

WANDSWORTH BOROUGH COUNCIL

ENVIRONMENT AND LEISURE OVERVIEW AND SCRUTINY COMMITTEE
- TBA

EXECUTIVE - TBA

Report by the Director of Leisure and Amenity Services on the Council's policy regarding the use of performing non domestic animals in circuses held in the borough.

SUMMARY

A recent request to hold a circus in Battersea Park, showed that the Council , for historical reasons, has differing policy in Battersea Park as opposed to the rest of the Council's open space and property, regarding the use of performing non-domestic animals in circuses.

The differing policies are outlined and officers recommended that a further review should be considered in the event that the Government is able to introduce an adequate licensing system.

GLOSSARY

1. **Recommendations.** The Environment and Leisure Overview and Scrutiny Committee are recommended to support the recommendations in paragraph 3.
2. If the Overview and Scrutiny Committee approve any views, comments or additional recommendations on the report, these will be reported to the Executive for their consideration.
3. The Executive are recommended to approve:-

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- (a) the review of policy as outlined in paragraph 9 below, in order to achieve consistency of policy across all Borough sites;
- (b) that current policy should be to not permit performing non-domestic animals in circuses held on council land or property; and
- (c) to conduct a further review of policy should any suitable licensing system be introduced in the future.

4. **Introduction.** A request was recently received for the hire of a site in Battersea Park on which to stage a circus. Such circus would have included the use of performing non-domestic animals.

5. **Current Wandsworth Policy.** The Wandsworth policy decisions on this issue are:

- i) Agenda item 7 of the former Leisure and Amenity Services Committee of 12th June 1990 reported on a poll of 508 local people, conducted by NOP Market Research Ltd., and as a result agreed a motion that the Council should continue to permit non-domestic animals in circuses or other events in the Borough.
- ii) At its meeting of 11th July 1990, the full Council Meeting referred the matter back for further consideration by the former Leisure and Amenity Services Committee of 17th September 1990. That committee *decided to confirm previous decision, to allow circuses with wild animals to continue to use Council-owned land*".
- iii) The full Council Meeting of 18th October 1990 voted (by 8 votes to 3) to support the Committee's decision and to continue to permit non-domestic animals in circuses.

6. The Events Policy agreed for Battersea Park (Paper no. 97/680 to the former Leisure and Amenity Services Committee of 28th October 1997) agreed not to permit the use of non-domestic animals in circuses and fairs in Battersea Park. This decision, which reflected the policy followed by the Greater London Council (the Parks former owner and operator), remains enshrined in the current terms and conditions for events in Battersea Park which include:-

1.1 The Hirer shall ensure that only domestic animals are used in entertainment acts or circuses in the Park.

7. As a result, the recent request for a circus, including performing non-domestic animals in Battersea Park, was declined.

8. In declining the request, however, it was noted that the Battersea Park circus policy was at odds with the policy for other parks and spaces, dating from 1990, which still permits the use of performing non-domestic animals. Current Wandsworth policy is therefore somewhat ambiguous in that it does not permit non-domestic animals in circuses or fairs in Battersea Park, but there is no formal ban on them in other parks and open spaces.

9. **Review of Policy** In therefore reviewing the policy to ensure consistency, the attention of Members is drawn to the Government's Circus Working Group which was convened in order to inform the Government's wish (in 2006) that its 'commitment to ban certain non-domesticated species will be based on scientific evidence'. The Working Group's report concluded in 2007 that such scientific evidence was not available and that new primary legislation would therefore be required to effect such a Government ban.

10. The Working Group's report also considered local authority bans in the light of suggestions that the legal status of at least some of these bans may be uncertain. It acknowledged '*if the use of non-domesticated animals is to continue to be permitted, and if it were to be regularised through a licensing system, local authorities would be advised to reconsider whether these bans were still appropriate and lawful.*
11. The report acknowledged the need for further reform since no such licensing system currently exists, and in particular noted that the existing provisions of the Animal Welfare Act do not provide adequate protection for animals in circuses. There are presently no conclusions about how a change can be effected. The Circus Working Group report noted that the Association of Circus Proprietors of Great Britain recognise that '*the present legislation on the keeping and training of animals used in entertainment is inadequate*' and the Association's Secretary was quoted as having acknowledged that '*We are a surprisingly unregulated industry*'.
12. In the light of this, the Working Group's report included, in its Executive Summary, the conclusions:
 - the circus industry has indicated that it is receptive to the principle of regulation, but, to be credible, any such regulation must not only ensure high standards of welfare for the animals, it must also result in a significant degree of transparency and accountability if it is to win over public confidence.
 - regulation could be introduced under the authority of section 13 of the Animal Welfare Act using the Zoo Licensing Act as a model.
13. The comments of the Director of Technical Services as set out below show that a Council duty to enforce animal welfare legislation and an obligation to inspect to ensure compliance with such legislation. This legislation does not however, make provision for the licensing, control of regulation of the use of non-domestic performing animals in circuses. The Environmental Services inspection and veterinary assessment would not, for example, be able to cover welfare during transportation, behavioural needs, the percentage of time that animals are on tour with travelling circuses and the extent to which they may also be travelling and in temporary accommodation for use in media other than circuses.
14. **Consultation.** This report has been released in draft format to the Friends of Battersea Park, Tooting Common Management Advisory Committee and Wandsworth Common Management Advisory Committee by way of public consultation. The RSPCA have also been consulted and it is noted that their current policy includes the statements:
 - (a) The RSPCA is opposed to the use of animals in circuses.
 - (b) As part of the Animal Welfare Act, new regulations on the use of animals in circuses will hopefully be considered later this year.
 - (c) There are just 35 wild animals left in circuses in the UK. These are:
 - one elephant, called Anne
 - five zebras
 - five lions

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- six snakes
- seven tigers
- eight camels
- one kangaroo
- two crocodiles

The RSPCA is calling for a ban on the use of all animals listed above, but also for the ban to be extended to include other species, such as polar bears, yak and alligators, which are currently used in circuses in other parts of Europe.

- (d) The RSPCA believes the circus is no place for an animal. The life for an animal in a circus consists of frequent travel, restricted movements, poor living conditions and loud noises.

15. **Director of Technical Services Comments** The legislation enforced by Environmental Services makes no provision for the licensing, control or regulation of the use of non-domesticated animals in circuses or within any other temporary undertaking or entertainment. As outlined in paragraph 9 above, new primary legislation would be required and this has not been put into place. Controls do exist for the licensing of Dangerous Wild Animals, but these are only applicable for permanent residence in the borough and cannot be applied to temporary situations.

The Council does, however, have a duty to enforce animal welfare legislation and should a circus visit the borough with non-domestic animals we would be obliged to inspect to ensure compliance with the legislation. This requires a specialist veterinary assessment undertaken through a standing agreement with the Corporation of London. Inspection of a visiting circus would be classed an emergency service at cost to the council, with no means of reclaiming these costs in the absence of a licensing regime.

In the absence of relevant legislation this service would have no power to control the activity regardless of the situation or nature of the land and it is likely that there would be a net cost to the Council in complying with its animal welfare enforcement duties. The recommendations in paragraph 3 to not permit performing non-domestic animals in circuses held on council land or property is therefore fully supported.

16. **The Borough Solicitor Comments.....(to follow after consultation exercise)**

17. **Conclusion.** The current lack of regulation of the circus industry, and expressed concerns about the inadequacy of the Animal Welfare Act (which the Circus Working Group concluded does not provide adequate protection for animals in circuses), leads me to recommend that the Council's policy be revised in order to remove the ambiguity of there currently being a ban in Battersea Park, but not in the Borough's other parks and open spaces. No suitable licensing system yet exists and, despite the good intentions of Britain's circus operators, there can be little control, without a licensing system, of the operations of circuses from overseas (traditionally using a wide range of non-domestic animals) that can be expected to come to Britain if bans were lifted. It is therefore also recommended that the Battersea Park policy be extended to all the Borough's parks and open spaces, i.e. that performing non-domestic animals will not be permitted on any Council land or property. It is further recommended that, should a suitable licensing system ever be introduced, then that would be the time for a further review of policy.

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P G BRENNAN
Director of Leisure and Amenity Services

19th August 2008

All reports to Overview and Scrutiny Committees, regulatory and other committees, the Executive and the full Council can be viewed on the Council's website (www.wandsworth.gov.uk/moderngov) unless the report was published before May 2001, in which case the Committee Secretary, Mr D Jones-Owen (020 8871 7032) djonesowen@wandsworth.gov.uk can supply it if required.