JOINT BVA SCOTTISH BRANCH, BSAVA AND BVZS RESPONSE SCOTTISH GOVERNMENT CONSULTATION ON THE REGISTRATION AND LICENSING OF ANIMAL SANCTUARIES AND REHOMING ACTIVITIES IN SCOTLAND

1) BVA is the national representative body for the veterinary profession in the United Kingdom and has over 17,000 members. Our primary aim is to represent, support and champion the interests of the veterinary profession in this country, and we therefore take a keen interest in all issues affecting the profession, including animal health and welfare, public health, regulatory issues and employment matters.

2) BVA's Scottish Branch brings together representatives of the BVA's territorial and specialist divisions, government, academic institutions and research organisations in Scotland. The Branch advises BVA on the consensus view of Scottish members on Scottish and United Kingdom issues.

3) The British Small Animal Veterinary Association (BSAVA) exists to promote excellence in small animal practice through education and science and is the largest specialist division of BVA representing over 11,000 members.

4) The British Veterinary Zoological Society (BVZS) is the specialist division of the British Veterinary Association (BVA) and has over 400 active members. The membership includes registered veterinary surgeons and veterinary nurses working with exotic species at all levels, from those in general practice providing a service for herpetologists, aviculturists, aquarists and the owners of exotic pets including primates, to those working in animal sanctuaries, wildlife parks, bird gardens, zoos and aquaria, and with free living wild animals.

5) We welcome the opportunity to comment on Scottish Government proposals on the registration and licensing of animal sanctuaries and rehoming activities in Scotland. We believe that the proposals would benefit from some additional clarity around the terms used, with some clear definitions of ‘sanctuary’ and whether this includes wildlife rehabilitation activities, and suitable definitions of ‘rehoming’ such that breeders are not able to take advantage of any unintended loophole.

6) We agree that animal sanctuaries and rehoming activities should be regulated in order to ensure the health and welfare of animals kept in these environments, facilitating responsible and well-matched future ownership of these animals and protecting the wider health and welfare of animals, and public health, in Scotland. With expertise in animal health and welfare, and public health, the veterinary profession is well-placed to provide advice and guidance to support the registration and licencing process.

7) Whilst we strongly support the overarching principle of the Scottish Government’s proposals for licensing and registration thresholds, we do not support exemption from
these requirements and believe there should be only two thresholds, one for registration and one for licensing. We would also welcome further consideration as to how to apply risk-based assessments dependent on the type of kept species, breed type, turnover and source of animals and history of previous rehoming/sanctuary activity undertakings for those persons or premises that may require tighter controls.

8) The Scottish Government proposes that animal sanctuaries and rehoming centres should be regulated?

We agree that animal sanctuaries and rehoming centres should be regulated. At present we are particularly concerned that some rehoming establishments who rehome animals for a fixed fee (dogs, cats and non-traditional companion animal species such as reptiles) are circumventing licensing and inspection legislation set out under Pet Animals Act 1951. The wider issue of the protection of public health from zoonotic disease (eg psittacosis from birds, salmonella from reptiles) from dog bites, and from non-endemic disease incursion if rehoming from abroad, is also an important consideration.

9) Do you agree with the principle that registration is appropriate for those with fewer animals and that licensing is appropriate with more animals?

We support this proposal in principle however further consideration must be given the type of species kept, breed type and turnover, as well as to premises that accept imported animals in terms of how to apply greater risk-based controls or more frequent inspections.

10) Do you have any comments on the thresholds that should apply? Should these be different for separate species?

We would not support exemption from registration or licensing as we have concerns as to the practicalities of monitoring and enforcing controls at this threshold. Instead, we would support two thresholds, one for registration and one for licensing. With this in mind, we propose that the threshold for registration is amended so that a premises keeping less than 11 animals (as opposed to 6-10) without receiving any associated fee or being a registered charity are required to register, whilst premises keeping 11 or more animals are required to register and obtain a licence.

Further, whilst we support the threshold of 11 or more animals for premises or persons that require licensing, we would recommend that consideration is given to how to address premises that could be higher-risk (ie. risk-based assessments dependent on the type of kept species, breed type and turnover of animals, and those importing animals from abroad) and may require greater monitoring, controls or inspection.

11) 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?
Whilst we agree that logistically this may make sense for larger organisations, all premises must be declared, disclose this information to the relevant local authority, and inspection of each branch should still be required.

12) 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?

We would support the undertaking of inspections from expert independent bodies such as the SSPCA. We recognise the needs to optimise enforcement resources given the increasing lack of resource and animal welfare expertise available to local authorities. However, we would stress that any initial inspection should be carried out according to a standardised protocol to enhance consistency, alongside with appropriate species knowledge and experience and thereafter veterinary expertise is obtained as required.

With expertise in animal health and welfare, and public health, the veterinary profession is well placed to provide advice and guidance to support the licensing process. The Scottish Government may wish to consider developing the current system of zoo inspections, when vets pay to train and register with the government and recuperate their costs in inspection fees. The government holds a list of veterinary surgeons who conduct zoo inspections which could be developed further by putting together lists of veterinary surgeons with the appropriate species knowledge or transferable expertise in other species (eg population medicine), including relevant post-graduate qualifications and experience to undertake the animal sanctuary and rehoming centre inspections in partnership with local authorities. This would make it easier for local authorities to identify and contact relevant vets with the appropriate knowledge and experience to support their inspections. Controls would need to be put in place to ensure vets remain independent and do not inspect premises where they are providing general veterinary care.

It would assist local authority inspectors to have access to a national list of recognised experts that could be consulted or used as part of the inspection process. For example, BVZS currently maintains a list of veterinary surgeons with relevant zoological qualifications and this could be expanded and publicised across species areas.

Veterinary associations are well placed to provide training for both veterinary surgeons and local authority inspectors and develop guidance to support inspections. For example, BVZS has provided training for DWA inspections and created a template for DWA inspections in an attempt to achieve consistency. BVZS has also incorporated the zoo licensing inspection system into their guidelines for wildlife rescue centres. These guidelines are in their final draft form and once published could be used as part of a framework to regulate and licence wildlife rescue centres.

Further, we strongly recommend that licence holders and those that are registered should be required to inform local authorities of major changes to their business, such as changes to the premises or to the numbers, types, or source of animals being kept. A similar model exists for DWA licensing. What is considered to be a ‘major change’ would need to be agreed and set out clearly. It will be important to make it clear which changes need to be notified and consider what criteria would trigger a new inspection. At a minimum we would suggest that the following should trigger re-inspection in order to
safeguard animal welfare:
   i. change of species kept
   ii. change of activity
   iii. change of number of animals by 10%

13) Do you agree that individuals with unspent convictions for animal welfare offences or other criminal convictions should not be allowed to register or hold a licence for an animal sanctuary?

Yes. We would also recommend that consideration be given to spent convictions and if higher frequency inspections would be required to mitigate any perceived risks.

14) 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?

As outlined in the Companion Animal Welfare Council report on companion animal welfare establishments (including sanctuaries, shelters and rehoming centres)¹:

“To keep animals to high standards of welfare, it is necessary to have detailed knowledge of their physical and behavioural needs and this should be fully brought to bear in their husbandry. Whilst there have been many advances in knowledge of the physical and behavioural needs of the commonly kept companion animals, caution is needed and it cannot be assumed that this information is complete. Even for the commonly kept species, it is likely that there are improvements to be made. It should be a duty for all establishments to maintain and update knowledge concerning the needs of animals in their care.”

BVA supports this recommendation and would welcome a requirement that those involved in the running of animal sanctuaries or rehoming activities should be required to demonstrate that they have the knowledge (ie. a recognised qualification, and in some cases an appropriate license for certain wildlife) and resources to meet the health and welfare needs of the animals in their care, as well as the knowledge to provide suitable advice to prospective owners and the ability to assess behaviour such that animals are matched to new homes appropriately.

Further, consideration should be given to a person’s history of undertaking similar rehoming or sanctuary activities to allow for a risk-based assessment and early identification of any areas of concern. A question that asks “Have you or do you own or run any other animal rehoming or boarding centres? If so please give details.” would be useful to ascertain this kind of information.

15) 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 this proposal?

Yes – we agree that any fee structure should be based on cost-recovery.

16) **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?**

Fees and charges should be set by local authorities, supported by guidance from the Scottish Government for local authorities on setting reasonable charges and fees in order to ensure consistency and transparency.

17) **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?**

We support the proposal to use welfare risk assessments to determine licensing duration and inspection regimes. We acknowledge the potential theoretical benefits of increasing the length of licences in terms of reducing the burden of animal establishment inspections, with the onus on the proprietor to report changes that might warrant earlier re-inspection. With this in mind, it is important to have the opportunity to regularly assess factors such as animal welfare, the species kept and their facilities.

We support the National Companion Animal Focus Group’s draft risk assessment framework (as set out in their response to Defra’s consultation on the review of animal establishment licensing in England) as the basis for a standard national risk assessment scoring system. The proposed draft framework would help local authorities to identify high or low risk establishments (as well as informing the public and driving up standards), and help to determine those animal sanctuaries or rehoming centres that should receive more frequent inspections. The National Companion Animal Focus Group is currently working with Defra to develop this template which, upon completion, could be adopted by the Scottish Government.

Each premises type could have a risk scoring matrix to ensure it is effective for the particular activity in question. The criteria for risk assessment would need to be clearly defined and an initial inspection, to include relevant local authority and veterinary expertise, would be a requirement of any licensing regime. Any risk based assessment which allows for longer periods between inspections should incorporate both the facility for spot checks and for inspections / revocation/suspension of the licence (without the need to go to court) should there be a complaint or any evidence that the conditions of the licence are not being met. Where needed advice should be sought from veterinary surgeons with appropriate species knowledge and experience. Any premises subject to a licence or registration period of three years would be subject to spot checks/inspections.

A final version of the proposed framework would need to be agreed in consultation with relevant stakeholders (including the veterinary profession).

This approach reflects that already used by local authorities to enforce food standards or farm animal health (p18 of the Framework document).
18) **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

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

Yes

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

We would support a national list of licensed premises and activities, premises could be required to submit their data annually in electronic format and this could be collated centrally to form a national list. The recording of licenses premises and activities should be considered good administrative practice for local authorities and would improve transparency regarding licensed animal sanctuaries and rehoming activities for the wider public.

The list would need to be amended regularly to ensure it remains up-to-date. The owners of licensed premises must be required to provide details regarding any related changes. It would also be worthwhile to consider a similar list for registered premises.

21) **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?**

Who can access the list should depend on the type of information that is proposed to be shared. If the list were to contain only a list of licensed premises, we would support this list being open access, however, to have value the list would also need to include species and type of activities undertaken.

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

Yes – as outlined above, any risk based assessment which allows for longer periods between inspections should incorporate both the facility for spot checks and for inspections / revocation/suspension of the licence (without the need to go to court) should there be a complaint or any evidence that the conditions of the licence are not being met.
BVA CONSULTATION RESPONSE
MARCH 2018

23) 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?

We would potentially support the development of Scottish Government welfare and operational standards based on those published by the Association of Dog and Cat Homes, although we would also expect alignment with existing Scottish welfare codes for dogs and cats. The development of these welfare standards must be undertaken in consultation with veterinary surgeons, their representative bodies eg. BVA, BSAVA, BVZS and the Association of Charity Vets, as well as other appropriate animal welfare experts. Further, we would recommend that any standards are aligned in presentation and, where appropriate, content with the boarding establishments guidance currently being developed under the new animal establishment licensing regulations in England. In addition, as these standards only address dogs and cats, standards that address other traditional and non-traditional companion animal species must be developed in consultation with veterinary surgeons and other appropriate animal welfare experts. If these standards are to form part of legislation, the language used must be very clear ie. the use of ‘must’ instead of ‘shall’.

BVZS have developed Good Practice Guidelines for Wildlife Rehabilitation Centres, which should be used as the minimum standards for wildlife sanctuaries.

24) Concluding remarks

Whilst we strongly support the overarching principle of the Scottish Government’s proposals for licensing and registration thresholds, we do not support exemption from these requirements and believe there should be only two thresholds, one for registration and one for licensing. We would also welcome clear definitions of the types of activity covered by these proposals, and further consideration as to how to apply risk-based assessments dependent on the type of kept species, breed type, turnover and source of animals and history of previous rehoming/sanctuary activity undertakings for those persons or premises that may require tighter controls. With expertise in animal health and welfare, the veterinary profession is well-placed to provide advice and guidance to support the registration and licensing process and we look forward to seeing how these proposals develop.