Registration and Licensing of Animal Sanctuaries and Rehoming Activities in Scotland

Consultation document

Consultation open - 11 December 2017 to 4 March 2018



Agriculture and Rural Economy Directorate Animal Health and Welfare Division



T: 0300-244 5062

E: sanctuarylicensingconsultation@gov.scot

To Interested Parties (List attached)

Date

Dear Sir/Madam

Consultation on "Registration and Licensing of Animal Sanctuaries and Rehoming Activities in Scotland".

You are invited to respond to the enclosed consultation document on a specific proposal to introduce legislation for a modern system of registration and licensing of animal sanctuaries and rehoming activities, allowing for independent accreditation of applicants to reduce the burden on local authority inspectors.

Full details regarding the purpose and scope of the consultation, and how to respond to it are contained in pages 2 – 4 of the consultation paper. To improve ease of analysis of the consultation response we would be grateful if, where possible, you could respond by way of the online survey facility hosted by Citizenspace. A link to the consultation survey on Citizenspace can be found on the Scottish Government website at: https://consult.gov.scot/animal-welfare/animal-sanctuaries-and-rehoming-activities.

Other methods for responding are explained in the consultation paper.

Your consultation response is important to us so please note that the consultation will close on 4 March 2018. Any response received after this date is unlikely to be included in the consultation analysis.

As always with consultations, we need to know how you wish your response to be handled, and in particular, whether you are happy for your response to be made public. The Respondent Information Form should be completed by everyone providing a response to the consultation document. Further information concerning the Respondent Information Form and how your response will be handled can be found on pages 2 – 4 of the consultation paper.

If you have any queries about this consultation please contact Louise Dowdles by email: sanctuarylicensingconsultation@gov.scot or by telephone: 0300 244 5062. Enclosed with this letter are:

- The main Consultation Document
- The Respondent Information Form and consultation questionnaire (to be completed when sending a response)

Please feel free to forward copies of these consultation documents to anyone else that you think might have an interest in them.

We look forward to your response.

Yours faithfully

Animal Welfare Team Scottish Government

Barony College Abercorn Veterinary Clinics Acoura Battersea Dogs and Cats Home Action of Churches Together in Scotland **Beechwood Veterinary Centre ADAS** behalal.org Albayet Bernese Mountain Dog Club of Scotland Berwick Swan and Wildlife Trust Allandale Animal Sanctuary All-Party Parliamentary Group for Animal Welfare BirdsFirst Blackness Veterinary Surgery Alphavet Angus College Blue Cross (The) Angus Dog Rescue Bodleian Libraries of the University of Oxford **Animal Aid Borders Pet Rescue** Animal Concern Advice Line Born Free Foundation Animal Defenders International Boyce & Houston Ltd British and Irish Association of Zoos and Animal Health and Welfare Board for England Aquariums **Animal Protection Agency** British Deer Society (The) **Animal Welfare Party** British Hedgehog Preservation Society Animaline British Horse Society (Kenilworth) Aquithie Boarding & Quarantine Kennels & Cattery British Horse Society (The) Argyll Animal Aid British Horse Society Scotland (Crieff) Armac Vets Ltd British Library's Legal Deposit Office **British Rabbit Council** Ashgrove Veterinary Centre Ltd Associate Parliamentary Group for Animal Welfare **British Veterinary Association** Association of British Riding Schools British Veterinary Association (Scottish Branch) Association of Government Veterinarians **Broadleys Veterinary Hospital** (Wales) Brooke (The) Association of Scottish Police Superintendents **Bulldog Club of Scotland** (The) Bunny Haven Rabbit Rescue Ayrshire Dog Agility Club Calderglen Country Park

Canine Concern Scotland Trust Banff & Aberdeenshire Rescue & Rehoming Kennels

Balhall Riding Stables & Boarding Kennels

Bandeath Kennels

Canine Concerns Dog Training & Behaviour

Cambridge University Library

Captive Animals' Protection Society **Dryden Riding Centre** CARROT (Arbroath) Dryfe Vets Ltd Cat Action Trust 1977 **Dukes Veterinary Practice Ltd** Cat Chat, the Cat Rescue Resource **Dumfries and Galloway Canine Rescue Centre** Cat Register & Rescue Dumfriesshire And Cumbria Greyhound Rescue Catflap **Dumyat Kennels** Catholic Action for Animals **Dundas Veterinary Group** Catholic Parliamentary Office **Dunfermline & District Rabbit Club** Cats Protection (Kirkintilloch) E & L Insurance Services Cats Protection (West Sussex) East Lothian Dog Training Club Central Scotland Smallholders Association Easter Ross Vets Chartered Institute of Environmental Health Edinburgh Dog & Cat Home (The) Christine Grahame MSP Elmwood College Church of Scotland (The) English Setter Society of Scotland (The) Cocker Spaniel Breed Council (The) Eriskay Pony Mother Stud Book Society -Comann Each nan Eilean Ltd. Collier & Brock **Ethical Voice for Animals** Companion Animal Welfare Council (The) **European Studbook Foundation** Convention of Scottish Local Authorities Federation of Companion Animal Societies Cotton Tails Rescue Fergusson, Alex MSP Cottontails Fife Cat Shelter Cousland Park Training and Livery Centre Fife Rabbit Rescue D & G Canine Rescue Finnie, John MSP Dalriada Vets Firth Veterinary Centre Dog Aid Society of Scotland Limited Flanders Veterinary Services Dog World Publications Ltd Foreside Farms Dogs Trust (Glasgow) Fox Terrier Club of Scotland Dogs Trust (Leicester) Fur & Feather Including Rabbits Magazine Dogs Trust (London) German Shepherd Dog Club of Scotland (The) Donkey Sanctuary (The) Gibson, Kenneth MSP **Donview Veterinary Centre**

Dryburgh Abbey Training Group

Give A Greyhound A Home

Grahame, Christine MSP

Grampian German Shepherd Dog Association Laminitis Clinic (The)

Greenside Veterinary Practice Limited Library of Trinity College, Dublin (The)

Greyhound Awareness League Little Critterz

Greyhound Board of Great Britain Logan Fish Pond Marine Life Centre

Greyhounds UK Marine Conservation International

McTaggart Veterinary Group Guardian Angels Organisation United Kingdom

Haflinger Trekking Centre Monkey World - Ape Rescue Centre

Heads of Ayr Farm Park Moray Firth Ringcraft Club

Help Fife Animals Morven Veterinary Practice Ltd

Help Or Rehabilitate Scottish Equines Mossburn Community Farm

Hessilhead Wildlife Rescue Mountains Animal Sanctuary

Highland Canine Association Mrs Murray's Home for Stray Dogs and Cats

Highland Wildlife Hospital Trust Munlochy Animal Aid

Muslim Council of Scotland Highland Wildlife Park

Horse Rescue Scotland Nardini Rudder Veterinary Centre

National Angora Club of Great Britain (The) Horse Trust (The)

Hudghton, Ian MEP National Animal Welfare Trust

Humanist Society Scotland National Dog Warden Association (Scotland)

Native Ponies GB

Welfare Representative

North of Scotland British Veterinary Association

Strathspey Veterinary Centre National Library of Scotland (The)

Inshes Veterinary Centre National Library of Wales (The)

Institute of Biodiversity, Animal Health and National Secular Society

Comparative Medicine

International Fund for Animal Welfare UK

International Otter Survival Fund

International Sheepdog Society Northern Newfoundland Dog Club (The)

Inverclyde Dog Training Club **Oban Veterinary Surgeons**

KR&PAPlayle O'Connor-Pierce Veterinary Surgeons

Old Mill Veterinary Practice

Keele University

Kennel Club (The) OneKind

Orkney Carriage Driving Group Kirk Dog Training Club

Labrador Rehoming Co-ordination Service Orkney Seal Rescue

Ladies Kennel Association of Scotland Ornamental Aquatic Trade Association Ltd

School of Law, University of Aberdeen Palacerigg Country Park Parkside Veterinary Group Ltd Scientialis Ltd Parti-Coloured Cocker Spaniel Club (The) Scotland for Animals Pentland Hills Icelandics Scottish AH&W Strategy Group/South Ayrshire Council People And Dogs Society Scottish Borders Donkey Sanctuary People for the Ethical Treatment of Animals (PETA) UK Scottish Churches Parliamentary Office People's Dispensary for Sick Animals Scottish Conservatives & Unionist Party Perthshire Abandoned Dogs Society Scottish Council of Jewish Communities Pet Health Council Scottish Crofting Federation Pets As Therapy Scottish Deer Centre (The) Police Scotland Scottish Dutch & English Rabbit Club Polmont Veterinary Clinic Scottish Enterprise Rabbit Behaviour Advisory Group Scottish Equestrian Association Rabbit Welfare Association & Fund Scottish Equine Breeders Association Rate Breeds Survival Trust Scottish Federation of Meat Traders Reediehill Deer Farm Scottish Gamekeepers Association Rewarding Dogs Scottish Great Dane Club Riding for the Disabled Glasgow Group Scottish Green Party Riding Safely Scottish Hawk Board Rowallan Activity Centre Scottish Homing Union Royal (Dick) School of Veterinary Studies, Scottish Islamic Foundation University of Edinburgh Scottish Kennel Club (Helensburgh) Royal College of Veterinary Surgeons Scottish Kennel Club (Musselburgh) Royal Environmental Health Institute of Scotland Scottish Koi Club (The) Scottish Labour Party Royal Society for the Prevention of Cruelty to Animals (The) Scottish Liberal Democrats Royal Veterinary College (The) Scottish National Party Ryan & Calder Scottish Natural Heritage RZSS Highland Wildlife Park Scottish Netherland Dwarf Rabbit Club **SAC Consulting Solutions** Scottish Parliament European & External

Sanday Saddle Club

Relations Committee

Scottish Parliament Information Centre Tayside, Lochee & District Canine Club Teen Ranch Scotland Scottish Parliament Rural Affairs, Climate Change Environment Committee **Tobson Common Grazing Committee** Scottish Police Federation Universities Federation for Animal Welfare Scottish Progressive German Shepherd Dog University of Aberdeen (School of Law) Group (The) University of Bristol (Animal Welfare) Scottish Rabbit Club University of Cambridge (Department of Scottish Rex Rabbit Club Veterinary Medicine) Scottish Society for the Prevention of Cruelty to University of Edinburgh **Animals** University of Lincoln Scottish SPCA University of Stirling (Department of Psychology) Scottish SPCA Edinburgh & Lothian Animal Rescue & Rehoming Centre Urguhart, Jean MSP Scottish SPCA Middlebank Wildlife Centre Valley Veterinary Group Scottish Staffordshire Bull Terrier Rescue Veteran Horse Society Scottish Voice for Animals Veterinary Centre (Portree) Scottish Youth Parliament Veterinary Centre (The) Sheep Veterinary Society Veterinary Centre (The), Glasgow Shetland Dog Club Veterinary Centre (The), Uddingston Shetland Pony Stud Book Society Veterinary Deer Society Shetland Riding Club Vetwork UK Viva! Shetland Vets Weimaraner Club of Great Britain **Smooth Fox Terrier Association** Weimaraner Club of Scotland Society for Abandoned Animals (The) Wigtownshire Animal Welfare Association Society of Chief Officers of Trading Standards in Scotland Wild Futures (Primate Welfare Team) St Clair Veterinary Group Willows Animal Sanctuary Stewartry Veterinary Centre Ltd (The) Windygates Stables Strathblane Falconry Wood Green Animal Shelters Strathbogie Veterinary Centre World Horse Welfare Strathclyde Emergencies Co-ordination Group World Parrot Trust Struthers & Scott Veterinary Surgeons World Society for the Protection of Animals Swedish Vallhund Society Private Individuals, Local Authorities & Other **Government Departments**

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PART I - ABOUT THIS CONSULTATION

Topic of this consultation

This consultation is seeking views on proposals to introduce regulations for registration or licensing of animal sanctuaries and rehoming activities in Scotland.

Scope of this consultation

This consultation covers the proposals for a modern system of registration and licensing of animal sanctuaries and rehoming activities, allowing for independent accreditation of applicants to reduce the burden on local authorities. This includes all rehoming activities in Scotland, including charities and agencies rehoming animals from abroad.

The consultation considers how thresholds for registration and licensing may be determined depending on the size of the undertaking and how this may work for larger organisations with multiple premises.

Geographical extent

Animal welfare is a devolved matter and this consultation applies to the proposed introduction of regulations on animal sanctuaries and rehoming activities in Scotland only. The appropriate administration should be approached for further information in other parts of the UK.

Audience

Anyone may reply to this consultation. The Scottish Government would particularly like to hear from: animal sanctuaries, rehoming centres, animal welfare organisations, local authorities, veterinary professionals and academics.

Body responsible for this consultation

The Scottish Government's Animal Welfare Team is responsible for this consultation.

Duration

This consultation starts on 11 December 2017.

This consultation closes on 4 March 2018.

This constitutes a full consultation period of 12 weeks.

How to make an enquiry

If you have any queries about this consultation please contact the Scottish Government Animal Welfare Team (0300 244 5062) or by e-mail at sanctuarylicensingconsultation@gov.scot

The Scottish Government consultation process

Consultation is an essential part of the policy-making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: http://consult.scotland.gov.uk. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as Dialogue (https://www.ideas.gov.scot).

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Responding to this consultation paper

We are inviting responses to this consultation by 4 March 2018.

Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You view and respond to this consultation online at https://consult.gov.scot/animal-welfare/animal-sanctuaries-and-rehoming-activities. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 4 March 2018.

If you are unable to respond online, please send your response with a completed Respondent Information Form (see "Handling your Response" below) to:

Sanctuary Licensing Consultation Scottish Government Animal Welfare Team P Spur Saughton House Broomhouse Drive EH11 3XD

Handling your response

If you respond using Citizen Space (http://consult.scotland.gov.uk/), you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to published.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form attached included in this document. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at http://consult.scotland.gov.uk. If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to sanctuarylicensingconsultation@gov.scot.

PART II – BACKGROUND INFORMATION

Animal sanctuaries and rehoming activities are currently not regulated. These include the premises of larger Scottish and UK organisations such as the Scottish SPCA, Dogs Trust and Cats Protection, as well as a number of smaller centres. Rehoming activities also involve organisations or individuals operating without premises to keep animals, such as organisations rehoming dogs directly from rescue centres in other countries.

While most of these are run by persons with the best interests of the animals at heart, there are some concerns that:

- Welfare may suffer if more animals are kept than the premises have room for.
- Animals might not be best matched to new owners, resulting in them needing to be returned or being placed in other rehoming centres;
- Some rehoming centres might be operating as pet retailers, circumventing the need for them to be licensed as such under the Pet Animals Act 1951.
- Some animals that are imported, legally or illegally, for rehoming may be carrying diseases not normally found in the UK.

Proposed licensing of rehoming centres and animal sanctuaries has been discussed with stakeholders alongside the concerns surrounding pet breeding and sale. The concept of licensing is supported by the larger rehoming organisations, noting the differences between rehoming (often required where life circumstances of owners change) and sanctuaries (longer term care of animals that are not always rehomed). Dogs are increasingly being imported, legally and illegally, for rehoming from abroad. Street dogs may struggle to acclimatise to a new environment and considering the number of dogs already waiting to be rehomed in the UK, there may not be an overall welfare benefit in these cases.

The Programme for Government 2017-18 committed The Scottish Government to prepare legislation for a modern system of registration and licensing of animal sanctuaries and rehoming activities, allowing for independent accreditation of applicants. The overall aim is to regulate this area to protect animal welfare in a way that is not unduly burdensome for those doing a good job at present, while being effective in dealing with cases where welfare is not being sufficiently protected or where such rescue activities are effectively operating commercially in the guise of a charity.

The main features of the modern system are proposed to be a threshold number of cared-for animals determining whether light registration or stricter licensing is to be applied; whether licences should be flexible and may be awarded, on a risk-based assessment, for a period of up to 3 years; and independent accreditation by an agent approved by the Scottish Ministers, to replace the need for inspection by local authorities.

PART III - PROPOSALS FOR CONSULTATION

The Scottish Government made a commitment in the Programme for Government 2017-18 to introduce legislation for the registration and licensing of animal sanctuaries and rehoming activities in Scotland, using the powers contained in the Animal Health and Welfare (Scotland) Act 2006. Prior to presenting such legislation for approval by the Scottish Parliament, the Scottish Ministers are required, by law, to consult such persons they consider to represent relevant interests and any other persons they consider appropriate. This public consultation document forms part of that consultation process.

The Scottish Government is seeking views on proposals for animal sanctuaries and rehoming agencies to be required to hold a license or to be registered, depending on the size of the undertaking, to carry out those activities.

The Scottish Government proposes using thresholds for exemption, registration and licensing of persons and premises.

- Premises/persons keeping up to 5 rescued/adopted animals at a time and/or rehoming up to 5 animals per year, without receiving any associated payment/fee/commission for this service or being a registered charity will be exempt.
- Premises/persons keeping 6-10 rescued/adopted animals at a time and/or rehoming up to 6-10 animals per year, without receiving any associated payment/fee/commission for this service or being a registered charity must be registered to carry out these activities.
- Premises/persons keeping
 - 11 or more rescued/adopted animals at a time and/or rehoming more than 11 animals per year;
 - o **or** receiving any associated payment/fee/commission;
 - o **or** being a registered charity

must be licensed by the local authority to do so.

Current animal welfare legislation, such as the Breeding of Dogs Act 1963, ensures that those who have been disqualified from other activities reliant on the provision of acceptable animal welfare can be neither registered or licensed to care for animals. The Scottish Government agrees with that principle and seeks views on what other requirements should be contained in a 'fit and proper' person test to allow those who may become registered or licensed to operate an animal sanctuary or rehoming centre.

The Scottish Government also considers that legislation should provide Scottish Ministers with powers to require compliance with guidance that they approve. The requirement to use such guidance can help ensure that the best possible animal welfare standards are consistenly used by all those involved in animal rescue.

PART IV - CONSULTATION QUESTIONS

All of the consultation questions are listed below. When considering these, we ask that you take into consideration the information provided in this document alongside any other knowledge or personal experiences that could be relevant. All opinions are welcome.

We ask that you use either the online Citizenspace facility or the consultation questionnaire provided to respond to this consultation as this will help with our analysis of responses. Please try to answer all the questions; however if you are unable to answer any particular question then please feel free to move on to the next. The questionnaire and on-line facility will also ask questions relating to your interest in this matter and where you currently reside; this will aid in the analysis of the responses to this consultation.

In order for us to deal with your response appropriately in terms of making responses publically available, please ensure that you complete a Respondent Information Form. This will ensure that if you ask for your response not to be published that we regard it as confidential and will treat it accordingly.

Consultation questions

1.	The Scottish G centres should			nimal sanctuaries an e?	d rehoming
	Yes		No		
2.			_	ation is appropriate for those w	
	Yes		No		
3.	Do you have a these be different	•		olds that should appl	y? Should
Со	mments:				
4.		es in different	local authority	y have a network of areas should be ab agree?	
	Yes		No		

5.	The Scottish Go before licensing authorities, exp able to carry ou	g (but not regi ert independe	stration). We ent bodies, su	propose uch as Sc	that, as wel	l as local
	Yes		No			
Co	omments:					
6.	Do you agree the offences or other register or hold	er criminal co	nvictions (e.g	g. fraud) s	hould not be	e allowed to
	Yes		No			
Co	omments:					
7.	Are there other 'fit and proper prehoming activi	person' test fo				•
Co	omments:					

	should be Ministers of	charg or loca	ed to recover costs al authorities. Do yo	to inspe u agree	ectors approved by Scottish with that proposal? To note: It incur a nominal fee.
		Yes		No	
9.	or by the Sis reasona	Scottis able ar ade re	th Government? Do nd what should be in covery of administra	you ha ncluded	ed inspectors, local authorities we any comments on what cost in this? (For example, this sts, or payment for the
Co	mments:				
10					ences lasting more or less than
10					ences lasting more or less than velfare risk assessment. Do you
10	one year r agree?				_
	one year r agree?	nay be		is of a v	
	one year r agree?	nay be		is of a v	
Co	one year ragree? mments:	Yes	that the relevant L	No No	

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?				
	Yes		No	
13. Do you the be kept?	nink tha	at a national list o	of licensed	premises and activities should
	Yes		No	
Comments:				
				I be able to access information de for information?
	Yes		No	
			140	
Comments:			140	
Comments:			140	
15. The Scot able to su	uspend nent no	l, vary or revoke	es that enf	orcement agencies should be as and licences or issue s. Do you agree with this
15. The Scot able to su improven	uspend nent no	l, vary or revoke	es that enf	ns and licences or issue
15. The Scot able to su improven	uspend nent no ?	l, vary or revoke otices for minor in	es that enf registration	ns and licences or issue

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		Yes			No				
	Comments:								
	17.Do you a	_	nat appropi the legisla		oenalti	es sh	ould ap	ply for m	ninor non-
		Yes			No				
Abou	t the consul	tation							
	we have dor its that you fe					_		•	•
	ollowing ques tunity to raise								
1.	Are there a legislation	-		•					
		Yes			No				
	Comments:								

2.	sufficiently to properly consider your responses?				
	Yes		No		
3.	Do you consider consultation?	that you had s	ufficient tim	ne to respond to the	
	Yes		No		
4.	Do you have any conducted?	other commer	nts on the wa	ay this consultation has b	een
	Comments:				_



Consultation on Registration and Licensing of Animal Sanctuaries and Rehoming Activities in Scotland

RESPONDENT INFORMATION FORM

Please Note this form must be completed and returned with your response.						
Are you responding as an individual or an organisation?						
Individual						
Organisation						
Full name or organisation's name						
Phone number						
Address						
Postcode						
ſ						
Email						
The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing		Information for organisations: The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still				
preference: Publish response with name		be published.				
Publish response only (without na	ime)	If you choose the option 'Do not publish response', your organisation name may still be listed as				
☐ Do not publish response		having responded to the consultation in, for example, the analysis report.				
We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?						



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Any enquiries regarding this publication should be sent to us at The Scottish Government St Andrew's House Edinburgh EH1 3DG

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