

- 2.3. The Council is cognizant of the fact many cases of pets given as prizes go unreported each year due to the fact that some of these transactions happen on fairgrounds, social media and other channels where it is hard to keep track or due to lack of public understanding of the legality of such activities.
- 2.4. 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 reinforce the message that these practices are no longer desirable in our community.
- 2.5. For clarity, the tenants of STAR Housing are excluded from the recommendations of this report as they are governed by the terms and conditions of their landlord.

3. Recommendations

- 3.1. The Council is recommended to agree to support the RSPCA campaign and thereby to resolve:
- 3.2. **That an outright ban of the giving of live animals as prizes, in any form, on Shropshire Council owned land is implemented**
- 3.3. **That the Council writes to the UK Government requesting an outright ban of live animals as prizes on both public and private land**
- 3.4. **That 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**

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4. Risk Assessment and Opportunities Appraisal

- 4.1. Although many local authorities have adopted the ban of giving live animals as prizes in 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.
- 4.2. There are no specific equalities implications that directly affect the Council arising from the report.

5. Financial Implications

5.1. There are no financial implications associated with this report

6. Legal Implications

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

6.2. 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.

7. Climate Change Appraisal

7.1. *Energy and fuel consumption*: No effect outcome is expected

7.2. *Renewable energy generation*: No effect outcome is expected

7.3. *Carbon offsetting or mitigation*: No effect outcome is expected

7.4. *Climate change adaptation*: No effect outcome is expected

8. Background

8.1. In May 2021 RSPCA launched a nationwide campaign urging local authorities to ban outrightly the giving of live animals as prizes in their land. The campaign, which was covered in national media outlets, also is urging the local authorities to write to the UK Government to instigate a similar ban on both public and private land. Also, RSPCA drafted a Notice of Motion which local authorities can use if they wish to support the campaign (see appendices section)

8.2. 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. The table below show that the number of cases reported has been dwindling in recent years which may indicate a change of attitude towards giving live animals as prizes or people have stopped reporting cases of live animals given as prizes for lack of motivation. It will be presumptuous of this report to try and assume the cause of the current decline in the number of incidences. However, as long as the practice is still not outlawed chances are the incidents may increase in the future.

Incidents reported to RSPCA related to pets as prizes in England							Total
Year	2015	2016	2017	2018	2019	2020	120
Incidents	30	24	33	16	15	2	

- 8.3. Since the start of the RSPCA campaign, several county, district, and town councils have supported it through issuing statements of intents and passed resolutions to ban the practice of giving animals as prizes in their land and properties. Some Councils have either had to review their events licencing and hiring terms and condition or adopt Animals Welfare Charters to reflect their stance on this practice.
- 8.4. Among the Councils that have passed resolutions to support the RSPCA campaign include Caerphilly County Bought Council, The Vale of Glamorgan, Torridge District Council, Sunderland Council, Stevenage Borough Council, London Assembly
- 8.5. *Current Legislations and Powers*
- 8.6. The current legislations, The Animal Welfare Act (England and Wales) 2006, does not for 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
- 8.7. RSPCA believes that this legislation does not go far enough and does not cover the animal welfare issues associate with this practice and therefore, they would like to see similar legislation to the Animal Health and Welfare (Scotland) Act 2006 is introduced in England which makes it an offence to give an animal as prize, regardless of age, except within the family context.
- 8.8. The Council has an opportunity to ban this practice in its land and premises and thereby, serves to raise public awareness of animal welfare surrounding the giving of live animals as prizes.
- 8.9. It should be noted that there is a similar precedent in our organisation. The Council, through full Council meeting of 26 July 2018, banned the launch of Sky (Chinese) Lantern from Council owned or managed premises citing the reasons for the decision including that Council recognizes the fire hazards associated with the practice of Sky (Chinese) Lantern which can potentially lead to loss of human and farm animal life including wildlife, damage to properties

and increase pressure to emergency services such as the Police, Fire Services and Medical Services.

8.10. This decision serves to demonstrate that the Council had previously banned, in the Council owned land, such practices that are detrimental to the environment and the welfare of people and animals and, also, had proactively sought the extension of that ban to the whole of the country by urging the UK government to do likewise.

8.11. In view of the current legislation, the Council can introduce a ban either through changing its terms and conditions of the licencing and hiring agreements or by adopting Animal Welfare Charter or do both

8.12. *Terms and Conditions of hiring or letting of Council land and premises*

8.13. In order to effect the ban some local authorities have amended their licences 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 have not been tested by law. But so far, no Councils have been challenged on inclusion of prohibition of giving pets as prizes in their terms and conditions of use of its facilities. Currently, there is no legal process of imposing a fine on people who are in breach of this ban. The only recourse is to revoke their licences or hire agreement and evict them for breach of such a ban.

8.14. *Animal Welfare Charter*

8.15. 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.

8.16. 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

8.17. *Situation in Shropshire Council*

8.18. Currently Shropshire 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

8.19. Shropshire 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 be borne in mind that this Regulation only applies to licensable activities as set out therein.

9. Additional Information

9.1. None

10. Conclusions

10.1. 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 send a message to the public that such outdated practices are no longer condoned in Shropshire Council.

10.2. As a responsible and representative public body, the Council will also urge the UK government to enact laws that will see that end of the practice of giving live animals as prizes which have little regards for the animal welfare. In acknowledgement of change of attitude among the public and more public awareness, the Council will ensure that its policies reflect this position when issuing licences and hire out its assets.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
n/a
Cabinet Member (Portfolio Holder)
Cllr Dean Carroll
Local Member
n/a
Appendices
App 1 – RSPCA Notice of Motion