



## **Proposed Pet Shop (Licensing) (Scotland) Bill Consultation**

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The Ornamental Aquatic Trade Association (OATA) represents more than 850 UK businesses which provide fish-keepers with everything they need to set up and maintain a successful home aquarium or garden pond, including retailers, breeders, importers and manufacturers, many of which are SMEs. We promote high welfare standards in the industry through a wide variety of initiatives, such as our Code of Conduct, our Primary Authority scheme for pet shops in England and Wales and providing staff training packages and customer care sheets.

We estimate that across the UK:

- There are 3,000 pet shops of which more than two-thirds will sell fish
- 4 million households own fish (that's 14% of the population)
- There are 100+million fish kept in aquariums and ponds (making fish the most populous pet)
- Fishkeepers spend £400 million a year on their hobby while pet owners in general spend around £6 billion a year on their pets (that's all pets) including foods, accessories and veterinary care
- That generates taxes of more than £2 billion annually
- 50,000 people are employed by the pet industry within the UK (we estimate around 12,000 are employed by aquatic-related businesses)
- Pets are good for our health and are estimated to save the NHS at least £2.45 billion every year (which could be a conservative estimate). Therefore the benefits of pet ownership in general, in terms of tax generated and NHS spending spared, is about £4.45 billion a year

In 2016 OATA carried out a Freedom of Information request to UK local authorities to examine their licensing of pet shops, which we were pleased to see referenced in the consultation document. The report showed that in Scotland there were 156 licensed pet shops and 71.8% sell fish (112 shops), 57.1% sell small mammals, 44.2% sell reptiles, 41% sell birds, 4.5% sell cats (7 shops) and 3.2% sell dogs (5 shops).

**By far the largest percentage of pet shops that require a pet shop licence sell fish so any proposal to change pet shop licensing will affect aquatic shops the most.**

We are particularly concerned by characterisations of pet shops as places that do not provide good care and welfare to the animals in which they trade. The CIEH pet vending guidance includes conditions on staff training and our members strive to provide excellent care to the animals they sell, supported by high standards of advice provided by trade associations such as ours. These range

from our members' Code of Conduct, 40+ customer care sheets for different species, training packages for staff, our Transport Code and guidance on unpacking fish, and much more.

In its very late stages, we were invited to engage in the recent Defra consultation on Animal Activities Licensing (which looked at a wider range of businesses than just pet shops) in England. This response represents the position we represented in that context and draws on our experience of the review process and its outcomes.

This response has been prepared by the OATA executive team which has delegated authority of its Board to respond to consultations of this nature on behalf of the OATA membership. The positions outlined reflect discussions with our Board and OATA members.

## **Part 2 - YOUR VIEWS ON THE PROPOSAL**

### **Aim and approach**

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

**Fully supportive**

Partially supportive

Neutral (neither support nor oppose)

Partially opposed

Fully opposed

Unsure

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

For many years OATA has been calling for a common, coherent and consistent set of mandatory licensing standards for pet shops which are properly enforced by well-trained and knowledgeable local authority inspectors.

We were very pleased to see our 2016 Freedom of Information report into pet shop licensing referenced several times in your consultation document (that was the third such report produced by OATA). We have also established a Primary Authority Scheme for our English and Welsh members to cover pet shop licensing. This co-ordinated partnership arrangement with the City of London Corporation (CLC), which includes an inspection plan based on CIEH guidance, was our way of helping to ensure a consistent approach for local authorities to follow which raised animal welfare standards. We were proud that OATA and CLC created the first inspection plan for pet shops through this scheme and was the first to enter a co-ordinated partnership - this was acknowledged by DEFRA minister George Eustice in a written answer to Parliament. Within six months of the scheme being set up a third of local authorities in England and Wales had to inspect aquatic shops using the consistent standards set out in the Inspection Plan.

This demonstrates the work we have done to shine a light on the unsatisfactory licensing situation that has been happening in pet shops.

Unfortunately we have been disappointed by the approach taken in England into the review of animal activities licensing, including pet shops. We are sad to say we believe that what will come into force in October 2018 is unnecessarily bureaucratic and imposes conditions on businesses that will have little or no effect on animal welfare.

Despite the fact that more than three quarters of all UK pet shops that require a licence sell fish, OATA along with many other representatives from the business sector were not able to play any meaningful part in the creation of the licensing regime in England until the very late stages.

We would therefore welcome early inclusion in any discussions about revising pet shop licensing in Scotland. As we have highlighted above, the largest proportion of pet shops in Scotland sell fish so any changes to pet shop licensing will affect our industry the most so we would be very pleased to play a role in any groups set up to discuss this issue. We have also been in discussion with one of our Scottish members – a specialist aquatics retailer with 14 stores in Scotland (Fishkeeper Scotland / Maidenhead Aquatics) – and they too are keen to participate in any future discussions. We believe it would be highly beneficial for the voice of a business directly affected by any proposals to help the Scottish Government to produce something practicable and deliverable by businesses ‘on the ground’.

Whilst we fully support proposals to strengthen the licensing regime in Scotland, as we have found in the English experience, a good outcome will depend on the detail of what is actually proposed. In principle it would be best for pet shops to have the same mandatory standards wherever they are in the UK but sadly we would not welcome a pure replication of what will come into effect in England in October 2018.

The principles outlined in the Scottish proposal are sound but care is needed to ensure any changes are applied sensibly and proportionately so as to be effective and avoid excessive, unnecessary burdens on business that in reality contribute little or nothing to improving animal welfare.

Experience with the Defra review process demonstrates that a good idea can be implemented badly, increasing complexity and cost with little tangible outcomes for animals.

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

- Yes  
 No  
 Unsure

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

As we have demonstrated in our various FOI reports, if guidance is not mandatory then councils do not feel compelled to follow it. When it comes to such an important issue as animal welfare we think the only approach is for legislation to make guidelines mandatory.

**3. 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?**

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

Simplicity and consistency should be the focus because we believe any differentiation of the approach adopted for fee setting will result in inconsistent application. We certainly think that

additional costs, eg if a vet is required to visit, should be charged separately. (Although if local authority staff are properly trained there should be no need for a vet to attend). We would not support cost recovery including an element of charging for something that might not occur.

Neither would we support setting fees based on floor space. Space considerations are not necessarily an indicator of the complexity of an inspection. For example the range of taxa traded is more relevant because different taxa will have widely varying inspection requirements.

We do have a general concern that licence fees could go up a lot for certain shops, particularly if there is only a small number of shops per council that need licensing. There is a risk with full cost recovery (assuming this will be the approach taken) that the costs of training large numbers of inspectors and implementing the system will need to be spread across a small number of pet shops with the consequence that licence fees escalate prohibitively.

If Scotland is looking at ways to do things better this could be a great opportunity to create a single centralised list of properly trained local authority inspectors who could serve the whole of the country. However, we would want those inspectors to be local authority staff because they would be independent, objective, publically accountable and auditable. We would not support the appointment of non-government organisations or charities undertaking inspections. All will have their own political agendas so their impartiality and objectivity cannot be guaranteed.

**4. 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
- Partially supportive**
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

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

The reason we are only partially supportive of this is our concern of what is meant by the word 'building'. The approach taken in England was intended to 'build' on existing guidance but in actuality went far, far beyond it. In light of that experience we are naturally cautious about any approach that unnecessarily goes beyond the CIEH's model conditions.

The CIEH Model Licensing Conditions are current, reflect modern standards and require minimal updating. They are easy to follow and understand, making it very easy for businesses to know what is expected of them and how to meet the standards required of them, and for inspectors to know what to inspect. They were developed with experts and have broad endorsement already, including from OATA. We used these to form the inspection plan for our own Primary Authority Scheme for our retail members in England and Wales.

The new AAL Model Licensing Conditions developed by Defra for England are overly complex, developed with inadequate expert input, and with insufficient consultation from industry experts, pet shops etc. This has resulted in a hugely complex and burdensome suite of conditions that will result in significant additional costs for businesses and will create challenges and burdens for local authority inspectors. Indeed, the inspection regime is so complex that it will apparently take three years to train all local authority inspectors in England (although businesses are expected to be ready to comply from 1 October 2018). Many expert inspectors have privately indicated that they consider

the new guidance accompanying the English Licensing Conditions to be unsuitable and unfit for purpose resulting in the need for yet further guidance for inspectors. We would argue that if there is really a need to issue guidance on how to interpret and implement the Defra's AAL guidance then there are fundamental flaws in it.

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

- Fully supportive  
 Partially supportive  
 **Neutral (neither support nor oppose)**  
 Partially opposed  
 Fully opposed  
 Unsure

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

While this does not directly affect our industry below are comments we submitted to Defra's call for evidence on the English consultation about this issue.

- *We would question whether banning the sale of animals such as puppies and kittens from pet shops and only allowing sales by breeders or rescue/rehoming organisations is genuinely a better option.*

*Unlike pet shops which require a local authority issued licence to operate, rehoming/rescue centres are not licensed so have no external, independent inspection scrutiny at all. This will not change with the new Animal Activities Licensing regime due to come into effect in October 2018. Pet shops are additionally open to the public (and therefore open to public scrutiny through daily footfall) in a way that rehoming/rescue centres are not. This proposal will not stop people setting themselves up as a rehoming centre to get around the ban and who will then fall outside any regulatory control.*

(We understand Scotland is looking to introduce the inspection of rehoming centres and animal sanctuaries).

- *Bans rarely achieve what they intend because of a lack of enforcement.*

*The vast majority of these animal sales originate online – not in pet shops. Our experience of sales bans in other areas, eg aquatic plants and invertebrates such as Apple Snails, is that whilst a ban may be in place, the enforcement agencies rarely have the time, interest or inclination to enforce these bans, particularly when it comes to online sellers. It certainly seems to us that closed Facebook groups for example fall into the 'too hard to pursue' category when we report infringements. And when all it takes is a trip across the border to Scotland or Wales then, in practice, how would any such ban on third party sellers in England really be enforceable?*

**6. 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**  
 Partially supportive  
 Neutral (neither support nor oppose)

- Partially opposed
- Fully opposed
- Unsure

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

We would agree that a pet shop should list the animal categories they sell and inform the local authority before stocking new categories. However, categories need to be sensibly defined and broad enough so as not to be too restrictive. The most important point about categories is that they are there to ensure the local authority inspector who visits is aware of the species they will be inspecting and so can be prepared and trained accordingly.

We believe the current CIEH categories should be sufficient:

1. Dogs
2. Cats
3. Rabbits & Guinea Pigs
4. Other Small Mammals
5. Ferrets
6. Birds
7. Reptiles & Amphibians
8. Fish

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

- Fully supportive**
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

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

We would agree that a pet shop should be inspected before a licence is issued. However, we are concerned that this must be done in a timely fashion, otherwise it could hold up a business from being able to open its doors. It should certainly be done within four weeks of a local authority being notified and we would suggest complaints and compensation procedures should be available if an inspection is not carried out within that timeframe.

**8. 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**
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

**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?**

What is most important is the need to ensure consistency in standards. We are concerned by some remarks made in the proposal document that it should be standard for inspectors to make copious notes: *“even where a pet shop is meeting all the conditions it is important that full and thorough*

*notes are being kept to ensure a level of consistency and traceability for example if problems arise in the future.*" This is entirely superfluous and meaningless and seems like an invitation for inspectors to look for issues even in a well-run pet shop and to manufacture problems just so that they will have something to record in their notes. Well-run pet shops, with knowledgeable staff that operate to high standards do exist (although the overall tone of this proposal documents seems not to be aware of this). Why would an inspector need to make copious notes if no issues have been found? This seems a prime example of bureaucratic red tape that offers no real benefits to animal welfare and creates concern for us about how any proposals might be developed.

**9. 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?**

- Fully supportive**
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

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

We believe that enabling local authorities to use a risk-based assessment and issue longer-term licences to pet shops is in principle a good idea. It should encourage pet shops with high welfare standards because it leads to fewer inspections, reduced costs and more importantly is a great way to differentiate their business from others with lower standards. We also believe it has the potential to encourage pet shops to drive up standards to meet the higher level.

However, the English system for attaining higher standards is complex, difficult to understand and impossible to apply in some circumstances. Whatever is proposed in Scotland needs to be much simpler and, most importantly, should be within the capacity of shops to achieve (otherwise it's pointless). For example in the English AAL, it calls for one member of staff to have an OFQUAL Level 3 qualification to attain the higher standard. For many pet species this qualification simply does not exist and we would argue that many staff in our industry will have many years of experience and knowledge built up via experience which will pre-date any such available qualifications. The implication is that someone recently qualified is of a higher standard to someone who has retailed animals for many years. This clearly would not be the case and therefore makes a mockery of the higher standard.

We already know that larger chains want and expect to hit higher standards as their **minimum requirement** so introducing standards that cannot be achieved instantly ensures those businesses cannot meet those higher standards, which might affect how their customers look at their brand through no fault of their own.

From our experience with the English review, the cost-benefit of achieving many of the higher standards is debateable, especially for smaller businesses which may simply not be able to afford to pay for them. This therefore prejudices their ability to achieve earned recognition, regardless of the welfare standards they deliver.

We would also make the point that the higher standards need to be relevant to different circumstances. There should not be a requirement to meet a higher standard where it is not relevant to the taxa being sold or the business premises.

This is a prime example of the importance of hearing practical voices in any discussion on this proposal and, as we have said previously, hearing directly from an actual business is important in terms of understanding what is actually practical to achieve.

**10. 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
- Partially supportive**
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

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

If local authority inspectors are properly and fully trained there should be no need for expert support (particularly when the additional costs of vets, for example, have to be borne by businesses). If an inspection regime is so complex that it requires external support then there is something wrong with the inspection regime or the training. Vets may not necessarily have a lot of experience in certain taxa (eg fish or reptiles) so may not be the 'go-to' expert over and above a local authority inspector in any case.

As we have suggested in our answer to Question 3 a pool of suitably trained local authority inspectors should be considered and made available to be called on by councils. Having a centralised pool will help keep overall costs down and, as we have already said, with a limited number of pet shops, there is a limited number of inspectors needed across Scotland. The costs of inspecting a business should not prove so prohibitive that it prevents businesses from opening their doors, therefore effectively stopping 'by the backdoor' the third party sale of animals.

As we have stated above we believe that there is a risk of losing the objectivity and impartiality of government employees by appointing external organisations to assist in inspections.

**11. 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**
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

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

As with any enforcement regime it is important to bring people into compliance and to help them understand the conditions they need to meet through education first, rather than criminalising them, especially for relatively minor issues.

We believe there needs to be a clear, simple and understandable tiered approach to education, compliance and enforcement aimed at correcting issues before more severe penalties such as fines



or revocation of licences are considered. The sanctions applied should be based on the severity of the problems encountered and should be aimed at corrective action in the first instance. There already exist many models and we would encourage you to consider the currently available system of civil sanctions, which includes options such as enforcement notices and variable monetary penalties.

What we would not support is the imposition of additional licence conditions. The licensing regime should be prepared in such a way that the conditions are or are not met. If they are not then compliance mechanisms, such as under a civil sanctions regime, can kick in. These do not need to be overly stringent and, as described, should be designed to bring people into compliance in the first instance. The key issue is that inspectors feel confident and are competent to assess whether the conditions are being met, and where they are not, to apply sanctions that enable them to bring businesses into compliance.

However, it is important that in the first instance businesses understand what is expected of them. The draft guidance document which outlines what English businesses need to follow is more than 70 pages long and extremely difficult to navigate through. It would be most unfair to penalise businesses for failing to follow conditions that are hard to understand, cumbersome and bureaucratic. Educating businesses on how they can deliver the necessary conditions is therefore important.

We make the point again that businesses in England must get to grips with this enormous document by 1 October 2018 AND have everything in place to comply while local authority inspectors have three years to complete their training on being able to deliver what is in those 70-plus pages. The consequence is that businesses will continue to be inspected by untrained and unqualified inspectors with the potential for significant continued inequities, inconsistencies and no doubt many challenges to the decisions of local authorities. We hope that Scotland does not repeat this inequity.

**12. 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?**

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)**
- Partially opposed
- Fully opposed
- Unsure

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

As described above, our preference is for a tiered approach to enforcement that is aimed at bringing businesses into compliance before punitive action is required. However, for those businesses that continue to actively disregard the advice they receive or fail to achieve necessary standards, fines should be sufficient to send a strong signal about the need to deliver good standards of animal welfare.

**13. 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**
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed

Unsure

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

We say that educating people to pick the right pet for their lifestyle and care for it properly is the key to happy and healthy pets. We seek to promote high standards throughout the industry through our member Code of Conduct and the free information and advice we provide to all.

We support the CIEH Model Conditions which contains a requirement for pet shops to give out pet information free of charge. OATA has created a range of species-specific customer care sheets which are free to download from our website. So advice is readily available although we would make the point that the information does not need necessarily to be paper-based and can be online. Shops have limited storage space so to require aquatic shops that sell a wide range of fish species to have paper leaflets on each species is impractical, unnecessary in this digital age, and environmentally unsound.

It should be noted that The Pet Charity is creating an online Pet Portal which will provide free validated information on a wide range of taxa and this will also be a valuable source of information that pet shops can use and tell their customers about. The website is still being built but you can see a version of what is planned here <http://petportal.org.uk/index.html>

In this digital age we should acknowledge that information can be successfully passed to customers in other forms that just paper.

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

**(a) Local authorities**

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral**
- Some reduction in cost
- Significant reduction in cost
- Unsure

If fee setting is based on full cost recovery then there should be no increase in costs for local authorities. However, there will undoubtedly be a greater burden for local authorities in training inspectors and likely to be a higher workload for those inspectors.

**(b) Pet shop owners**

- Significant increase in cost**
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

If Scotland follows the English model on licensing then pet shops are likely to see a massive increase in both burden and cost to their business. Regardless, we would anticipate licence fees to increase overall and we anticipate that cost will be transferred to businesses.

We became so concerned during the latter stages of the English review into animal activities that we did a rough cost impact assessment for pet businesses which we estimated to be **£118million per annum in additional costs to businesses**. Most of these were at least partially addressed in the closing stages of Defra's review process but we maintain that the outcome was the imposition of many unnecessary costs to businesses which achieve little or nothing for the betterment of animal welfare. We are happy to provide our calculations on this on request.

**(c) Individuals (including pet owners)**

- Significant increase in cost
- Some increase in cost**
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

Any cost increase to a business (through higher licence fees), particularly if it is significant, is likely to be passed on to customers.

**(d) Animal welfare organisations**

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral**
- Some reduction in cost
- Significant reduction in cost
- Unsure

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

We would not foresee any costs for animal welfare organisations as we would not foresee any direct role in the operation, delivery or implementation of an updated licensing regime.

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

- Yes**
- No
- Unsure

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

As described previously, our suggestion would be for Scotland to look at having a centralised pool of local authority inspectors to help keep overall costs down. With a limited number of pet shops, there is a limited number of inspectors needed across Scotland.

We would also encourage that further consideration is given as to the real need for local authority inspectors to be accompanied on visits by external professionals. If conditions are suitably developed and inspectors suitably trained there should be no need to buy in external resources to support an inspection.

**Equalities**

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

- Positive
- Slightly positive
- Neutral (neither positive nor negative)**
- Slightly negative
- Negative
- Unsure

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

### **Sustainability**

**17. 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
- No
- Unsure**

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

If the Scottish proposal is developed and applied proportionately and sensibly with input from trade then there may not be the disproportionate economic impacts to the industry which we expect in England. But if the English approach is adopted then we anticipate many negative impacts on the pet trade and keeping.

### **General**

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

#### **Inspector training**

We note in the proposal that you would require local authority licensing officers to undergo training through a certified accreditation course with biennial refresher courses. We would support this provided we know more about any course. We would be very happy to input into any training proposed and we have delivered inspector training in the past with the City of London Corporation.

We understand the City of London Corporation is looking at providing training for English inspectors in due course so there may be good training courses already in place that could be tailored to the Scottish experience.

It is important for inspectors to be trained before any new system is introduced and that businesses are given adequate time to prepare for any new system as well. **Training inspectors so that they feel confident and are competent to enforce the licensing system is fundamental to the success of any licensing reform.**

#### **Online trade**

This proposal makes no reference to online sellers so we are unsure whether this has been taken into account. There is no discussion about where the line is to be drawn about what constitutes a 'pet shop' business. If the heart of this review is about animal welfare then the concern is the same whether the animal is sold from a 'High Street' shop or online.

Many animals are sold online and, from our experience, enforcement agencies are slow to act when alerted to online sellers, particularly closed Facebook groups. If online sellers are trading fish commercially for example they should be subject to the same scrutiny through licensing. If they are not, traditional high street pet shops will be unfairly penalised by having to pay licence fees and comply with conditions such as staff training and point of sale information etc, potentially resulting

in them closing down and driving animal sales to unlicensed and uninspected sellers online which in no way protects animal welfare. All businesses, whether online or not, should be subject to the same level of scrutiny to protect animal welfare.

### **Zoo licensing**

We notice that you reference the Zoo Licensing Act in your proposal document. We would point out that this is not pertinent to the debate around pet shops because zoo licensing relates to the whole of life care of an animal. Pet shops are transitional holding facilities where animals will not live out their days. Therefore the conditions of a zoo and a shop are completely different. We would expect a shop aquarium to be wholly different from a tank set up in someone's home. Take the issue of enrichment in a tank (eg ornaments, rocks, plants). Appropriate enrichment is needed in a home aquarium but could be detrimental in a shop display tank because it could cause more stress to the fish when they are caught to be sold.

### **Other businesses**

We note that this proposal is aimed at pet shops only (not the range of animal activities in England). If at any stage it is considered important to capture other aquatic businesses (eg wholesalers, importers, breeders etc) we would urge you to include those business types in any considerations, in order to avoid the risk that inappropriate conditions are applied to them.