

Proposed Responsible Breeding and Ownership of Dogs (Scotland) Bill

Page 1: Introduction

A Proposal for a Bill to improve the health and wellbeing of dogs throughout their lives by strengthening the regulation of the activity of breeding, and of selling or transferring puppies, and by establishing a more responsible and informed approach to acquiring and owning a puppy or dog. The consultation runs from 4 May 2018 to 30 July 2018 All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document. Questions marked with an asterisk (*) require an answer All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response. Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded. Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here: [Consultation document Privacy Notice](#)

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

Page 2: About you

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

on behalf of an organisation

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

No Response

Please select the category which best describes your organisation

Public sector body (Scottish/UK Government/Government agency, local authority, NDPB)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole). North Lanarkshire Council. The Trading Standards service is responsible for the licensing of dog breeders and has a veterinary qualified Animal Health & Welfare Inspector. The views expressed herein have been approved by Assistant Chief Executive on behalf of the Council's corporate management team.

Please choose one of the following:

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

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

North Lanarkshire Council

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

Page 8: A - Reducing the threshold for a breeding licence to three litters a year

Q1. Which of the following best describes your view of reducing the threshold for a breeding licence from five to three litters in a twelve month period?

Fully supportive

Please explain the reasons for your response, including any advantages or disadvantages.

It would be sensible to implement a new legal regime in Scotland that is aligned to the new regime in Wales and the proposed regime in England. Otherwise, Scotland could be targeted by unscrupulous breeders with no concern for the welfare of the dogs in their care. Failure to align could also encourage unwitting prospective purchasers to attempt to buy from Scottish breeders and bypass new legislative restrictions in the pursuit of a 'Bargain'.

Page 9: B - Extending the breeding licence regime to any form of transfer, not only sale

Q2. Which of the following best describes your view of requiring people to be licensed as breeders even if they do not sell their puppies, but transfer them/give them away?

Fully supportive

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

Advantages: clearer picture of breeding activity for LA regulators; opportunity to inspect more breeding premises' fitness for purpose; opportunity to assess more breeders are meeting the welfare needs of dogs within their care. Disadvantages: potential for resentment / animosity amongst new breeders coming in scope of the legislation; greater financial burdens will fall to all breeders, impacting upon both responsible breeders

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as well as the unscrupulous, whose activities and wrongdoings are sought to be tackled.

Page 10: C - Introducing a temporary registration scheme for those that breed fewer than three litters a year

Q3. Which of the following best describes your view of introducing a temporary registration scheme for those breeding one or two litters in a 12 month period who wish to sell or transfer their puppies?

Partially supportive

Please explain the reasons for your answer, including any advantages or disadvantages.

Whilst we agree in general with the new requirements for breeders, including the temporary registration of breeders of less than 3 litters per year, we disagree with the proposal for LAs to bear the burden of setting up online registration databases. 32 LA databases, set up individually, is neither cost effective nor an efficient use of public resources. The database should be one system, set up and administered by SG, with access provided to all LA regulators, much akin to the existing tobacco and NVP retailers' database registration systems which were created by SG.

Q4. Under the proposal, someone with only one or two litters in a 12 month period found to be selling or transferring puppies without completing an online temporary registration would be committing an offence and may be liable to pay a fine. Which of the following best describes your view on this?

Partially supportive

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

We would like to see more detail in respect of this proposal. If the fine is not paid, how is that failure to be pursued? We would suggest the need to escalate to a criminal report to Crown for non-payment of fines; civil pursuit for a nominal sum such as the proposed £200 would not be cost effective and would not occur. The money would simply be written off by LAs if civil recovery of non-payment were to be the suggested option, rendering the sanction ineffective. The criminal reporting system for non-payment of FPNs for underage sales of tobacco may be cited as an example of good working practice.

Page 11: D - Ensuring future health and welfare needs of dogs through a more responsible and informed approach to acquiring and owning a puppy/dog

Q5. Which of the following best describes your view of creating an obligation on prospective owners to consider carefully a set of questions related to their capacity to take on a puppy/dog?

Partially opposed

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

We are unsure how the suggested new legal obligations being placed upon prospective purchasers could be policed. There is no mention of any punitive sanction for failure to adhere to the legal obligations, such as

Q5. Which of the following best describes your view of creating an obligation on prospective owners to consider carefully a set of questions related to their capacity to take on a puppy/dog?

taking the necessary steps before purchase. This may render the suggestions unworkable. Further, if sanctions were created to penalise prospective purchasers who fail to take the necessary steps, this could be met with a deal of public hostility. It may be a step too far to suggest the possibility of criminalising a citizen for unwittingly purchasing a dog irresponsibly.

Q6. Which of the following best describes your view of placing an obligation on the breeder/keeper of a dog to check that any prospective owner is aware that they should have considered these questions?

Partially supportive

Please give reasons for your answer, including any advantages or disadvantages

Similar difficulties of enforcement to Q5 – can only be a workable obligation if there is effective penalty for failure.

Q7. Which of the following best describes your view of obliging anyone acquiring a puppy from a breeder in Scotland to check that the breeder is licensed or registered?

Partially opposed

Please give reasons for your answer, including any advantages or disadvantages

See answer to Q5.

Page 12: Financial impact

Q8. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

	Significant increase in cost	Some increase in cost	Broadly cost neutral	Some reduction in cost	Significant reduction in cost	Unsure
(a) Local authorities		X				
(b) Dog breeders		X				
(c) General public (including dog owners)			X			
(d) Police and animal welfare organisations		X				

Please explain the reasons for your response.

Greater legal requirements will require greater resource to pursue alleged criminal breaches. There could be a significant increase in the number of licensed breeders in some authorities, and it would be difficult to raise the costs of the licence fee sufficiently to offset the greater financial burdens placed upon LAs as regulators, at a

Q8. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

time of continually shrinking resources.

Q9. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

Unsure

Page 13: Equalities

Q10. 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, race, religion and belief, sex, sexual orientation?

Neutral (neither positive nor negative)

Page 14: Sustainability

Q11. Do you consider that the proposed Bill can be delivered sustainably i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Unsure

Page 15: General

Q12. Do you have any other comments or suggestions on the proposal?

No.

Q13. Could the aims of the Bill be better delivered in another way (rather than by means of a Bill in the Scottish Parliament)?

No

Please explain the reasons for your response

Devolved matters, therefore the Scottish Parliament is the right vehicle to seek to secure effective delivery of the Bill's aims.