



Committee Title: Housing, Health and Community Committee

Date: 18th September 2023

REPORT TITLE:	Pets as Prizes RSPCA Campaign
REPORT OF:	Tracey Lilley, Director of Community and Health

REPORT SUMMARY

The report provides the context on the ban of giving live animals (e.g., goldfish, etc.) as prizes as set out in the Royal Society for the Prevention of Cruelty to Animals (RSPCA) campaign of 2021 and explains the current legislation framework and recommendations of actions that Brentwood Borough Council can take in support of the RSPCA campaign on an outright ban of giving live animals away on Council owned land.

RECOMMENDATION

- R1: That Brentwood Borough Council agrees that an outright ban of the giving of live animals as prizes in any form, on Brentwood Borough Council owned land is implemented.**
- R2: That Brentwood Borough Council writes to the UK Government requesting an outright ban of live animals as prizes on both public and private land.**
- R3: The Council carries out a review of the current policies and the terms and conditions of the licences and hire of Council owned land and premises to ensure that they reflect the Council's position as regards giving of live animals (e.g., goldfish, etc.) as prizes**

SUPPORT ING INFORMATION

1.0 REASON FOR RECOMMENDATION

- 1.1 The Council was contacted by a resident in Brentwood through their Councillor expressing their concerns that the practice of giving live animals is still not outlawed and has requested that the Council work with the RSPCA to support their campaign to ban outrightly the giving of live animals as prizes on Council owned land.
- 1.2 The RSPCA provides several reasons as to why the giving of such prizes is an outdated practice, their concerns on animal welfare, release of unwanted animal

prizes into the environment and the lack of preparation and understanding of the care that animals require to provide them with a suitable environment.

- 1.3 Therefore, by issuing an outright ban on such activities on all Council owned or operated land and properties, the Council will send a clear message of its commitment to ensure the welfare of animals and help reinforce the message that these practices are no longer desirable in our community.

2.0 BACKGROUND INFORMATION

- 2.1 Currently in England and Wales, it's an offence to give animals away as a prize to anyone under the age of 16, unless accompanied by an adult. This differs from the laws in other countries, for example Scotland where it is an offence in almost all circumstances to give an animal away as a prize to anyone regardless.
- 2.2 Since 2021, almost 50 local authorities across England and Wales have banned pets as prizes.
- 2.3 The Council is not aware of pets as prizes taking place within the Borough but proposes that it formerly supports the RSPCA to stop the practice on Council owned land, as well as write to Central Government to support wider change.
- 2.4 The Councils Terms and Conditions for stallholders for its events and any Event Management Plan also stipulate that there will be no pets as prizes for any event on Council land.

3.0 OTHER OPTIONS CONSIDERED

- 3.1 **Animal Welfare Charter:** Animal Welfare Charter is a statement of intent which reflects the views and concerns of the organisation as regards the welfare of animals. On its own Animal Welfare Charter does carry legal powers but through the existing legal framework the Council can use it to best promote improvement of animal welfare.
- 3.2 Animal Welfare Charter should also set out how the Council will work together with other external agencies and organisations to ensure a coordinated approach to animal welfare issues. It may not be able to address every aspect of animal welfare but may give serve to highlight those areas that the Council considers important and where it feels it can provide influence as a responsible and representative public body.
- 3.3 Currently Brentwood Borough Council does not have an Animal Welfare Charter in place in which it can set out clearly its position on animal welfare and use it an opportunity to promote animal welfare and send a clear message to the community that is strongly oppose any form of animal cruelty.
- 3.4 Brentwood Borough Council has general conditions which applies to all licensable activities involving animals in accordance with the Animal Welfare (England) Regulations 2018. However, these conditions do not provide for prohibition of giving live animals as prizes. It should bear in mind that this Regulation only applies to licensable activities as set out therein.

4.0 RELEVANT RISKS

4.1 Although many local authorities have adopted the ban of giving live animals as prizes on their land, it should be noted that the ban has not been tested in law. So there remains a risk that some aggrieved customer may seek to challenge the legality of the decision. However, the likelihood of such a challenge being lodged is very slim due to the public's change of attitude towards these practices.

5.0 ENGAGEMENT/CONSULTATION

6.0 FINANCIAL IMPLICATIONS

Name & Title: Tim Willis, Director – Resources & Section 151 Officer
Tel & Email: 01277 312500 / tim.willis@brentwood.rochford.gov.uk

There are no financial implications in regard to this report.

7.0 LEGAL/GOVERNANCE IMPLICATIONS

Name & Title: Claire Mayhew, Acting Joint Director – People & Governance & Monitoring Officer
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The current legislations, The Animal Welfare Act (England and Wales) 2006, does not forbid giving live animals as prizes unless they are given to unaccompanied children. The Act makes it an offence, in England and Wales, to give away live animals as prizes if the person can reasonably be believed to be under 16 years of age and is not accompanied by an adult. However, there are some exceptions in section 11 (3)-(6) of the Act. It is a different matter in Scotland, where it is an offence, under the Animal Health and Welfare (Scotland) Act 2006, to offer or give an animal to another person as a prize (whatever their age), except where it is offered in a family context.

A standard clause is to be inserted in the licensing and hiring terms and conditions which sets out clearly that the giving of live animals as prizes on Council owned or managed land and premises is prohibited because the model pet shop conditions cannot be met, and that the prohibition is reasonable.

It should be noted that although many councils have adopted this ban on their land and premises, the position has not been tested in law.

8.0 EQUALITY & HEALTH IMPLICATIONS

Name & Title: Kim Anderson, Corporate Manager - Communities, Leisure and Health
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There are no specific equality and health implications that directly affect the Council arising from this report.

9.0 ECONOMIC IMPLICATIONS

Name & Title: Phil Drane, Director - Place
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There are no specific economic implications that directly affect the Council arising from this report.

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APPENDICES

Appendix A: Notice of Motion RSPCA

BACKGROUND PAPERS

SUBJECT HISTORY (last 3 years)

Council Meeting	Date