

# 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

Other (e.g. clubs, local groups, groups of individuals, etc.)

**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).** British Killifish Association - UK wide association for hobbyists interested in keeping the egg-laying fish of the order Cyprinodontiformes. The views are those collectively agreed by members of the Committee as a result of consultation on the Animal Activities Licensing

Please choose one of the following:

Please choose one of the following:

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

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 This will not be published if you have asked for the response to be anonymous or "not for publication".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

Andrew Patel (Publicity Officer- British Killifish Association)

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.**

Welfare of fish is a priority for our members. We understand that fish and other vertebrates are not ornaments or an ordinary commodity and need to be cared for properly. If as hobbyists we aim to keep our pets safe and well then it is incumbent on those who make money from selling animals to be held accountable to the same level of care.

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

**Please explain the reasons for your response.**

I don't believe so. The same legislation Pet Animals Act 1951 required legislation in England to bring about standardisation and establishment of verifiable standards.

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?

(c) Differentiate licence fees for pet shops according to other criteria (e.g. shop surface area).

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

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?

The principle of full fee recovery is justified, however a standardised (basic) fee is to the benefit of larger establishments. Small specialist shops that might sell lower quantities of fish and provide a better quality of service would therefore be subsidising larger, more commercial shops that can also offset costs by stocking large volumes of dry goods. Surface area given over to livestock might be fairer or even water volume.

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?

Fully supportive

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

Animal welfare is a contentious subject. There is no consensus on sentience, what constitutes acceptable care etc. Imposition of statutory conditions is the only feasible way to introduce an enforceable set of conditions that help meet basic welfare needs. The vast difference in knowledge and capabilities amongst existing licensing inspectors demonstrates what would happen even with 'recommended' inspection guidelines.

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.**

Not considered appropriate for us to comment as an Association

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

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

Fish are a massively diverse group of animals. Many are completely incompatible with each other and have very different needs. In particular large growing species, highly specialised or predatory feeders, niche specialists, solitary and aggressive fish cannot be maintained in the same way. Pet shops should not be able to start keeping goldfish and then decide to start stocking Piranhas or Arrowanas, or indeed killifish.

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.**

Particularly with fish that generally require water to survive it seems problematic to allow a pet shop to set up and start operating before the premises have been inspected. What happens to any fish moved into unsuitable premises?

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?**

Makes complete sense and avoids the 'postcode lottery'

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.**

Not convinced that this would work in practice. Low risk potential or low risk impact? Seen too many pet shops deteriorate quickly to think that longer licensing periods are acceptable. Given the volume of pet shops to the number of licensing authorities it doesn't seem necessary to implement such a system. Annual inspections tied to licence renewal seems to be a fair balance between welfare of the animals and the convenience of the sellers/inspectors.

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?

Fully supportive

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

Anecdotal evidence from members who have run pet shops indicate that inspectors sometimes have absolutely no idea about fish, how to tell if they are healthy, overcrowded, manifesting unusual behaviour etc. That knowledge is not easy to acquire. It makes perfect sense to make use of experts to fill knowledge gaps.

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.**

Within reason. Revoking a licence brings a problem with regard to disposal of fish. Even the most conscientious can encounter problems and it would be heavy-handed to link non-compliance with immediate revocation. Specific time-limited improvement notices would seem reasonable

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?

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Fully supportive

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

Animal welfare is important, fines must be sufficient to act as a reasonable deterrent. Larger companies are unlikely to be deterred at the current fine levels

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.**

A pet shop owner who cannot provide advice is of no use whatsoever and many of them aren't. Plenty of decent industry leaflets out there and good owners are already capable of providing detailed tailored advice. Long overdue. It is worthy of note that many experienced aquarists would take issue with some of the advice currently available from OATA so be wary of prescriptive advice leaflets.

## 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.**

More stringent licensing will inevitably require more time and expertise, a significant increase on the piecemeal systems currently in place. On the Tamworth model the licence costs for pet shop owners will be an increase but better standards should increase value of animals for sale so I wouldn't expect it to be significant for any but the smallest establishments. Do such establishments have the staff/facilities to maintain acceptable welfare standards and operate profitably? I would expect owners to pass on costs to customers so a small increase in cost for shops with reasonable turnover. Better standards should lead to less complaints/interventions so welfare organisations should see some reduction in costs.

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

No

**Please explain the reasons for your response**

Pet shop owners are businesses. Animal welfare is equivalent to health and safety. Its a cost that should be met by those who benefit.

## 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?

Slightly negative

**Please explain the reasons for your response.**

Cannot envisage that many protected characteristics would be affected by the proposed Bill. It is feasible that those with physical or mental disabilities would be impacted by an increased cost of 'Companion' animals as opposed to those buying animals as Pets but it's a fine distinction.

## 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.**

The Bill is effectively a tightening of existing legislation and its implementation should not cause significant impact and appears sustainable

## Page 25: General

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

Wondering why no consideration of widening the scope of the licensing to include other 'Animal Activities'.