

**To: INFRASTRUCTURE, LAND AND ENVIRONMENT POLICY BOARD**

**On: 21 MARCH 2018**

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**Report by: DIRECTOR OF ENVIRONMENT & COMMUNITIES**

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**Heading: SCOTTISH GOVERNMENT CONSULTATION ON THE  
REGISTRATION AND LICENSING OF ANIMAL SANCTUARIES AND  
REHOMING ACTIVITIES IN SCOTLAND**

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## **1. Summary**

- 1.1 At present, legislation requires that persons carrying on commercial animal establishments (boarding/breeding premises, pet shops, zoos and riding schools) are licensed by the Local Authority. In Renfrewshire, these licences are processed by the Trading Standards and Licensing Team within Environment & Communities.
- 1.2 Scottish Government are currently seeking views on proposals to introduce a licensing and registration scheme for animal sanctuaries and re-homing centres. This consultation was issued on 11 December 2017 and was issued in response to concerns primarily relating to animal welfare; although it is recognised that this proposal will also bring rehoming facilities in line with existing legislation relating to pet shops.
- 1.3 The final date for submissions to the consultation was 4 March 2018. A response from the Council was submitted within the timescales set by the Scottish Government and is attached as Appendix 1.
- 1.4 Lamont City Farm is the only known commercial facility in Renfrewshire which may be directly affected by the new proposals. This property based in Erskine homes horses, ducks, sheep and goats and offers a rehoming facility.

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## **2. Recommendations**

- 2.1 It is recommended that the Infrastructure, Land and Environment Policy Board:
- (i) Notes the consultation on the Registration and Licensing of animal sanctuaries and rehoming activities in Scotland.
  - (ii) Homologates the Council's submitted consultation response as detailed in Appendix 1 to this report.
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## **3. Background**

- 3.1 The Scottish Society for the Protection of Cruelty to Animals (SSPCA) receives many complaints regarding the standards of animal sanctuaries and rehoming properties. Currently, there is no licensing scheme in Scotland for these activities.
- 3.2 The Trading Standards and Licensing Team do not receive a large number of complaints regarding animal sanctuaries or rehoming facilities in Renfrewshire.
- 3.3 The Scottish Government are currently seeking views to establish if these animal sanctuaries and rehoming properties should come under similar licensing arrangements for boarding/breeding, zoos etc. The Scottish Government's proposals will bring sanctuaries and rehoming centres under the same level of control as other commercial establishments.
- 3.4 Environment & Communities, Public Protection service issues around 50 animal establishment licences annually. Licensed premises are inspected by Officers who ensure that requirements relating to animal welfare, health and safety and public health legislation are adhered to.
- 3.5 The Renfrewshire Council response attached at Appendix 1 welcomes the review of animal sanctuaries and re-homing facilities and bringing them in line with other licensing regimes. As with all other animal licensing, this should remain the remit of the local authority and should improve consistency across all local authorities.

- 3.6 The Council would seek clarification on what constitutes an animal sanctuary and this requires to be defined as part of the outcomes of the consultation.

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### **Implications of the Report**

1. **Financial** – None
2. **HR & Organisational Development** – None

3. **Community Planning** –

Renfrewshire is thriving – by ensuring that all animal sanctuaries and re-homing facilities are licensed in line with other animal welfare facilities will ensure a consistent approach to inspection and safety of animals.

4. **Legal** - None
5. **Property/Assets** - None
6. **Information Technology** - None
7. **Equality & Human Rights**

(a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website

8. **Health & Safety** – None
  9. **Procurement** – None
  10. **Risk** – None
  11. **Privacy Impact** – None
  12. **Cosla Policy Position** – Not applicable
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## List of Background Papers

None

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## **Registration and Licensing of Animal Sanctuaries and Rehoming Activities in Scotland**

### **Consultation questions**

**1. The Scottish Government proposes that animal sanctuaries and rehoming centres should be regulated. Do you agree?**

Yes.

No further comment.

**2. Do you agree with the principle that registration is appropriate for those with fewer animals and that licensing is appropriate for those with more animals?**

Yes.

There should be clear differentiation between registration and licensing.

**3. Do you have any comments on the thresholds that should apply? Should these be different for separate species?**

No comment, however, this would need further discussion. There would need to be a clear definition of what an animal sanctuary is.

**4. Larger organisations and charities that may have a network of homes and smaller branches in different local authority areas should be able to apply centrally for the relevant licensing. Do you agree?**

Yes.

If this facility relates to easing the application process, then yes, this would be an important development. If the licensing and registration regime relates to both the licence holder, and the suitability of the premises, the final decision however, must be made locally, after inspection.

**5. The Scottish Government believes that all premises must be inspected before licensing (but not registration). We propose that, as well as local authorities, expert independent bodies, such as Scottish SPCA, should be able to carry out inspections. Do you agree?**

No.

This is out of line with current animal establishment legislation which requires facilities such as Zoos or Dog Breeding Establishments to be inspected by a properly qualified Veterinarian. The standard should be no less for these facilities. Given also that the SSPCA operate numerous sanctuaries and re-homing centres, inspection of such facilities could be deemed a conflict of interest.

**6. Do you agree that individuals with unspent convictions for animal welfare offences or other criminal convictions (e.g. fraud) should not be allowed to register or hold a licence for an animal sanctuary or rehoming activity?**

Yes.

No further comment.

**7. Are there other requirements, apart from criminal, that should be part of a 'fit and proper person' test for those running animal sanctuaries or rehoming activities?**

No comment.

**8. The Scottish Government proposes that reasonable costs of inspections should be charged to recover costs to inspectors approved by Scottish Ministers or local authorities. Do you agree with that proposal? *To note: It is expected that registration will be free or incur a nominal fee.***

Yes.

This would be in line with current animal boarding establishment legislation.

**9. Should licence fees be set by the authorised inspectors, local authorities or by the Scottish Government? Do you have any comments on what cost is reasonable and what should be included in this? (*For example, this might include recovery of administrative costs, or payment for the inspectors time etc*).**

Current animal boarding establishment legislation is non-prescriptive as to fees, and this has caused marked variance across local authority areas in fees charged. Scottish Government should set the fees in statute, taking into account adequate cost recovery.

**10. The Scottish Government considers that licences lasting more or less than one year may be issued on the basis of a welfare risk assessment. Do you agree?**

Yes.

No further comment.

**11. Do you consider that the relevant Local Authority should have a duty to enforce the regulations on animal sanctuaries and rehoming activities in Scotland?**

Yes.

Clear direction by means of affording a statutory responsibility would be fully supported. Any proposed statutory duty should also be considered for adequate statutory funding.

**12. Do you consider that the Scottish SPCA should be able to act on behalf of the relevant Local Authority using the powers contained in Animal Health and Welfare (Scotland) Act 2006 to enforce proposed regulations on animal sanctuaries and rehoming activities in Scotland?**

No.

As per previous concerns, this would be out of line with current animal establishment legislation and could also pose a conflict of interest.

**13. Do you think that a national list of licensed premises and activities should be kept?**

No.

This would be out of line with current animal boarding establishment legislation. We would support a proposal to require that such a list is held as a public register by the relevant licensing authority.

**14. Do you have any comments on who should be able to access information from the list, and if a charge should be made for information?**

Yes.

This information should be a public register, with no charge for accessing this information.

**15. The Scottish Government believes that enforcement agencies should be able to suspend, vary or revoke registrations and licences or issue improvement notices for minor irregularities. Do you agree with this proposal?**

Yes.

Provided that the enforcement agency is also the licensing agency, we would fully support this proposal. We would not support a proposal for an external agency to vary a licence issued by this Council.

**16. The Scottish Government proposes to adopt welfare standards based on those published by the Association of Dog and Cat Homes that all licensed animal sanctuaries and rehoming organisations should follow for the species they hold. Do you agree that this should be a condition of licensing? If you are aware of any other relevant standards please comment.**

Yes.

No further comment.

**17. Do you agree that appropriate fixed penalties should apply for minor noncompliance with the legislation?**

Yes.

No further comment.