

Response ID ANON-346Q-NWQN-J

Submitted to Registration and Licensing of Animal Sanctuaries and Rehoming Activities in Scotland

Submitted on 2018-03-01 13:36:23

## Questions

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

Yes

**Please explain your answer.:**

I have been working for animal welfare groups for thirty-eight years and during that time I have encountered problems with many animal rescue, rehoming and sanctuary operations.

It must be recognised in this consultation that in addition to charity, voluntary and individual rescuers, rehomers and sanctuary operators any new regulations must cover Scottish local authorities (responsible for rescue and disposal of stray dogs and of animals from failed zoos etc) and Police Scotland which still has a legal responsibility regarding stray dogs.

There have been major problems with all types of bodies involved from back yard operators through to local authority, SSPCA and the police.

**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?**

No

**Please explain your answer.:**

I think all individuals in charge of any type of rescue/rehoming/sanctuary operators should be licensed as suffering and neglect of each individual animal is just as important if that animal is on its own or in the same premises as a dozen others.

There should also be a register of premises used for such purposes. It may well make sense to grade any licensing fees with regard to the number of animals involved but the ability to protect the individual animals remains the same and relies on legally enforceable legislation and policing, not codes of practise or guidelines.

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

There should be one licensing system for all and any differences in how that license is policed and enforced would vary dependent on the number and species of animals involved.

**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

**Please explain your answer.:**

Each operator should require one license but each property involved needs to be individually registered and inspected. This should not only cover large groups like the Scottish SPCA and Police Scotland but small groups which do not have central premises but instead foster animals out to the homes of numbers of volunteers. Conditions can vary greatly between individual premises owned and run by the same operator.

**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

**Please give reasons for your answer.:**

I strongly suggest that the operators be licensed and each individual premises registered and inspected on a regular basis and on receipt of any complaints or concerns over the welfare of the animals. Inspections must be carried out by an expert INDEPENDENT body with the assistance of vets with relevant qualifications and experience regarding the species of animals involved.

As local authorities and Police Scotland have legal responsibilities for the care and disposal/rehoming of stray dogs they should not be policing the running of any licensing/registration scheme.

Any organisation running rescue/rehab/rehoming/sanctuary programmes should NOT be involved in policing the system as they must be policed by it. Over the last three decades I have dealt with complaints about the running of police stray dog kennels after a greyhound died of dehydration while in an Edinburgh kennels.

I've also had numerous complaints (including several from staff) concerning Scottish SPCA facilities. These included live, healthy dogs and a goat being shot with captive bolt guns during staff training in the Bothwell Bridge Animal Welfare Centre car park and the destruction of healthy dogs at the Milton of Dumbarton

Animal Welfare Centre simply to make room for strays being brought in by local authorities or the police with whom the SSPCA had a commercial contract.

I also had to campaign against the use of electrocution cabinets to kill stray dogs at both the Dundee Council Brown Street kennels and the then independent Glasgow Dog and Cat Home.

There is also a great deal of mistrust and bad blood between several small, independent animal rescue and rehoming operators and the Scottish SPCA which I believe would make it impossible for the SSPCA to administer this scheme properly.

I strongly believe that no-one involved in rescue/rehoming/stray handling can administer this scheme and either a new Scottish Government body or the Westminster Government administered Animal and Plant Health Agency should police the scheme.

**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

**Please give reasons for your answer.:**

This should also include those with spent convictions and it is a reminder of why we need a register of animal abusers along the lines of that for child abusers.

**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?:**

Many. There should be a test to ensure those involved know about caring for animals including all species they might be handling.

There should also be a check to ensure they have a contract with a named veterinary practise with qualifications in the species involved.

A financial check should also be made to ensure they can pay for the good upkeep of animals in their care and that their financial dealings are and all above board and properly recorded.

Registration of premises should be used to ensure all premises used are fit for purpose.

The above may sound obvious but I recently dealt with a case where Highland Council issued a Zoo License to someone who did not know how to feed a donkey and had to be told that reptile enclosures needed heating.

One of the most important criteria should be a test to ensure animals are rehomed responsibly with all new homes pre-checked and animals placed in homes where they are secure and they do not pose a risk to the new owners, their families or the general public.

A knowledge of animal diseases (including those transferrable to humans) should also be considered, especially where people are rehoming animals brought in from abroad.

**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?**

No

**Please explain your answer.:**

The cost of an adequate inspection programme would be prohibitive for small sanctuaries and rescue centres and, rather than force them to close (perhaps leaving the public purse to deal with issues such as feral cat populations or rehoming animals from failed zoos) it would be better simply to charge a Licensing/Registration Fee (staged as to the size of operation) and consider inspections a public investment in animal welfare.

If inspections costs are to be recovered Animal Concern Advice Line will request a similar fee scheme for all animal related inspections including livestock farms and pay for entry ZOOS.

**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?**

License/Registration Fees should be set by the Scottish Government to ensure they are the same countrywide.

Fees should reflect the size/income of the body involved with perhaps three or four tiers of annual fees from circa £100 to £1000 a year.

Realistic nationally set fees for rehoming animals (dependent on species/age/size) should also be set to discourage profiteering through excess charges and to encourage good ownership by making people realise that owning and keeping a pet is also an important financial commitment.

Animal Concern Advice Line has long supported the idea of a Pet Licence scheme. Pets can be VERY expensive to buy and maintain and a realistic annual or life license fee should not put new owners off and could be used to fund spay/neuter schemes, rehoming of unwanted/orphaned pets and other welfare initiatives.

**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?**

No

**Please explain your answer.:**

I don't fully understand this question.

If you are suggesting issuing a license/registration for a probationary period I don't think that should be the way to go. If applicants are properly vetted before issue of licenses or registration and then properly inspected on a regular basis that would suffice.

I do suggest premises inspections on an annual or at least biannual basis (building maintenance problems can quickly pose serious welfare problems) plus annual, unannounced animal welfare inspections.

**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?**

No

**Please explain your answer.:**

Local authorities have a seven day legal obligation to care for and then dispose of stray dogs. Some Councils have their own sanctuary/rehoming facility and others have commercial contracts with operators/premises which would be licensed/registered. As such local councils have a vested interest and should not be responsible for policing the scheme.

**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

**Please explain your answer.:**

As explained above I believe it would be totally wrong for the Scottish SPCA to be anyway involved in policing this scheme as they would be one of the biggest organisations licensed/registered under the scheme.

Local authorities not only have a vested interest through their legal responsibility for stray dogs they also have a close and controversial working relationship with the Scottish SPCA in that the SSPCA use their charity funds to carry out duties which are the responsibility of local authorities.

Neither local authorities nor the SSPCA should be involved in policing this scheme.

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

Yes

**Please explain your answer.:**

Not only should a list of licensed/registered and policed rescue centres be kept it should include details of any organisations or individuals found to be unsuitable to hold a license or registration. The list should be easily and freely accessible to the public to make it easy to find reputable rescue centres in order to use their services or to support their work.

**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

**Please explain your answer.:**

As stated at 13 I believe the list should be easily and freely accessible to the public to make it easy to find reputable rescue centres in order to use their services or to support their work.

**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?**

No

**Please explain your answer.:**

This question does not make any sense at all.

Any irregularity which could result in revocation of a license or registration cannot be considered as "minor".

If someone does something serious enough to lose their license or registration they should face a court of law.

If the SSPCA were running the scheme I can assure you that many organisations would want their day in court before losing their right to rescue, rehab and rehome animals based on the decision of another organisation doing similar work to themselves.

**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?**

Yes

If you are aware of any other relevant standards please comment.:

This standard would be useful for dogs and cats and the general principals a good basis for the rehoming of other species.

However the wide spectrum of animals being rescued, rehabbed and rehomed/released includes everything from injured wild animals and birds, small furry, feathery and fishy pets, dogs (including types needing extra cautious rehoming), exotics, equines and "farm" animals.

Any legislation and associated standards must, where relevant, cover all these animals and situations and be able to adapt to evolving situations such as the growing trend to import and rehome casualty/stray animals from abroad.

**17 Do you agree that appropriate fixed penalties should apply for minor non-compliance with the legislation?**

Yes

**Please explain your answer.:**

So long as there are strict boundaries between what is considered minor and more serious contraventions.

## **About the consultation**

**1 Are there any other measures you consider should be included in legislation for animal sanctuaries and rehoming activities in Scotland?**

Yes

**Please explain your answer.:**

Ensuring that the enforcing authority is properly trained and resourced.

The notorious Ayrshire Ark case which prompted this consultation had been reported to the local authority and the Scottish SPCA a YEAR before any action was taken. That action was only taken after the Scottish Sun newspaper took photographs through a window and then published those photographs showing the dead body of an emaciated dog rotting amongst faeces and squalor which had taken many months to accumulate.

During the period of inactivity by the authorities dangerous dogs were wrongly rehomed resulting in children being bitten and injured.

I asked the Scottish Government for an investigation into why those dogs and their owners were so badly let down by the system but my request was refused. I hope this consultation results in strong, new legislation to protect rescued animals and those who take them into their homes.

The legislation must be administered by a competent and resourced independent organisation with no vested interest in animal rescue and rehoming and which has not already proven their incompetence in handling of cases such as the Ayrshire Ark.

**2 Do you consider that that consultation explained the key issues sufficiently to properly consider your responses?**

No

**3 Do you consider that you had sufficient time to respond to the consultation?**

Yes

**4. Do you have any other comments on the way this consultation has been conducted?:**  
**Regarding Q3 above. I think it would have been useful to have given more details about cases such as the Ayrshire Ark and previous problems with animal rescue and rehoming to make people fully aware of how serious this issue is and how it can result in both cruelty to animals and risks to humans.**

## **About you**

**What is your name?**

Name: John F Robins

**What is your email address?**

Email: acal@jfrobins.force9.co.uk

**Are you responding as an individual or an organisation?**

Organisation

**What is your organisation?**

Organisation: Animal Concern Advice Line

**To allow us to monitor the geographical area of responses, using the list below, please advise where you currently reside.**

Scotland

**The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:**

Publish response with name

**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?**

Yes