

Consultation on the Licensing of Activities Involving Animals

Analysis of responses received

February 2024

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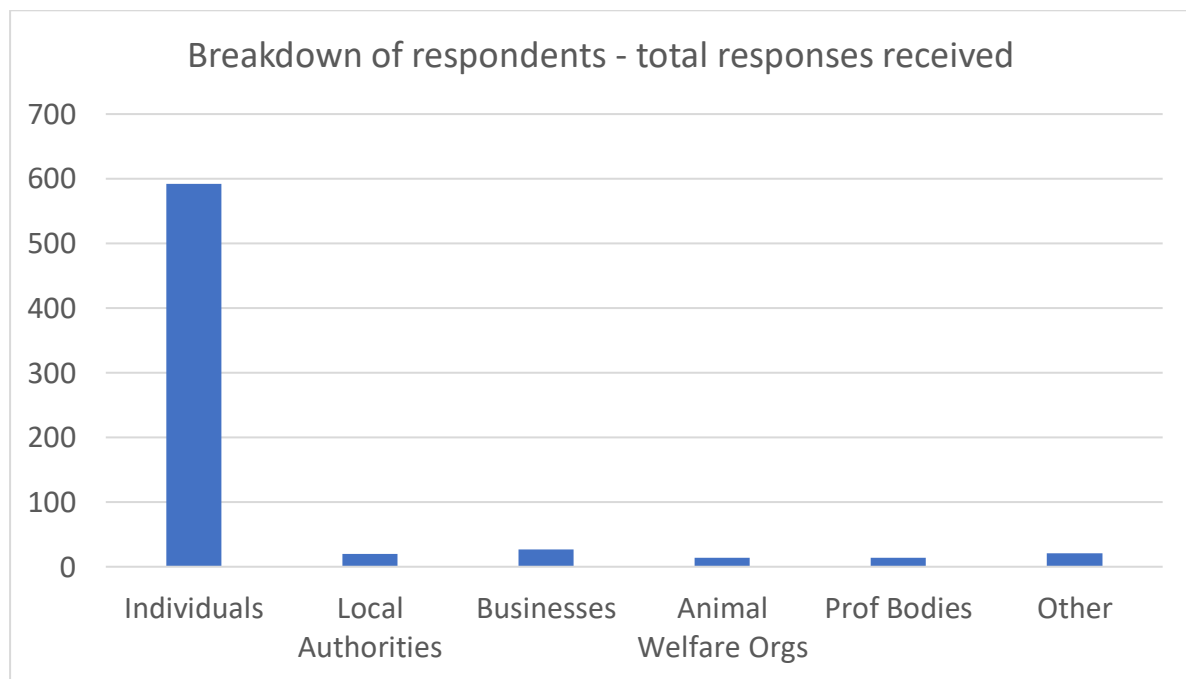
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1. Executive Summary

This document provides a summary of the responses received to a public consultation on proposals to extend the 2021 statutory animal licensing framework to certain animal care services (dog walking, dog grooming, livery services, canine fertility businesses) and greyhound racing, and to revoke current legislation pertaining to animal boarding (Animal Boarding Establishments Act 1963) and riding establishments (Riding Establishments Act 1964 and Riding Establishments Act 1970), regulating these instead under the existing licensing framework— [The Animal Welfare \(Licensing of Activities Involving Animals\) \(Scotland\) Regulations 2021 \(legislation.gov.uk\)](#).

The Scottish Government consultation opened on 4 July 2023 and closed on 26 September 2023. You can find the consultation paper here: [Licensing of activities involving animals - Scottish Government consultations - Citizen Space](#).

A total of 688 responses were received from businesses, organisations and individuals. Separately, 1180 campaign responses commenting on the proposals to license greyhound racing were submitted to the SG Animal Welfare mailbox.



The Scottish Government would like to thank all individuals, businesses and organisations who took the time to consider and respond to this consultation. Your collective input is invaluable in helping to inform our next steps.

Overall, there was a high level of support for licensing conditions being applied to animal care activities. However, licensing greyhound racing was evenly balanced between those who were in favour and those who were not sure if it should be or not.

Respondents were in strong agreement that licensing animal care activities could:

- Improve animal welfare.

- Allow for the consistent application and enforcement of standards.
- Allow businesses to operate on a level playing field.
- Improve the wider public's perception of and trust in animal care service providers.
- Ensure accountability when animal welfare is compromised.

Key themes

Several key themes emerged from the consultation responses leading to repetition of points and views across the questions set (that is, points raised by many respondents). Rather than repeat these themes throughout the executive summary, they have been summarised below:

Animal welfare

- The benefits to animal welfare of any new regulations must be carefully assessed and weighted before any new licensing requirements are introduced.
- The wider implications for animal welfare arising from new controls also need consideration to avoid unintended consequences.

Consistency of standards

- Any new licensing requirements must be proportionate and consistently applied and enforced.
- Any new requirements should be supported by clear and detailed guidance.
- Fees charged by local authorities should be standardised and equitably applied across all authority areas.

Enforcement issues

- It is recognised that there is an identified shortage of veterinarians to assist with enforcement work and undertake inspections.
- Additional licensing requirements are likely to exacerbate an already problematic situation.
- Local authority staff are unlikely to have the necessary expertise and knowledge to meaningfully undertake inspections and identify issues, particularly for canine fertility businesses and livery operations.

Local Authority resourcing

- Significant budgetary pressures on local authorities means that staff are unlikely to be able to enforce any new licensing measures unless additional ring-fenced funding is provided.
- A budget to deliver relevant training to local authority staff to allow for meaningful enforcement is needed.
- Fees charged under the 2021 licensing framework will not cover the cost to local authorities of administration and enforcement.

An outline of the responses to each question is set out in the next part of this Executive Summary.

Part 1: Licensing of commercial dog walkers (CDWs)

Of the 439 responses to this question, 89.1% indicated support for the proposal to license commercial dog walking. Key reasons given for supporting the introduction of licensing included bringing some form of control and oversight to what is essentially an unregulated and fast-growing sector and ensure the welfare of the dogs in the care of Commercial Dog Walkers (CDWs). A significant number of respondents commented on the need to restrict the numbers of dogs being walked at any one time, although it was also recognised that setting this too low had potential to negatively impact on the income of CDWs. Many respondents were of the opinion that any licensing introduced should require CDWs to have public liability insurance. CDWs holding a canine first aid qualification was considered important by many respondents, as was a demonstrable understanding of canine behaviour.

A number of respondents, including the Scottish Animal Welfare Commission (SAWC), the Kennel Club and Dogs Trust questioned whether licensing was the right approach to regulating CDWs. It was the view of these respondents that a registration scheme similar to that already adopted by a number of Scottish local authorities would be a more proportionate means of regulation. The scheme introduced by East Lothian Council was highlighted as an excellent example of such a scheme by the SAWC and several other respondents.

A number of respondents also queried the need for further regulation, stating that there was already legislation in place that, if properly enforced, would address any issues associated with CDWs.

More detailed narrative on the responses to the proposal to license CDWs, along with bullet points presenting some of the common themes/points raised by respondents to the consultation questions is provided at section 4.1.

Part 2: Licensing of dog groomers

Of the 428 responses to this question, 82.2% supported the proposal to introduce licensing for dog groomers. Key reasons given for this support included the lack of any regulatory oversight of the sector; the welfare risks to dogs when groomed by persons not suitably experienced or qualified; the need to ensure proper use and maintenance of equipment, particularly drying equipment; and the need to ensure groomers have a sound understanding of canine behaviour and canine first aid. It was also highlighted that a licensing scheme would, when necessary, make it easier for dog owners to raise concerns about the conduct of a particular groomer and allow local authorities to take proportionate action to address any such concerns.

Despite the majority support for licensing however, some respondents questioned the need for it, suggesting instead that a voluntary industry-led accreditation or registration scheme would be a more proportionate level of regulation. Respondents not convinced of the need for licensing also questioned whether the scale of the issues associated with dog groomers actually justified the imposition of licensing. It was suggested that better enforcement of existing statute would negate the need for further regulation, and that the industry essentially self-regulated as pet owners simply went elsewhere if unhappy with the service provided by any particular groomer.

More detailed narrative on the responses to the proposal to license dog groomers, along with bullet points presenting some of the common themes/points raised by respondents to the consultation questions is provided at section 4.2.

Part 3: Licensing of livery services

Of the 298 responses to this question, 80.2% supported the proposal to introduce licensing for livery service providers. Key reasons given for supporting the introduction of licensing included protecting and improving equine welfare across Scotland, improving the standard of care across the sector, ensure that those offering livery services are appropriately qualified and/or experienced and bringing transparency and accountability to a sector that is in many ways unregulated.

Despite the strong support for regulation through licensing, a number of respondents, including the British Veterinary Association (BVA) and World Horse Welfare (WHW), commented that the introduction of a livery registration scheme may be preferable to licensing. WHW commented that such a scheme could act as a precursor to full licensing at a later date.

A number of respondents raised concerns about the cost implications of licensing, and highlighted that there is already a shortage of livery provision and should the costs of compliance be too high some livery providers may simply stop offering livery services, thereby exacerbating this problem.

The majority of respondents (68.4%), including the British Horse Society, were of the opinion that licensing should apply to all livery providers, regardless of scale or type. WHW commented that this was a difficult decision to answer due to the lack of data on the type, size and number of livery facilities operating in Scotland. It was

recognised that any assessment around the application of licensing should be risk based. The SAWC does not believe licensing should apply to all livery providers.

A number of respondents commented that licensing should require better contractual arrangements between horse owners and livery service providers in order to better manage conflicts between parties and deal with matters such as horse abandonment. More detailed narrative on the responses to the proposal to license livery service providers, along with bullet points presenting some of the common themes/points raised by respondents is provided at section 4.3.

Part 4: Licensing canine fertility businesses

Of the 278 responses to this question, 89%, including the BVA, supported the proposal to license canine fertility businesses. Respondents raised significant concerns about the activities of these businesses, and key reasons for supporting licensing included the lack of any meaningful regulation to control and monitor their activities; the rapid growth of the sector; the alleged links to wider criminal activity, including unlicensed/unethical puppy breeding; concerns that laypersons may be undertaking procedures that are in fact acts of veterinary surgery; and the significant risks to animal welfare.

While there was clear majority support for action to regulate, a significant number of respondents called for canine fertility businesses to be completely prohibited. It was emphasised by a number of these respondents that licensing these businesses would essentially be seen as legitimising their activities. Many respondents commented that canine fertility services should really only be available through veterinary practices.

There was strong support for licensing to require canine fertility businesses to have to employ a registered veterinary surgeon and that they be present at all times to undertake and oversee any procedures. 82.7% of respondents agreed that canine fertility businesses should be subject to annual licensing, due to the significant concerns around their activities.

Many respondents highlighted the urgent need for the Veterinary Surgeons Act 1966 to be updated to reflect modern veterinary practices and to make clear what constitutes acts of veterinary surgery.

More detailed narrative on the responses to the proposal to license canine fertility businesses, along with bullet points presenting some of the common themes/points raised by respondents to the consultation questions is provided at section 4.4.

Part 5: Greyhound racing

Of the 454 responses to the question should greyhound racing be licensed, 46.3% supported the proposal. 46% of respondents answered not sure. Those answering “not sure”, however, did so as they don’t think licensing will be enough to protect the welfare of racing greyhounds and they want to see greyhound racing phased out in Scotland. In addition, 1180 campaign respondents also called for an end to greyhound racing. A significant number of the respondents that answered “yes” or

“not sure”, including campaign respondents referenced the Greyhound Board of Great Britain (GBGB) injury and death statistics and the Scottish Animal Welfare Commission’s [view](#) that a phasing out of greyhound racing in Scotland is desirable.

The 7.7% that did not support licensing fell into two divergent groups. Some respondents that answered “no”, including Scottish SPCA, Blue Cross and Dogs Trust did so because they do not believe that regulation (licensing) will be sufficient to protect the welfare of racing greyhounds – some referenced GBGB’s own death and injury stats as proof of this. The GBGB, who were in the alternative “no” camp, did actually support regulatory oversight, but made the case for this to be under the GBGB’s existing regulatory framework. The GBGB did not support a licensing framework independent from their own.

Those that want to see the sport continue, including the operator of Thornton greyhound track, commented that the racing that takes place in Scotland is run by enthusiasts and that the dogs being run are pets. They raised concerns about the cost of meeting new licensing requirements, stating that these could potentially lead to the closure of the last track in Scotland and end a long-standing tradition. There was a feeling among those supportive of the sport that greyhound racing is being unfairly targeted when there are many other sports involving animals that can lead to injury. Further, the point was made that the injury and death statistics associated with GBGB tracks were not relevant to the activities at Thornton due to major differences in scale and the approach to and nature of the racing taking place. It was emphasised by these respondents that greyhound racing had adapted over time, and continues to do so, in order to address concerns and that it should therefore be left to self-regulate.

More detailed narrative on the responses to the proposal to license greyhound racing, along with bullet points presenting some of the common themes/points raised by respondents to the consultation question is provided at section 4.5.

Part 6: Animal boarding (including day care)

Of the 314 responses to the question of whether existing animal boarding legislation should be revoked, with this activity regulated instead under the 2021 licensing framework, 82.5% supported the proposal. Key reasons given included the 1963 Act no longer being fit for purpose, inflexible and outdated. It was recognised that there approaches to delivering animal boarding have changed significantly since the introduction of this Act, as has our understanding of animal welfare and society’s expectations, and that a new regulatory framework was needed to reflect this.

Respondents supporting the proposal recognised that licensing under the 2021 framework would improve consistency in terms of enforcement and provide local authorities with considerably more flexibility in terms of administering and enforcing licensing. It was also recognised that the more stringent checks on applicants and licence holders required by the 2021 framework should ensure that only fit and proper persons with appropriate experience and knowledge are licensed to deliver boarding services.

There were mixed views on allowing so-called franchisee type businesses under a new licensing framework. Many respondents expressed the view that persons providing animal boarding services should be trained in canine first aid and have a demonstrable understanding of canine behaviour. A number of respondents commented that where home boarding is provided, consideration should be given to assessing likely impact on neighbouring properties before any licence is issued.

The costs of complying with a more robust licensing scheme were raised by a significant number of respondents and it was noted that if costs were too high it could close down some boarding providers, which would only exacerbate existing supply and demand problems.

More detailed narrative on the responses to the proposal to revoke the 1963 Act, along with bullet points presenting some of the common themes/points raised by respondents to consultation questions is provided at section 4.6.

Part 7: Licensing of riding establishments and wider equine activities

Of the 282 responses to the question of revoking the 1964 Act and regulating instead under the 2021 licensing framework, 79.1% supported the proposal. Key reasons given for supporting the proposal included the Act is too narrow in terms of its scope and it's outdated and inflexible and no longer fit for purpose. It was felt by many, including World Horse Welfare (WHW), that the Act lacks sufficient provisions to improve and ensure the welfare of equines used in riding establishments. It was recognised that a modern regulatory framework would be able to reflect current understanding of equine physical, emotional and behavioural needs.

There was strong support (85.3%) for the proposal to extend licensing to other equine activities, with many respondents commenting that any activity where equines are used for commercial gain needed to be regulated to protect the welfare of the animals involved. It was recognised that regular transportation, handling by individuals with no understanding of equine behaviour and noisy, unfamiliar environments could cause stress and there is a need for regulatory oversight to ensure equine welfare is being prioritised and protected.

There was majority support (65.4%) for the proposal to allow licensing to be granted for periods of 1 to 3 years' duration. However, respondents made clear that any decision on licence duration needed to be made following a risk-assessment and only be an option once an operator had demonstrated consistent high-standards. It was suggested by a number of respondents that being an accredited establishment, such as a BHS Approved Centre, should be used as a determining factor when considering licence duration. Other respondents commented that 3 years was too long and that annual inspections and renewal should be required. Regardless of licence duration, many respondents, including the BVA and WHW, support retaining the requirement for an annual veterinary check as currently required under the 1964 Act.

On the question of whether there should be any exemptions from licensing for certain equine activities or businesses, 84.1% were of the opinion that there should

be no exemptions. Activities highlighted for exemption by those that answered 'other' included registered equine charities and police and military horses.

More detailed narrative on the responses to the proposal to revoke the 1964 Act, along with bullet points presenting some of the common themes/points raised by respondents to consultation questions is provided at section 4.7.

Conclusion

With one exception, the responses received demonstrated strong overall support for the introduction of statutory licensing. At the same time, the responses present a wide a range of views on how best to proceed and highlight a number of potential challenges around the delivery of new licensing legislation. Only the proposal to license greyhound racing saw a more or less even split between those in favour of licensing and those that were unsure. The overwhelming majority of those that responded not sure, however, did so because they were not sure that licensing went far enough, and they were of the opinion that only a ban on greyhound racing could protect the welfare of racing greyhounds.

It is also clear from the consultation responses that, despite the strong support for the majority of the proposals, there are some key issues that require further consideration by the Scottish Government. Key among these are:

- The capacity of local authorities to enforce new licensing requirements when finances and staff are already stretched. It is recognised that enforcement of existing licensing legislation is already challenging many authorities.
- The training needs of inspectors to allow for meaningful inspection of premises, particularly for canine fertility clinics and equine related activities where specialist knowledge will be needed. It is recognised that inspection of such businesses cannot simply be a tick-box exercise.
- Availability of veterinary expertise to assist with inspections, enforcement etc.
- The overall impact of licensing on business operators, particularly the costs associated with compliance with new requirements.
- Alternatives to licensing, such as registration schemes, statutory guidance or industry led accreditation schemes.
- Potential wider impacts of licensing on access to certain services and animal welfare should operators decide that licensing is too onerous and cease operating.
- Whether better / more robust enforcement of existing statute would address the issues associated with certain activities, negating the need for additional regulation.

Publishing consultation responses

All responses, where the respondent gave permission for their comments to be published, have been made available on the [Scottish Government Citizen space website](#)

2. Background

In September 2021, a new animal licensing framework came into force - The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 (The 2021 Regulations). This framework currently requires persons engaging in the following activities to be licensed (subject to meeting certain criteria)—

- dog, cat or rabbit breeding,
- pet selling,
- operating an animal welfare establishment (including sanctuaries and rehoming centres),
- engaging in other animal rehoming activities (other than operating an animal welfare establishment - e.g. bringing dogs into Scotland for the purposes of rehoming them as pets).

The 2021 regulations apply only to activities in Scotland and are enforced by local authorities.

It was a Programme for Government commitment to consult on proposals to extend the 2021 regulations to animal care services. The consultation recently undertaken delivers on that commitment.

It is anticipated that any new licensing requirements will be implemented through the 2021 framework. This would be achieved by way of an amending regulation that would essentially add new activities, each with their own specific licence conditions, to the existing 2021 licensing framework.

3. The consultation

The Scottish Government's consultation which was published on our consultation platform, Citizen Space, ran from 4 July 2023 to 26 September 2023 and was open to all to respond to.

The Scottish Government's rationale for the proposals set out in the consultation document is the enhancement and protection of animal welfare through the introduction of a statutory licensing scheme which would set minimum standards that all licence holders must comply with. Licensing would ensure that individuals offering such services are—

- subject to appropriate checks before being granted a licence,
- subject to periodic inspection by local authorities,
- suitably experienced and/or qualified to deliver the services offered,
- operating to defined statutory standards,
- accountable when licence conditions are breached or animal welfare is compromised,
- listed on a publicly available register (held and maintained by the licensing body) to reassure the public that persons offering a particular service are properly licensed.

The consultation sought views on proposals to introduce new licensing regulations in Scotland covering the following activities when carried on in the course of a business—

- dog walking,
- dog grooming,
- providing livery services,
- offering canine fertility services.

The consultation sought views on revoking existing legislation covering animal boarding (including day care) and riding establishments, replacing it with updated licensing requirements. The legislation proposed for revocation is—

- Riding Establishments Act 1964,
- Riding Establishments Act 1970,
- Animal Boarding Establishments Act 1963.

The consultation also sought views on proposals to license greyhound racing in Scotland.

4. Analysis of responses

Recognising that respondents might want to respond to one or some of the proposals without wishing to express views on others, the consultation document was structured to allow respondents to answer questions independently.

The standard process is that all responses are considered. This includes the spectrum of views from large organisations with a national or UK remit or membership, to individual viewpoints.

The analysis report includes quotes from respondents who gave permission for their response to be made public. This does not indicate that those comments will be acted upon or given greater weight than others. It also includes bullet points highlighting points or themes that frequently arose.

The following points should be noted, including that:

- Respondents to any public consultation or engagement are self-selecting, and the responses may not be representative of the population as a whole;
- There were a significant number of duplicate campaign responses received on the proposal to license greyhound racing. As none of the campaign respondents submitted a respondent information disclosure form confirming that they were content for the Scottish Government to process their data and response, we were not in a position to upload these responses to Citizen Space for analysis and processing. The views of these respondents will however be considered should the Scottish Ministers decide to progress the proposals set out in the consultation paper.

Given the volume of responses to the consultation, it is simply not practical to present every view or argument expressed by respondents. For each of the activities and for each question the issues or common themes frequently raised by respondents are presented. Please also note that often respondents answer “yes”, “no” or “not sure” without providing additional information to explain the basis for their answer. Accordingly, some questions in section 3 only present limited feedback in terms of comments made.

4.1 Dog Walking

There was majority support (89.1%) for the introduction of a licensing scheme for commercial dog walkers (CDWs). Those supportive of licensing highlighted the significant growth of this sector over the years and the absence of any meaningful regulation, which was a concern for many. A common view was that this growth now necessitated some form of regulatory oversight to ensure accountability and protect the welfare of dogs being walked.

PDSA: “The 2023 PDSA Animal Wellbeing (PAW) Report showed that 12% of dog owners in Scotland have used dog walkers in the 12 months up to Jan 2023 (PDSA, 2023). This equates to around 120,000 dogs in Scotland who are being walked by dog walkers in a year.”

Many of those supporting the proposal highlighted issues around excessive numbers of dogs being walked at any one time, dogs being permitted to run freely off-lead in public spaces, dog fouling, poor customer service, inappropriate transportation and the lack of a clear mechanism to raise concerns about the conduct of a CDW. A number of respondents considered 4 to 6 dogs to be within the acceptable range in terms of manageability, but they recognised that this would depend on the size, breed and temperament of the dogs being walked, and also on the experience of the dog walker.

A number of respondents commented that restrictions on dog numbers should only apply where CDWs walk dogs in public places. It was the view of these respondents that where private land is being used with the landowners permission or when private fields are rented to exercise dogs, there should be flexibility to permit higher numbers of dogs.

Dogs Trust: “We recommended that no more than four dogs should be walked at any one time, to ensure all dogs under a professional dog walker’s care remain reliably under control and able to be transported in a manner that does not negatively impact their welfare.”

The view among some respondents was that a licensing scheme would help to address these issues and improve public trust in and perceptions of CDWs. It was also recognised that many of the issues that are associated with CDWs are likely down to a minority of individual operators, and that licensing would either force these people out of business or force them to improve the service they provide.

There was strong support for CDWs to hold, as a minimum, a canine first aid qualification. It was also considered important for CDWs to be able to understand and respond to canine body language. Some respondents advocated for formal training in this area, whereas others were of the view that demonstrable competence was just as relevant. It was recognised that qualifications should not be the sole determinant for assessing whether an individual was competent to work as a CDW.

Many respondents commented that if a licensing scheme was to be introduced, enforcement had to be delivered equitably across all local authority areas in order to ensure that no CDW business was disadvantaged. There were also calls for

standardisation of fees to ensure a level playing field. There were also calls for fees to be realistic, as excessive fees had the potential to close down businesses or encourage CDWs to operate under the radar. It was made clear by many respondents that whatever scheme was introduced, it must be flexible enough to accommodate the various business models that exist and be proportionate to the scale of the issues.

Those that were unsure about, or opposed to licensing commented that the introduction of a Scotland-wide CDW registration scheme would be more appropriate, as the issues often raised about this sector only reflected the behaviour of a minority of CDWs.

Pet Industry Federation: “PIF would like to see some form of formal regulation perhaps along the lines of a registration scheme for professional dog walking as an activity, linked to a code of conduct. This could include training and insurance as part of the criteria required for registration.”

SAWC: “A registration scheme for professional dog walking, rather than licensing, may be better suited to regulate this activity”

It was suggested that the Scottish Government should instead look to adopt and roll-out a registration scheme similar to those already established by some local authorities in Scotland. A number of respondents referenced East Lothian Council’s Professional Dog Walker Scheme as an exemplar model, which has been adopted by a number of other councils in Scotland.

The Kennel Club: “We have a number of reservations over introducing an extensive licensing regime, with significant requirements placed on operators. We would support guidance accompanied by a registration system in which CDWs are required to register with the local authority and commit to complying with a number of conditions, such as mandated insurance, canine first aid qualification and kit etc.”

Another issue raised about licensing was that dog walkers rarely have premises linked to their business activities, and that this would be problematic in terms of inspections, enforcement, identification etc. Some respondents also commented that there is insufficient evidence to justify the introduction of a statutory licensing scheme and that doing so would unfairly burden the majority of CDWs who operate responsibly. It was suggested that there is already sufficient legislation to address any issues associated with CDW activities and to protect animal welfare and that this simply needed to be better enforced.

West Lothian Council: “The issues highlighted as a concern requiring licensing to be introduced are already controlled by other legislative means, i.e. out of control dogs, dog fouling and nuisance, animal welfare, and behaviour of dog walker. There is no evidence to suggest licensing will resolve these if they are not being effectively resolved through existing legislation.”

A concern raised by many respondents, including Scottish SPCA, the Scottish Animal Welfare Commission (SAWC), the British Veterinary Association and a

number of local authorities, was the capacity of local authorities to effectively resource enforcement of further licensing controls, particularly given the number of such businesses likely to be operating. It was recognised that the proposals set out in the consultation paper represent a potentially significant increase in workload for local authority licensing/enforcement teams. Those raising these concerns commented that enforcement of existing legislation is already lacking due to many councils redirecting resource to higher priority areas. It was recognised by many that local authorities are under significant pressure and that without additional resource (staff and training) enforcement would, at best, be patchy.

British Veterinary Association: “The current legislative regime already requires anyone in control of a dog to comply with a number of legal requirements. However, we are aware that enforcement can be very challenging which is partially due to resource issues within local authorities. We therefore consider adequate resourcing of enforcement as instrumental in achieving better outcomes for animal welfare and public safety.”

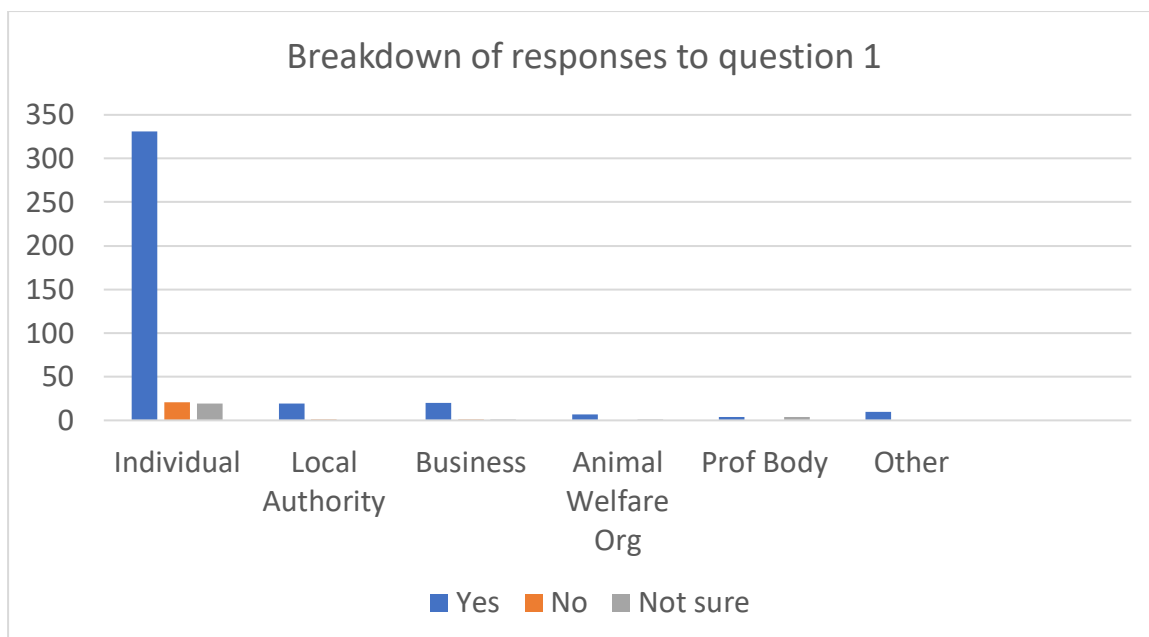
Scottish SPCA: “The Scottish SPCA agrees that the local authorities are the ideal licensing body, however, it is concerned about the implementation and monitoring of such licenses. Currently, many local authorities do not have the capacity, animal welfare knowledge or ability to carry out these functions properly. The Society would strongly urge for funding to be ring-fenced, or licence fee payments to be channelled back in to the licensing process, so that costs can, in part, be recouped.”

A breakdown of responses received to each question, along with key points / common themes raised is provided below.

Question 1: Do you agree that dog walking businesses should be subject to a statutory licensing scheme?

There were 439 responses to this question. Of these 391 (89.1%) responded yes, 23 (5.2%) responded no and 25 (5.7%) were not sure.

Option	Total	Percent
Yes	391	89.1%
No	23	5.2%
Not sure	25	5.7%



Question 2: If you do not support the introduction of statutory licensing, what controls, if any, would you otherwise recommend?

There were 125 responses to this question. It should be noted that when considering some of the responses to this question, it was not always clear if respondents were responding to confirm what they wanted instead of a statutory licensing scheme or confirming what they would like to see as part of a licensing scheme. Please note that this question did not capture quantitative data and accordingly only substantive themes/points raised by respondents are presented.

- Anyone providing dog walking services should be required to have adequate public liability insurance.
- There should be a limit on the number of dogs that can be walked at any one time.
- Any limit on the number of dogs being walked should only apply where the walking takes place in public spaces and not where private fields, dog runs etc are rented. Restricting numbers in such cases would make the renting of private facilities cost prohibitive.
- Licensing must not be seen as an alternative to dog wardens. Dog wardens are best placed to engage with those working in this sector.
- Qualifications in canine first aid should be mandatory for anyone offering dog waking services.
- The resource implications for local authorities must be taken into consideration.
- If regulations are introduced, businesses will rightly expect enforcement on an equitable basis, and will expect the licensing body to seek out unlicensed operators. This is likely to be very resource intensive, given dog walkers typically don't operate from a fixed premises, and will often operate across multiple local authority areas. If enforcement of the licensing regime is to be purely funded by licensing income, this would suggest that significant licence fees would be required to cover the costs of administering the scheme. High licence fees are likely to act as a deterrent to operators obtaining a licence. If

dog walking businesses need to put prices up this might result in animal welfare being compromised, as dog owners may be unable to afford to have their dogs walked, or walked for as long.

- A registration scheme for professional dog walking, rather than licensing, may be better suited to regulating this field. The registration criteria could include training and insurance, and a code of practice that dog walkers sign up to. The latter could then facilitate removal of dog walkers from the scheme if they do not adhere to the code. Some councils in Scotland already run successful schemes which require—
 - The professional dog walking company to have relevant pet business insurance.
 - Comply with all current dog related laws, regulations and guidance.
 - Keep accurate, up-to-date records for each dog in their care.
 - Dogs to be transported in a vehicle fit for purpose with dogs adequately secured.
 - To have a first aid kit designed for dogs.
 - Dogs to be tagged with the professional dog walking company's own company tag whilst under their authority.
 - Controlling dogs at all times during exercise.
 - Cleaning up any dog fouling.
 - Being aware and responsible for other land use – i.e. keeping away from livestock and bird habitat areas.
- Any vehicles used for the transportation of dogs must be suitable for the task.
- The cost of becoming licensed may be cost prohibitive for many offering dog walking services. If costs are too high it may drive many out of business.
- There is insufficient context or evidence to make a persuasive argument for these proposals. There will be cases of out of control dogs, and similar issues, attributable to commercial dog walkers, but there is nothing to suggest these issues are more likely than for any other dog walker or owner. Proposals for licensing appear to be driven by anecdotal and isolated incidents.
- A number of legislative provisions already exist which address the concerns driving proposals for licensing; these just need to be enforced.
- These proposals will simply add further resource, administrative and legal burden on local authorities at a time when there are other, higher priorities which need to be met.
- The Scottish Government should instead look at East Lothian Council's 'approved professional dog walkers' scheme. It sets out a proportional set of requirements for commercial dog walkers to comply with, and operates on non-mandated basis.
- While there have been some high-profile tragic events connected to dog walking, it is questionable whether there is sufficient evidence of risk and harm to warrant the introduction of a licensing scheme.

Question 3: Do you think that licence applicants should be required to hold recognised, relevant qualifications (for example, in dog behaviour, canine first aid, animal welfare)?

There were 438 responses to this question. Of these, 376 (85.8%) responded yes, 38 (8.68%) responded no and 33 (7.53%) were not sure.

Option	Total	Percent
Yes	367	85.8%
No	38	8.68%
Not sure	33	7.53%

Question 3 also asked respondents to provide reasons for their answer. There were 297 responses to this part of the question. Substantive themes/points were—

- 60% of respondents to the Pet Industry Federation’s (PIF) 2022 dog walker survey supported training in some form, to ensure walkers were aware of the risks inherent in dog walking, and the legal obligations that come with it.
- All professional dog walkers should hold canine first aid certificates (this was favoured and supported by a significant number of respondents).
- Licence holders should at least be able to demonstrate a sound understanding canine body language.
- Future licensing criteria and any associated statutory guidance should provide the clearest indication of the standards which professional dog walkers should comply with to continue operating their business.
- Questionable if this is a proportionate response to the perceived issues. Some people may be hugely experienced with dogs but lack formal qualifications and yet are fit and proper persons to deliver dog walking services.
- Likely to adversely impact on the viability of many dog walking businesses if qualifications are mandated, and there will be a need to ensure the quality and accessibility of training, particularly in more remote rural areas.
- Mandating specific qualifications could prove challenging to enforce. The requirement for specific qualifications would also increase costs and create unfair obstacles for some looking to enter the profession.
- Rather than require qualifications, the focus should be on individuals being a "fit and proper person", along with demonstrating their competence to perform the required tasks. If licences can be 1, 2, or 3 years duration, then an applicant's experience and qualifications should factor into the risk assessment and determine the appropriate licence period.
- Qualifications should not become the sole assessment criteria as to whether someone is able to fulfil their legal duties of care to animals and the public.
- Where individuals are walking several dogs, they should ensure that they are able to effectively manage all dogs under their control and clean up after them. The strength of the dogs and their individual and collective behaviour will be a factor in this. Licences should be variable with regard to the number of dogs, however an assessment which is only based on the number of dogs is unlikely to be sufficient in concluding whether an individual is able to control a specific group of dogs.

Question 4: Do you agree that the licensing authority should, where appropriate, be able to stipulate on any licence granted the maximum number of dogs that can be walked at any one time?

There were 441 responses to this question. Of these, 385 (87.3%) responded yes, 30 (6.8%) responded no and 26 (5.9%) were not sure.

Option	Total	Percent
Yes	385	87.3%
No	30	6.8%
Not sure	26	5.9%

Question 4 also asked respondents to provide reasons for their answer. There were 243 responses to this part of the question. Substantive themes/points were—

- Recommended that no more than four dogs should be walked at any one time, to ensure all dogs under a professional dog walker’s care remain reliably under control and able to be transported in a manner that does not negatively impact their welfare.
- Some of the current local authority voluntary schemes allow for 6 dogs to be walked at the same time. We consider this to be a bit a high in public areas and think 4 would be more manageable.
- 4 – 6 dogs at any one time seems sensible, but the breed and temperament of dogs being walked must be considered when making a judgement.
- Any restriction on the number of dogs to be walked should not be arbitrary, but should be based on the breed and temperament of the dogs being walked.
- A limit on the number of dogs that can be walked will undoubtedly affect the income of those offering dog walking services, making the business unviable and potentially driving dog walkers out of business. This will lead to issues as the demand for this service will remain.
- The number of dogs walked simultaneously should not exceed the walker’s insurance policy terms or local authority requirements.
- This would only complicate issues. The overarching principle of dog control should be the key determinant. Dogs must be under control. Legislation already exists to address this requirement without the need for licensing; the issue is lack of enforcement.
- A serious incident, such as a lost dog, is likely to be catastrophic to a dog walker’s business. Incidents of this nature, while rare, often get covered by local press and circulate amongst dog owners social groups. Accordingly, there is already a strong commercial incentive for dog walkers to self-regulate the number of dogs they’re able to walk.
- Could just as easily be introduced as part of a registration scheme (East Lothian Council’s scheme for example).
- A cap on the number should only apply to commercial dog walkers using public spaces. A dog walking business using private facilities to exercise dogs should not be subject to any such limit as doing so may make such an approach financially unviable.

Question 5: Are there any further controls or measures that you would like to see introduced as part of a licensing scheme for dog walking businesses?

There were 280 responses to this question. Substantive themes/points were—

- Dog walkers should be made aware of the controls in place for fouling, dog control and other considerations including the rights and responsibilities set out in the Scottish Outdoor Access Code.

- A licensing scheme should incorporate a set of rules that commercial dog walkers have to adhere to. This will ensure they are using the countryside in a way which does not negatively impact rural businesses and agricultural operations.
- A licensing scheme should allow for commercial dog walkers to be held accountable for their actions, particularly when walking on or near agricultural land and in proximity to livestock. This should include cleaning up after dogs due to the disease risks to both livestock and the public.
- When walking dogs from multiple households, there is the risk of transference of disease or infections which is a welfare concern, Accordingly, dog walkers who walk dogs from multiple households together should be required to ensure that vaccinations are up-to-date.
- It would be prudent for a dog walker to be required to obtain the details of an owner's veterinary surgeon in advance of taking responsibility for their dog(s) and ideally an agreement should be in place between all parties so that the vet can be contacted rapidly if the need arises to protect the dog's health and welfare in the event of injury.
- Where multiple dogs are walked at any one time they should be walked on the lead if being exercised in a public place.
- Licence holders should be able to demonstrate that adequate dog behaviour assessments have been carried out and that new dogs are assessed for their behaviour/relationships with other dogs.
- Licensed dog walkers should be required to carry their licence with them when walking customer's dogs. Ideally, the licence should have a photo of the licence holder.
- Needs to be robust enforcement by the local authorities, including checks of vehicles used for the transportation of dogs.
- Licensing should not permit the use of aversive control methods by dog walkers.
- Should be robust fit and proper person checks before licenses are granted. Many dog walkers have keys to client homes.
- Checks to ensure that earned income is being declared.
- There should be a requirement for those applying for a licence to demonstrate how they ensure compliance with the requirements of the Animal Health & Welfare (Scotland) Act 2006 when assuming responsibility for client's dogs.

Question 6: Do you support the proposal that applicants for a dog walking business licence are required to demonstrate that they maintain an acceptable level of record keeping and have clearly set out and established standards of service and care?

There were 438 responses to this question. Of these, 386 (88.1%) responded yes, 22 (5%) responded no and 30 (6.8%) were not sure.

Option	Total	Percent
Yes	386	88.1%
No	22	5%
Not sure	30	6.8%

Question 6 also asked respondents to provide reasons for their answer. There were 140 responses to this part of the question. Substantive themes/points were—

- Dog walkers should provide clear terms and conditions of standards of service and care to owners plus a copy of any code of practice the walker has signed up to, with guidance on how to raise a concern.
- This would be consistent with other licensable activities and in terms of animal welfare a record of injury and incidents would seem appropriate.
- Clearly set out and established standards of service and care will put owners' minds at rest that they are putting their faith in someone who is going to care for their dog to a standard acceptable to them.
- Record keeping across animal licensing is often flagged as introducing considerable red-tape and cost, often for apparently limited benefit. Paperwork requirements should be kept proportionate and not be introduced just for the sake of it, or to provide another auditable standard.
- Increased bureaucracy will result in increased costs being passed onto dog owners and will act as a deterrent to operators seeking a licence. Any increase in bureaucracy should provide a clear benefit either with regard to dog health and welfare, or address a genuine issue.
- Responsible operators should already have appropriate record keeping measures in place. Record keeping is important when incidents occur or when there is a client complaint/issue etc.
- May be problematic to enforce – who would determine what is acceptable? Clear guidance for the licensing authority and business operators will be required.

Question 7: Do you know of any challenges or negative consequences that may arise from the introduction of statutory licensing for dog walking businesses?

There were 429 responses to this question. Of these, 172 (40.1%) responded yes, 198 (46.2%) responded no and 59 (13.7%) were not sure.

Option	Total	Percent
Yes	172	40.1%
No	198	46.2%
Not sure	59	13.7%

Question 7 also asked respondents to provide reasons for their answer. There were 204 responses to this part of the question. Substantive themes/points were—

- Important that any licensing regime is proportionate to the risks posed by commercial dog walkers, and serious consideration must be given to whether the potential benefits of introducing a licensing regime outweighs the risks of introducing it.
- Without an appropriate transition/grace period, compliance may be difficult for many existing businesses and enforcement problematic.

- Stringent controls and restrictions, together with requirements relating to training and potential qualifications, are likely to adversely affect the viability of some dog walking businesses.
- The biggest challenge for any statutory licensing scheme will be effective enforcement. Local authorities in Scotland are struggling to enforce the 2021 licensing regulations due to resource constraints. Imposing further responsibilities will only exacerbate this situation.
- The resource required to enforce the licensing regime in an adequate manner is concerning. To help enforcement officers at local level identify commercial dog walkers, a register could be set up that lists commercial dog walkers, and in terms of identifying and approaching commercial walkers in public, an identity card could be issued to walkers which they should carry, along with insurance details, when carrying out commercial activities.
- It is likely that new training requirements and a reduction in the number of dogs that can be walked at any one time could be challenging for dog walking businesses and could result in a short-term shortage of dog walkers.
- One of the problems with the 2021 Regulations relates to the charging of licence fees by local authorities – there is no standardisation and each local authority can set their own fees. Fees should be standardised to ensure consistency across the country.
- One key challenge may be how to manage/enforce cross-border non-compliance issues. We know of several dog walking businesses that walk dogs in a specific council's area, but are based in neighbouring local authorities. Any new regulations will need to take into account and make provision for such instances.
- Local authorities will need to receive appropriate training and resource to effectively enforce any new requirements. Funding will therefore be required.

Question 8: Are you aware of any examples of how any of the proposals above may impact, either positively or negatively, on those with protected characteristics?

There were 419 responses to this question. Of these, 50 (11.9%) responded yes, 271 (64.7%) responded no and 98 (23.4%) were not sure.

Option	Total	Percent
Yes	50	11.9%
No	271	64.7%
Not sure	98	23.4%

Question 8 also asked respondents who answered "yes" to explain the reasons for their answer. Although 50 respondents answered "yes" to the first part of question, there were 90 recorded responses. Substantive themes/points were—

- Any registration should be structured to take account of a range of skills in literacy, numeracy and social skills.
- People with disability who may need support/assistance with licence applications/form-filling and record-keeping etc.

- Could cause a lot of stress on people who have difficulties with say reading and writing and learning difficulties.
- Persons with disabilities may be reliant on dog walkers. If any licensing scheme is too costly/onerous it may push some dog walkers out of business, impacting on a service disabled people rely on. The elderly and disabled may have limited opportunities to increase their income sources to cover increased costs.
- Older people may be less confident in engaging with technology or paperwork demands brought on by licensing.
- Need to be mindful of those self-employed individuals who work with animals as they struggle to integrate with busy environments and lots of people. A licensing scheme that is too onerous in terms of its requirements may place undue stress on such persons.
- Any requirement to keep dogs on a lead at all times would be difficult for individuals with certain physical limitations. There are, no doubt, many very capable providers of dog walking services that would be impacted by such a requirement.

4.2 Dog grooming

There was majority support (82.2%) for the introduction of a licensing scheme for dog groomers. Those supportive of the proposal commented that licensing would help to protect dog welfare and ensure clear and consistent practices and standards were set for all those working in this sector. It was recognised that this sector had grown significantly over the years and that this growth now necessitated tighter regulation to ensure those providing grooming services are appropriately qualified or demonstrably competent and operating to agreed minimum standards.

PDSA: “The PDSA Animal Wellbeing (PAW) Report 2023 showed that 26% of dog owners in Scotland (approximately 260,000 dogs) had used a groomer over the previous 12 months (as of January 2023)”

Renfrewshire Council: “Renfrewshire Council supports the introduction of a statutory licensing scheme for dog grooming businesses. The significant increase in the popularity of such businesses has seen a rise in numbers and it is noted that there is minimal regulation of dog groomers.”

The need for groomers to be properly trained and to hold a recognised grooming qualification as a prerequisite for licensing was a common theme and supported by 76.9% of respondents, although it was recognised that a formal qualification should not be a barrier to holding a licence if an applicant has extensive and demonstrable experience. While there were different views on the level of qualification that groomers should hold or seek to attain, the Level 2 and Level 3 City & Guilds Dog Grooming qualification, was considered appropriate by a number of respondents. A significant number of respondents also commented that groomers should be required to hold a canine first aid certificate as this would ensure they can identify and appropriately respond to signs of handling stress, heat stress etc.

It was emphasised by many respondents that due to the nature of the activities carried out by groomers there is potential for dogs to come to harm if procedures are

carried out without the necessary training or care, or when using unsafe or poorly maintained equipment.

Respondents supportive of licensing also considered that regulation of the sector would drive up standards in respect to health and safety, animal welfare and record keeping.

The proposal to extend licensing to pet groomers and not just to those grooming dogs was supported by 80% of respondents. It was emphasised by a significant number of respondents, including animal welfare organisations, that some groomers regularly groom cats and rabbits and that these should fall within the scope of any future licensing scheme. A number of respondents commented that cats, in particular, are not always comfortable being handled and may therefore be more susceptible to stress when being groomed.

Scottish SPCA: "The Scottish SPCA believes that licences should extend to the groomers of all companion animals, so that the welfare of all species is safeguarded."

Blue Cross: "Cat grooming businesses do exist and it would be illogical to exclude them from any licensing scheme. The welfare concerns associated with poor grooming practices can affect any pet, not just dogs. It may also prevent dog groomers who cannot or will not meet the licence conditions moving into other areas of pet grooming."

Another common theme, was that licensing would help assure dog owners that there is official oversight of the activities of groomers, including through regular inspection. This was considered important given past incidents where animal welfare had been compromised. It was highlighted by a number of respondents that a licensing framework would allow for proportionate action to be taken against operators where animal welfare was compromised and provide a clear route for pet owners to raise concerns when things go wrong.

Those that were unsure about, or opposed to licensing commented that there was no need for further regulations as legislation to protect animal welfare already existed. Others commented that the pet grooming sector should be left to self-regulate, as pet owners would vote with their feet and simply not use a business that delivered a poor quality of service. A number of respondents also questioned the proportionality of a statutory licensing scheme and felt that further consideration was needed. It was suggested that perhaps a voluntary industry accreditation scheme would be a better approach. Several respondents questioned the basis for licensing and considered it disproportionate to the issues identified, which, as is often the case, were likely down to a small number of businesses.

A key challenge highlighted by a number of respondents was that a lot of dog groomers work from home and therefore do not have business premises. The challenges of identifying these operators would be challenging to the licensing authority. Many of the respondents who raised this, made clear that home based groomers must be subject to the same licensing controls as those with dedicated premises.

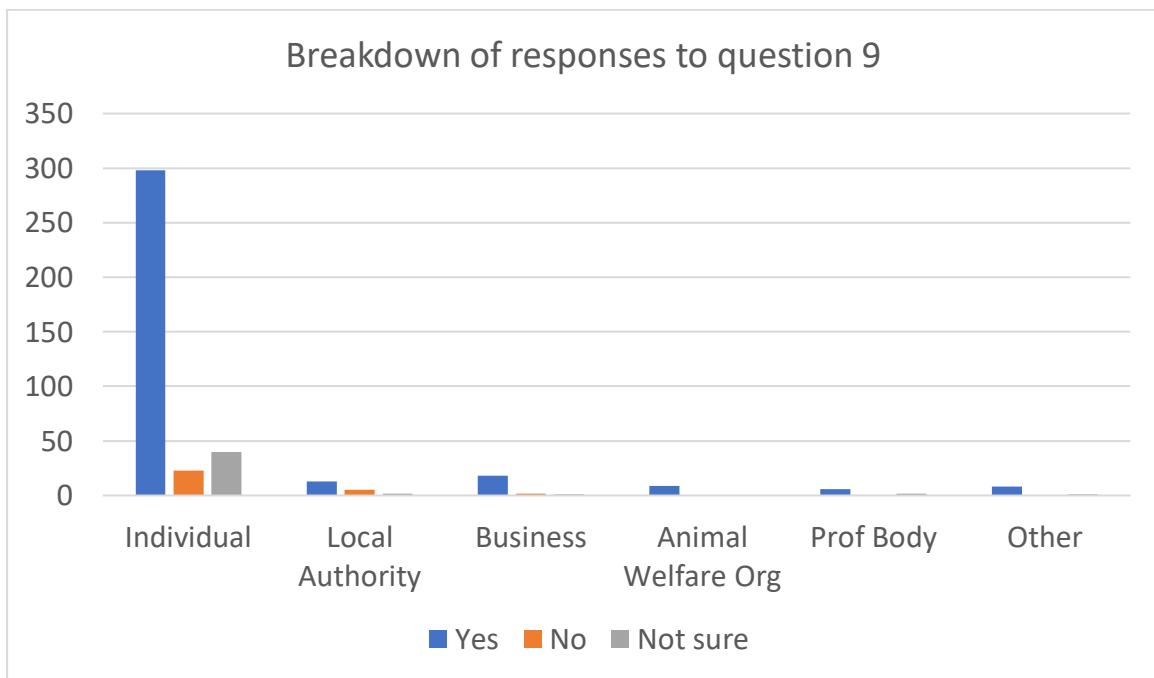
A key concern, particularly for animal welfare groups and local authorities, was the ability of local authorities to adequately resource enforcement of new licensing legislation. It was highlighted by respondents that local authorities simply do not have the staff or necessary knowledge to meaningfully enforce new licensing requirements for dog groomers. It was highlighted that without appropriate ring-fenced funding for enforcement and training, any new licensing scheme would be ineffective in achieving better safeguards for companion animals and the users of pet grooming services. A number of respondents also commented that the fees set by the licensing authority should be standardised to ensure that no business was disadvantaged through the imposition of excessive fees.

A breakdown of responses received to each question, along with key points / common themes raised is provided below.

Question 9: Do you agree that dog grooming businesses should be subject to a statutory licensing scheme?

There were 428 responses to this question. Of these, 352 (82.2%) responded yes, 30 (7%) responded no and 46 (10.7%) were not sure.

Option	Total	Percent
Yes	352	82.2%
No	30	7%
Not sure	46	10.7%



Question 10: If you do not support the introduction of statutory licensing, what controls, if any, would you otherwise recommend?

There were 115 responses to this question. Substantive themes/points were—

- Qualifications and insurance should be made mandatory.
- Health and safety and grooming equipment checks.
- Dog groomers should hold industry recognised qualifications up to Level 3. This ensures that dogs in their care are groomed professionally and with an understanding of animal welfare.
- Should be left to self-regulate. Owners will decide which groomers to trust with their pets based on the service provided.
- A National voluntary scheme could be implemented instead. Relevant industry bodies already exist.
- No additional regulation necessary. Animal welfare is already protected under existing statute.

Question 11: In your opinion, should any future licensing scheme apply to dog groomers only or should it apply more widely, for example to all pet animals?

There were 420 responses to this question. Of these, 21 (5%) supported licensing dog groomers only, 336 (80%) want all pet groomers licensed and 63 (15%) were not sure.

Option	Total	Percent
Dog groomers only	21	5%
All pet animal groomers	336	80%
Not sure	63	15%

Question 11 also asked respondents to provide reasons for their answer. There were 105 responses to this part of the question. Substantive themes/points were—

- There is no legislation relating to groomers over and above the 2006 Act. This highlights the importance of introducing licensing with specific requirements for the industry to safeguard the welfare of all animals whose owners employ a pet grooming service.
- Licences should extend to groomers of all companion animals, so that the welfare of all species is safeguarded. The welfare risks that apply to dogs being groomed also extend to cats. Cats may get stressed due to being restrained and they may also be exposed to equipment that can compromise their welfare such as drying or heated devices.
- The protection of animal welfare should be the overarching assessment criteria in extending a licensing regime. The two additional pet animal species where grooming services are already more commonly offered are cats and rabbits. Adequate consideration should be given to the specific requirements for both species.
- The welfare concerns associated with poor grooming practices can affect any pet, not just dogs. Requiring licensing for all pet groomers would prevent dog

groomers who cannot or will not meet the licence conditions moving into other areas of pet grooming.

- Anyone charging a fee for grooming services should be licensed, the type of animal being groomed is irrelevant.
- Groomers need additional knowledge and training to be able to groom cats or other small furry animals. Their anatomy is different as is their behaviour and tolerance. Accordingly, all pet groomers should be licensed.

Question 12: Do you think that holding a recognised qualification should be a requirement under any future licensing scheme?

There were 424 responses to this question. Of these, 326 (76.9%) responded yes, 38 (9%) responded no and 60 (14.1%) were not sure.

Option	Total	Percent
Yes	326	76.9%
No	38	9%
Not sure	60	14.1%

Question 12 also asked respondents to provide reasons for their answer. There were 213 responses to this part of the question. Substantive themes/points were—

- Groomers should, as a minimum hold a relevant canine first aid qualification to ensure they can identify and respond to the signs of handling stress, heat stress etc.
- Due to the nature of the activities carried out there is undoubtedly potential for dogs to come to harm if the procedures are carried out without the necessary training or care and in unsafe spaces without a good standard of hygiene or using unsafe or poorly maintained equipment. If done incorrectly, activities such as nail clipping, emptying anal glands, or clipping matted fur can affect welfare and require veterinary treatment. Groomers should be clear what procedures are legal under the Veterinary Surgeons’ Act 1966 and be sufficiently trained in any services they provide.
- Dog grooming is a trade where training courses and recognised qualifications are already widely available to anyone interested in taking up the trade. Although it is obviously possible for trained providers to make errors, particular dangers arise from providers with little or no training claiming to be experienced dog groomers.
- Would suggest that a licence holder should be required to hold at least a Level 3 Diploma in dog grooming. Any training should as a minimum encompass all relevant legislation applicable to a grooming business and animal welfare.
- There should be a requirement to hold a recognised qualification if dog grooming becomes a licensed activity. There are currently a range of qualifications available at different levels and requiring varying degrees of prior qualifications and time commitment. The barrier to entry into the trade is sufficiently low to make it a feasible option for a large number of interested individuals and it also does not appear to place an excessive demand on someone’s time to obtain a qualification.

- Dog groomers should be required to know about issues such as safety procedures, health and hygiene practices, how to handle pesticides, the anatomy of the dog, proper handling techniques, information about monitoring animal behaviour and first aid.
- Whilst supportive of training and qualifications, any future licensing scheme must take past experience into account. An established and experienced groomer with years of experience is unlikely to benefit from attending basic training in animal grooming.

Question 13: Are there any further controls or measures that you would like to see introduced as part of a licensing scheme for dog grooming businesses?

There were 397 responses to this part of the question. Of these, 116 (29.2%) responded yes, 98 (24.7%) responded no and 183 (46.1%) were not sure.

Option	Total	Percent
Yes	116	29.2%
No	98	24.7%
Not sure	183	46.1%

Question 13 also asked respondents to provide reasons for their answer. There were 138 responses to this part of the question. Substantive themes/points were—

- Groomers should be required to ensure that animals are up-to-date with vaccinations, flea and worm treatments to avoid the spread of diseases, infections and parasites.
- Animals should not be mixed unless they are socialised and it should be ensured they do not pose a risk to other animals. Animals that are mixed should be supervised at all times to ensure the safety of all animals.
- Applicants for a grooming licence should be required to declare any previous animal welfare convictions.
- There should be measures introduced to address the provision of grooming services that are driven by social media trends and which are not in the best interest of the animal and in many cases are detrimental to animal welfare, for example dying a dog's fur.
- Standardisation of the fees that can be charged by local authorities.
- Groomers should be trained in canine first aid as a minimum.
- Only supervised use of drying cages should be permitted, as leaving dogs in these while unsupervised can be detrimental to the dogs welfare.
- Regular inspections of both premises and equipment should be a requirement for licensed premises.
- All grooming businesses should be required to hold appropriate levels of insurance cover and this should be checked by the licensing authority.
- Any licensing scheme will need to take into account that many groomers operate from home or even from mobile facilities. To ensure that any scheme introduced is applied equitably, these groomers must not be ignored, they should be inspected and licensed just as groomers working from business premises will be.

- Consideration should be given to placing a cap on the number of dogs that can be on a premises at any one time, and there should be adequate kennelling to ensure that dogs can be kept safe and separate.
- Grooming premises should have appropriate heating and ventilation systems to ensure the wellbeing of the animals (and staff) on the premises.
- There should be a limit on the time a dog can be held in kennels/crates at a groomer's premises to avoid it effectively becoming 'day care'.

Question 14: Are you aware of any examples of how any of the proposals above may impact, either positively or negatively, on those with protected characteristics?

There were 407 responses to this question. Of these, 25 (6.1%) responded yes, 265 (65.1%) responded no and 117 (28.7%) were not sure.

Option	Total	Percent
Yes	25	6.1%
No	265	65.1%
Not sure	117	28.7%

Question 14 also asked respondents who answered "yes" to explain the reasons for their answer. Although 25 respondents answered "yes" to the first part of question, there were 52 recorded responses. Substantive themes/points were—

- Any future scheme should take account a range of literacy, numeracy and social skills. Many providers of grooming services may be highly experienced, but less confident in these other areas.
- Many groomers hold no formal qualifications but have been doing their job well for years. This must be a consideration under any future licensing scheme.
- Groomers may have to increase customer charges if the costs associated with future compliance are too high. Any increase on costs would impact on those with fixed or low incomes.

4.3 Livery services

There was majority support (80.2%) for the proposal to license livery service providers, including from the British Horse Society (BHS).

Those supportive of licensing commented that the current situation whereby anyone can set up and offer livery services on a commercial basis without any experience and/or qualifications is outdated and puts equine welfare at risk. A number of respondents commented that experience has shown that some livery premises operate at a sub-standard level and lack procedures to deal with owners that fail to adequately care for their horses. These respondents considered that licensing would ensure that livery providers operate to minimum acceptable standards and require appropriate contractual arrangements to be in place to ensure that equines continue to be cared for in cases of abandonment etc.

Whilst supportive of the intent to license livery service providers, World Horse Welfare (WHW) believe that it should be a phased move towards licensing, with a registration scheme implemented initially. WHW do not believe that local authorities are anywhere near ready to enforce licensing of livery providers and that until such time as local authorities have sufficient resource and appropriately trained staff, licensing will be ineffective. WHW also commented that the information gathered under a registration scheme could usefully inform the development of a future licensing scheme. The British Veterinary Association (BVA) also supported a registration scheme over licensing, mainly due to concerns about the capacity of local authorities to enforce a licensing scheme and the impact on equine health and welfare should existing livery yards be denied licences.

World Horse Welfare: "We support the intent but strongly believe it should be a phased approach, and that registration of livery yards must come first before statutory licensing is introduced. At this stage we do not believe that the structure and resources are in place to adequately implement and enforce it."

Other respondents supportive of mandatory registration over licensing suggested that it was a more proportionate and pragmatic response to address the issues associated with livery services. Those favouring registration suggested that such a scheme should require livery providers, as a minimum, to have to record and retain equine microchip and passport numbers, verified name, address and contact number of owner, an alternative contact and ensure that every horse is registered with a veterinary surgeon and farrier.

A number of respondents commented that to reduce the impact on local authority resources and livery operators, consideration should be given to automatically licensing existing livery providers that are part of the BHS approved livery scheme. It was suggested that membership of such a scheme could be a determining factor when considering licence duration.

SAWC: "The British Horse Society provides an approved accreditation for various equine centres. It may be proportionate for all those currently approved to have automatic licence approval to reduce paperwork, and to encourage others to join the BHS or similar schemes. Other accredited schemes could also be considered."

A number of respondents suggested that compliance with the 'Welfare of Equidae: Code of Practice' should be made a condition of holding a licence, although it was recognised that this code may need to be updated.

The involvement of veterinarians in any inspection of premises was considered critical by many respondents as local authorities would not have the required equine and sector knowledge to meaningfully undertake inspections. A number of respondents commented however that the availability of veterinarians to undertake this additional work would need careful consideration as many local authorities are already reporting difficulties in recruiting veterinarians to undertake work on their behalf.

There was majority support (68.4%) for licensing to apply to all livery service providers, regardless of type or scale. Those supportive of this proposal commented

that regardless of the livery situation, equine welfare needed to be protected and agreed minimum standards of care enforced. A number of respondents were of the view that by exempting certain types or size of livery you create loopholes that some operators could seek to exploit to avoid the need to be licensed.

There were a range of comments from those not sure or against extending licensing to all providers. The BVA and WHW both responded not sure, stating that this question is difficult to answer due to a lack of data available on the current number, size and types of livery yards operating in Scotland. Others, including the British Association of Riding Schools and Livery Yards, commented that licensing should apply to businesses that have 'Care, Custody and Control' of horses on a commercial basis and meet the HMRC business test. The Scottish Animal Welfare Commission (SAWC) did not support this proposal, and considered that licensing should apply where a livery was run primarily as a commercial venture. It was recognised by a number of respondents that any licensing introduced would need to include a clear definition of 'livery' and be supported by guidance.

There was a mixed response to the question regarding any unintended consequences and/or challenges that may arise from the introduction of licensing. A common concern raised by respondents however was the cost implications of statutory licensing. It was highlighted that should livery operators decide that the cost burden of compliance is too great then they may decide to no longer offer a livery service. Alternatively, it was highlighted that livery providers may have to significantly increase costs, which would no doubt be passed on to horse owners. Both scenarios potentially have implications for equine welfare. Some respondents highlighted that there must be an appropriate transitional period to allow livery providers to work towards meeting any new standards required by licensing. Other respondents, however, commented that, apart from the cost of getting a licence, only those livery providers offering sub-standard facilities or levels of care would be impacted, as they would be required to raise standards, which, from an equine welfare perspective, is desirable.

A clear concern for many respondents, including the BVA, WHW and the SAWC is the ability of local authorities to enforce new licensing requirements. It was emphasised by these respondents that local authorities simply do not have the staff or necessary knowledge to meaningfully inspect and license livery yards. It was highlighted that without appropriate ring-fenced funding for enforcement and training, any new licensing scheme would be ineffective in achieving better safeguards for equines and the users of livery services.

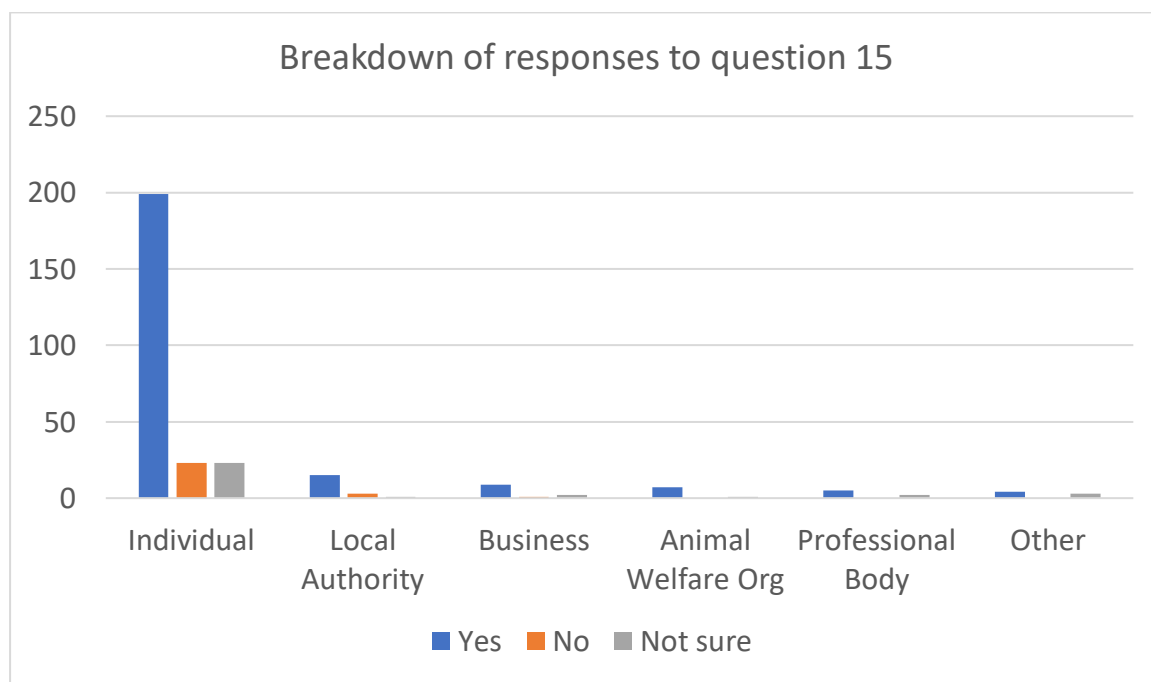
Renfrewshire Council: "The licensing of livery yards is likely to place additional, significant burden on local authorities and Renfrewshire Council would recommend funding is provided by the Scottish Government to allow effective resourcing of a licensing system for the multiple proposed areas within this consultation document. Without this funding, it is difficult to see how Renfrewshire Council will have sufficiently trained Officers to undertake these additional, onerous duties."

A breakdown of responses received to each question, along with key points / common themes raised is provided below.

Question 15: Do you support the proposal to introduce statutory licensing for operators of livery yards?

There were 298 responses to this question. Of these, 239 (80.2%) supported the proposal, 27 (9.1%) responded no and 32 (10.7%) were not sure.

Option	Total	Percent
Yes	239	80.2%
No	27	9.1%
Not sure	32	10.7%



Question 15 also asked respondents to provide reasons for their answer. There were 184 responses to this part of the question. Substantive themes/points were—

- The Scottish Government’s objective to improve the welfare of equines kept at livery yards is welcomed. However, we hold concerns about the capacity of local authorities to enforce statutory licensing. Also concerned about the consequences on equine health and welfare should existing livery yards be denied licences.
- Experience has shown that some livery yards have poor accommodation, horses kept isolated, poor maintenance causing risk of injury, poor fencing, poor biosecurity measures, poor quality feed and a lack of procedures when owners fail to adequately care for their horse. A licensing scheme would bring these premises up to standard.
- A lot of Scottish horses and ponies live in a livery situation - boundaries of responsibility can get blurred - both owners and keeper have responsibility. We need to raise standards overall, there are good yards in Scotland but a lot where health and welfare falls below what is acceptable.
- The ability to set up and run a livery yard and make a commercial profit without possessing any relevant experience or qualifications to do so is outdated and

poses an unacceptable risk to equine welfare. Horses are sentient animals with complex health and welfare needs and need competent, conscientious and knowledgeable people to be in charge of their care.

- If effectively enforced, licensing should help to improve the health and welfare – physical and mental - of equines in these establishments, ensure uniformity and consistency of welfare standards across Scotland, and improve transparency and accountability. Horse owners who use livery yards will also feel reassured that there is some oversight of the standards and that the welfare of their horses is being monitored and protected.
- Introducing a licensing scheme covering the provision of livery services may lead to the closure of small-scale livery providers. This would result in a lack of livery provision and consequently drive an increase in abandonment if owners cannot afford increased livery costs or find a livery provider.

Question 16: If you do not support the introduction of statutory licensing, what controls, if any, would you otherwise recommend?

There were 101 responses to this question. Substantive themes/points were—

- Yards should be required to sign up to BHS or similar organisation’s accreditation schemes to better improve traceability, horse welfare and standards.
- There should be consideration given to an industry led accreditation scheme for livery services, rather than statutory licensing.
- Mandatory, annual checks by a veterinary surgeon.
- More regulation isn’t necessary, we need enforcement of existing animal welfare legislation.
- Mandatory registration of livery providers may be more appropriate than a full-on licensing scheme. Registration could require livery yards to hold the horse’s microchip and passport numbers, verified name, address and contact number of the owner, alternative contact details in case the owner cannot be contacted and for every horse to be registered with a veterinary surgeon and farrier.

Question 17: Should licensing apply to all livery services, regardless of type or scale?

There were 294 responses to this part of the question. Of these, 201 (68.4%) responded yes, 48 (16.3%) responded no and 45 (15.3%) were not sure.

Option	Total	Percent
Yes	201	68.4%
No	48	16.3%
Not sure	45	15.3%

Question 17 also asked respondents to provide reasons for their answer. There were 161 responses to this part of the question. Substantive themes/points were—

- Licensing should apply to all livery services, regardless of size, so that there is consistency across the industry and regulation to safeguard equines, equine owners and livery owners and workers.
- Licensing should apply to businesses that have 'Care, Custody and Control' of horses on a commercial basis and meet the HMRC business test. While this would predominantly impact yards that offer full or part livery, it could/should impact a number of other establishments types that offer horse training or care services, including competition yards, studs and even (potentially) racing yards.
- Where livery services are not being provided (in effect, the proprietor is just providing facilities) and the Care, Custody and Control remains with the horse owner, licensing may not be appropriate. In these circumstances, there is little to differentiate the horse owner renting a facility from the owner that uses their privately-owned facility. In both cases, the owner would be expected to look after their horse appropriately and, if they failed to do so, could be held accountable under animal welfare legislation.
- All livery services should be licensed to avoid the possibility of loopholes being exploited. This will require a clear and comprehensive definition of 'livery' in the regulations and any accompanying statutory guidance. Examples where clarification is needed include where a person rents out a field only or when a friend is temporarily looking after a horse.
- Perhaps registration should be considered for smaller livery providers, with larger facilities required to be licensed. Appropriate thresholds would need to be established.

Question 18: Are there any further controls or measures, beyond those set out above, that you would like to see introduced as part of a licensing scheme for operators of livery yards?

There were 151 responses to this question. Substantive themes/points were—

- Licensing should require a contract to be in place that protects the welfare of any equines involved, as well as both livery and horse owners, but places responsibility on the owner of the livery yard for the care of all horses on their premises. There must also be protections for livery yard owners to ensure that people don't take advantage of a livery's accountability.
- There should be strict record keeping to ensure equine welfare and to avoid disputes between equine owners and livery business owners.
- Would like compliance with the 'Welfare of Equidae: Code of Practice', which was developed in line with the Animal Health and Welfare (Scotland) Act 2006, to be a mandatory requirement under licence. The Code may need updating however.
- Licence holders should be required to ensure equines are up-to-date with vaccinations, flea and worm treatments to avoid the spread of diseases, infections and parasites.
- A register of where equines live would be useful in terms of biosecurity. We need better traceability for each horse - a digital way of recording movements on and off premises.
- The Scottish Government should work collaboratively with the National Equine Welfare Council (NEWC) on the details of any future licensing scheme to

ensure the latest equine knowledge is utilised effectively. NEWC has clear standards through its Equine Industry Welfare Guidelines Compendium (which is currently being updated) which should provide a useful template.

- Any registration/licensing scheme introduced should be accompanied by guidance for horse owners on what to look for from a livery provider.
- Existing accreditation schemes could help reduce the number or extent of inspections required. Yards that have been awarded the status of BHS approved/accredited livery yard will already have been assessed by someone with detailed knowledge of equine management and welfare.

Question 19: Do you know of any challenges or negative consequences that may arise from the introduction of statutory licensing for livery yards?

There were 280 responses to this question. Of these, 105 (37.5%) responded yes, 132 (47.1%) responded no and 43 (15.4%) were not sure.

Option	Total	Percent
Yes	105	37.5%
No	132	47.1%
Not sure	43	15.4%

Question 19 also asked respondents to provide reasons for their answer. There were 121 responses to this part of the question. Substantive themes/points from those who answered yes were—

- The cost of the licence and the cost of upgrading premises/facilities may be too much for some operators. This may lead to some livery providers closing down which may lead to a shortage of livery provision.
- Inadequate number of Animal Health Officers to regulate and enforce the legislation. When introducing the legislation, Scottish Government should provide funding centrally to train and employ additional AHOs.
- Reduced livery supply prompted by fewer providers is likely to drive up the cost of livery. Additionally, where yards accept the need to licence, the regulatory burden is likely to create additional costs, which will need to be passed on to clients in higher prices. Reduced livery supply and higher costs may have an adverse impact on horse welfare and reduce the number of horse owners to those that have higher incomes and can afford the increased costs or can buy their own land.
- The term 'livery' will need to be defined clearly. If this is not done, operators may seek to modify their services to avoid licensing.
- Finding small diversified liveries could be a challenge. Also, there are many models of equine keep - sharing, loaning, part ownership etc. that will need to be taken into account.
- It will be essential that livery yards are only awarded a licence following an inspection by a person with suitable experience and qualifications in equine health and welfare. Inspections cannot simply be performed by a 'general' licensing inspector.
- One potential unintended consequence of statutory licensing could be livery owners finding the licence conditions too onerous, complicated and/or costly for

them and they therefore move out of the business altogether. This could lead to a shortage of available livery services, placing pressure on horse owners who may not be able to look after their horse adequately. This could in turn lead to increase in horse abandonments and, in the worst-case scenario, neglect.

- Training of local authority inspectors will be necessary, most won't have the necessary equine expertise to undertake meaningful inspections. Additionally, there is already a lack of vets to assist local authorities with inspections/enforcement work, additional licensing requirements will only exacerbate this situation.

Question 20: Are you aware of any examples of how any of the proposals above may impact, either positively or negatively, on those with protected characteristics?

There were 279 responses to this question. Of these, 21 (7.5%) responded yes, 193 (69.2%) responded no and 65 (23.3%) were not sure.

Option	Total	Percent
Yes	21	7.5%
No	193	69.2%
Not sure	65	23.3%

Question 20 also asked respondents who answered "yes" to explain the reasons for their answer. Although 21 respondents answered "yes" to the first part of question, there were 35 recorded responses. Substantive themes/points were—

- Livery yards cater for people as well as equines - human considerations such as safeguarding, using livery contracts, having good facilities and fair rules can all impact on those with protected characteristics, not having these checks and balances will have a negative impact.
- There is the possibility that those who have limited education, dyslexia or lack confidence when dealing with bureaucratic processes, may be reluctant to engage in any licensing scheme. Would recommend that the application process needs to be in an easy read format with the absolute minimum of bureaucratic or legalistic jargon.
- Possible that older livery yard owners nearing the end of their career may struggle to implement changes / engage in the application process. They may require help and support with any future scheme.
- If a requirement for a safeguarding policy is included in any future licensing scheme, then it could positively impact on all people including children, vulnerable teenagers and adults, often with learning disabilities, that are employed by livery yards and riding establishments.
- Recreational horse ownership is largely a female-biased pursuit in the UK. Changes that make horse management more time consuming or challenging (such as driving further to reach a yard) could disproportionately impact on women.

4.4 Canine fertility businesses

There was strong majority support (89%) for the proposal to license canine fertility businesses. Those supportive of licensing highlighted that there was currently no regulation in place to control or monitor these businesses, which was concerning given the services offered and the potential serious implications for animal welfare. It was noted however that while supportive of regulation, some respondents wanted to see amendments made to the Veterinary Surgeons Act and for it to be the mechanism for regulating canine fertility businesses.

PDSA: “The 2023 PDSA Animal Wellbeing (PAW) Report showed that 68% of UK veterinary professionals have seen a dog in their practice that had been treated by a canine fertility clinic, and almost half (48%) of UK veterinary professionals surveyed stated they had welfare concerns about the dog resulting from their attendance at a canine fertility clinic (PDSA, 2023).”

Many respondents, including the Scottish SPCA, highlighted the links between canine fertility clinics and the low-welfare puppy trade and wider criminality. Respondents also highlighted that these clinics often facilitate the breeding of dog breeds that would naturally struggle to conceive. Many respondents commented that future licensing controls should restrict the breeding and/or semen collection activities of canine fertility businesses to dogs who are capable of mating naturally and giving birth without assistance and without being likely to produce offspring with harmful conformations or genetic defects.

There was majority support for the proposal to require canine fertility businesses to have to renew their licence annually. Respondents considered the risks associated with canine fertility clinics to be too significant to allow for licences to be granted on a 2 or 3 year basis. There was support from some respondents for there to be regular unannounced inspections of these businesses and not just an inspection as part of the annual license renewal process.

British Veterinary Association: “The services offered by the sector have significant potential to have a negative impact on animal health and welfare. The sector is also continuously and rapidly evolving in terms of product offering and business model. There should therefore be an annual assessment to ensure the business is adequately licensed for all the activities it is carrying out.”

There was strong support for the involvement of an independent veterinary surgeon in any inspection of canine fertility businesses. It was recognised that local authority staff were unlikely to have the level of knowledge and awareness required to undertake inspections of these businesses. Given the significant animal welfare risks, inspections must not be reduced to tick-box exercises. It was recognised that meaningful inspections would require specialist knowledge that local authority inspectors were unlikely to have. It was emphasized that local authority inspectors would either need extensive training or that the services of veterinarians would be required.

A significant number of respondents raised serious concerns about laypersons undertaking procedures that fall within the definition of veterinary surgery, which

clearly carries significant risk for animal welfare. It was emphasized that there is an urgent need to clarify what can and cannot be done by canine fertility businesses. Respondents, including the SAWC, highlighted concerns that some clinics appear to be offering services that should, under the Veterinary Surgeons Act 1966, only be performed by qualified veterinary surgeons, with no indication that these services are actually being performed by veterinarians.

Scottish SPCA: “There are serious concerns about canine fertility clinics that lack appropriate veterinary supervision, including about some of the actions apparently being undertaken by laypersons without appropriate training, who may not understand the potentially serious consequences of their actions in compromising animal welfare.”

Many respondents were of the view that many of the services currently being offered by canine fertility businesses should only be delivered by veterinarians or Registered Veterinary Nurses (RVNs) under veterinary supervision. A number of respondents called for canine fertility businesses to be required to employ the services of a registered veterinary surgeon and for the vet to be required to be on site at all times.

A significant number of respondents were of the view that licensing canine fertility businesses would be read as Scottish Government legitimizing the activities of these businesses. A significant number of respondents were of the view that given the concerns around their activities and the associated risks to animal welfare they should be prohibited rather than enabled to continue.

Individual: “I strongly believe that the Scottish Government should put an end to canine fertility services in Scotland by implementing a phase out of the industry, rather than allow this industry to continue under a licensing scheme.”

The Scottish SPCA and a number of other respondents highlighted significant concerns about the illegal and irresponsible use of medications by some canine fertility businesses.

Scottish SPCA: “PG600 is a hormone authorised for use in the UK as a fertility treatment in pigs. Evidence has been found by the Scottish SPCA that PG600 is being administered to female dogs. PG600 causes the female to come back in to heat after being injected with the hormone. Once a previous litter has fully weaned, the female will be injected so that she is continuously in heat.”

A key concern for a significant number of respondents was the ability of local authorities to enforce new licensing requirements for canine fertility clinics.

Scottish Companion Animal Welfare Group: “Whilst we strongly agree with and support the need to license further activities, including canine fertility clinics, adequate consideration needs to be given to ensuring local authorities have the appropriate knowledge and resources to carry out inspections and enforcement.”

There was overwhelming support (84.4%) for the proposal to require any veterinarian associated with a canine fertility business to be present during any inspection undertaken by the licensing authority. Some respondents however were

of the view that this did not go far enough, and that veterinarians should be on site routinely. Additionally, some respondents commented that only UK registered veterinary surgeons should be permitted to work for canine fertility businesses.

OneKind: “This would help avoid the scenario of the name of a veterinary surgeon who is not actually working at the clinic, or even resident in the UK in some cases, being used to try to legitimise a business illegally carrying out veterinary procedures.”

On the proposals to require canine fertility businesses to submit evidence of health screening undertaken as part of any licence application, including screening for temperament, and for that screening to include veterinary certification of health and genetic suitability for breeding, there was overwhelming support, 88% and 85.5% respectively. It was noted however that there would be challenges to delivering this in practice, including, in particular, the limitations of screening for temperament and the expertise and resources required to assess any evidence provided. A number of respondents also highlighted that proving the validity of evidence submitted by canine fertility businesses could be problematic.

There was significant majority support (91.3%) for the proposal that as part of the licence application process, canine fertility businesses would be required to provide information on any stud dogs owned by or intended for use by the business.

SAWC: “Only a system of dog breeding and selling that has total traceability can be fully effective in protecting animal welfare and protecting the consumer. This must include stud dogs and their owners, which may not currently be recorded.”

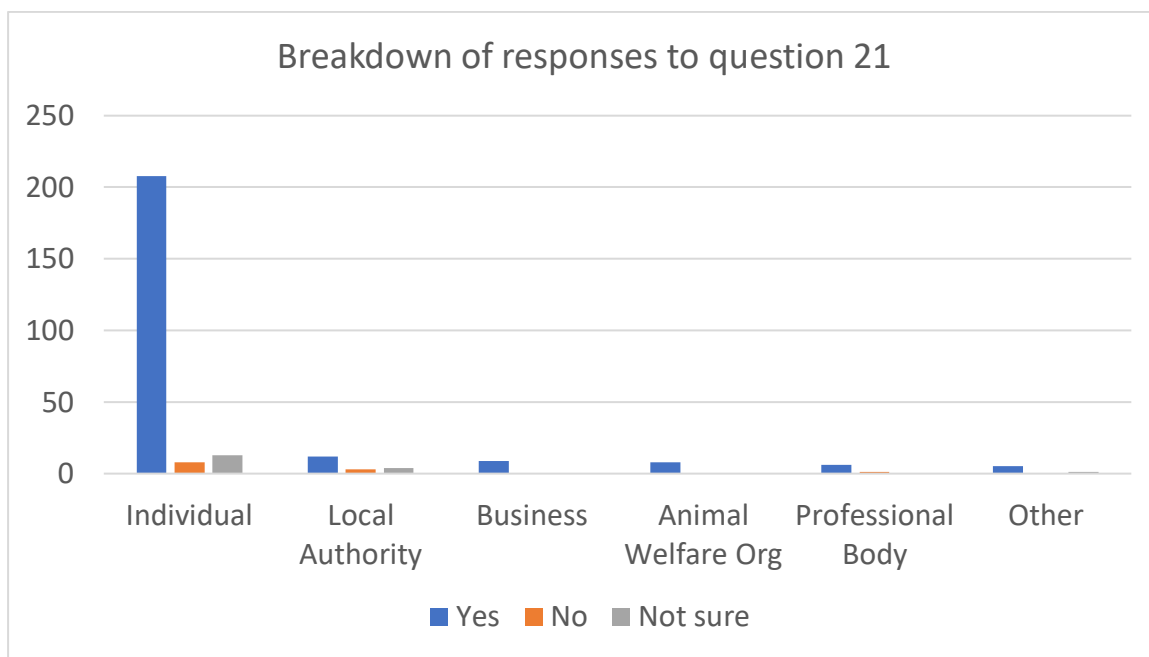
A number of respondents supportive of this proposal commented that given the rise in recorded dog attacks, this was important to reduce opportunities for unscrupulous operators to deliberately breed for undesirable characteristics in certain breeds of dog. The limitations of the proposal were highlighted by a number of respondents however, who stated that this information would quickly become out of date and that to be effective there would be a need for canine fertility businesses to provide it on an on-going basis, or alternatively licensing would need to require operators to retain records of all stud dogs, including owner/microchip details etc. and provide this to inspectors as and when required.

A breakdown of responses received to each question, along with key points / common themes raised is provided below.

Question 21: Do you agree that businesses offering canine fertility services should be made subject to a statutory licensing scheme?

There were 278 responses to this question. Of these, 248 (89%) supported the proposal to introduce statutory licensing for canine fertility businesses.

Option	Total	Percent
Yes	248	89%
No	12	4.32%
Not sure	18	6.5%



Question 21 also asked respondents to provide reasons for their answer. There were 170 responses to this part of the question. Substantive themes/points were—

- Canine fertility clinics are currently unregulated which puts dogs at risk and susceptible to unsuitable medical treatment.
- Licensing would close a loophole where anyone can open a canine fertility business and offer a range of non-invasive services without any training, qualifications or regulatory oversight.
- Profit is the main motive of these businesses, which compromises animal welfare.
- There is a lucrative backyard breeding business operating with little regulatory control. This puts animal welfare at risk, and has led to the prevalent breeding of particular sought-after breeds including XL bullies, which are a possible and credible danger to the public.
- Evidence suggests that a number of individuals involved in delivering canine fertility services have links to wider criminality, and are directly or indirectly associated with illegal or unethical dog breeding activities.
- Licensing is the only means of ensuring that those undertaking procedures are competent, qualified and fit and proper persons.
- The provision of many services arguably falls within the definition of 'veterinary surgery' in the Veterinary Surgeons Act 1966 and should really be guided by the RCVS.
- Canine fertility services should only be offered and delivered by veterinary practices.
- The services offered are often focussed on breeds with known health issues, e.g. brachycephalic dogs and those that naturally struggle to conceive. These are often the breeds bred by low-welfare breeders due to the demand for such dogs. There are also concerns about experimentation to produce "hybrid" breeds.

- Until the Veterinary Surgeons Act of 1966 can be brought up to date, there is no other way to protect the welfare of breeding dogs than through licencing and suitable training of those involved.
- It is unacceptable that anyone other than a qualified vet or registered veterinary nurse should be able to offer services such as obtaining vaginal cytology samples, offering interpretation of that cytology, taking semen samples and implanting into female dogs. These are all things that require specialist training to be done correctly and safely.
- The Scottish Government should put an end to canine fertility services in Scotland by phasing out of the industry, rather than allowing it to continue under a licensing scheme.
- Licensing could be interpreted as the Scottish Government somehow endorsing and legitimising these businesses. Given the significant animal welfare and ethical concerns around the practices of such businesses they should be shut down.
- Licensing and enforcement of these businesses should not fall to the local authorities due to the level of knowledge and expertise that would be required. The knowledge required to effectively enforce any future licensing scheme will be beyond the knowledge of local authority officers.
- Licensing will not deter the criminal element from illegal activities.
- If licensing is introduced it must be a condition of licence that a registered veterinary surgeon be present at all times.
- There is an urgent need to amend the Veterinary Surgeons Act and canine fertility businesses would be better regulated under this Act.
- The dramatic increase in canine fertility businesses can be partly attributed to the complete lack of regulation, transparency and accountability in this sector. We know from other areas of animal welfare, such as illegal, low-welfare dog breeding, that unscrupulous individuals are able to exploit loopholes in legislation or regulation at speed to make a substantial profit, leading to severely detrimental effects on dog health and welfare. There are serious concerns that CFCs could, for instance, be used as cover for illegal dog breeding.

Question 22: If you do not support the introduction of statutory licensing, what controls, if any, would you otherwise recommend?

There were 72 responses to this question. There were several common themes among the responses submitted and these are highlighted below. It should be noted that, despite the question, a number of these 72 respondents replied reaffirming their support for licensing.

- Given the significant concerns around canine fertility businesses, licensing is not appropriate, and such businesses should be phased out.
- Regulation of canine fertility businesses is needed, but licensing is not the best means of delivering this.
- Licensing will effectively legitimise these businesses. They should be phased out with only registered veterinary surgeons permitted to offer fertility services.
- The introduction of a licensing scheme will likely lead to significant issues in respect to enforcement.

- Regardless of whether licensing is introduced, there is a need to bring forward amendments to the dog breeding provisions in the animal licensing framework introduced in 2021 to ensure, for example, that artificial insemination is not used to breed from dogs who cannot mate and/or whelp by way of natural methods due to innate health issues. Artificial insemination and semen preservation / collection should not be used to overcome dogs' physical inabilities to reproduce.
- The Veterinary Surgeons Act needs to be updated to reflect modern veterinary practices. Fertility Clinics should then be contained within that and procedures such as obtaining vaginal cytology samples, semen samples and artificial insemination, considered as invasive procedures, should only be carried out by suitably qualified vets or RVNs.

Question 23: If you do support the introduction of statutory licensing, which services should be regarded as "canine fertility services" and therefore require a licence?

There were 194 responses to this question. Services and procedures highlighted for inclusion in any future licensing scheme included—

- All services offered should fall within the scope of any future licensing scheme.
- All and any breeding activities associated with canine fertility clinics should be covered by statutory licensing.
- Services that constitute acts of veterinary surgery, including any acts of diagnosis, should be performed only by a registered veterinary professional. Other canine fertility services performed to an animal should be performed under the direct supervision of a registered veterinary professional.
- Several respondents identified specific procedures/services that should be within the scope of licensing. These are—
 - Artificial insemination (intravaginal and/or transcervical).
 - Progesterone testing.
 - Cytology testing.
 - Ultrasound scanning.
 - Stud services.
 - Semen collection.
 - Semen analysis.
 - Semen preparation.
 - Semen storage, including cryopreservation.
 - Semen shipping (domestic and international).
 - Assisted mating.
 - Whelping support.
 - Provision of stud dogs.
- There should be a requirement for clinics to undertake a "fit to breed" assessment of any dam, (including genetics/pedigrees), number of previous litters and any previous caesarean sections.
- While not a service, all canine fertility clinics should be required to have a registered veterinary surgeon associated with the business.
- All and any activities that are connected to dog breeding should be licensed.

Question 24: Do you support the proposal that any veterinary surgeon named as being associated with a canine fertility business needs to be present during any inspection undertaken, or arranged by, the licensing authority when the authority so requests?

There were 276 responses to this question. Of these, 233 (84.4%) supported the proposal to require any veterinary surgeon associated with the business to be present during any inspection by the licensing authority. 13 (4.7%) did not support the proposal and 30 (10.9%) were not sure.

Option	Total	Percent
Yes	233	84.4%
No	13	4.7%
Not sure	30	10.9%

Question 24 also asked respondents to explain the reasons for their answer. There were 102 responses to this part of the question. Substantive themes/points were—

- Veterinary surgeons associated with the business should be present during all inspections.
- Veterinary surgeons should be at the premises at all times, not just for inspections by the licensing authority.
- The veterinary surgeon associated with the business should be present, but the inspection must also be undertaken by a registered UK vet who is completely independent from the business being inspected. Local authority inspectors will not have the expert knowledge required to undertake inspections. Officers from the licensing authority must also be present at any inspection.
- Only veterinary surgeons eligible to practice in the UK should be permitted to be employed by canine fertility businesses.
- If a Scottish Veterinary Service is established, this could provide an appropriate pool of inspectors to assist the licensing authority with inspections.
- Associated vets should be present, but there needs to be sufficient notice given to ensure they can attend.

Question 25: Do you support the proposal that as part of the licence application process, canine fertility businesses would be required to submit evidence of the health screen testing undertaken for all dogs used by the business, including testing to assess a dog's temperament?

There were 276 responses to this question. Of these, 243 (88%) supported the proposal to require canine fertility businesses to submit such evidence. 11 (4%) respondents did not support the proposal and 22 (8%) were not sure.

Option	Total	Percent
Yes	243	88%
No	11	4%
Not sure	22	8%

Question 25 also asked respondents to explain the reasons for their answer. There were 101 responses to this part of the question. Substantive themes/points were—

- Health-screening absolutely should be carried out for all dogs.
- The limitations and shortcomings of health-screening and assessments of temperament need to be recognised.
- Given that many of these businesses focus on breeds that naturally struggle to conceive, robust health-screening must be a requirement.
- Assessing the temperament of a dog is not straightforward, as a dog being assessed in an unfamiliar environment and by individuals unknown to the dog will often behave differently.
- One of the concerns about CFCs is they are actively promoting the indiscriminate breeding of dogs with aggressive traits. Any breeding from dogs with poor temperament and/or established behaviour issues is clearly irresponsible and unethical and should lead to a licence being refused or revoked.
- In addition to requiring health-screening, similar measures to those set out in the 2021 animal licensing regulations in respect to not breeding from dams with particular genotypes, conformation or behaviours, should apply to operators of canine fertility businesses. Other measures to protect the welfare of breeding dogs set out in the 2021 regulations should also apply.
- This would be difficult to enforce. Testing for temperament is a grey area, and health screening is of limited value.
- Responsible and ethical operators should be doing this anyway. Businesses that don't should not be licensed.
- The validity of any testing undertaken by these businesses must be verifiable.
- Health screening must only be undertaken by a registered veterinary surgeon as they will know what tests are appropriate for each breed.
- Who would assess the results of health-screening? The licensing authority is unlikely to have sufficient resource/suitably qualified staff, and the veterinary profession is already under considerable pressure due to recruitment/staffing issues. To be effective, any health-screening requirements will need to be carefully thought through and adequately resourced.
- There must be robust recording and retention requirements around test results and these must be readily available for inspection.

Question 26: Should screening also include veterinary certification of health and genetic suitability of all dogs/semen and bitches used for breeding whether or not owned by the business?

There were 277 responses to this question. Of these, 237 (85.5%) supported the proposal that screening should also include veterinary certification of health and genetic suitability of all dogs/semen and bitches used for breeding whether or not owned by the business. 11 (4%) respondents did not support this proposal and 29 (10.5%) were not sure.

Option	Total	Percent
Yes	237	85.5%
No	11	4%
Not sure	29	10.5%

Question 26 also asked respondents to explain the reason for their answer. There were 76 responses to this part of the question. Substantive themes/points were—

- Veterinary certification, if introduced, should be through an independent vet, and not a function undertaken by a vet associated with the business. It should be a registered UK vet that undertakes the screening.
- Responsible breeders and canine fertility businesses would be doing this already in order to ensure the health of puppies produced.
- This is a crucial aspect of responsible breeding.
- Given the links these businesses have to the breeding of bully type dogs, where the aim is to breed for maximum size and even aggression, this should be a requirement.
- Not enough suitably qualified and experienced vets to deliver this policy.
- Could be complex to administer and enforce.
- This could help to address the concerns around the unethical breeding of brachycephalic breeds, which is often linked to canine fertility businesses. Future controls should accord with the measures set out in the 2021 animal licensing regulations to control breeding of brachycephalic breeds.
- Veterinary certification should come from the dog owner's vet and not a vet associated with the clinic.
- Consideration needs to be given to how, for example, imported semen that has been certified by a vet in the exporting country would be handled. Would such semen be considered compliant?
- If implemented, there will need to be robust and verifiable recording mechanisms.
- A full health screening should only be undertaken if a veterinary surgeon deems it necessary or beneficial. A requirement for every dog to be genetically tested would create a large amount of work.
- Rather than a stringent requirement to health screen test every dog before breeding, properly enforcing the requirement for every clinic to have a registered veterinary surgeon who is accountable for the health and welfare of the dogs under the care of the canine fertility business could deter unethical breeders and improve canine health and welfare.

- In principle this is a sensible idea to protect the welfare of both breeding dogs and their offspring, however the practicalities may make this impossible to implement due to current resourcing challenges within the veterinary sector.
- This proposal would not address the wider concerns with these businesses. They should be closed down.

Question 27: Do you support the proposal that as part of the licence application process, canine fertility businesses would be required to provide information on any stud dogs owned by or intended for use by the business (for example ownership details, microchip number, where kept)?

There were 276 responses to this part of the question. Of these, 252 (91.3%) supported the proposal for canine fertility businesses to provide this information. 7 respondents (2.5%) did not support the proposal and 17 (6.2%) were not sure.

Option	Total	Percent
Yes	252	91.3%
No	7	2.5%
Not sure	17	6.2%

Question 27 also asked respondents to explain the reason for their answer. There were 74 responses to this part of the question. Substantive themes/points were—

- With recent coverage of dog attacks in domestic surroundings this should be mandatory to try and reduce the opportunities for unscrupulous operators to deliberately breed for the worst characteristics in certain breeds of dog.
- This should be mandatory in order to protect and safeguard dog welfare and help investigate/keep track of any illegal and/or low welfare, backyard breeder/owners.
- This would help to ensure accountability and that appropriate animal standards are being upheld.
- Agree with this in principle, but have concerns that any information supplied at the time of application would quickly become out of date. Would suggest that canine fertility businesses be required to maintain records of all male dogs kept and/or used by the business for stud services, and for these records to be available to the licensing authority to view whenever they so request.
- Only a system of dog breeding and selling that has total traceability of all dogs involved can be fully effective in promoting animal welfare, protecting the consumer, and preventing inherited disease and conditions. This must include stud dogs and their owners which are not currently captured. Furthermore, there is currently no limit to the number of litters a stud can sire. Matings / litters sired should at least be recorded to assist in the event that inherited defects are manifested.
- Not clear how this would be possible beyond the stud dogs that the business owns, or has some form of direct link to. We would expect a number, if not most fertility clinics, would provide services involving stud dogs that will be owned by external clients.
- Would need to include provisions to ensure that the details of stud dogs used or acquired after submission of a licence application or after a licence is granted is

provided to the licensing authority on an ongoing basis. This however could be a considerable administrative burden on already stretched local authorities.

- Currently, stud dogs are not covered by regulations meaning that their welfare can potentially be compromised. There are no limits on the number of litters an individual stud dog can sire which could lead to lack of genetic diversity within the breed, potentially leading to further health and welfare concerns affecting their offspring and breed health generally.
- The use of stud dogs should be included in the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations
- Records should be kept of all breeding bitches and stud dogs to ensure traceability and legitimacy, and to ensure conformation and temperament are not a welfare risk to animal or human.

Question 28: Do you agree with the proposal that canine fertility businesses are required to renew their licence annually instead of up to 3 years, due to the higher animal welfare risks associated with such businesses?

There were 277 responses to this part of the question. Of these, 229 (82.7%) supported the proposal to require canine fertility businesses to be licensed annually. 12 respondents (4.3%) did not support the proposal and 36 (13%) were not sure.

Option	Total	Percent
Yes	229	82.7%
No	12	4.3%
Not sure	36	13%

Question 28 also asked respondents to explain the reasons for their answer. There were 82 responses to this part of the question. Substantive themes/points were—

- New businesses should be subject to stricter checks until they have proven that they are responsible. More established businesses still need to be checked, but maybe not quite so often if they have a proven track record.
- Every year is preferable, but if there is a lot of resistance then you could say annual for the first 3 licences then every 2nd or 3rd year depending on assessed risk.
- Most premises requiring a licence are licensed on an annual basis, and so should any business that involves animals.
- The risks associated with these businesses necessitate closing them down.
- 3 years is too long between inspections. Annual inspections allow for better monitoring of these businesses and allows concerns to be picked up and addressed more quickly.
- Annual licensing is more likely to keep operators in compliance due to greater oversight of their activities; and it ensures that they are keeping their skills and practices up to date.
- CFCs present an immediate and high risk to dog welfare and should, therefore, be subject to a more rigorous and comprehensive licensing and inspection regime than other licensable activities. This will, however, depend on the licensing authority possessing the necessary resources and qualified staff to conduct an annual inspection.

- The Scottish Government should provide additional resources to local authorities to reflect the increased burden that licensing will impose, and to ensure there is effective enforcement, particularly given the concerns associated with these businesses.
- This is a new and fast growing sector that has not previously been subject to regulation, so a period is required in which the licensing framework is stricter to ensure compliance with new requirements. This could be reviewed in the mid-term, but initially annual licensing inspections will be a necessary part of effectively regulating canine fertility businesses.
- This should help to curb the recent proliferation of canine facility clinics.
- It is recognised that organised crime is increasingly becoming involved in the operation of canine fertility businesses which places animals at even greater risk. Annual licensing therefore should be a requirement.
- The services offered by the sector have significant potential to have a negative impact on animal health and welfare. The sector is also continuously and rapidly evolving in terms of product offering and business model. There should therefore be an annual assessment to ensure the business is adequately licensed for all the activities it is carrying out.
- Canine fertility businesses present an immediate and high risk to dog welfare and should, therefore, be subject to a more rigorous and comprehensive licensing and inspection regime than other licensable activities. This will, however, depend on local authorities possessing the necessary resources and qualified staff to conduct an annual inspection.
- A few respondents also commented that: licensing frequency should be on the same basis as that for other licensable animal activities and these businesses should be banned.

Question 29: Are there any further controls or measures that you would like to see introduced as part of a licensing scheme for canine fertility business?

There were 124 responses to this question. Substantive themes/points made were—

- Disclosure checks on owners/operators of canine fertility businesses. People with animal welfare convictions must not be licensed.
- Licensing is not appropriate, these businesses should be phased out.
- Evidence of financial accounts and taxes paid should be necessary.
- Requirement for spot-checks, not just annual inspection at time of licence renewal.
- Needs to be delivered in conjunction with robust penalties for non-compliance.
- Clinics should not be able to operate without the oversight of a registered veterinary surgeon and a registered veterinary nurse on premises at all operating times.
- Need to ensure that these businesses are properly insured.
- Canine fertility businesses should operate with veterinary oversight which is required for carrying out transcervical insemination procedures and intravenous blood sampling. This will allow the Royal College of Veterinary Surgeons to regulate and investigate and also support other agencies by giving guidance on which procedures fall under the Veterinary Surgeons Act 1966.

- The Scottish Government should not allow anybody who is not a qualified veterinary surgeon to offer canine fertility treatments.
- The people should be encouraged to adopt from shelters which are currently overflowing with dogs needing rehoming. These clinics are only making a bad situation worse.
- There needs to be clear guidance on the services that can be provided by staff who are not registered veterinary professionals - any lay persons operating canine fertility businesses and their employees, should only be permitted to perform canine fertility services that are contained in a positive list.
- Future regulations must stipulate the minimum training requirements for all services permitted to be offered by canine fertility businesses.
- Local authority inspectors must be accompanied by an independent registered veterinary surgeon during any inspection of a canine fertility business.
- Any new licensing system must be accompanied by comprehensive and evidence-based statutory guidance. This guidance should be developed in conjunction with relevant key stakeholders, particularly the veterinary sector.
- Controls on imported semen must be introduced as well as effective registration and tracking when it arrives in the UK.
- Levels of illegal activity needs to be urgently addressed by the relevant authorities. We would welcome any efforts the government could take to raise awareness of the negative pet welfare impacts of canine fertility clinics among pet owners and the veterinary sector.
- Veterinary procedures, including but not limited to progesterone testing, vaginal cytology, semen collection, ultrasound pregnancy scanning, and intravaginal insemination should only be carried out by veterinary professionals.
- Licence conditions should specify that only dogs who “would be capable of mating naturally and giving birth without assistance and without being likely to produce offspring with harmful conformations or genetic defects” should be used for breeding or semen collection. This condition should be rigorously enforced.
- Would like to see greater sharing of intelligence between leading agencies when it comes to enforcement of legislation that exists to protect animal welfare.
- Agree that the local authorities are the ideal licensing body, however, concerns exist about the administration and enforcement of such licenses. Currently, many local authorities do not have the capacity, animal welfare knowledge or ability to carry out these functions properly.
- Local Authorities currently have a significant role in enforcing animal welfare. However, the approach to enforcement varies widely between local authorities due to a lack of resources and a varying approach to the application of existing regulation. It would therefore be beneficial to develop a framework that allows for data sharing, including between the UK nations and consistent application of enforcement activities as well as specified training and qualifications for staff involved in such activities.

Question 30: Are you aware of any examples of how any of the proposals above may impact, either positively or negatively, on those with protected characteristics?

There were 265 responses to this question. 201 respondents (76%) did not think there would be any impact on those with protected characteristics. 56 (21%) were unsure if there would be any impact. Only 8 respondents (3%) said yes. Protected characteristics are classed as: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Option	Total	Percent
Yes	8	3%
No	201	76%
Not sure	56	21%

Question 30 also asked respondents who answered "yes" to explain the reasons for their answer. Despite only 8 respondents answering "yes" to the first part of question, there were 23 recorded responses. The majority of the responses submitted however, were along the lines of "no comment", "don't see relevance of question", "ban these businesses" and "not applicable". The only substantive points made were—

- There are certain religions that are required to take good care of animals and this service seems like an abuse and devaluation of animals.
- Costs may increase and some existing practitioners may not meet the standards. Transitional provisions may be needed if a licensing or registration system is to be introduced to allow businesses time to meet new statutory requirements.

4.5 Greyhound Racing

The responses to this question, on the face of it, show a clear split between those that support licensing and those that are not sure. However, it is evident that the view of the overwhelming majority that responded 'not sure' is that licensing doesn't go far enough and they want to see a phasing out of greyhound racing in Scotland. It should be noted that many of the respondents that indicated their support for licensing of greyhound racing caveated that support by stating that they would like to see it phased out eventually.

As highlighted in the executive summary, the Scottish Government also received 1180 campaign responses to the greyhound racing proposals. Rather than supporting the introduction of a statutory licensing scheme, campaign respondents all replied "not sure" to the question of whether greyhound racing tracks should be subject to statutory licensing, stating instead that, rather than licensing, they seek the phasing out of greyhound racing in Scotland.

Respondents that did not support licensing of greyhound racing (7.7% of respondents) fell into 2 distinct groups. One group, which included some key animal

welfare organisations, is calling for greyhound racing to be phased out as soon as possible as they consider this the only way to protect greyhound welfare. A number of these respondents also expressed the view that permitting greyhound racing under a licensing framework could encourage investment in and growth of greyhound racing in Scotland.

OneKind: “The only way to remove the inherent risks of greyhound racing is to end this practice entirely. OneKind recommends a phase out of greyhound racing in Scotland.”

Dogs Trust: “Dogs Trust would like to see an end to greyhound racing in Scotland as soon as possible, whilst ensuring all greyhounds involved in the industry are cared for. We are calling for a phased end to greyhound racing across the UK, so we can carefully plan and coordinate the care of the dogs who will be affected.”

The other group of respondents not supportive of licensing, commented that greyhound racing in Scotland was being unfairly targeted and misrepresented and that if licensing was to be introduced then it should be applied to all dog racing activities. Further comments included that the welfare of racing greyhounds was already protected under the Animal Health & Welfare (Scotland) Act 2006 and that the sport had self-regulated for years and should be allowed to continue to do so. A few respondents also stressed that greyhound racing in Scotland today is a hobby sport run by a small group of dog loving enthusiasts who are maintaining the long standing, working class traditions of this activity and that overregulation could end this. It was also emphasised that it was unfair to associate the injury and death statistics published by the Greyhound Board of Great Britain (GBGB) with the activities at Thornton race track as the two operate on a completely different level, with distinct approaches to how racing is delivered.

Thornton Greyhound Track: “Canine greyhound racing in Scotland is a hobby sport and the conditions set out in your consultation are far too expensive and totally unnecessary. Should Thornton Greyhound Stadium become more professional we would join the GBGB where inspections would be carried out by professionals and not by Local Authority staff that know nothing about greyhound racing.”

The GBGB commented that the Scottish Government should be seeking to build on the Welfare of Racing Greyhounds Regulations 2010 (which are enforced by the GBGB) instead of introducing a new separate licensing scheme. A number of these respondents commented that the costs of complying with new licensing requirements, particularly the cost of having a vet in attendance on race nights, would be prohibitive and could lead to the closure of the track.

GBGB: “GBGB’s regulatory process goes far beyond what is required by the 2010 Regulations and offers an effective, ready solution to the concerns and challenges raised about unregulated racing in Scotland. We strongly recommend that, instead of introducing a new statutory licensing scheme, the Scottish Government should instead choose to build on the 2010 Regulations and take advantage of GBGB’s existing regulatory system to assure and raise welfare standards in greyhound racing. This

may represent either a recommendation or requirement for any existing or new greyhound racing tracks in Scotland to become licensed by GBGB.”

The responses to the question of whether greyhound racing should be licensed clearly demonstrate that there is overwhelming support for the Scottish Government to take action on greyhound racing in Scotland. The discussion is around just how far that action needs should go— licensing or an outright ban. Those supporting licensing, including the British Veterinary Association, commented that a key concern is the complete lack of any targeted regulation in Scotland to protect the welfare of racing greyhounds. A concern highlighted by the Scottish Animal Welfare Commission is that there is currently no requirement for independent tracks to record and publish data on injuries and deaths and that without this evidence it is impossible to assess the impact of racing on greyhound welfare at independent tracks.

British Veterinary Association: “BVA welcomes the Scottish government’s proposals to licence greyhound racing in Scotland. We supported the introduction of the Welfare of Racing Greyhounds Regulations 2010 in England, and the subsequent licensing of tracks through GBGB. While there are still potential areas for improvement, it is of concern that there are currently no comparable regulations in Scotland, and the one operational track is not under the aegis of GBGB.”

Some supporters of licensing, and a significant number of those that responded not sure, highlighted the GBGB’s own published statistics on injuries and deaths as being strong grounds for determining that statutory licensing would not protect greyhound welfare. Many respondents did however recognise that licensing would at least ensure veterinary presence on race nights which would allow for a dog’s fitness to run to be assessed and ensure immediate veterinary care should an animal be injured. It was also noted that licensing could be used to drive up the standard of facilities and kennelling at race venues.

There was overwhelming support (94.5%) from respondents for the proposal to require a veterinary surgeon to be in attendance when dogs are racing. It was clear from the responses that many wanted any veterinarian attending racing to be empowered to have the final say on whether a dog runs and authority to ensure that this decision was respected. A number of respondents whilst supportive of the proposal highlighted that even the attendance of a vet wouldn’t prevent injuries or fatalities from occurring, but would at least ensure prompt care, particularly when racing often takes place at night when veterinary clinics are closed. Some respondents highlighted that recruitment of veterinarians prepared to actually attend the track, likely for several hours, may be problematic, as there is significant demand for veterinary services and a recognised shortage of veterinarians. Respondents not supportive of this proposal commented that there was no need to have a vet on site during racing as there were veterinary practices close to the race venue and that any injured dog would quickly be transported to a nearby clinic for necessary treatment.

On the question of licence duration, there was clear majority support (86.9%) for licences to be renewed annually. A significant number of those supporting this proposal caveated their support by emphasising that they considered a ban to be the only way to protect greyhounds, but should licensing go ahead then licences should

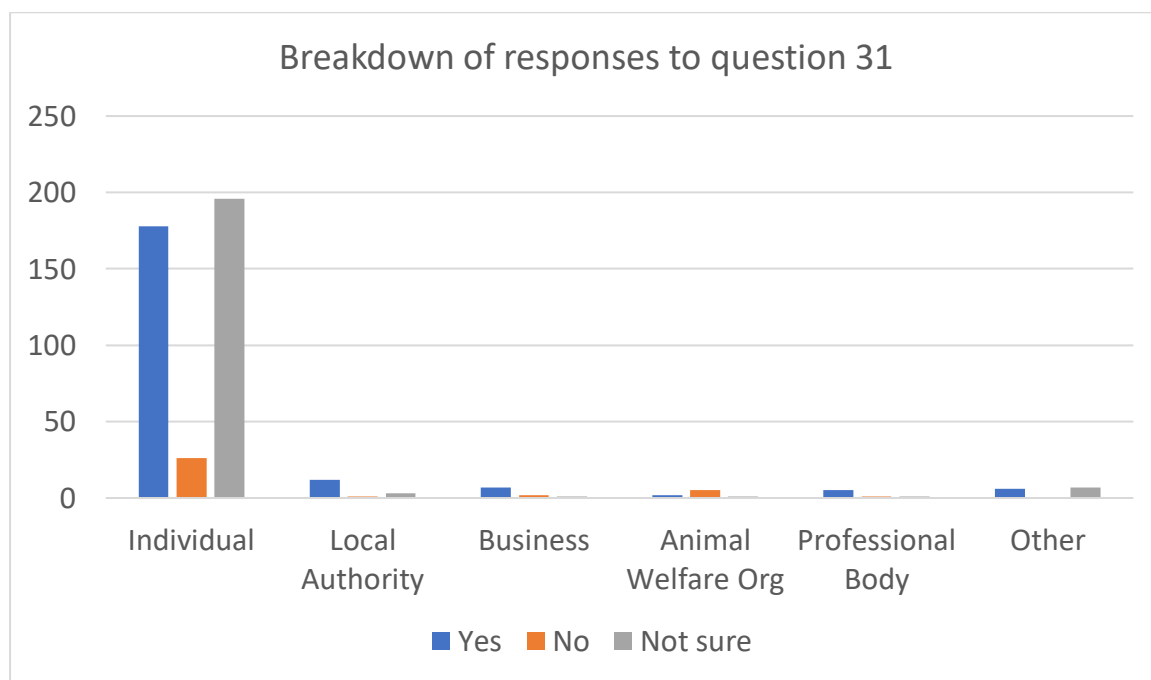
be required to be renewed annually. The operator of Scotland’s only active track did not support the proposal for annual licences. The GBGB did however support it, stating that annual licensing accorded with their own licensing regime. A few respondents raised concerns about the costs associated with annual licensing, stating that these could be prohibitive.

A breakdown of responses received to each question, along with key points / common themes raised is provided below.

Question 31: Do you agree that operators of greyhound racing tracks should be made subject to a statutory licensing scheme?

There were 454 responses to this question. Off these, 210 (46.3%) supported the proposal to introduce statutory licensing. The number of respondents that answered 'not sure' was 209 (46%). 35 respondents (7.7%) did not support the proposals.

Option	Total	Percent
Yes	210	46.3%
No	35	7.7%
Not sure	209	46%



Question 31 also asked respondents to provide reasons for their answer. There were 327 responses to this part of the question. Substantive points/themes from those either for licensing or supporting a phasing out of greyhound racing were—

- The Scottish Government should put an end to greyhound racing in Scotland by phasing out the industry, rather than allow it to continue under a licensing scheme.
- Licensing would be a good first step, but only if it's followed up with a phasing out of greyhound racing entirely at some point in the near future.

- Statutory licensing will not protect greyhound welfare, as evidenced by GBGB statistics on greyhound injuries and deaths at GBGB licensed tracks. The sport needs to be phased out.
- Animal welfare campaigners and others with an interest (including people who rescue ex-racing greyhounds, vets, etc) have been ringing alarm bells for years about greyhound racing, with far too little action being taken.
- If racing must continue then all tracks must have a licence to operate.
- The welfare of racing greyhounds needs to be protected, particularly given the gambling that is associated with his sport.

Comments from respondents opposed to licensing or phasing out greyhound racing included—

- Greyhound racing in Scotland is not like elsewhere. It's run by a small group of dog loving enthusiasts who are maintaining the long standing, working class traditions of this activity.
- Those involved in racing in Scotland keep the dogs in our homes, care for them in our homes, feed them and treat them as members of the family.
- Overregulation could kill off the tradition. If regulation places unaffordable and unnecessary costs on greyhound racing it will simply disappear.
- The greyhound racing industry has adapted over time to meet modern practice through a self-regulatory approach which we suggest should continue.
- If there is to be licensing it should include all dog racing sports, agility, fly ball, whippet, terrier, saluki, sled dog racing, exercise fields plus other lesser known dog racing activities.
- Greyhound racing in Scotland is being misrepresented by activists using misleading facts to misguide the general public, especially on social media.
- Greyhound racing in Scotland today is a hobby sport, much like whippet racing, sled dog racing, dog agility and fly-ball.

Question 32. If you do not support the introduction of statutory licensing, what controls, if any, would you otherwise recommend?

There were 304 responses to this question. A number of respondents, despite the question, responded confirming their support for licensing. The vast majority of respondents replied reaffirming their view that licensing does not go far enough, and indeed may be construed as legitimising the sport and accordingly encourage new tracks to be developed in Scotland. The clear view of this majority, which included prominent animal welfare organisations, was that the time has come for greyhound racing to end in Scotland.

Other substantive themes/comments included—

- Veterinary presence at tracks during racing, post-race vet checks and frequent unannounced inspections must be a requirement (note: it was not clear from the responses if these should be standalone measures or something to be introduced as part of a licensing scheme).
- Many respondents referenced the GBGB injury and death statistics for racing greyhounds as evidence of an existing licensing scheme failing to protect

greyhound welfare, and as a basis for why greyhound racing in Scotland needs to be phased out.

- Animal welfare will always come second when gambling is involved.
- A number of respondents referenced the Scottish Animal Welfare Commission's view that a phasing out of greyhound racing in Scotland is desirable.
- A number of respondents referenced the number of signatories to the 'Unbound the Greyhound' coalition letter to the Scottish Government and the petition brought before the Scottish Parliament by Scotland Against Greyhound Exploitation as an indicator of the strong public support for ending greyhound racing in Scotland.
- Overarching strong and relevant animal welfare legislation, in addition to a levy being imposed which can be channelled into the care of greyhounds after racing. This should always have been in place, and if it had been, would have addressed a number of the negative aspects that have led to people (understandably) calling for greyhound racing to be banned.

Views expressed to this question from respondents not supportive of licensing included—

- The Scottish Government should seek to build on the Welfare of Racing Greyhounds Regulations 2010 and take advantage of GBGB's existing regulatory system to assure and raise welfare standards in greyhound racing. Utilising the existing regulatory infrastructure would avoid the additional time, cost and legislative resource required to create a new licensing scheme in Scotland.
- Self-regulation has worked for over 80 years at Scotland's last remaining track, which has been open to the general public and Scottish SPCA to visit. Over-regulation will create unnecessary expense and could close a traditional pastime for some people.
- The 2006 Animal Welfare Act already protects animals in Scotland. There are many animal competitions throughout Scotland where animals are at risk of injury and possible euthanasia by a vet, so not clear why greyhound racing is the only activity subject to consultation.
- The sport in Scotland is dying naturally, so no need to license it.

Question 33. Do you support the proposal to require veterinary presence when greyhounds are racing to allow pre and post-race health checks of dogs and ensure prompt veterinary care of any injured dog?

There were 451 responses to this part of the question. Of these, 426 (94.5%) supported the proposal to require veterinary presence when greyhounds are racing. 16 respondents (3.5%) did not support this proposal and 9 (2%) were not sure.

Option	Total	Percent
Yes	426	94.5%
No	16	3.5%
Not sure	9	2%

Question 33 also asked respondents to explain the reason for their answer. There were 301 responses to this part of the question. Substantive themes/points were—

- While vets should be present in the interim, the longer-term aim should be to end greyhound racing.
- Vets should have the final say on whether a dog runs, and authority to ensure that this is the case.
- A significant number of respondents referenced, and indicated their agreement with, the Scottish Animal Welfare Commission’s conclusion that independent tracks impose specific risks on dog welfare through lack of immediate veterinary care to injured dogs and general veterinary oversight of the dogs.
- Having a vet on site will not prevent racing greyhounds from getting injured, but it will at least ensure prompt veterinary care.
- Need to be mindful that there is already a shortage of vets in the country and the vets we do have are already struggling with a heavy workload. Requiring vets to inspect racing greyhounds before and after racing, and to remain on site during racing, would take up too much valuable clinical time.
- Any vet taking on this responsibility should be independently appointed and not associated with the track or the participants/owner. It should be noted that finding a vet willing to undertake this responsibility may be problematic.
- Surprised and disappointed that this is not already a requirement.
- Only a phasing out of this sport can protect the welfare of greyhounds.

Comments from those not supportive of the proposal to have a veterinarian present included—

- There are many veterinary surgeries close to Thornton greyhound track. In 2022 there were 36 race meetings and there were 2 serious injuries that needed prompt attention at the vets. Both dogs were treated quicker than any person would get treated at A&E.
- The presence of a veterinarian isn’t required at any other dog racing/activity or exercising areas, so why require it when greyhounds race.
- The cost of having a vet on site would be prohibitive.

Question 34: Do you agree with the proposal that greyhound tracks are required to renew their licence annually instead of up to 3 years, due to higher animal welfare risks?

There were 451 responses to this question. Of these, 392 (86.9%) supported the proposal to require annual licence renewal, 28 (6.2%) responded no and 31 (6.9%) were not sure.

Option	Total	Percent
Yes	392	86.9%
No	28	6.2%
Not sure	31	6.9%

Question 34 also asked respondents to explain the reason for their answer. There were 253 responses to this part of the question. While, on the face of it, there was overwhelming support for this proposed measure, the vast majority of those supporting it made clear that annual licensing should only be a temporary measure while greyhound racing was being phased out in Scotland. Substantive themes/points from those answering yes were—

- The only way to protect greyhounds from harm and exploitation is a phased end to racing and not the introduction of licensing. Should licensing be introduced, however, we would advocate for annual licence renewals.
- Only an end to greyhound racing will truly protect dogs from harm and suffering. The GBGB has demonstrated that a regulatory framework does little to reduce the risks associated with greyhound racing. The Scottish Government should instead be supporting an end to greyhound racing in Scotland in line with public opinion.
- Under GBGB’s existing regulatory system, a racecourse licence is issued on an annual basis to all successful GBGB licensed racecourses. The renewal of a Racecourse Licence is subject to an annual audit and on-going surveillance at the racecourse to ensure continuing compliance with the Rules of Racing and other relevant requirements of licensing. Annual licensing would therefore align with existing practices.
- The costs and administrative processes associated with annual licensing would need to be appropriate.

The responses from those answering no, were essentially from two opposing camps. One group answered no on the basis that even annual renewal of a licence would not protect the welfare of racing greyhounds and that only an outright ban would suffice. The views of the other camp were that annual licensing, or indeed any form of licensing, isn’t necessary, is unfair and prohibitively expensive.

Question 35: Do you know of any challenges or negative consequences that may arise from the introduction of statutory licensing for greyhound racing?

There were 446 responses to this question. Of these, 249 (55.8%) answered yes, 160 (35.9%) answered no and 37 (8.3%) were not sure.

Option	Total	Percent
Yes	249	55.8%
No	160	35.9%
Not sure	37	8.3%

Question 35 also asked respondents to explain the reason for their answer. There were 272 responses to this part of the question. It should be noted that a significant number of respondents replied along very similar lines, with the common theme being that licensing would not address the inherent welfare concerns and injuries associated with the sport. Substantive themes/points from those answering yes were—

- A negative consequence arising from the introduction of licensing is that it would facilitate the continuation of greyhound racing in Scotland.
- If Scotland’s greyhound racing industry is licensed rather than phased out, this will provide an opportunity for new greyhound tracks to be developed. An increase in greyhound racing tracks would increase the number of dogs suffering in this industry.
- Licensing would only add to the workload of already struggling local authorities, particularly if licensing encourages the expansion of greyhound racing in Scotland.
- Licensing would go against the views of key animal welfare organisations that want to see this sport phased out in Scotland.

Substantive themes/points from those answering no or not sure were—

- Without sufficient transitional arrangements/support, meeting new licensing requirements could be problematic.
- The cost of complying with the requirements of a future licensing scheme may be too high.
- Licensing would lead to the unfair targeting, and over-regulation of, a minority sport in Scotland.

Question 36: Are you aware of any examples of how any of the proposals above may impact, either positively or negatively, on those with protected characteristics?

There were 442 responses to this question. Of these, 27 (6.1%) responded yes, 363 (82.1%) responded no and 52 (11.8%) were not sure.

Option	Total	Percent
Yes	27	6.1%
No	363	82.1%
Not sure	52	11.8%

Question 36 also asked respondents who answered "yes" to explain the reasons for their answer. Although only 27 respondents answered "yes" to the first part of question, there were 46 recorded responses. The majority of those responding either commented that they failed to see the relevance of the question, or simply reaffirmed their opposition to greyhound racing and that it should be banned. Substantive themes/points were—

- Licensing has the potential to end greyhound racing in Scotland, and this would impact more on older members of the community who have often been involved in the sport all their life.
- The costs associated with meeting licensing requirements may lead to the closure of Scotland's last remaining track, impacting on those that participate in the sport.

4.6 Animal boarding

There was significant majority support (82.5%) for the proposal to revoke the Animal Boarding Establishments Act 1963 and legislate instead under the 2021 animal licensing framework. Those supportive of this proposal commented that the 1963 Act was no longer fit for purpose, was inflexible in terms of how it is enforced and did not provide sufficiently safeguard animal welfare. A common theme was that animal boarding today was no longer simply about kennels and catteries, as home boarding and day care are now much more prevalent. There are now also different models of delivering animal boarding services that needed consideration and regulation.

Highland Council: "Fully support this proposal given current Act is dated and inflexible legislation. We recognise the concerns and benefits in the consultation document."

It was stressed by many respondents that the demand for animal boarding services has increased dramatically over the years and this has driven significant growth in the number of businesses offering this service. It was the view of respondents that this growth, along with society's greater understanding of an animal's welfare needs, necessitated a more modern and flexible regulatory framework. Many respondents also commented that regulating animal boarding under the 2021 framework would standardise both the services offered by animal boarders and enforcement by local authorities, as the requirements of licensing on those offering animal boarding would

be clearly set out in the regulations, as would local authority administrative and enforcement processes.

On the specific conditions that should be considered under licence, respondents supported unannounced and frequent inspections to ensure compliance. There were opposing views expressed on whether licensing should permit franchise type businesses that arrange boarding with 'hosts'. There were also mixed views on whether the franchisee should be the licence holder, with all hosts associated with franchisee covered by this one licence, or whether everyone boarding animals should require to hold a licence. A number of respondents were of the opinion that licensing should extend to those offering pet sitting services.

A number of respondents highlighted a potential loophole in the 1963 Act that can allow the circumventing of the need to hold a licence. It was the view of these respondents that this loophole must not be replicated in any future licensing scheme for animal boarding activities.

Scottish Animal Welfare Commission: "The 1963 Act states 'a person shall not be deemed to keep a boarding establishment for animals by reason only of his providing accommodation for other people's animals in connection with a business of which the provision of such accommodation is not the main activity'. This is a potential loophole for those offering services such as grooming and dog walking as their primary activity. It is important that this is not replicated in revised legislation."

Many respondents were of the view that anyone offering dog boarding services should be trained in canine first aid and have a demonstrable understanding of canine behaviour. Further, respondents frequently commented that all boarders should have appropriate insurance cover, ensure adequate fire safety protection is in place and be required to ensure that any dog coming into their care has up-to-date vaccinations, wormers etc.

On the question of unintended consequences or challenges arising from the proposals to regulate animal boarding in future under the 2021 framework, just over half of respondents (53.2%) highlighted potential issues or challenges. Key among these was the potential cost of compliance to those providing animal boarding services. It was highlighted that there is considerable demand for boarding services, particularly for dogs, and that should costs be too prohibitive, or licensing conditions to onerous, then some providers may simply stop providing the service, exacerbating existing supply challenges. It was suggested by some respondents that perhaps a scale of fees could be applied so that smaller, less complex operators, pay less for a licence. There was a view that no operator should be forced out of business simply because of excessive fees. It was also suggested by a number of respondents that perhaps 'grandfather' rights could be considered for those businesses that had operated for years without any issue or without giving cause for concern, but would struggle to meet new requirements, particularly in respect to infrastructure.

A common theme arising was that the introduction of new licensing controls needed to be on a phased or transitional basis, to allow businesses to make any necessary adjustments in order to meet the standards or conditions required by licence. A number of respondents made clear that there should be early and clear

communication of any new measures and that guidance should be provided to aid understanding of new licensing requirements.

A number of respondents raised concerns about the ability of and capacity for local authorities to enforce updated licensing legislation for animal boarding activities. It was suggested that as the requirements of licensing under the 2021 framework are more detailed, it may lead to more work, particularly if expanded to capture pet sitting activities etc.

Blue Cross: “As with all the proposed new licensable activities, the biggest challenge for any statutory licensing scheme will be effective enforcement. Local authorities in Scotland are struggling to enforce the 2021 licensing regulations due to resource constraints so adding another layer of responsibilities will create extra pressures. It is not only essential to perform the licensing role but also to proactively investigate those who are seeking to evade the system altogether. We urge the Scottish Government to provide additional resources to reflect the increased burden.”

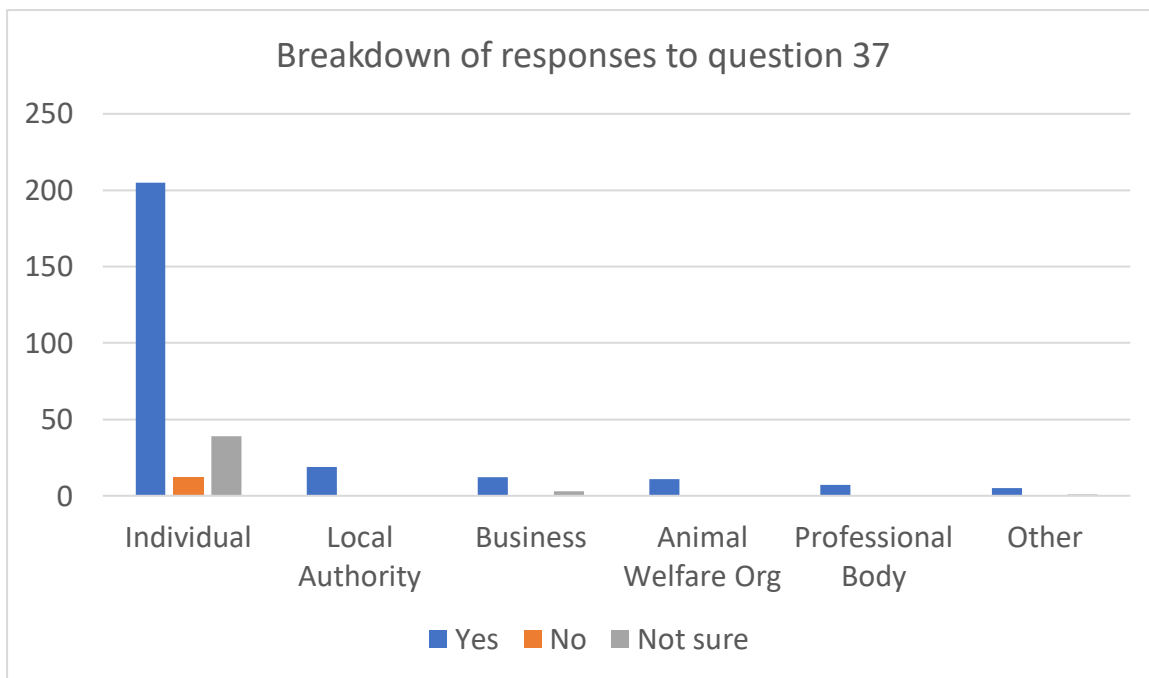
Conversely, other respondents highlighted that the impact on local authorities should be manageable, as they already enforce this activity under the 1964 Act, albeit that it is recognised that presently no inspection is required prior to the granting of an animal boarding licence. It was further noted that local authorities are now familiar with the licensing framework introduced in 2021 and that this would make any transition in terms of enforcement easier. Additionally, it was highlighted by a number of respondents that licensing under the 2021 framework would allow for the granting of licences for periods of up to 3 years to animal boarding businesses that consistently demonstrate high standards and that give no cause for concern. This enhanced flexibility would reduce the burden on local authorities who currently need to consider annual applications.

A breakdown of responses received to each question, along with key points / common themes raised is provided below.

Question 37: Do you support our proposal to revoke the Animal Boarding Establishments Act 1963 and legislate animal boarding instead under the 2021 licensing framework?

There were 314 responses to this question. Of these, 259 (82.5%) supported the proposal to revoke the 1963 Act and regulate instead under the 2021 licensing framework. 12 respondents (3.8%) answered no and 43 (13.7%) were not sure.

Option	Total	Percent
Yes	259	82.5%
No	12	3.8%
Not sure	43	13.7%



Question 37 also asked respondents to explain the reasons for their answer. There were 177 responses to this part of the question. Substantive themes/points were—

- The 1963 Act is not fit for purpose. It lacks significant detail, is inflexible and is outdated.
- Animal boarding has changed enormously since 1963 and the Act is long overdue to be brought up-to-date and more in line with modern pet care needs and service provision. Dog boarding is not simply about commercial kennels and catteries. Home boarding and dog daycare are established activities and regularly used by thousands of pet owners each day and the current regulations are insufficient to properly safeguard the needs and welfare of pets who use the services.
- A more robust application process involving an inspection should help to ensure that only fit and proper persons are licensed to deliver animal boarding services.
- The additional burden that these proposals would place on local authorities needs to be carefully considered.

- The cost of licensing is likely to increase, especially if future inspections necessitate veterinary involvement. The impact of this needs to be considered.
- Local authorities may not have the expertise/staffing to enforce new licensing requirements.
- Local authorities are already experiencing difficulties recruiting vets to assist with or undertake inspections. Any additional inspection requirements will only exacerbate this situation.
- Licensing under the 2021 framework will improve animal welfare and allow for the setting of standards for health and safety to protect animals being boarded.
- Any new framework introduced should take into account, and be flexible enough to accommodate, the different business models that exist for delivering animal boarding services.
- The demand for pet boarding services has increased dramatically since 1963 and society's expectations of good animal welfare have also evolved. Providing accommodation for a loved family pet is a major undertaking and a great responsibility so it should only be performed by people who are capable of meeting the highest standards of animal welfare.
- Licensing under the 2021 framework will address the deficiencies in the 1963 Act regarding the revocation of licences and the lack of clear standards.
- The 1963 Act significantly predates the Animal Health and Welfare (Scotland) Act 2006, and the regulation of boarding will be better served by regulations that take this Act into account, alongside our greater modern knowledge of animal behaviour and welfare.
- To maximise effectiveness, a future licensing framework should cover the three models for short-term housing of dogs (home boarding, commercial boarding and day care) separately, with appropriate standards for each, while taking into account the operational differences of each model.
- Licensing under the 2021 regulation will afford licensing authorities greater options to implement non-compliance interventions should the need arise as a result of a substantiated breach of licensing conditions that are not available under the 1963 Act.
- The new licensing requirements will create more work for inspecting officers/Local Authorities, and is therefore likely to place additional, significant burden on them. Funding should be provided by the Scottish Government to allow effective enforcement of a licensing system. Without this funding, it is difficult to see how councils will manage to deliver these additional, onerous duties.
- It is important that owners of dogs and cats can assess whether an establishment is licensed and the requirement to publish a public list of licensed premises will assist in this process.
- Bringing animal boarding under the 2021 regulations will also allow for consistency across all local authorities in Scotland.
- The 2021 licensing framework will allow Local Authorities to grant longer licenses for those establishments that consistently operate to high standards of animal welfare, thereby minimising the resource implications for enforcement officers and incentivising businesses to raise standards and comply.
- Local Authorities would have the power to suspend or revoke a licence, further supporting compliance and ensuring low-welfare establishments are prohibited from operating.

- A future licensing system will only be effective if it is properly enforced and accompanied by robust guidance for both business operators and enforcement officers.

Question 38: Are there specific conditions or measures that you would like to see included in any future licensing scheme for animal boarding?

There were 192 responses to this question. Substantive themes/points were—

- There should be unannounced and frequent inspections to ensure that licence holders operate consistently and in compliance with licence conditions.
- All persons boarding animals should hold qualifications in animal behaviour and canine first aid.
- Consistent licence rules and charges should apply across all local authorities.
- There should be no loophole to allow franchise businesses to have 'hosts' boarding or looking after animals as a way of avoiding being licenced. The licence should be required by every person providing accommodation and care for animals even if they are not the owner/operator of the business.
- There should be a separate application process for “arranging of home boarding” where the franchisee is the license holder and doesn’t operate a boarding establishment themselves. Hosts should be “out of scope” from needing their own license and should fall under the franchisee arranger’s license.
- Any new regulations should empower local authorities to refuse, suspend and withdraw licences. The local authority should have the power to set the maximum of dogs boarded taking into consideration the specific conditions.
- All boarders should be required to have appropriate insurance cover and meet health and safety requirements. Robust fire prevention measures should be required as part of the licence conditions.
- All dogs to be boarded must have up-to-date vaccinations and be wormed etc to prevent disease spread.
- There should be clear guidance in respect to the spacial requirements for sleeping and exercise, and dogs should only be allowed to interact with other dogs if they are socialised.
- The 1963 Act states ‘a person shall not be deemed to keep a boarding establishment for animals by reason only of his providing accommodation for other people’s animals in connection with a business of which the provision of such accommodation is not the main activity’. This is a 'loophole' that must be closed as it allows boarding of animals without a licence.
- All animal boarders must be required to register with a local veterinary practice to ensure prompt access to emergency veterinary care.
- Licence holders should be listed on a publicly available register to allow animal owners to check that a boarder is officially licensed.
- When considering an application for a licence, the licensing authority should take into consideration the likely impact of the business on neighbouring properties.
- Should also cover pet sitters not just home boarding. At the moment anybody can set themselves up as a pet sitter with no licence, background checks or

insurance. Pet sitters should be treated exactly the same way as pet home boarders.

- Consideration needs to be given to how local authorities will resource enforcement of any new requirements. Ring-fenced funding should be considered, and local authorities should be able to charge applicants to help fund the service.
- New licensing requirements should be supported by detailed guidance both for local authorities and licence holders.

Question 39: Do you know of any challenges or negative consequences that may arise from revoking the 1963 Act and licensing instead under the 2021 licensing framework?

There were 301 responses to this question. Of these, 53 (17.6%) answered "yes", 160 (53.2%) answered "no" and 88 (29.2%) were "not sure".

Option	Total	Percent
Yes	53	17.6%
No	160	53.2%
Not sure	88	29.2%

Question 39 also asked respondents that answered "yes" to highlight what they considered these challenges or negative consequences to be and how they could best be addressed. Although only 53 respondents answered "yes", there were 69 responses to this part of the question. Substantive points/themes were—

- If the regulations are very specific, some existing boarding providers may not meet the new requirements, forcing an establishment to close if the cost of compliance is too great. It is important that the regulations can be interpreted and applied with common sense, with a grace period to allow upgrades to facilities.
- Whilst we strongly agree with and support the need to license further activities, we have serious concerns that currently, some local authorities do not have the resources or expertise to carry out inspections of activities already licensed under the 2021 regulations, and the extension of the regulations without adequate support from the Scottish Government may result in a lack of enforcement.
- To ensure a smooth transition and full compliance with the law, it is important that there is robust communication of any planned or forthcoming changes and guidance should be published at the same time as the regulations, with a phased implementation, so that all stakeholders are aware of any new requirements in a timely manner and given time to adapt to new standards.
- Some people will advertise their services as 'pet sitters' instead of home boarders as there are no licence requirements or regulations for pet sitters. Pet sitters should be treated the same as pet home boarders, and require a licence.
- A fee structure for licensing needs to be developed which is based on the size and complexity of the business and which is fair on both operators and local authorities. It shouldn't be financially unviable for businesses to become licensed through excessive fees.

- People should not be put out of business by new legislation.
- If it is difficult or economically unfair for franchisees to carry on trading, then they will leave the industry. Solo home boarding is almost exclusively offered by franchisees, so if franchisees leave the sector, then you remove the ability for customers to solo home board.
- Concerned that owners under pressure from cost of living issues may feel they cannot comply with the new requirements, and either no longer accept animals or operate under the radar.

Question 40: Are you aware of any examples of how any of the proposals above may impact, either positively or negatively, on those with protected characteristics?

There were 292 responses to this question. Of these, 15 (5.14%) answered "yes", 205 (70.2%) answered "no" and 72 (24.7%) answered "not sure".

Option	Total	Percent
Yes	15	5.14%
No	205	70.2%
Not sure	72	24.7%

Question 40 also asked respondents that answered "yes" to explain the reason for their answer. Despite only 15 respondents answering "yes", there were 29 responses to the question. Substantive points/themes were—

- Need to be mindful of indirect discrimination, ensuring that any scheme introduced doesn't exclude by default, e.g. because of the rules around the type of accommodation allowed. For example, it may be that low income householders living in flats with communal gardens are excluded from hosting a dog due to rules insisting they have to have a private, enclosed garden rather than a communal garden.
- Any licensing scheme introduced needs to be accessible to all and not overly onerous in terms of paperwork.
- Regulation will lead to increased costs to boarding providers, which will be passed onto customers. Those with fixed income due to age or disability may struggle to cover the increased costs of boarding services.
- Transitional provisions may be needed if a licensing or registration system is to be introduced to allow businesses time to meet incoming requirements. Costs of complying may be more than some service providers can meet.

4.7 Riding Establishments

There was significant majority support for the proposal to revoke the Riding Establishments Act 1964 and license instead under the 2021 animal licensing framework. Key reasons for supporting the proposal included that the Act is outdated, too inflexible and fails to take into account latest understanding on equine welfare and equine management.

HSI: "Humane Society International / UK supports the proposal to bring the Riding Establishments Act 1964 under the scope of the 2021 licensing framework. The 1964 Act is seriously out of date with current animal welfare science, predating the Animal Health and Welfare Act (Scotland) 2006, and the regulation of riding establishments will be better served by regulations that take this legislation into account, alongside our greater modern knowledge of equine behaviour and welfare."

It was highlighted by a number of respondents that licensing under a modern framework would allow for an equine's emotional and behavioural needs to be properly considered, and not just its physical state. A significant number of respondents believed that licensing under the 2021 framework will allow for higher equine welfare standards and an overall better quality of care than is provided for under the 1964 Act.

Blue Cross: "Blue Cross supports riding establishments being brought under the scope of the 2021 licensing framework as the 1964 Act is outdated and needs to change to reflect the riding establishments of today. We believe the 2021 licensing framework, if enforced effectively, should help to improve and protect the health and welfare of equines and provide greater oversight, transparency and accountability than the current legislation. The criteria attached to the licence will help to improve standards across Scotland and ensure consistency and universality of service."

Respondents recognised the benefits in bringing licensable animal activities under one framework – the 2021 licensing framework – and considered that this approach would bring standardisation and consistency in terms of how licences are administered and enforced and ensure accountability when equine welfare is compromised. Some respondents also commented that a more modern and comprehensive licensing scheme would help to reassure the public that mechanisms are in place to safeguard the welfare of equines kept and used by businesses.

There was significant majority support (85.3%) for the proposal to extend licensing to other riding/equine activities. A common theme among those supporting this proposal was that horses, ponies and donkeys are being used commercially in many different ways these days, and regardless of how they are being used, any activity undertaken for commercial reasons should be regulated and subject to licensing. It was highlighted by a number of respondents that due to the commercial basis for these activities, the operator may not always put equine welfare at the forefront of decision making.

One area of particular concern was so-called pony parties. It was highlighted by some respondents that these events can involve children dressing up or painting ponies. It was recognised that this does little to encourage or foster respect for and appreciation of animals, and such activities also raise animal welfare concerns,

particularly given that these may be stressful situations for equines. Scottish SPCA commented that it did not support licensing for pony parties, preferring instead to see them prohibited. It was also highlighted by a number of respondents that donkeys are increasingly being used in therapy and other equine assisted interventions and there were calls for these activities to be within the scope of licensing.

World Horse Welfare: “We would strongly support extending statutory licensing to any activity where an equine is hired out and a business test is met (the criteria of this test must be clear to enable consistent interpretation and implementation). This should include pony parties (including where the equine is not ridden), hunter hirelings, equine-assisted therapy, carriage rides, polo and horses hired out for the Scottish common ridings.”

In response to open question 43 which asked respondents what conditions of licence they would specifically like to see under a future licensing scheme, there were a number of comments and suggestions. The most common suggestions were that future licence conditions should—

- take into account established and respected industry schemes;
- require checks on those providing riding instruction in riding schools;
- require regular and unannounced inspections by suitably qualified inspectors;
- restrict the hours an equine can be ridden or otherwise worked each day;
- establish a minimum age before a horse can be ridden, and a maximum weight limit for horse being ridden (rider plus tack).

A majority of respondents (65.4%) agreed with the proposal that the licence authority should be able to issue licences for periods of more than 1 year. A significant number of respondents commented that any decision on licence duration should be informed by a risk-assessment and consistent, demonstrable high standards. It was emphasised by a number of respondents that any risk-based assessment model adopted would require to be consistently applied by local authorities. A number of respondents suggested that operators already approved or accredited under established industry schemes could be considered lower risk and therefore more likely to qualify for a 2 or 3 year licence.

Some respondents commented that the flexibility to issue licences for periods of up to 3 years could incentivise operators to improve standards which would benefit equine welfare. It was also recognised that the administrative and enforcement burden on local authorities would be reduced if licences were issued for 2 or 3 years instead of needing to be renewed annually. This would allow resources to be targeted to poorer performing facilities. It was noted, however, that although many respondents recognised the potential benefits of licences having a longer duration, there was strong support for an annual veterinary inspection to be undertaken. Respondents that were not sure or opposed to annual licensing commented that 3 years is a long time for an operator to go without an inspection by the licensing authority and that much can change in that time. These respondents also commented that annual inspection was necessary to safeguard equine welfare and ensure that the licence holder was maintaining standards consistent with licence conditions.

On the question of whether there should be any exemptions from licensing for certain equine businesses or activities, a significant majority of respondents (84.5%) were of the opinion that there should be no such exemption. A commonly expressed view was that equine welfare needs to be safeguarded regardless of whether the activity is undertaken on a commercial basis or not. A few respondents commented that consideration could perhaps be given to a form of graduated licensing, with higher-risk activities subject to more stringent licence conditions. It should be noted that while the majority indicated that they were opposed to exemptions, a few of these respondents did comment that military and police horses should be outwith the scope of any future licensing scheme. It was also emphasised by some that horse racing is already highly regulated and therefore shouldn't be included. The breakdown of responses to this question along with the most commonly expressed views, is set out below (at question 45).

Only 5.53% of respondents were of the view that revoking the 1964 Act and regulating instead under the 2021 licensing framework would bring challenges or result in negative consequences. 11.79% were not sure. Potential challenges or negative consequences highlighted by respondents included the costs of complying with more stringent licensing requirements, particularly if significant investment is necessary. It was recognised that this could potentially lead to some businesses closing down or withdrawing services, with possible consequences for equine welfare. A number of respondents emphasized the need for an appropriate transitional period to provide businesses with time to adjust and meet new requirements. Further, a few respondents stressed that many riding schools are already facing challenges to their sustainability and accordingly any new requirements needed to be proportionate and realistic.

Insufficient local authority capacity to meaningfully enforce new legislation was another common concern, as was the lack of specialist equine trained local authority inspectors. It was recognised that expanding the scope of legislation to capture additional activities would require additional investment in local authority staff and training. The view of respondents is that without this funding any new requirements are unlikely to be enforced. The availability of veterinarians to undertake inspections and the significant increase in costs associated with veterinarians were flagged as ongoing challenges that need to be carefully considered, as enhanced regulatory controls may exacerbate this situation. On the issue of fees, it was clear that respondents want to see fees standardised across local authorities to ensure that no business or operator is unfairly disadvantaged. Equally, there were calls for equitable and consistent application of future licensing requirements by local authorities.

There were 133 responses to the open question asking consultees what other measures could be taken to improve equine welfare in Scotland, and how these could be integrated into a modern licensing scheme for equines. A number of these respondents, including World Horse Welfare and the British Horse Society commented that they wanted to see the introduction of a digitised, equine ID system, as current systems are not fit for purpose.

World Horse Welfare: "We firmly believe that a digitised equine identification and traceability system is needed, as equine ID is fundamental to the successful implementation of the majority of equine health and welfare legislation."

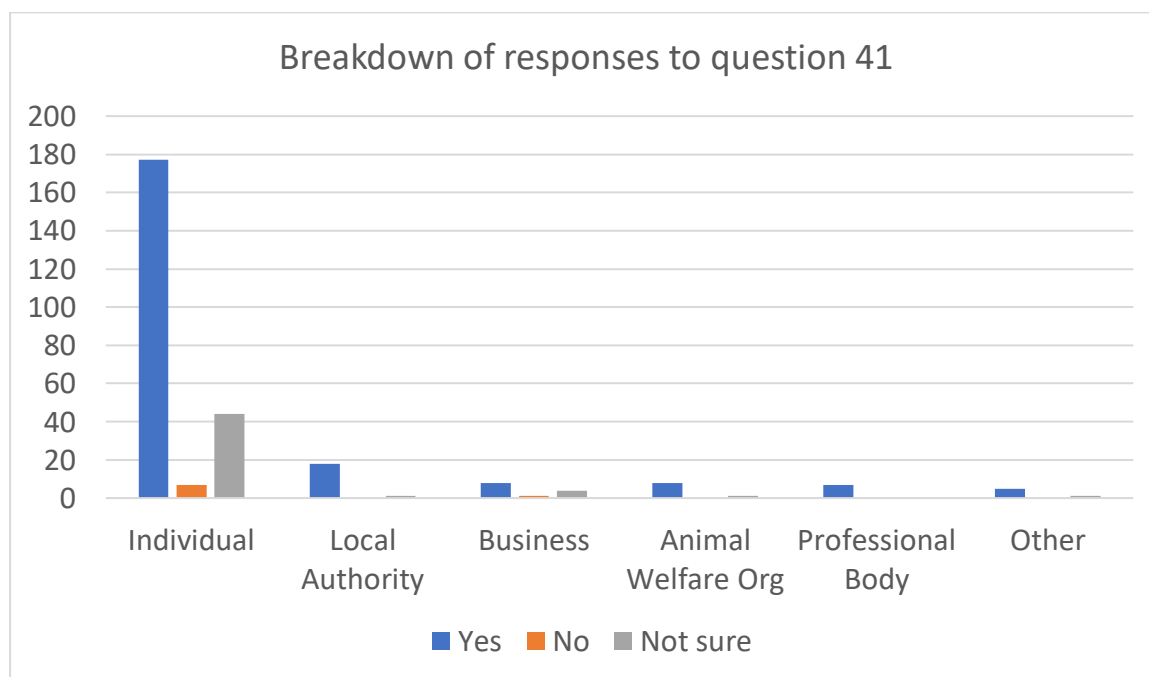
There were also calls for a publicly available register of all licensed equine premises, improved support for farriery services, minimum and maximum age limits for working horses, annual fit-to-work assessments for equines by veterinarians. Some respondents also called on the Scottish Government to update the Welfare of Equidae Code of Practice to align it with the Five Domains model of animal welfare and for compliance with the code to be a condition of licence.

A breakdown of responses received to each question, along with key points / common themes raised is provided below.

Question 41: Do you support the proposal to revoke the 1964 Act and bring riding establishments under the scope of 2021 licensing framework instead?

There were 282 responses to this question. Of these, 223 (79.1%) responded yes, 8 (2.8%) responded no and 51 (18.1%) were not sure.

Option	Total	Percent
Yes	223	79.1%
No	8	2.8%
Not sure	51	18.1%



Question 41 also asked respondents to explain the reason for their answer. There were 132 responses to this part of the question. Substantive points/themes were—

- The 1964 Act is too narrow in terms of its scope and needs to be expanded to include non-ridden activity, equine assisted learning, horse therapy, carriage rides, pony parties- wherever equines are used commercially needs to be licensed.
- The 1964 Act is outdated, inflexible and no longer fit for purpose.

- The current Act does not reflect the latest scientific understanding of animal/equine welfare, such as the 5 domains model of animal welfare, and therefore does not adequately improve and protect the welfare of equines used in riding establishments. Horses' emotional well-being and behavioural needs need to be addressed as part of fitness to work and be ridden; not just physical health parameters considered.
- Licensing riding establishments under the 2021 licensing framework will allow for higher welfare standards and better quality of care for equines than currently outlined under the 1964 Act.
- The ability to revoke licences more simply and to apply mandatory conditions to ensure animal welfare, provided these are proportionate and based on a scientific understanding of animal needs, seem very important and will allow the licensee to reassure horse owners that their animals will have a suitable standard of care and welfare.
- A modern licensing framework will lead to greater consistency and universality of service across riding schools.
- Licensing all animal activities under one framework is a sensible approach, and will encourage consistency across local authorities in terms of administration and enforcement.

Question 42: Do you support the proposal to extend statutory licensing to other riding/equine activities such as those discussed above (donkey hire, pony parties etc.)?

There were 286 responses to this question. Of these, 244 (85.3%) responded yes, 8 (2.8%) responded no and 34 (11.9%) were not sure.

Option	Total	Percent
Yes	244	85.3%
No	8	2.8%
Not sure	34	11.9%

Question 42 also asked respondents to explain the reason for their answer. There were 141 responses to this part of the question. The vast majority of those responding were of the view that all and any activities where equines are used for the purposes of generating income should be subject to licensing and frequent inspection. Substantive themes/points were—

- Horses, ponies and donkeys are used in so many ways these days for money - wherever they 'work' the activity should be regulated and licensed.
- The welfare of a donkey used for donkey rides, or a pony being taken to a pony party is just as important as a horse being used for riding tuition.
- Extending licensing to these other activities would place significant additional resource pressures on local authorities.
- Carriage rides should be included in the scope of the licensing system as they can have severely detrimental welfare consequences for the horses due to daily exposure to noise and pollution, heavy traffic, hard pavement, long workdays, constant heavy loads, lack of access to water and pasture, extreme weather leading to heat stroke, potential for injury and exhaustion.

- Activities such as pony parties can cause considerable health and welfare problems for the animals involved. Regular handling, transportation issues, unfamiliar and noisy environments can all cause stress and anxiety to the animals concerned.
- Licensing should also include equine therapy and other equine assisted interventions. Although there are many individuals and organisations working professionally and ethically in this field, there are also those providing experiences they claim are educational or therapeutic, without any evidence of appropriate expertise or safeguarding practices.
- Donkeys are increasingly being used in 'therapy' and other commercial settings which do not involve riding. The activities can have significant effect on the donkeys welfare if events are not appropriately planned and/or donkeys inadequately prepared for the activity and associated environment, travel etc.
- As the benefits of interaction with animals are more widely recognised, there has been an increase in commercial ventures capitalising on this insight. As commercial opportunities increase, there will inevitably be more cases where equine welfare is not fully understood and/or adequately prioritised.
- The rise in the popularity of pony parties is a cause of concern for animal welfare organisations, with these activities often involving ponies being painted, dressed up or even drawn on by children. This does little to foster appreciation of animal welfare in these children, if they are encouraged and instructed to draw on, dress up or paint a sentient animal for fun. It is questionable whether these activities can ever be carried out in a way that ensures the welfare of the animal. We do not, therefore, support licensing of pony parties, and would like to see this activity prohibited as it is not in the best interests of ponies.

Question 43: If riding establishments and other equine activities were in future regulated under the 2021 licensing framework, what conditions of licence would you support or like to see included?

There were 151 responses to this question. Substantive themes/points were—

- Scottish Government should consider basing any future licensing criteria on established, respected and time served industry schemes like that of the British Horse Society.
- Checks on the qualifications of those teaching in Riding Schools or those providing Equine therapy.
- Veterinary Health Plans should be a requirement of licensing.
- A requirement for all persons providing riding tuition to be appropriately qualified to teach. They should also be trained in first aid.
- Regular and unannounced inspections by suitably qualified inspectors – perhaps a future role for World Horse Welfare or the British Horse Society.
- Police/enhanced disclosure checks on all persons working with equines and members of the public, especially children.
- The inclusion of safeguarding for children and vulnerable groups should be included.
- Annual inspection of all horses on a licensed premises by a veterinary surgeon should be a requirement.
- Appropriate public liability insurance should be a requirement.

- Restrictions on the time a horse can be ridden each day without being rested. A record of the equines working hours should be kept if the establishment is a riding school or trekking centre. Licensing should set a maximum of 3 working hours per day for a horse, and no horse should be worked for more than a maximum of 6 days in a row without a rest day.
- Licensing should require the keeping of records to demonstrate that key health information is recorded, such as veterinary care, hoof care, deworming schedules and faecal egg counts, and any other services provided, e.g. nutritionist services.
- Licensing should set requirements around accommodation needs, opportunities for socialisation, biosecurity, access to pasture, transportation etc.
- Licensing should set a minimum age for when a horse can be used for riding purposes. A maximum weight (rider plus tack) for each horse used for riding should also be included to safeguard equine welfare.

Question 44: Do you agree that local authorities should be able to license riding establishments that operate to consistently demonstrable high standards for periods of more than 1 year?

There were 280 responses to this question. Of these, 183 (65.4%) responded yes, 53 (18.9%) responded no and 44 (15.7%) were not sure.

Option	Total	Percent
Yes	183	65.4%
No	53	18.9%
Not sure	44	15.7%

Question 44 also asked respondents to explain the reason for their answer. There were 126 responses to this part of the question. Substantive themes/points were—

- This would require a risk-based approach that would take into account reports from previous inspections and business reputation along with consistently high performance in inspections. There is less risk where the facilities are clean and well maintained and grazing well-kept etc.
- Such an approach would encourage operators granted an annual licence to improve standards in order to qualify for a two or three year licence, which would reduce costs and benefit equine welfare. Licensing frequency should be communicated to the public to enable them to identify/select operators considered to operate to higher standards.
- Regardless of licence duration, an annual veterinary inspection must remain a requirement.
- 3 years is a long time and circumstances can and often do change. Annual inspections are preferable to ensure that issues are identified and addressed. There should also be periodic unannounced inspections as operators often prepare for licence renewal inspections and this doesn't reflect the reality.
- Annual licensing would place considerable burden on already struggling local authorities.
- Any risk-based criteria used to determine licence duration would need to be applied consistently across local authorities in order to be equitable.

- All operators should be licensed annually to begin with longer duration licences only granted to those consistently demonstrating high operating standards.
- Being an accredited establishment, such as a BHS Approved Centre, could be taken as evidence of higher standards and management and could therefore be used as a determining factor when considering licence duration.

Question 45: Do you think there should be any exemptions from the licensing system for certain types of equine activities or businesses, and if so, which ones and why?

There were 252 responses to this question. Of these, 16 respondents (6.35%) were of the view that livery services should be exempted, 7 (2.8%) wanted trekking and hacking exempted, 5 (2%) wanted riding lessons exempted, 13 (5.2%) wanted training horses exempted, 15 (6%) supported exempting equine nutritionists, 13 (5.2%) supported exempting breeding horses, 10 (4%) wanted racing horses exempted, 12 (4.8%) chose other and 212 (84.1%) responded that there should be no exemptions.

Option	Total	Percent
Liveries	16	6.35%
Trekking and hacking	7	2.8%
Riding lessons	5	2%
Training horses	13	5.2%
Equine nutritionist	15	6%
Breeding horses	13	5.2%
Racing horses	10	4%
Other - please add details below	12	4.8%
No exemptions should be made	212	84.1%

Question 45 also asked respondents to explain the reasons for their answer. There were 68 responses to this part of the question. Substantive themes/points were—

- Military or police horses should not be captured by the proposed legislation for livery yards and riding establishments. This exemption should not include military saddle clubs.
- Racing is already highly regulated and it would only be another layer of unnecessary regulation.
- Registered Equine Charities with a national governing group / body who sets standards for them could perhaps be exempted as licensing will add to their operating costs.
- There should be no exemptions as the welfare of all equines needs to be protected.
- Small Farm run livery yards should be exempted. They have been encouraged to diversify in the struggling economic climate. They provide a service for many local horse owners who perhaps couldn't afford the fees the big professional yards provide.
- No commercial activity involving equines should be exempted from licensing.

- The activities to be licensed should be determined using a risk-based approach.
- It is not clear why equine nutritionists are being considered under these proposals. Suggest they are excluded.

Question 46: Do you know of any challenges or negative consequences that may arise from revoking the 1964 Act and licensing instead under the 2021 licensing framework?

There were 269 responses to this part of the question. Of these, 38 (14.1%) responded yes, 150 (55.8%) responded no and 81 (30.1%) were not sure.

Option	Total	Percent
Yes	38	14.1%
No	150	55.8%
Not sure	81	30.1%

Question 46 also asked respondents to explain the reason for their answer. There were 45 responses to this part of the question. Substantive themes/points were—

- Local authority animal health and trading standards staff will need appropriate training - you need equestrian knowledge to inspect an equestrian premises and evaluate the suitability of equines for work. Additional resource must be made available to enable this training. Inspections must not be reduced to a tick-box exercise as this does not protect equine welfare.
- The costs associated with licensing, particularly if investment is needed to meet a new standard, may force the closure of some businesses. This potentially has consequences for horse owners.
- If licensing is brought in without careful consideration of how it is implemented and enforced, there is a potential risk that struggling riding establishments or other businesses could find additional regulations unachievable and feel compelled to reduce, change or withdraw the services they offer. This would not only mean that the intended welfare benefits of regulations are either not achieved or undermined, but impact access to these vital and accessible routes into equestrianism.
- The availability of veterinarians to undertake inspections is already challenging. Extending licensing to other equine activities will only exacerbate this situation.
- There will need to be an appropriate transitional period to allow businesses to transition to the new standards required by licensing.
- The biggest challenge for any statutory licensing scheme will be enforcement. Local authorities in Scotland are struggling to enforce the 2021 licensing regulations due to resource constraints, so adding another layer of responsibilities will create extra pressures. Without additional funding the new requirements are unlikely to be enforced.
- There is huge variation across local authorities in terms of licence fees. This creates an unlevel playing field. Licensing should require councils to standardise the fees charged.
- Inconsistent interpretation and application of the legislation will need to be avoided to ensure businesses are treated equitably.

- Veterinary costs are increasing significantly. Any involvement of a veterinarian should therefore only be equine focussed and not be focussed on the physical aspects of a premises. This will reduce the cost associated with any inspection involving a veterinary surgeon.
- Riding schools are already facing significant challenges to their sustainability. It is essential that any updated or additional regulations do not place undue pressure on responsible businesses.

Question 47: What other measures do you think could be taken to improve equine welfare in Scotland, and how could they be integrated into a modern licensing system for equine activities?

There were 133 responses to this question. Substantive themes/points were—

- Implementation of a digitised equine ID system based on the work of Scot Equine and Scot EID and integrate across the UK. A digital system would show how equines move around and where they live and help with disease surveillance and prevention.
- Publish a register of all licensed equine yards.
- More regular and unannounced inspection of licensed premises.
- Age limits for young and old working horses and a requirement for a veterinarian to annually certify an animal as fit to work.
- Consideration should be given to the regulation of horse ownership generally, as equines require considerable care and management.
- A licensing system should encompass transporters and hauliers, ensuring they have the responsibility to record and verify microchip numbers and horse passports.
- Consideration should be given to banning horse racing.
- Improved access to information/guidance on equine care and management and better training for owners, possibly through the BHS.
- Improved support to develop farriery services as this is in decline.
- The Welfare of Equidae: Code of Practice is now 14 years old and would benefit from revision to update it in line with the Five Domains model of animal welfare, which is now widely accepted. Any updated code should be supported by an education campaign to reach equine owners, workers and licence holders. Compliance with this code should be compulsory and form part of a future licensing scheme.

Question 48: Are you aware of any examples of how any of the proposals above may impact, either positively or negatively, on those with protected characteristics?

There were 264 responses to this part of the question. Of these, 17 (6.4%) responded yes, 187 (71%) responded no and 60 (22.6%) were not sure.

Option	Total	Percent
Yes	17	6.4%
No	187	71%
Not sure	60	22.6%

Question 48 also asked respondents who answered "yes" to explain the reasons for their answer. Although only 17 respondents answered "yes" to the first part of question, there were 28 recorded responses. Substantive themes/points were—

- Human safeguarding as a prerequisite of getting a licence - equines and humans suffer where abuse or neglect is allowed to take place - young people can be exploited in our industry and we need wholesome environments to encourage equality, diversity and inclusion.
- As with livery yards, if a requirement for a safeguarding policy is included in the proposals, then it could positively impact vulnerable teenagers and adults, often with learning disabilities, that are employed by livery yards and riding establishments. On the other hand, riding establishments can be managed by those who have learning difficulties, such as dyslexia, therefore any new requirements would have to be communicated in various formats to ensure they are accessible to all.
- Ownership and use of equines by Travelling Communities within Scotland should also be brought into a modern licensing system. It is likely that this would not be popular within Travelling Communities however no protected characteristic of humans should prevent them being subject to the same animal welfare obligations as those without protected characteristic.



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