee included:
• Fixed licence fees would not affect other charges, such as rent and business rates;
• The current variation in the range of fees. A substantial increase in fees is needed and this should be a standard nationwide fee to help eliminate poorly run establishments;
• Simplicity and consistency should underpin the system;
• Additional veterinary inspections should be charged separately if they are necessary. Cost recovery should not include an element of charging for something that might not occur;
• Any differentiation of the approach adopted for fee setting would result in inconsistent application;
• The costs of issuing a licence are similar and trained licensing officers will help keep costs down.

“Whilst the rationale of considering floor area is recognised, there is not necessarily any correlation between floor area and work required for licensing. For example, some retailers have a large floor space, only a relatively small proportion of which sells animals. The rest is for retail of other related items. A small business specializing in species requiring higher welfare standards such as reptiles or having a larger variation within a smaller space may well be more resource intensive.” (West Lothian Council; Organisation 14: ID 87875129)

**Option (b) – Charge all pet shops the same basic licence fee, but charge the costs of inspections separately**

Nineteen of the 43 respondents (44%) preferred option (b) to charge all pet shops the same basic licence fee, but charge the costs of inspections separately. This included 10 local authorities, five third sector organisations and two businesses.

In general, those supporting option (b) recognised a need for some form of differentiation. Some responses referred to costs of both local authority and veterinary inspections being charged separately to a basic licence fee that all pet shops would pay. Some referred to the basic fee covering a standard regime including inspections by local authorities, with veterinary inspections charged separately. In some responses it is not clear whether the reference is to both local authority and veterinary inspections, or only to veterinary inspections being charged separately.

Many of the reasons for charging inspections separately relate to flexibility and fairness:

• To be able to take into account differences between establishments;
• To provide local authorities with the means to recover actual costs of the service received;
• To ensure any additional expertise or advice required can be reflected in the costs;
• To reflect the fact that establishments with more animals or that needed more attention due to compliance issues would require more work and longer inspection time;
• Fees based on inspection costs will incentivise businesses.

“To reflect the fact that establishments with more animals or that needed more attention due to compliance issues would require more work and longer inspection time; Fees based on inspection costs will incentivise businesses.

“Smaller businesses are likely to incur a lesser inspection fee. Shop surface area may not be fair on businesses with good space standards and may encourage some business owners to operate from cramped conditions.” (Anonymous: Organisation 34: ID 79167780).

Some provided additional suggestions, in particular on what local authorities should be able to charge for. These include:

• Charging all pet shops a basic licensing fee and for a standard number of regular inspections per year (People for the Ethical Treatment of Animals (PETA UK): Organisation 32);
• Local authorities must be able to recover costs for unforeseen costs on a case by case basis. The pricing model should also cover operational costs including training licensing officers (Battersea Dogs and Cats Home: Organisation 21; ID 88248041)
• Developing guidelines to clarify what costs can be recovered. A standardised licence fee (taking into account e.g. number of animals and types of species for sale), with additional costs charged for other work done by the local authority, including inspections and spot checks. (Dogs Trust: Organisation 26; ID 88260376)

North Lanarkshire Council (Organisation 5; ID 84064012) proposed differentiating between small, standard and large premises and provided an explanation in their response of how to calculate this, with business owners then charged for vet inspections where applicable.

**Option (c) – differentiated licence fees according to other criteria**

Sixteen of the 43 respondents (37%) believed that licence fees should be differentiated according to other criteria. This group included six individuals and five third sector organisations, as well as the Pet Industry Federation.

One of the main reasons given was the need to ensure fairness for smaller pet shops and sole traders, compared to large commercial units and national retailers. It was felt that a standardised basic fee could automatically benefit larger businesses.

“Pet shops vary in size and location. It would be unfair to charge a small private pet shop the same as a large commercial unit the size of a supermarket. Location can also add costs, if a specialist veterinary surgeon has to be involved in the inspection process.” (Mike Flynn, Chief Superintendent, Scottish SPCA: Organisation 13; ID 87843905)

“You can't expect a sole trader to pay the same as a national pet shop retailer. I believe the charges should be fair - enough to cover the cost of
administration, inspection, enforcement, training etc.” (Fraser Gilchrist: Individual 5; ID 84994322)

When considering which variables could be used as a basis for differentiating licence fees, a number of options were suggested:

- Turnover;
- Number of animals stocked;
- Number of animals on sale per week/month/year;
- The type/range of species sold;
- Shop size (larger shops would mean more animals, greater profit and longer checks);
- Surface area given over to livestock or water volume;
- Vendor experience;
- Affiliation to an independent United Kingdom Accreditation Scheme (UKAS) certified scheme that independently ratifies that higher welfare standards are being implemented and maintained.

Blue Cross (Organisation 17; ID 88068070) concluded:

“… it is important to take heed of local authority responses in answer to this question in order to have a better understanding of what they believe works best for them. While, "option C" looks like the most reasonable option to us, the most important thing to us as an animal welfare organisation is to see that the cost of a full and thorough inspection is covered by the licence fee to safeguard animal welfare and provide early intervention where necessary.”

Additional comments

Two respondents suggested a role for the Scottish Government, either in providing guidance for local authorities, on the basis of which local authorities could set fees and charges; or in setting fees centrally, following consultation with local authorities.

Some voiced concern over potentially excessive licence fees:

- If full-recovery costs for the regime, including training inspectors, are spread across a small number of pet shops in a council area, licence fees could rise prohibitively;
- Excessive fees could push smaller retailers to online sales, where there is no regulation.
Question 4: 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 / Partially supportive / etc.)?

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

A total of 43 respondents answered this question. Forty-one of the 43 respondents (95%) were supportive of statutory licence conditions that would apply to all pet shops in Scotland (31 fully supportive, 10 partially supportive), and one respondent was neutral. One did not indicate a clear preference. No-one was opposed. One local authority reported having undertaken such a piece of work:

“East Ayrshire Local Government Licensing Panel has recently consulted on and approved standard conditions to be attached to Pet Shop Licences from 1 January 2018. These updated conditions have been based on the Model Conditions for Pet Vending Licensing by CIEH.” (East Ayrshire Council – Licensing section: Organisation 24; ID 88241099)

In explaining their support, many respondents referred to ensuring consistency, equal treatment of all and raising standards as reasons for supporting statutory licensing conditions. Some also referred to the fact that having a recognised standard to assess against could facilitate enforcement, and ensure that all aspects of inspection are enforceable.

Others commented on continuity and clarity for business, including for those that had premises in several local authorities.

“A set of statutory minimum conditions will create a bar that every business needs to reach in order to be licensed. This will undoubtedly have a positive impact on animal welfare. In addition, it will enable greater consistency in standards to be achieved across all authorities and all businesses, and it will give a clear direction to businesses about what they need to do in order to become compliant.” (PIF: Organisation 19; ID 88030316)

**Building on the Chartered Institute for Environmental Health 2013 Model Conditions**

The second aspect of the question was the proposal that these statutory licence conditions be developed in a way that would build on the current Model Conditions for Pet Vending Licensing from 2013. Whilst there was overall support for statutory licence conditions, many respondents voiced the need for a review of the 2013 Model Conditions.

Reasons given included:
They are not seen as providing sufficient emphasis on welfare, as opposed to the requirements of the trade;

Some aspects have been overtaken by other animal welfare guidance and would therefore need reviewed; and

Further work is needed on model licence conditions in developing requirements of snakes, spiders, invertebrates and other exotics.

In terms of how to review the Model Conditions, suggestions included ensuring all relevant stakeholders are involved; that peer-reviewed animal welfare science is considered; and that they may need to take into account different types of pet stores.

**Keeping licensing conditions up to date**

The Law Society of Scotland did not indicate a specific preference in response to the question, but underlined the need for a procedure to allow conditions to be amended and varied according to current good practice, as well as a procedure to make the conditions publicly available so that pet shop owners know what they are.

Other respondents also stressed the need for the conditions to be kept up to date and for regular reviews to keep them in line with the latest scientific evidence base.

West Lothian Council (Organisation 14; ID 87875129) suggested how to allow for this in legislation:

“Consideration should be given to how easily conditions can be updated, with a statutory instrument rather than an act being more easily updated to reflect changing knowledge. Alternatively, non-statutory model standards to which the licensing authority must give 'due regard' is a model used in other legislation. Consideration should be given to permitting licensing authorities to deviate from these for specific premises where it is proportionate and necessary or desirable to secure animal welfare standards.”

**Comparison to approach taken in England**


The Dogs Trust (Organisation 26; ID 88260376) suggested that the Animal Activities Licensing Regulations could be used as the most up to date starting point with a specified review interval. Another respondent, who indicated partial support, expressed concern over the proposal to ‘build on’ the existing CIEH standards, which it sees as requiring minimal updating. It pointed to the risk of an overly burdensome approach, due to their experience with the new regulations in England:
“The new AAL Model Licensing Conditions developed by Defra for England are overly complex, developed with inadequate expert input, and with insufficient consultation from industry experts, pet shops etc. This has resulted in a hugely complex and burdensome suite of conditions that will result in significant additional costs for businesses and will create challenges and burdens for local authority inspectors.” (OATA: Organisation 15; ID 87911838)

**Licensing officers: training and enforcement**

Additional points were raised in relation to training for licensing officers and adequate enforcement:

- Mandatory training for licensing officers to equip them to use and enforce any guidance (Blue Cross: Organisation 17; ID 88068070);
- Training to ensure local authorities across Scotland are taking a consistent approach to assessing conditions (Battersea Dogs and Cats Home: Organisation 21; ID 88248041)
- Vendors should be members of a relevant recognised trade association (BVS Scottish Branch (with BSAVA, BVZS: Organisation 28)
- A breach of statutory conditions should be considered an offence and risk loss of licence (Cats Protection: Organisation 18; ID 88093116)

**Question 5:** Which of the following best describes your view of banning the sale of puppies and kittens in pet shops (Fully supportive / Partially supportive / etc.)?

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

A total of 42 respondents answered this question. The majority of respondents, 29 of the 42 (69%), were supportive of the proposal to ban the sale of puppies and kittens in pet shops (19 fully supportive, 10 partially supportive). Eight respondents were neutral (19%), three partially opposed (7%) and two fully opposed (5%).

Of the 19 respondents that were fully supportive, seven were local authorities and seven were third sector organisations.

Some respondents commented on the broader issue of all third-party sales of puppies and kittens. Others referred specifically to the sale by pet shops, which was the focus of this question.

A range of reasons were given by those supporting a ban on puppy and kitten sales by pet shops. Many emphasized the risk to the welfare of puppies and kittens of pet shop sales. They argued that pet shops are not suitable environments for puppies and kittens; they are often separated too early from their mothers and miss the important early socialization process. Puppies and kittens have complex behaviours and multiple handlings and transport can
cause unnecessary stress and can lead to behavioural problems. The Edinburgh Dog and Cat Home (Organisation 4; ID 85176483) stressed:

“... that all new prospective owners should have access to inspect the environment in which the animals are bred, without which there is a danger of illegal breeding practices to flourish.”

South Ayrshire Council – Environmental Health Service (Organisation 3; ID 85719492) stated:

“This proposal would not have a major impact, as most pet shops do not handle puppies and kittens and it may reduce puppy farms.”

Several respondents stressed that people should be encouraged to adopt from a rehoming or rescue centre in the first instance.

The need for other accompanying measures alongside a ban on pet shop sales of puppies and kittens

Several respondents (fully and partially supportive) qualified their support, stating that they would support a ban if other steps were also taken, mainly referring to other measures that would be required to avoid unintended consequences.

The Dogs Trust (Organisation 26; ID88260376) wants all third-party selling of dogs to be stopped, including through traditional pet shops, but added that:

“... without other measures being put into place we are concerned that the trade will continue to flourish outside of the licensing regime. We believe that an effective ban can be best achieved through the introduction of a comprehensive package of coordinated measures that will effectively cut this trade off.”

OneKind (Organisation 27; ID 88279704) also supports a ban on all third-party sales of puppies and kittens, including in pet shops. It stated that the effectiveness of a ban on pet shop sales, in terms of welfare, would depend on how ‘pet shop’ would be defined in the legislation, given the prevalence of puppy dealing in Scotland.

In its response, PETA UK (Organisation 32) provided a detailed description of how third-party sales of animals can result in widespread and significant animal-welfare problems. Its view is that:

“A complete ban on third-party sales of puppies would draw a line in the sand and actively remove the platform that commercial breeding farms rely on to keep their pockets filled. It should, of course, come alongside a package of measures to alleviate the homeless-animal crisis, including support for spay, neuter, and rehoming programmes.”

3 Details of the package of measures they propose can be found in their full response.
The BVA Scottish Branch (with BSAVA and BVZS: Organisation 28), who are partially supportive, pointed to the lack of robust facts on how many pet shops in Scotland sell puppies, without which it is difficult to assess the potential impact of a ban. They provided considerable detail on issues to be considered and stated:

“If Scotland were to ban third party sales in pet shops, such an approach would require careful consideration. In particular a ban on third party sales must not be considered in isolation but would need to be part of a holistic approach which considers a suite of measures that would address the complexity of the issues … This should cover legislation encompassing all sources of supply and demand.”

The Scottish SPCA (Organisation 13; ID 87843905) would support a ban:

“… if there was a full licensing / registration regime in place for all those that sell puppies and kittens.”

The Rabbit Welfare Association and Fund (Organisation 11; ID 87755086) is partially supportive and believes consideration should also be given to other species, such as rabbits, as the same concerns exist.

“The only hesitation here is that it could again drive more sales on line, which is less regulated and inspected and this needs to be considered with a plan of action … also.”

The Pet Industry Federation (Organisation 19; ID 88030316) referred to ‘pet vendors’ to cover third party sales from traditional pet shops and from private dwellings, and made a number of points:

“Proponents of a third-party ban on puppy sales focus on welfare problems in so-called ‘puppy farms’ … Whilst undoubtedly appalling, PIF is concerned that a ban on third party sales won’t necessarily have an automatic effect on shutting puppy farms down … In addition, a ban has the risk of forcing vending activity underground creating potentially more welfare problems as it becomes an unregulated activity… There are no clear figures for the number of dogs and cats sold through third-party channels, so it is impossible to determine what sort of impact a ban will have … In conclusion, PIF’s view is that a ban on the third-party sale of puppies and kittens whilst ultimately desirable, should not be considered or implemented until a number of other factors have come into play ... Given the tiny number of pet vendors licensed to sell puppies and kittens, and the fact that large number of sales are already done illegally, it is unlikely that an actual ban will have much of an effect, other than to remove the handful of people who are ‘above the radar’ and therefore currently subject to more scrutiny.”
The Kennel Club (Organisation 22; ID 87877571) stated that it has been calling for a ban on third-party puppy sales for a number of years. It provided considerable detail in its response and set out its view:

“The existing legal third-party sale framework facilitates the sale of puppies bred in UK puppy farms, and the legal and illegal trade of imported puppies. It is against Kennel Club rules to sell Kennel Club registered puppies through commercial third parties, however we have no jurisdiction over puppies not registered with the Kennel Club (approximately 60-70%). For this reason, we would strongly welcome a ban on the third-party sale of puppies i.e. through licensed pet shops and animal dealers … To supplement a ban on pet shops selling puppies, we also believe it necessary to repeal the Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009.”

North Lanarkshire Council (Organisation 5; ID 84064012) explained that the current situation provides an opportunity to any puppy traders to be licensed as pet shops and sell puppies from premises such as puppy farms or similar establishments with low welfare standards.

Battersea Dogs and Cats Home (Organisation 21; ID 88248041) also referred to the regulation of puppy dealers and the specific situation in Scotland:

“Banning the sale of puppies and kittens in pet shops will help to stop puppy farming and low welfare breeding, because many puppy farmers often move their puppies through a third party, essentially a “dealer” who may or may not have a pet shop licence, though legally is required to if selling animals commercially. Given the legal requirement for dealers in young animals to be regulated in Scotland, there is another tier of potential welfare safeguard that does not exist in the other countries of the UK … However, there is clear evidence that the practice of low welfare breeding is endemic within Scotland, and banning the sale of puppies and kittens could make a big difference to restricting the continuing viability of this brutal trade. Stopping this route to market will enable the public to go directly to the breeder and ensure that they are getting a puppy or kitten who has been bred in good conditions. It is essential, therefore, that the Scottish Government also revisits the regulation of breeders alongside supporting this Bill, to ensure that the puppy-buying public is directed to a better, more responsible breeder.”

Better regulated pet shops as a means to monitor the trade

A number of respondents pointed to the fact that pet shops are regulated, and that strengthened regulation may make the the sale of puppies and kittens from pet shops of less concern than other unregulated and/or underground sales. Several of those expressing a neutral position on the proposal commented in this way.
Aberdeen City Council (Organisation 2; ID 79030732), partially supportive, commented:

“Although the sale of kittens and puppies in pet shops would be likely to be strongly opposed by those that consider it unethical, it may provide better control on breeding of cats and dogs and reduce internet sales.”

Some respondents weighed up the potential positive and negative implications of the proposal:

“There are potential positives and negatives from this proposal. Banning sale at anywhere other than the place of breeding would reduce stress on the young animals and would make it more difficult for puppies to be sold through other 'grey' routes such as internet 'small' advertisements. Continuing sale at pet shops risks 'impulse' purchases, although these could be mitigated if a 'cooling off' period was required between purchase and collection. As a pet shop must demonstrate that any puppy or kitten has come from a licensed breeder or rearing establishment, this gives some degree of control, subject to effective record keeping.” (West Lothian Council: Organisation 14; ID 87875129)

East Ayrshire Council pointed to the importance of record keeping:

“Clear and accurate information must be retained by the operator which details where the animals have originated from, date of birth etc. If clear information is retained there would be no reason as to why pet shops should not be able to sell puppies/kittens.” (East Ayrshire Council – Licensing Section: Organisation 24; ID 88241099)

Three respondents were partially opposed to the proposal to ban the sale of puppies and kittens by pet shops. In its comments, the Society of Chief Officers for Trading Standards Scotland (Organisation 33) also referenced the role that licensed pet shops can play:

“If pet shops are licensed conditions can be put in place to keep records of where pups/kittens have come from (breeders’ details).”

One fully opposed respondent referred to the risk that limiting the access for genuine breeders to the public could lead to the continuation of puppy farms.

The consultation document refers to the recent DEFRA consultation on animal activity licensing, in which a question was asked on a potential ban on the sales of puppies from third party vendors. Respondents to the DEFRA consultation were also asked to consider whether the subsequent gap in supply of puppies would be filled by responsible licensed breeders or whether there would be a risk of an increase in unlicensed sellers.

The Kennel Club (Organisation 22; ID 87877571) provided considerable detail in its response and stated:
“We submit that there is no available data to support the idea that banning the sales of puppies in pet shops and through licensed dealers would have an impact on the supply of puppies to Scottish homes and families.”

And went on to state

“We understand that a primary concern of those not supporting a ban on third party sales is the potential for a ban to reduce the supply of domestically bred puppies, with a corresponding increase in market share for imported puppies … there is no robust evidence to know how finely balanced supply and demand are in the Scottish puppy market. Therefore, such concerns are based on speculation and assumptions.”

Question 6: 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 / Partially supportive / etc.)?

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

Forty-three respondents answered this question. The vast majority (38 of the 43 respondents or 88%) was fully supportive, two were partially supportive and two fully opposed. The Law Society of Scotland (Organisation 29) did not indicate a preference but provided the following comment:

“We can see that this may be complex to achieve by way of statute or regulation. This would be best informed by those who can provide information on the categorization of animals commonly stocked in a pet shop.”

Fife Council (Organisation 8; ID87298818) reported that it already requires this of shop keepers.

One of the fully opposed responses came from a local authority, on the grounds that this is already a requirement for their pet shop licences (West Lothian Council: Organisation 14; ID 87875129).

Transparency was one of the main advantages cited by respondents. If pet shop licences had to list all animal categories to be sold, this would clarify the knowledge and experience that staff would require, and so enable local authority and veterinary staff to be better prepared and equipped for visits.

The second aspect of the question is the obligation to inform local authorities of any additions to the stock. Many respondents referred specifically to the need to ensure this. Several also referred to the fact that a change in stock should also trigger a new inspection.
North Lanarkshire Council (Organisation 5; ID84064012) agreed that pet shops should inform the local authority if they decide to sell a new category of animal. However, it should then be up to the local authority to decide if an inspection is needed.

**Sensibly defined categories**

Additional comments were made on how the categories should be defined:

“We believe that it is important that pet shops list the taxa (categories) of animals they sell and inform the local authority beforehand. However, this should be done with a reasonable and proportionate approach. Taxa groups should be broad, i.e. birds, small mammals, reptiles, amphibians, fish etc.” (REPTA: Organisation 20; ID 88176719)

“Fish are a massively diverse group of animals. Many are completely incompatible with each other and have very different needs … Pet shops should not be able to start keeping goldfish and then decide to start stocking Piranhas or Arrowanas, or indeed killifish.” (British Killifish Association: Organisation 10; ID 87665813)

One respondent raised the risk that it could add a burden to businesses and another respondent, who was fully opposed, referred specifically to the fact that more paperwork would result in more costs.

**Question 7:** Which of the following best describes your view of mandatory inspections for all pet shops before an initial licence is granted (Fully supportive / Partially supportive / etc.)?

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

A total of 43 respondents answered this question. Forty of those that responded (93%) were fully supportive; one was neutral and one unsure. One respondent answered but without giving a specific preference.

**Ensuring suitable conditions and competent staff**

The majority of responses referred to the need to ensure that a range of factors were satisfactory, prior to the pet shop opening. This included reference to:

- equipment and measures necessary to keep animals safe and in comfortable conditions;
- ensuring premises are compliant;
- that food sold and housing stocked are also suitable; and
- pet shop staff competence
Improving process

Some respondents explained that mandatory inspections before premises are licensed can improve process more generally, helping build relationships with pet shops, with prevention being preferable to having to address welfare concerns after opening.

North Lanarkshire Council (Organisation 5; ID 84064012) pointed to the value of licensing inspections for both business owners and the local authority:

“… both need a clear, common and mutual understanding of legal requirements and mandatory conditions for running a pet shop business. Without them an effective licensing process is virtually impossible and ineffective. No consent should be granted without inspecting the fitness of the business in terms of animal health and welfare.”

Inspection regime: practicalities and timing

A number of suggestions were made:

- Inspections should take place as soon as possible once the new shop is ready to trade;
- Inspections should take place within four weeks of a local authority being notified, with a complaints and compensation procedure to be available if an inspection is not carried out within that timeframe;
- A provisional licence could help when it may be difficult to schedule vets’ inspections to coincide with new business start-up date or takeover;
- Local authorities should retain powers of inspection for full duration of licence;
- Random inspections should be allowed where there is legitimate reason and mandatory re-inspections should be triggered by a number of circumstances.

The respondent that was unsure about mandatory inspections prior to opening raised the issue of compensation, asking what would happen if someone went to the expense of setting up a pet shop and then had a licence refused (Anonymous: Individual 7; ID 79735318)

Question 8: 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 / Partially supportive / etc.)?

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?

Forty-three respondents answered this question. Forty-one of the 43 (95%) were fully supportive, one was partially supportive. The Law Society Scotland
(Organisation 29), although not indicating one of the preferences specified, stated that it seems to be a sensible approach.

“Animal welfare should be 'measured' the same regardless of whether you live in Edinburgh or Aberdeen …” (Fraser Gilchrist: Individual 5; ID 84994322)

**Consistency**

The most cited reason for supporting this approach is consistency. This was expressed in the following terms:

- Ensuring consistency across Scotland;
- To ensure process and standards do not vary across local authorities;
- Inspections will follow same criteria regardless of who carries them out;
- Standardised paperwork means one set of forms applicable across Scotland;
- Avoiding a postcode lottery;
- To bring parity to how local authorities apply legislation.

**Benefits to businesses**

A number of respondents pointed to the benefits for business/the pet industry of a more standardized approach: minimizing the human factor; safeguarding a level playing field for business across the country; ensuring continuity and consistency for business and business development; providing clarity for businesses on standards they are being inspected to; and consistency of enforcement for owners with outlets in different authorities.

**Comparative data**

A few respondents also referred to the benefit of being able to collect a comparative set of data to facilitate comparison, spot trends and track activities; to aid monitoring and evaluation of potential issues across the pet sector; to help Government and local authorities make evidence-based decisions; to facilitate best practice sharing and provide measurable criteria.

**Centralising inspections and licensing**

A number of respondents made suggestions here for how to centralise the process of carrying out inspections. As this is dealt with in detail under Question 10 (on whether local authorities should be able to contract other professionals to carry out inspections) the relevant points made here have been addressed under Question 10.

**Other comments**

The new Animal Activities Licensing Regulations in England are again referred to by some as a possible starting point in this area.
The Ornamental Aquatic Trade Association (Organisation 15; ID 87911838) raised an issue with one of the points made in the consultation document, which refers to the need for full and thorough notes from inspections, even when a pet shop is meeting all the conditions:

“This is entirely superfluous and meaningless and seems like an invitation for inspectors to look for issues even in a well-run pet shop and to manufacture problems just so that they will have something to record in their notes … This seems a prime example of bureaucratic red tape that offers no real benefits to animal welfare and creates concern for us about how any proposals might be developed.”

Question 9: 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 supportive / Partially supportive / etc.)?

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

A total of 43 respondents answered this question. The majority of respondents, 32 of the 43, were supportive (17 fully supportive and 15 partially supportive). Two respondents (5%) were neutral (OneKind (Organisation 27; ID 88279704) and the Society of Chief Officers for Trading Standards Scotland (Organisation 33)). Eight respondents (19%) were opposed (two partially and six fully).

The Law Society of Scotland provided a response but did not select one of the options. They commented:

“This sounds complex as it then raises issues about how and when the risk assessment is to be made. The legislation should be as simple and clear as possible to ensure that those to whom it applies can understand and either comply or implement it, as appropriate.” (Law Society of Scotland: Organisation 29)

Those supportive of a risk-based approach outlined a number of potential advantages:

- Greater efficiency of resource use and allocation;
- Alleviating workloads by reducing regulatory burdens;
- Focusing resources on the places where animals are at the greatest risk;
- Incentivising shops and rewarding those performing well;
- Driving up standards within the industry;
- Bringing this area into line with other licensing regimes;
- Shops achieving higher standards of welfare could differentiate themselves from other with lower standards.
“We agree with this proposal. It is good regulatory practice to focus effort and costs on high risk premises and reward licensees with a strong track record of compliance with a ‘lighter touch’. Done well, it would be fairer to businesses, reduce unnecessary red tape, and ensure Local Authority resources are effectively oriented to drive up welfare standards. It also offers an active incentive for businesses to improve their standards. Done badly, however, it could mire Local Authorities in controversy, appeals and legal challenge. It is essential that this facility is only used for the lowest-risk applicants, and is not used as an excuse for only carrying out inspections and licensing every three years.” (Battersea Dogs and Cats Home: Organisation 21; ID 88248041)

A number of other issues were raised by those supportive of the proposal (including those partially supportive). Some explicitly qualified support for a risk-based approach; others provided additional suggestions or comments related to how a risk-based approach could be implemented.

**Frequency of inspections**

Many respondents gave the risk-based approach support in principle, provided that there are still regular/annual inspections:

“All premises must be inspected on at least an annual basis, with the ability to revoke a license if standards are not met, following an improvement notice period.” (Scottish SPCA: Organisation 13; ID 87843905)

One of the main reasons for this, cited by several respondents, is the speed with which situations and conditions in pet shops can change.

In addition to an annual inspection, some respondents referred to the need for unannounced/ad hoc visits.

**Level-playing field**

South Ayrshire Council referred to the effect a risk-based approach may have on smaller businesses:

“Initially it would look like a good idea, however national chains with third party audits would probably secure a longer licence than small local businesses. Therefore small businesses will potentially be paying on average higher licence fees and this may not be seen as a level playing field.” (South Ayrshire Council – Environmental Health Service: Organisation 3; ID 85719492)

OATA (Organisation 15; ID 87911838) outlined their support in principle, and commented in detail on the approach taken by the new regulations in England:
“We believe that enabling local authorities to use a risk-based assessment and issue longer-term licences to pet shops is in principle a good idea. It should encourage pet shops with high welfare standards because it leads to fewer inspections, reduced costs and … is a great way to differentiate their business from others with lower standards. We also believe it has the potential to encourage pet shops to drive up standards to meet the higher level. However the English system for attaining higher standards is complex … and impossible to apply in some circumstances. … From our experience with the English review, the cost-benefit of achieving many of the higher standards is debatable, especially for smaller businesses which may simply not be able to afford to pay for them. This therefore prejudices their ability to achieve earned recognition, regardless of the welfare standards they deliver.”

**Implementing a risk-based regime**

A number of respondents went into detail on what a system could look like and what should be included. A variety of options were presented:

- An expert panel could consider how a risk-based approach could work in a Scottish context. Local authorities should be involved to ensure that the outcomes are practical;
- DEFRA’s work in England on establishing a risk-based framework in the context of the new regulations could help inform provisions in Scotland;
- Criteria for assessment need to be achievable and reasonable;
- Different requirements may be needed for different types of retailers (e.g. aquatics only as compared to full range pet retailers);
- Fully compliant premises could be issued with longer licences, e.g. for three years, but maintaining annual inspections;
- High welfare standards and low risk could be recognised by longer licences, lower fees and fewer routine inspections;
- Support for a risk-based assessment in principle but with licences still issued annually.

West Lothian Council (Organisation 14; ID 87875129) pointed out that although risk-based inspection frequencies exist in other areas of local authority inspection, the principle of varying the length of licences is not yet established:

“Variable length licences do have financial implications for local authorities and income will vary from year to year and depending on the conditions found. However, staff employment costs are fixed. Variable length licences will encourage compliance and make poorer performers pay most. Irrespective of licence length, local authority inspectors must retain the right of access to carry out inspections when information available or received indicates this to be necessary or desirable for animal welfare purposes.”

In its response, Blue Cross (Organisation 17; ID 88068070) provided considerable detail on what a risk-based approach should include, in their
view. This is based on a rating system, and higher standards can be rewarded by flexibility of inspection periods and a reduction of licence fees. Individual factors are taken into account, such as staff qualifications, number of animals, types of species and compliance history.

Reasons for opposing a risk-based regime

Some of the points already mentioned are also referred to by the eight respondents opposed to the proposal, such as the fact that conditions and staff can change within a year.

South Lanarkshire Council (Organisation 7; ID 87084499) referred to the potential budget implications for local authorities of changing the frequency of payment.

Of those fully opposed, the majority emphasised the importance of annual inspections, some stating that these should also be linked to standard term licences.

“Local authorities should issue licences to all qualifying pet shops for a standard term with a mandatory number of inspections within that period. Those businesses that pose a higher risk to animal welfare or that are found not to be compliant with their licence conditions should have more frequent inspections and be subject to penalties, including licence revocation where necessary.” (PETA UK: Organisation 32)

Fife Council (Organisation 8; ID 87298818) stated:

“Because the number of shops is so small it is not worth doing a risk based approach, although we are rolling out a risk based approach to animal boarding establishments. The use of temporary licence would be useful, i.e. you get a licence for a couple of months which will be upgraded to an annual licence if requirements are completed within a certain deadline.”

Question 10: 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 / Partially supportive / etc.)?

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

Forty-three respondents answered this question. The majority of respondents (30 of the 43 or 70%) were supportive (22 fully and eight partially). Three respondents (7%) were neutral; seven (16%) were opposed (three partially and four fully).
The 13 local authority respondents were almost evenly split. Six were supportive (five fully and one partially supportive); five were opposed (two partially and three fully opposed); and two local authorities were neutral.

The 11 third sector organisations that responded to this question were supportive (10 fully and one partially).

**Local authority resources and expertise**

The majority of respondents in support of the proposal referred to local authority resources and expertise:

- Current demands on local authority budgets;
- The limited resources often available for licensing activities;
- The difficulty in providing enough sufficiently specialised staff to deal with the range of species stocked by pet shops, in particular in places that have a limited number of businesses to licence.

Several of the local authorities referred to the benefit of being able to engage qualified professionals/specialists to help meet special requirements and/or deal with exotic animals.

**Organisational models**

Generally speaking, three types of arrangements emerged from the responses that are supportive of such an approach:

- Local authorities cooperating with one another, as required, sharing resources. In this case a critical mass of licence applicants could provide the resources for inspectors to build skills and experience.
- A more formalised arrangement whereby a centralised pool of trained local authority inspectors would be available to all councils;
- Local authorities, as licensing authorities, working with an external independent body, which they could trust to carry out inspections to the agreed framework and report back to them.

Several respondents underlined that the priority is for the inspectors to be adequately trained and qualified. Some also made the point that if local authority officers are properly and fully trained, external expertise shouldn’t be necessary.

Some pointed to existing examples:

> “The priority for local authorities should be on using inspectors who are trained and qualified in undertaking pet shop licensing, and if this means that contracting the inspection service out to an authority who did employ such staff, then this is a positive move. We have seen this work well in England with our Primary Authority, the Corporation of London, who undertake animal licensing inspections for a number of other London and south east councils to great effect.” (PIF: Organisation 19; ID 88030316)
OneKind (Organisation 27; ID 88279704) stated that vet inspections should be included in all initial inspections. It referred to its survey of local authorities in 2012 for *Animal Welfare in Scotland*, which showed that three local authorities were already sharing resources for pet shop licensing and inspections:

“Given that most councils have a very small number of pet shops in their areas, sharing services would be a cost-effective way of developing expertise in this complex area.”

In its response to Question 8, it also proposed a central licensing authority to enhance enforcement capacity on a standardised approach to inspections.

A few respondents provided further considerations:

- It should not be a means to save money by reducing in-house expertise. Local authorities should continue to have trained animal welfare experts who would then work with contracted professionals;
- Additional staff employed or contracted to carry out this function on behalf of local authorities must be independent;
- It should be for local authorities to decide if they contract externally.
- It could introduce a potential for miscommunication or practical complications if inspections results and licensing decisions are challenged.

The BVA Scottish Branch (with BSAVA and BVZS: Organisation 28) did not select one of the responses options but did state:

“Given that the consultation outlines that there are just 200 licensed pet shops in Scotland, we believe it would be reasonable for vets [to] perform pet shops inspections. However, we would also support the undertaking of inspections from expert independent bodies such as the SSPCA … We would support local authorities extending their model of contracting animal licensing and animal welfare services to another local authority.”

**Reasons for opposing the proposal**

Those opposing the proposal raised a number of issues:

- Sufficient competent officers are already available to address local needs;
- Local Authorities should take responsibility for what happens in their area, and bring in expertise as necessary;
- Sharing technical resources between local authorities can be done on a case by case basis (partnerships and MOU agreements). But it should not be a mechanism for local authorities not to invest in its own staff;
- The approach could raise difficulties in terms of how a local authority would audit the contract to ensure licence conditions are consistent. It could also raise issues of competencies, consistency and legal and insurance implications; and
- More paperwork would mean higher costs.
Question 11: 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 (Fully supportive / Partially supportive / etc.)?

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

A total of 43 respondents answered this question. The overwhelming majority (40 or 93%) were supportive of enabling local authorities to take steps to address non-compliance with licence conditions, with the power to revoke a licence as a last resort (32 fully and eight partially). Two respondents were partially opposed. One respondent did not select any of the available options, but commented that it seems a sensible approach (Law Society of Scotland: Organisation 29).

There was widespread support for a tiered or graduated enforcement model that would give local authorities a range of straightforward and effective enforcement tools to apply, prior to the last resort of revoking a licence.

“The lack of this provision is a major flaw in with the existing legislation.”
(Scottish SPCA: Organisation 13; ID 87843905)

Some respondents referred to the value of this approach in terms of working with business and supporting them into compliance, through a tiered approach, before resorting to more severe penalties.

**Severe breaches**

Several respondents who welcomed a graduated enforcement model stressed that where non-compliance is a serious enough breach, immediate action would be justified. This could include the possibility of passing to the highest sanction without the need for interim steps.

OneKind (Organisation 27; ID 88279704) underlined that in these cases other options are also available.

“It is always better and quicker to give people time to improve conditions rather than closing an establishment, possibly requiring the seizure and re-homing of large numbers of animals. This would be a proportionate approach to concerns that do not amount to outright cruelty or neglect (which would still have to be addressed using the powers available to local authorities, police and the Scottish SPCA under the Animal Health and Welfare (Scotland) Act 2006).”
**Elements of a graduated enforcement regime**

In terms of the options that local authorities should have, a range of suggestions are made:

- Enforcement notices;
- Fixed penalties;
- Time-limited conditions;
- Revocation and variation of licences;
- Clear improvement notices setting out what needs done/time frame;
- Variable monetary penalties;
- Acceptable timescales to allow actions to address non-compliance;
- Persistent non-compliance should be reported to the licensing panel;
- An appeals process so vendors can appeal improvement notices they feel are unwarranted;
- If essential requirements are lacking and not rectified within 7 days the animal should be removed until suitable changes are made and the shop charged the boarding costs.

**Guidance and contingency plans for animals**

The Dogs Trust mentioned the importance of guidance for local authorities, a point also referred to by Battersea Dogs and Cats Home and Blue Cross.

“We believe that it is essential that local authorities are given clear guidance on how to proceed where problems are identified at inspection or after the license has been granted.” (Blue Cross: Organisation 17; ID 88068070)

At the same time, OATA (Organisation 15; ID 87911838) underlined the importance of clarity for businesses in terms of what is expected of them:

“The draft guidance document which outlines what English businesses need to follow is more than 70 pages long and extremely difficult to navigate through. It would be most unfair to penalise businesses for failing to follow conditions that are hard to understand, cumbersome and bureaucratic.”

Several organisations referred to the need for contingency plans to ensure the welfare of the animals if temporary accommodation is needed while improvements are made; or in the event of a licence being revoked that animals have somewhere to go without adding to the burden of local rehoming charities

One of the respondents partially opposed to local authorities being able to take steps to address non-compliance explained their concerns as follows:

“Giving pet shop owners time to make any changes if they haven't been fully compliant with license conditions isn't acceptable where their
actions have resulted in animals' welfare being affected, so I think that the power to revoke a license should only be a last resort where non-compliance doesn't constitute a breach in animal welfare conditions.”

(Seonaid Knox: Individual 1; ID 78130196)

**Question 12:** 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 / Partially supportive / etc.)?

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

A total of 41 respondents answered this question.

A considerable majority (33 of the 41 respondents or 81%) were fully supportive of increasing the maximum fine for failing to comply with the legislation. This included 11 local authorities, 10 third sector organisations, seven individuals, one business and the Pet Industry Federation. Two of the 41 respondents (5%) were partially supportive; three (7%) were neutral; one partially opposed and one fully opposed. One respondent provided a comment without indicating one of the preferences.

A range of reasons were given for why respondents supported an increasing of the maximum fine:

- Penalties should reflect the level of concern the public have that standards of animal welfare are not being met;
- To demonstrate the importance of animal welfare and help ensure it;
- Penalties should be harmonized for offences that can cause the same or similar types of harm to animals in care;
- Punishments must reflect the seriousness of the offences committed;
- An appropriate deterrent is needed to reflect how seriously non-compliance can affect animals.

The Society of Chief Officers for Trading Standards Scotland (Organisation 33) stated that when a breach results in a report to the procurator fiscal, it normally means all other options have been considered, or that it was a serious breach, and that fines should reflect this fact.

A few respondents specified a fine level; most of those suggested that raising the maximum fine to Level 4 – £2,500 – would be appropriate.

Some respondents also raised the possibility of dealing with animal welfare related offences under the Animal Health and Welfare (Scotland) Act 2006.

The three neutral responses were from representatives of the pet industry. REPTA (Organisation 20; ID 88176719) made the point that fines must be reasonable and proportionate. OATA (Organisation 15; ID 87911838) stated a
preference for a tiered approach to try to bring businesses into compliance before any punitive action is needed:

“However, for those businesses that continue to actively disregard the advice they receive or fail to achieve necessary standards, fines should be sufficient to send a strong signal about the need to deliver good standards of animal welfare.”

Question 13: 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 / Partially supportive / etc.)?

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

A total of 43 respondents answered this question.

Thirty-nine of the 43 respondents (91%) answering this question were fully supportive. Two were neutral (5%) and one was fully opposed (2%).

In its response, The Law Society of Scotland (Organisation 29) did not indicate one of the preferences but stated:

“This would not in our view be appropriate for statutory legislation. With a more robust legislative process being put in place there may well be a role for pet shop owners to give advice to those buying pets. They should be doing so and in many cases are doing so, supporting the welfare of the animals they are selling. As noted above, one option might be to provide point of sale information in welfare needs.”

Reasons given for supporting such an obligation include the following:

- Purchasers should be given correct information on the species they are buying including on its diet, basic health and environment requirements;
- As animals in this respect are still classified as goods, traders must be able to provide the advice necessary in keeping with consumer rights legislation;
- A clearer understanding on the animal’s needs and time required to care for it are more likely to lead to informed choices and longer-term homes;
- Owners will be more aware of the welfare requirements and fewer will end up giving up their pets for avoidable reasons.

Existing practice

A number of respondents supportive of the proposal gave examples and details of what already exists/takes place. These included:

- a livestock charter and mandatory advice (Fishkeeper 8 LLP: Organisation 6; ID86664921);
• a members’ Code of Conduct and free information and advice (OATA: Organisation 15; ID 87911838);
• the Pet Charity ‘Pet Portal’ (REPTA: Organisation 20; ID88176719);
• Pet Advertising Advisory Group (PAAG) guidance (Cats Protection: Organisation 18; ID 88093116);
• PetSavers leaflets and the Companion Animal Sector Council (CASC) website (BVA Scottish Branch, with BSAVA and BVSZ: Organisation 28).

The BVA (Scottish Branch, with BSAVA and BVSZ: Organisation 28) stated that at a minimum:

“… any regulations should incorporate the specific conditions on pet care and advice for prospective owners that is set out on incoming Animal Welfare (Licensing of Activities Involving Animals) (England) (2018) Regulations”.

OneKind (Organisation 27; ID 88279704) referred to the fact that some Scottish local authorities already make provision of advice a licence condition, and quote in their response the relevant section from the provisions from West Lothian Council, who have expanded and strengthened the Model Conditions requirements.

West Lothian Council (Organisation 14; 87875129) were opposed, explaining that:

“Section 15 of West Lothian Council's existing pet shop licensing conditions … requires both this to be in place and for staff to be sufficiently trained to enable this advice to be provided.”

**Quality of advice**

Many respondents made suggestions related to the quality of advice:

- The advice should be scientifically accepted or agreed best practice;
- Advice developed by an expert panel would ensure agreement across the animal sector;
- The information must be credible and reliable;
- Written care sheets can be straightforward for some species, but more complicated for taxa groups, such as reptiles, amphibians, fish, given the large number of species concerned;
- Guidance must be flexible on how information should be provided (e.g. electronic, rather than just paper format);
- The information should be validated by a central authority and updated regularly. Veterinary bodies and independent experts in animal behaviour and welfare should have an input.

**Additional points**

A number of other suggestions were made:
• In its general comments Scotland for Animals (Organisation 31) suggests that it should be a requirement to produce identification at the point of sale and that purchaser details and information regarding animals involved in the transaction be registered, retained and available to officials;
• A mentoring scheme, so new keepers would have to show some level of competency before they can purchase a certain species (Fraser Gilchrist: Individual 5; ID 84994322);
• Anyone rehoming or selling pets should be legally required to provide information at the point of transfer of ownership and be in a position to give the information prior to purchase if requested (Battersea Dogs and Cats Home: Organisation 21; ID 88248041);
• Mandatory signage for minimum age requirement (Fife Council: Organisation 8; ID 87298818);
• Establishments should have to interview prospective owners, and should refuse sale if they consider that the potential buyer would not be capable of providing the animal with a good standard of living (PETA UK: Organisation 32);
• A period of reflection to prevent impulse purchases; for internet sales, online questionnaires prior to purchase could help establish that prospective owners are aware of their responsibilities and how to meet the animals’ welfare needs (BVA Scottish Branch with BSAVA & BVZS: Organisation 28)

**Financial implications**

| Question 14: Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on: |
| (a) Local authorities |
| (b) Pet shops owners |
| (c) Individuals (including pet owners) |
| (d) Animal Welfare Organisations |
| (Significant increase in cost / Some increase in cost / Broadly cost neutral/ etc.)? |

Please explain the reasons for your response.

Forty respondents gave an answer to all four parts of the question. One respondent only gave a reply to the first point on local authorities.

**Costs to local authorities**

A majority of the 41 respondents (23 or 56%) who answered this part of the question believe that the proposed Bill would be broadly cost neutral to local authorities. Twelve of the 41 (29%) expect some increase in cost for local authorities, with two expecting a significant increase in cost. Two respondents (5%) predicted some reduction in costs and two were unsure.

Ten of the 23 respondents that considered that the proposed Bill would be cost neutral to local authorities were local authorities. The comments provided
by those respondents mostly stated that, provided it is on a full cost recovery basis, the impact should be cost neutral to local authorities.

A number of other respondents also referred to the fact that costs would be fully recovered by being passed on to pet shops, and therefore cost-neutral to local authorities. Other comments included:

“Pet shop licensing should be done on a full cost recovery basis. A new, modernised system of licensing of pet sellers would provide opportunities to save money by ensuring officers are well trained and not reliant on external help and are sharing resources and best practice across Scotland. There will also be more information and resources available to local authorities through statutory guidance and clearer licensing conditions. However, we do not want this to be viewed as a cost saving exercise and any attempts by local authorities and Government to introduce cost saving measures could result in a system that fails to reach its potential to protect animal welfare and the general public. We believe it is important to weigh this up against the desire to save money.” (Blue Cross: Organisation 17; ID 88068070)

Of the 12 who considered some increase in costs may fall to local authorities, the main reasons given were training requirements for staff resulting from a strengthened regime, possible costs related to and enforcement action, and that there could be a period of higher costs initially to get the system started, but which should subside:

“A more robust licensing system around pet vendors, with more detailed conditions and minimum standards required before licences are issued, as well as a risk-based approach, are likely to mean that local authorities will spend more time and resource licensing pet vendors. This could see an increase in cost, particularly in the early years of any new legislation. However, with a more risk-based approach rewarding businesses that are focusing more on welfare could, over time, see a reduction in costs for local authorities around pet vending licensing, as public demand would drive more businesses to reach higher welfare standards.” (Pet Industry Federation: Organisation 19; ID 88 030316)

Costs to pet shop owners

The majority of the 40 respondents (30 or 75%) who answered this part of the question expect an increase in cost for pet shop owners. Seven (18%) believe the impact on pet shop owners would be broadly cost neutral. Three respondents (8%) were unsure.

A number of factors are cited in the context of increasing costs to pet shop owners:

- A review of fee structure could lead to increased licence fees for some;
- Additional responsibilities e.g. ensuring consumers are fully aware of what they are taking on;
• Investment in new equipment or infrastructure;
• Investment in staff training;

“I am concerned that the legislation could be onerous on businesses causing a huge increase in costs to meet. If the industry (as the foremost experts on how the trade operates) is involved in the development of the guidelines hopefully these costs can be constrained by requirements being sensible and achievable with a minimum of red tape. If costs are substantial there will be no choice but to pass this on.” (Fishkeeper 8 LLP: Organisation 6; ID 86664921)

Reasons given by respondents predicting a broadly cost-neutral impact on pet shop owners included reflections on the impact of a risk-based approach and differing levels of compliance; some may benefit from lower costs, whilst other may pay more.

Costs to individuals (including pet owners)

A total of 40 respondents replied to this part of the question. In terms of likely costs to individuals (including pet owners) 18 of the 40 respondents (45%) expect the impact to be broadly cost neutral. Fifteen (38%) would expect an increase in costs. Two respondents (5%) believed there would be significant reduction in costs to individuals; five (13%) were unsure.

The main reason given for a likely increase in costs was that increases in costs to pet shops could result in costs being passed on to customers.

Of the respondents predicting a broadly cost-neutral impact on pet owners, some commented by considering the longer-term impact:

“Pet owners, on the whole, will experience cost neutrality as health and welfare improvements will reduce costly after-care, despite having to pay increased costs to pet shops, reflecting increased licence fees. (East Lothian Council: Organisation 25; ID 88256259)

Healthier pets were also cited as a reason for a likely reduction in costs to pet owners.

Costs to animal welfare organisations

Forty respondents answered this part of the question. Fifteen of the 40 respondents (38%) believe the Bill would be broadly cost neutral for animal welfare organisations, with 13 (33%) predicting a reduction in costs. Four respondents (10%) predicted an increase in costs for animal welfare organisations, with eight (20%) unsure as to what financial impact the proposed Bill would have on animal welfare organisations.

Many of the respondents expecting a reduction in costs to animal welfare organisations referred to the possibility for a reduced burden on animal
welfare and rescue organisations if the overall health of the pet population improves, better informed pet owners and fewer having to give up pets that are ultimately unsuitable for them.

**Question 15: Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings) (Yes / No / Unsure)?**

**Please explain the reasons for your response.**

A total of 41 respondents answered this question. Eight of the 41 who responded (20%) believed there could be more cost-effective ways for the Bill to meet its aims; 11 (27%) do not believe the Bill could achieve its aims more cost-effectively and 22 (54%) were unsure.

Some of the comments provided as to how to make the Bill more cost effective are summarised below (some have already been referred to in responses to previous questions):

- Streamlining regulations and minimizing red tape;
- Creating a centralised pool of local authority inspectors;
- Setting up an independent body/central licensing authority;
- Reconsidering whether it is necessary for external professionals to accompany local authority inspectors on inspections visits;
- Setting a clear strategy for calculating licence fees and how any additional costs, such as re-inspections, will be applied;
- Shared service agreements between councils to spread costs and develop expertise.

Amongst the 11 who did not believe the proposed Bill could achieve its aims more cost-effectively, several referred to the fact that some costs will be necessary to improve the system and ensure better animal welfare.

**Equalities and sustainable development**

**Question 16: What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation (Positive / Slightly positive / Neutral etc.)?**

**Please explain the reasons for your response.**

A total of 41 respondents answered this question. The vast majority (33 or 81%) believe that the proposed Bill would have an overall neutral effect on issues of equality. Most of these respondents either made the point that they did not believe the Bill would have any impact on equality, or that they did not see a link between the Bill and the Equality Act 2010.
One respondent (2%) indicated it would have a positive effect, two (5%) believed it would be slightly negative and five (12%) were unsure.

In terms of the respondents that could foresee a slightly negative impact, one gave the following explanation:

“Cannot envisage that many protected characteristics would be affected by the proposed Bill. It is feasible that those with physical or mental disabilities would be impacted by an increased cost of 'Companion' animals as opposed to those buying animals as Pets but it's a fine distinction.” (British Killifish Association: Organisation 10; ID 87665813)

**Question 17: 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 / No / Unsure)?**

Please explain the reasons for your response.

A total of 41 respondents answered this question. The vast majority (29 or 71%) believe that the proposed Bill can be delivered sustainably. One respondent (2%) did not believe it could be delivered sustainably and 11 (27%) were unsure.

Some of the reasons given as to why it could be delivered sustainably are the following:

“The changes, clarity and extra enforcement tools that the Bill may introduce would make enforcement and compliance in the pet shops sector more straightforward while saving time and resources.” (North Lanarkshire Council: Organisation 5; ID 84064012)

“May reduce puppy farms and increase more responsible pet ownership.” (South Ayrshire Council - Environmental Health Service: Organisation 3; ID 85719492)

“The economic impact will be proportionate to the benefits achieved.” (Scottish SPCA; Organisation 13; ID 87843905)

“Businesses with poor levels of compliance will incur greater costs than comparable businesses with good levels of compliance.” (West Lothian Council: Organisation 14; ID 87875129)

“Scotland could deliver a sustainable and beneficial impact to both social and economic activities by implementing a well thought out pet vending legislation. Pet ownership is a benefit to humans and ample research has shown the benefits pet ownership has to human health and cost saving to health services.” (REPTA: Organisation 20; ID 88176719)
“Better welfare standards will have a positive effect of general human wellbeing. Standardised, clear approach also brings benefits of fairness and sound business practice.” (East Lothian Council – Protective Services: Organisation 25; ID 88256259)

“The current licensing system is unsustainable as it does not promote the welfare of the animals involved. By introducing the proposals detailed in this consultation we believe the system can be easily enforced by local authorities and as a result will be sustainable.” (Dogs Trust: Organisation 26; ID 88260376)

The respondent who did not believe the proposed Bill could be delivered sustainably raised the issue that it may have been prompted by recent coverage of puppy farms, and that, in its present form, risked impacting on anyone keeping pets for pleasure, and could eventually put an end to all hobbies involving, for example, fish, rabbits, hamsters, guinea pigs, birds and snakes.

Question 18: Do you have any other comments or suggestions on the proposal?

Twenty-two respondents provided some additional comments, of varying length. Some of the comments reiterated points already made and included in the summary under responses to other questions. As already reported, a number of respondents commented on the proposed scope of this proposal and the need to address pet vending and pet sales more broadly, beyond traditional pet shops. These comments have been included in the discussion under Question 1, where a number of related points were also made, and have therefore not been repeated here.

Specific suggestions

- Remove calendar year restrictions and base licences on the date issued;
- Place the responsibility for getting a vet report (if required) on the applicant rather than the local authority to help cut down on time delays;
- Include home checks in the vending process;
- Train inspectors before a new system is introduced and give businesses adequate time to prepare;
- Prohibit the commercial sale of kittens under 8 weeks of age;
- Oblige licensed sellers to publish details of their licence alongside online advertisements;
- Remove the current exemptions from a pet vending licence in the Pet Animals Act 1951 (s7(1) which include the sales of the offspring of a family pet or sales of pedigree animals bred by the seller;
- Mandatory duty on local and national authorities to promote adoption and rescue via reputable, non-commercial organisations;
- Change dog breeding legislation to consider any individual breeding more than two litters in a 12-month period as doing so on a commercial basis and therefore requiring a licence;
- Require retailers to keep a purchase register for all animals acquired, detailing their sources i.e. name and address / contact number of supplier, available for inspection;
- Obligatory sales register for all animals sold;
- Make it a licence condition to display information in the premises about the five areas of welfare needs that pet owners should be aware of.
SECTION 4: MEMBER’S COMMENTARY

Jeremy Balfour MSP has provided the following commentary on the results of the consultation, as summarised in sections 1-3 above.

I would like to record my thanks to all those who participated in the consultation on this proposal and in particular to thank the Scottish Parliament’s Non-Government Bills Unit and Blue Cross.

I welcome the contributions from all respondents and the constructive and helpful debate generated by the consultation.

The consultation identified that there is strong overall support for strengthening the licensing regime for pet shops in Scotland and agreement that the existing legislation is outdated and that a more consistent and standardised approach would be welcomed.

I was very reassured by the support received from local authorities, accounting for 30% of respondents, as it would primarily be the role of local authorities to enforce legislation which would result from this proposal.

Several respondents provided extensive comments in response to a number of the questions. Many representative organisations, who made up 11% of responses, raised concerns about the need to broaden the definition of pet sales. The Pet Industry Federation (PIF) referred to the variety of means by which potential pet owners can acquire pets other than through a traditional pet shop as was prevalent when the 1951 Act was passed. While I do not think it will be possible to tackle internet sales directly via this proposed legislation, I am confident that the Bill process will allow the necessary space for debate and discussion and to consider further what constitutes a business of selling animals as pets.

On banning the sale of puppies and kittens in pet shops, I am sympathetic to the concerns and aims. However, given the input from stakeholders raising the risk of unintended consequences if such a ban was applied without other accompanying measures, I believe that any ban on pet shops selling puppies or kittens should be achieved by means of separate primary legislation.

Approaches to calculating the licence fee were spread across the 3 options with helpful suggestions provided by a number of respondents when considering which variables could be used as a basis for differentiating licence fees. It is my intention that a licence fee should be cost neutral and not unnecessarily onerous on business. This will remain a priority throughout the legislative process.

There was broad support for a risk-based approach which if effectively implemented could be fairer to businesses, reduce red tape and ensure Local Authority resources are effectively focused on improving welfare standards.
I believe that the results of the consultation have demonstrated that there is widespread support for my proposal that will strengthen and modernise the licensing regime and ultimately improve the welfare of animals sold through pet shops.

It is for these reasons that I have lodged a final proposal for a Pet Shop (Licensing) Scotland Bill and I will be seeking the required support from my colleagues in the Scottish Parliament to proceed.
ANNEXE

Individual responses
1. Seonaid Knox (ID 78130196)
2. Angela Gallagher (ID 78719484)
3. Crawford Matthews (ID 79558555)
4. Angela Cook (ID 81519389)
5. Fraser Gilchrist (ID 84994322)
6. Anonymous (ID 87673499)
7. Anonymous (ID 79735318)
8. Anonymous (ID 79755170)

Organisation responses
1. Orkney Island Council (ID 78428914)
2. Aberdeen City Council (ID 79030732)
3. South Ayrshire Council – Environmental Health Service (ID 85719492)
4. Edinburgh Dog and Cat Home (ID 85176483)
5. North Lanarkshire Council (ID 84064012)
6. Fishkeeper8LLP (ID 86664921)
7. South Lanarkshire Council (ID 87084499)
8. Fife Council (ID 87298818)
9. Renfrewshire Council (ID 87663603)
10. British Killifish Association (ID 87665813)
11. Rabbit Welfare Association and Fund (ID 87755086)
12. Perth and Kinross Council (ID 87841135)
13. Scottish SPCA (ID 87843905)
14. West Lothian Council (ID 87875129)
15. Ornamental Aquatic Trade Association (ID 87911838)
16. Wright for Pets Ltd (ID 87931778)
17. Blue Cross (ID 88068070)
18. Cats Protection (ID 88093116)
19. The Pet Industry Federation (ID 88030316)
20. Reptile & Exotic Pet Trade Association (ID 88176719)
21. Battersea Dogs & Cats Home (ID 88248041)
22. The Kennel Club (ID 87877571)
23. Advocates for Rabbit Welfare (ID 87503156)
24. East Ayrshire Council – Licensing Section (ID 88241099)
25. East Lothian Council – Protective Services (ID 88256259)
26. Dogs Trust (ID 88260376)
27. OneKind (ID 88279704)
28. Joint BVA Scottish branch, BSAVA and BVZS
29. The Law Society of Scotland
30. Highland Council
31. Scotland for Animals
32. Peta UK
34. Anonymous (ID 79167780)