

Proposed Pet Shop (Licensing) (Scotland) Bill

Page 1: Introduction

A proposal for a Bill to improve animal welfare by enhancing local authority pet shop licensing powers and updating the licensing system, including in relation to licence conditions, fees and inspections. The consultation runs from 26 March 2018 to 18 June 2018 All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document. Questions marked with an asterisk (*) require an answer All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response. Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded. Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here: [Consultation Document Privacy Notice](#)

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

Page 2: About you

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

on behalf of an organisation

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

No Response

Please select the category which best describes your organisation

Commercial organisation (company, business)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole). Fishkeeper 8 LLP trades as "Fishkeeper Scotland" at 14 locations in Scotland, mainly within garden centres. We sell aquarium and pond fish as well as all associated products for the fishkeeping hobby. We are part of Maidenhead Aquatics which is the UK's leading specialist aquatic retailer with other 160 outlets across the UK.

Please choose one of the following:

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

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

Colin Christian - Fishkeeper 8 LLP

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

Page 8: Aim and approach

Q1. Which of the following best describes your view of the proposal to strengthen the licensing regime for pet shops in Scotland?

Fully supportive

Please explain the reasons for your response.

As responsible pet retailers we feel that a clearer unified approach to pet shop licensing across multiple council areas is a good thing. Our stores in England are part of OATA's Primary Authority Scheme which was introduced in partnership with the City of London Corporation resulting in an improvement in the quality and reach of inspections. Importantly any legislation must be sensible and proportional rather than introducing too much red tape.

Q2. Could the aims of the Bill be better delivered in another way (rather than by the means of a Bill in the Scottish Parliament)?

No

Q3. Under the proposal, pet shop licence fees would be based on a recovery of the costs incurred by local authorities in processing applications and inspecting premises to ensure animal welfare standards are maintained. In your view, which of the following should local authorities do?

(b) Charge all pet shops the same basic licence fee, but charge the costs of inspections separately to each pet shop.

Please give reasons for your answer. If you have selected option (c) please indicate which criteria you think should be used.

Licensing fees vary wildly across Scottish councils with seemingly no relevance to cost of inspections or services provided. The most expensive licences seem to have the least contact with our stores. A standardised and reasonable cost across all council areas would also reflect hopefully a new standardised inspection

Q3. Under the proposal, pet shop licence fees would be based on a recovery of the costs incurred by local authorities in processing applications and inspecting premises to ensure animal welfare standards are maintained. In your view, which of the following should local authorities do?

regimen. Shop size is not as important as the number of types of pets stocked. For example we only stock aquatic animals and a veterinary inspection should be briefer than for those stores also stocking for example birds and mammals.

Q4. Which of the following best expresses your view of developing statutory licence conditions, building on the current Model conditions for pet vending, that would apply to all pet shops in Scotland?

Partially supportive

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

The conditions need to be developed in conjunction with the industry to ensure that they successfully support animal welfare standards on the shop floor rather than increasing the burden of red tape. The conditions should take into account that there are different types of pet stores. Our aquatics only stores will have very different routines and management requirements than that of a full range pet store. Many important conditions for looking after mammals will not apply to aquatics and vice-versa.

Q5. Which of the following best describes your view of banning the sale of puppies and kittens in pet shops?

Neutral (neither support nor oppose)

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

As a specialist aquatics retailer we don't have a strong opinion on this matter however a regulated trade with high welfare standards is probably better than a ban.

Q6. Which of the following best describes your view of pet shop licence applications listing all animal categories they intend to sell, with owners under an obligation to inform the local authority before stocking any new categories?

Fully supportive

Q7. Which of the following best describes your view of mandatory inspections for all pet shops before an initial licence is granted?

Fully supportive

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

We are fully supportive however the inspections must be done as soon as possible once the new store is ready to trade.

Q8. Which of the following best describes your view of all local authorities using a standardised approach to conducting and reporting on inspections of pet shops?

Q8. Which of the following best describes your view of all local authorities using a standardised approach to conducting and reporting on inspections of pet shops?

Fully supportive

Please give reasons for your answer, including any advantages or disadvantages of the proposal. Is there any reason why a standardised approach would not be appropriate?

A standardised approach to report if the regulations are being standardised makes sense. Again there will be differences in conducting and reporting inspections between aquatics only and full range pet stores.

Q9. Which of the following best describes your view of local authorities using a risk-based assessment and issuing longer-term licences to pet shops that demonstrate a low risk to animal welfare?

Partially supportive

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

Long term licences for responsible and reputable retailers makes good sense and will reduce the bureaucratic burden for all involved and allow more time to be spent where it is required. However the criteria for the assessment needs to be achievable and reasonable. Again the requirements would be different for an aquatics only retailer to a full range pet retailer. The English legislation recently approved makes it very difficult for an aquatics retailer to reach the maximum rating due to the inclusion of impractical requirements that are not achievable even with the best of intentions.

Q10. Which of the following best describes your view of enabling local authorities to contract other qualified professionals (in addition to their own officers and vets) to carry out and report on pet shop inspections, including qualified officers from other local authorities?

Partially supportive

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

The most important thing is that the professionals are well trained.

Q11. Which of the following best describes your view of enabling local authorities to take steps to address non-compliance with licence conditions, giving licensees the opportunity to make improvements before any further action is taken, with the power to revoke a licence as a last resort?

Fully supportive

Please give reasons for your answer, and any detail you think relevant, including what appropriate intermediate steps could be.

Pet retailers have a strong vested interest in meeting and exceeding animal welfare standards. If they fall short, particularly on a procedural level they should be given the opportunity and if necessary support to improve this. It should be noted that all sides want to achieve high animal welfare standards.

Q12. Which of the following best describes your view of increasing the maximum fine for failing to comply with the legislation, in line with more recent animal welfare legislation?

Neutral (neither support nor oppose)

Q12. Which of the following best describes your view of increasing the maximum fine for failing to comply with the legislation, in line with more recent animal welfare legislation?

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

Fines are not something that have ever influenced our desire to ensure high animal welfare standards but we understand that they exist for a reason.

Q13. Which of the following best describes your view of placing an obligation on pet shop owners to provide advice to people buying pets?

Fully supportive

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

We are trying to promote fishkeeping as a hobby and feel that we provide an important educational service - our expert advice is given continually and free of charge. A successful fishkeeper is a long term customer for us. For example, when selling an aquarium we give all of the necessary advice in order to get it established and then test the water for the customer before they add fish. We have our own self imposed livestock charter where we refuse to sell fish to customers who have not followed our mandatory advice. We have many resources available including advice leaflets, however we are more and more directing people to the reference section on our website which holds far more information than a single leaflet and is more environmentally friendly.

Page 21: Financial implications

Q14. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

	Significant increase in cost	Some increase in cost	Broadly cost neutral	Some reduction in cost	Significant reduction in cost	Unsure
(a) Local authorities			X			
(b) Pet shop owners		X				
(c) Individuals (including pet owners)		X				
(d) Animal welfare organisations						X

Please explain the reasons for your responses.

Some local authorities overcharge for their services and others undercharge. Hopefully the charges will meet in the middle. However I am concerned that the legislation could be onerous on businesses causing a huge increase in costs to meet. If the industry (as the foremost experts on how the trade operates) are involved in the development of the guidelines hopefully these costs can be constrained by requirements being sensible and achievable with a minimum of red tape. If costs are substantial there will be no choice but to pass this on.

Q15. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

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Yes

Please explain the reasons for your response

The regulations can be streamlined. The importance is to set high standards which are achievable on the shop floor through a minimum of red tape. Clear regulations will be easier for stores to follow and for inspectors to enforce.

Page 23: Equalities

Q16. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): race, disability, sex, gender re-assignment, age, religion and belief, sexual orientation, marriage and civil partnership, pregnancy and maternity?

Neutral (neither positive nor negative)

Page 24: Sustainability

Q17. Do you consider that the proposed Bill can be delivered sustainably i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Yes

Please explain the reasons for your response.

If regulations are clear and proportionate including feedback from industry then yes.

Page 25: General

Q18. Do you have any other comments or suggestions on the proposal?

Requirements of pet stores should be reasonable in relation to the range of species stocked. Online and home based sellers or anyone trading in livestock should also be required to be covered by licensing. The best thing about pet stores is that animal welfare is continuously monitored by the general public via the high footfall that they receive. This can not be said for other unlicensed activities.