

# **HIGH PEAK BOROUGH COUNCIL**

## **Licensing Committee**

**23 November 2023**

<b>TITLE:</b>	<b>Pets as Prizes</b>
<b>EXECUTIVE COUNCILLOR:</b>	<b>Councillor Fiona Sloman - Executive Councillor for Housing and Licensing</b>
<b>CONTACT OFFICER:</b>	<b>Alicia Patterson - Head of Environmental Health</b>
<b>WARDS INVOLVED:</b>	<b>All</b>

### **1. Reason for the Report**

- 1.1 To highlight the issues with giving pets as prizes and to support the RSPCA campaign.

### **2. Recommendation**

- 2.1 That an outright ban of the giving of live animals as prizes, in any form, on High Peak Borough Council owned land is implemented.
- 2.2 That the Council carries out a review of its 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 decision at 2.1.

### **3. Executive Summary**

- 3.1 The Council has been contacted by residents through their Councillors expressing their concerns that the practice of giving live animals as prizes is still not outlawed and has requested the Council to work with the RSPCA to support their campaign to ban outrightly the giving of live animals as prizes on Council owned land. It is suggested that by so doing it would send a message that the Council cares about the welfare of pet animals, such as goldfish, which may be given as prizes in many fairs and community events.
- 3.2 In its briefing the RSPCA has provided reasons as to why the giving of such prizes is an outdated practice expressing their great concerns, including animal welfare, the release of unwanted animal prizes into the environment and the lack of preparation and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. It can be argued that, even if the donors of the prize were to impose conditions before prizes are offered, there

still remains a real risk that the prize recipients may not adhere to those conditions once in ownership of those animals.

3.3 The Council recognises that many cases of pets given as prizes go unreported each year due to the fact that some of these transactions happen on fairgrounds, or by means of social media and other channels where it is hard to keep track or due to the lack of public understanding of the legality of such activities.

3.4 Therefore, by issuing an outright ban of 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 to reinforce the message that these practices are no longer desirable in our community.

#### 4. **How this report links to Corporate Priorities**

4.1 Supporting our communities to create a healthier and safer High Peak.

#### 5. **Alternative Options**

5.1 That members do not support the RSPCA Campaign and policies remain unchanged.

#### 6. **Implications**

6.1 Community Safety - (Crime and Disorder Act 1998)

None

6.2 Workforce

None

6.3 Equality and Diversity/Equality Impact Assessment

None

6.4 Financial Considerations

None

6.5 Legal

A standard clause is to be inserted in the Council's licences 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.

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

6.6 Climate Change

None

6.7 Consultation

None

6.8 Risk Assessment

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 considered to be very slim due to the public's change of attitude towards these practices.

**Mark Trillo**  
**Executive Director (Governance & Commissioning)**

**Web Links and  
Background Papers**

<https://www.rspca.org.uk/getinvolved/campaign/petprizes>

<https://www.rspca.org.uk/-/blog-we-win-they-lose>

**Contact details**

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**7. Detail**

7.1 In May 2021 the RSPCA launched a nationwide campaign urging local authorities to ban outrightly the giving of live animals as prizes on their land. The campaign, which was covered in national media outlets, also urges local authorities to write to the UK Government to instigate a similar ban on both public and private land.

7.2 Statistics received from RSPCA show that between 2015 and 2020 there were 120 cases reported to them of live animals being given as prizes in England, however, it is feared many more cases go unreported due to lack of awareness around animal welfare and existing legislations.

7.3 Since the start of the RSPCA campaign, many County, District and Town Councils have supported it through issuing statements of intent and passing resolutions to ban the practice of giving animals as prizes on their land and property. Some Councils have either had to review their events licensing and hiring terms and condition or adopt Animal Welfare Charters to reflect their stance on this practice.

7.4 The current legislation, 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 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.

- 7.5 The RSPCA believes that this legislation does not go far enough and does not cover the animal welfare issues associated with this practice. They would like to see similar legislation to the Animal Health and Welfare (Scotland) Act 2006 introduced in England, which makes it an offence to give an animal as a prize, regardless of age, except within the family context.
- 7.6 The Council has an opportunity to ban this practice on its land and premises and, by so doing, serve to raise public awareness of animal welfare surrounding the giving of live animals as prizes.
- 7.7 In view of the current legislation, the Council can introduce a ban and change the terms and conditions of its licencing and hiring agreements.
- 7.8 In order to effect the ban, some local authorities have amended their licence conditions to operators of events and fairs to include prohibition of giving pets, including goldfish, as prizes. However, the inclusion of these terms and conditions has not been tested by law. So far, no Councils have been challenged on the inclusion of a prohibition of giving pets as prizes in their terms and conditions of use of its facilities. Currently, there is no legal process for imposing a fine on people who are in breach of this ban. The only recourse is to revoke their licence or hire agreement and evict them for breach of such a condition.
- 7.9 The Council has general conditions which apply to all licensable activities involving animals in accordance with the Animal Welfare (England) Regulations 2018. However, these conditions do not provide for a prohibition of giving live animals as prizes. It should be borne in mind that this Regulation only applies to licensable activities as set out therein.
- 7.10 The Council is presented with an opportunity to ban outrightly the giving of live animals as prizes on its owned land, in support of the RSCPA campaign and by so doing to send a message to the public that such outdated practices are not condoned by the Council.