

Consultation on the Welfare of Wild Animals in Travelling Circuses

A Summary of Responses to the Consultation

Government Response

July 2012

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Part I - Background

Defra's consultation entitled "Welfare of Wild Animals in Travelling Circuses: A Consultation" ran for eight weeks from 1 March to 25 April 2012. It set out proposals to introduce regulations under section 13 of the Animal Welfare Act 2006.

The regulations will introduce a licensing scheme for operators of travelling circuses in England that have wild animals.

The licensing scheme would promote and safeguard the welfare of wild animals in travelling circuses in England. The regulations will require specific standards of animal welfare to be met. The welfare standards would be set as licensing conditions. A licensing condition is prescribed in regulations and must be met by the licence holder.

Guidance will explain in more detail what must be done in order to comply with the licensing conditions, and include supplementary guidance for species of animal known to be used in recent years in travelling circuses in England. Draft guidance was published as part of the consultation. Defra is using consultation responses as part of carefully reviewing the guidance. Final guidance will be published before the regulations come into force.

Circuses would be inspected by veterinary inspectors appointed by Defra. Failure to hold a valid licence would be a criminal offence under the Animal Welfare Act 2006, as would any serious lapses in animal welfare. Failure to meet licensing conditions could result in the suspension of a licence. If a licence is suspended, notice would be issued to the licence holder setting out the steps that must be taken to achieve compliance with licensing conditions. Failure to follow steps and to achieve the licensing conditions would lead to the revocation of a licence. Licenses will initially be required on an annual basis.

Wild animals can have complex welfare needs and are generally less well understood than domesticated animals. By definition, travelling circuses frequently transport animals to numerous sites of varying quality. Ordinarily it falls to local authorities to carry out the necessary licensing, inspection and enforcement of wild animals in captive environments. Travelling circuses, by their very nature, will move sites frequently and cross local authority boundaries. This can make enforcement by local authorities difficult. As a result, Defra proposed that regulations focus on the welfare needs of wild animals in travelling circuses, with enforcement carried out by Defra appointed veterinary inspectors.

There are currently two pieces of legislation that can be used to address the welfare of wild animals in travelling circuses: the Animal Welfare Act 2006 and the Performing Animals (Regulation) Act 1925. However, both Acts rely on general provisions applicable to all relevant animals in most environments. Neither Act sets down any specific welfare requirements for wild animals being used in a travelling circus environment. Where similar species of wild animal are kept in other environments, such as zoos or private collections, they are covered by legislation (respectively the Zoo Licensing Act 1981 and the Dangerous Wild Animals Act 1976) that sets down specific standards for those animals in those environments. There is no animal welfare legislation in England that sets down specific standards for wild animals in a travelling circus. The new regulations will fill that gap.

The consultation questions covered the detail of the proposals, including the draft definitions for the regulations, licensing conditions and guidance, administration of licences and the impact assessment. This document sets out a summary of the responses received and, where appropriate, includes a response from Defra to further explain the proposals and what has been reviewed for the final regulations and will be reviewed for final guidance.

A total of 236 responses were received, including 168 submitted by Survey Monkey (using the internet), 8 using Microsoft Excel software and 60 in other formats (including emails and manuscript).

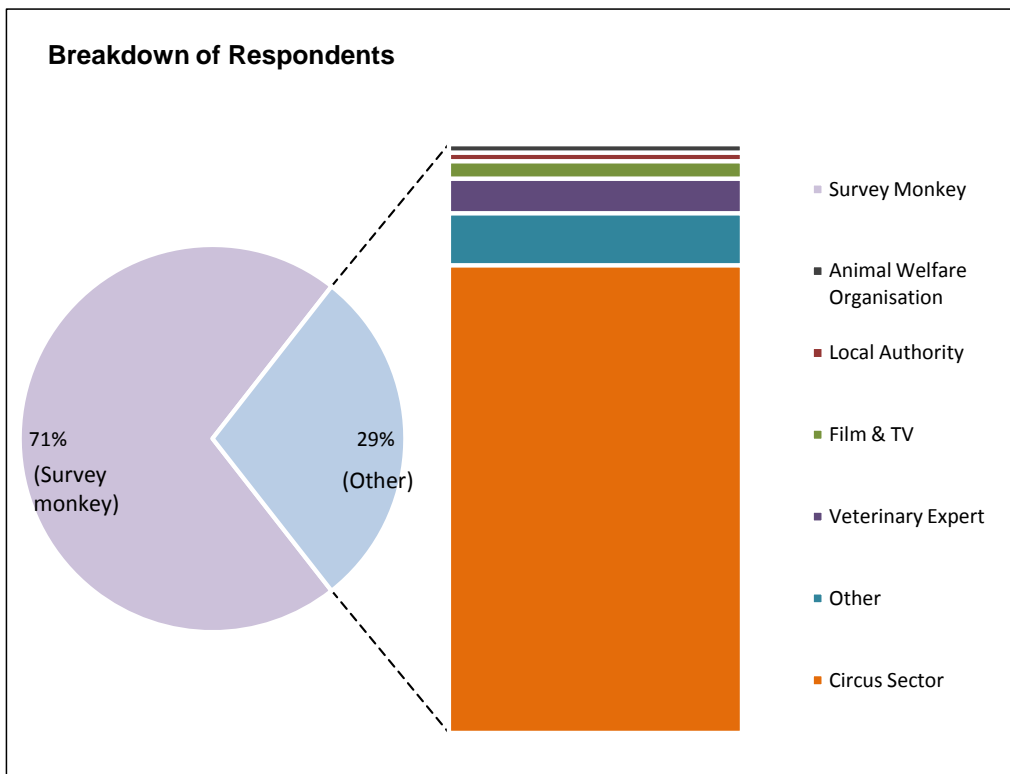
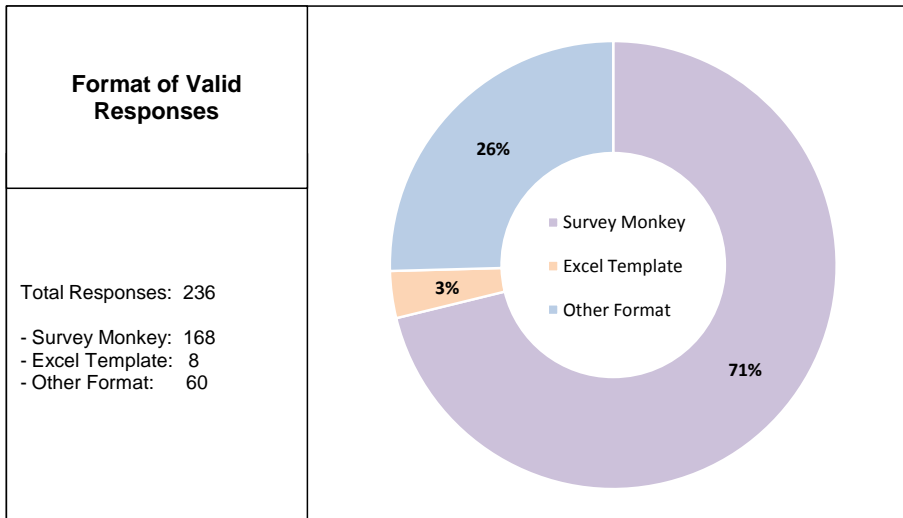
Responses were received from a number of sources, but mostly the general public and representatives of the circus sector. Responses were also received from representatives of local authorities, film and TV and veterinary experts, which is illustrated in the graph below.

Nearly all animal welfare organisations (e.g. charitable and campaign groups) chose not to respond to the consultation. Large numbers of campaign style letters were not received during the exercise. However, 127 further representations were received that called for a ban on the use of wild animals in travelling circuses. Whilst the calls for a ban are not valid responses to the consultation, which was about detailed licensing proposals, Defra nonetheless acknowledges that people felt they should contact us using the consultation address to make their feelings known. Defra Ministers announced on 1 March 2012 the Government's intention to develop policy to achieve a ban on the use of wild animals in travelling circuses.

Responses were accepted in any format provided they answered at least one consultation question. Defra also received nine representations made to the consultation address that did not directly answer the consultation questions but which were relevant to the subject of the consultation.

During the consultation window officials met the majority of named consultees to discuss the proposals. A period of "road-testing" the draft welfare standards, with

multiple visits to circus sites by a Defra veterinary team, was also undertaken as part of the consultation. See Part IV – Supplementary information for more details.



Defra is grateful to everyone who took the time and effort to respond. This summary tries to reflect the views offered but, inevitably, it is not possible to describe all the responses in detail. Every response has been read and considered by the policy team in Defra in developing the final impact assessment, regulations and guidance.

Copies of responses to this consultation and this summary can be obtained from the Defra library at:

Defra
Information Resource Centre
Lower Ground Floor
Ergon House
17 Smith Square
London
SW1P 3JR

The consultation package, which included draft guidance, can be found online at:

<http://www.defra.gov.uk/consult>

All numbers, graphs and tables in this document are based on the information submitted by people that responded to the consultation; no other meaning should be inferred.

Background to how responses were handled

Defra accepted all responses to the consultation that answered at least one of the consultation questions.

Defra ran an online survey and provided an Excel template to provide additional ways to respond. Other electronic formats and written replies were accepted.

Each response has been considered in its own right and on its own merit. Defra has not weighted responses and has considered each point of detail irrespective of its source.

Filters were applied, particularly on the data from the online survey to remove the small number of suspected duplicates. Whilst it is possible that one person could have submitted more than one reply, which may influence the numbers of responses to a given question, this has had no bearing on the consideration of each individual piece of feedback. The fact that a single suggestion is made more than once does not make it more or less likely to influence policy. The merit of each suggestion was considered in its own right.

Responses that called simply for a ban on wild animals were tallied, but were not counted as responses to the consultation because the consultation was specifically about welfare regulations that can be made under the Animal Welfare Act 2006.

Some responses strongly indicated a preference from 'yes', 'no' or 'don't know' in their answers. Many respondents gave more substantive comments, offering additional views or comments to support their answer. An indication of how people responded has been included in this document, including a summary of the 'substantive comments' that people made.

Other issues arising from consultation

This consultation exercise was to seek views on a proposed licensing scheme that would promote and safeguard the welfare of wild animals in travelling circuses in England. Defra has not ignored calls for a ban and has noted the 127 representations received during the consultation period that asked for a ban. Defra has also noted that some respondents, in their responses to questions about regulations, suggested that they would prefer a ban if given the option.

Defra has listened to all views expressed during the consultation exercise, including from representatives of welfare organisations and circuses. Defra has noted that most animal welfare organisations chose not to respond formally to the consultation.

At the time of the launch of this consultation, the coinciding announcement explained that the Government had confirmed its intention to pursue a ban. Development of a ban would be on ethical grounds; its precise detail must be thought through to ensure it has the desired effect, which will take time, but that regulations could be introduced relatively quickly to promote and safeguard welfare in the intervening period.

During the consultation period, it was suggested by some that a full twelve week consultation should have been carried out. Defra opted for an eight week consultation given that a full twelve week consultation has previously been carried out on broad options, and this consultation focused on the specific detail of the licensing scheme and would allow policy development to take place at a reasonable pace.

Defra offered an Excel form and an online survey as two of ways of responding to the consultation. Providing a means of responding to the consultation electronically helps reduce the time and cost of collating and analysing data. Some people may find it easier or more convenient to submit information electronically. Defra recognises that not everybody has access to the necessary information technology or software to respond electronically; and that not everybody wants to reply using electronic means. Defra accepted responses in any format and officials made themselves available to offer help and support in using electronic formats where individuals approached Defra for help or advice. Defra will consider feedback on the usability of electronic formats for future consultation exercises and continue to recognise the importance of providing alternatives. For example, 26% of the responses received used neither the online survey nor Excel form and included responses by email (some attaching a word processed document or scan) and hard copy manuscript and printed forms.

Part II – Responses to consultation questions

Questions on regulations

Question 1: Draft definitions

Defra proposed draft definitions for use in the regulations. These were that:

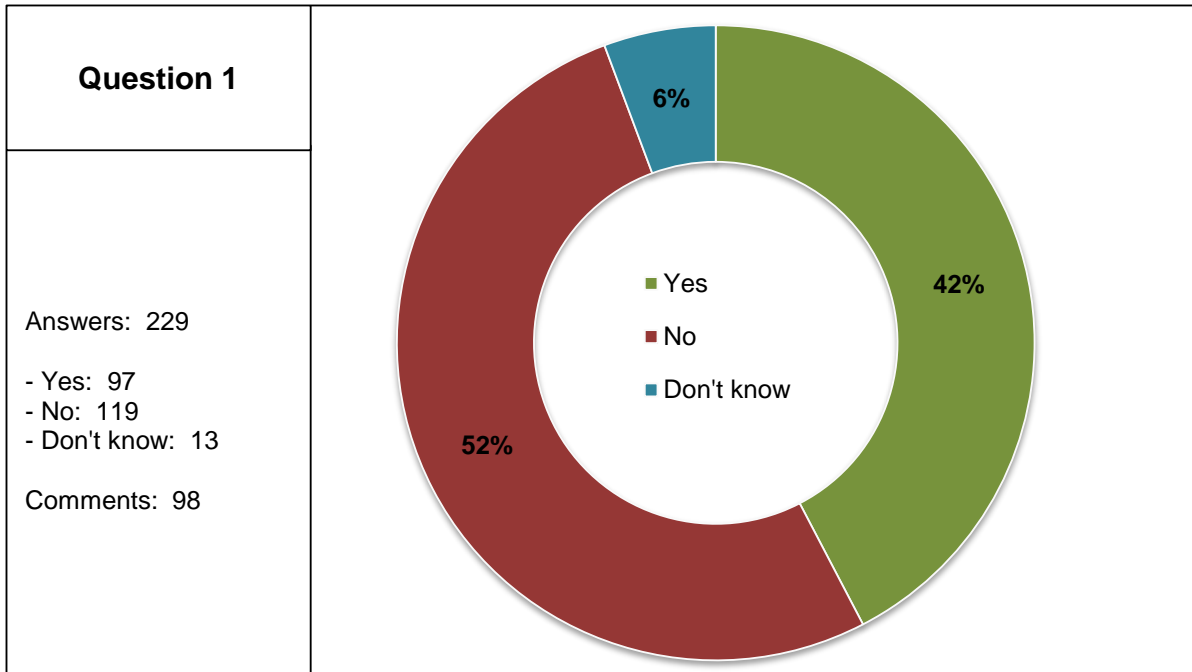
- Operating a travelling circus that includes wild animals is an activity for the purposes of section 13(1) of the Animal Welfare Act 2006.
- “Circus” includes any place where wild animals are kept or introduced wholly or mainly for the purpose of performing tricks or manoeuvres.
- A “travelling circus” means a circus which gives performances in more than one place and includes winter quarters where a wild animal associated with the circus is based while not touring.
- “Wild animal” means an animal that is a member of a species not normally domesticated in Great Britain.

In the consultation document, Defra asked respondents:

Do you think that the draft definitions accurately define who and what should be covered by the regulations?

229 people answered the question, which is equivalent to 97% of all respondents.

42% of people that answered the question agreed with the definitions and 52% disagreed. This indicated that particular attention is needed to ensure that definitions are correct.



Substantive responses were received from 98 people.

Responses included suggestions that:

- Coverage should be broader, and possibly include domesticated animals, static circuses and the wider entertainment industry;
- Animals in zoos would be covered by the definitions as worded;
- It is not clear precisely which species of animal would be covered by the definitions; and
- An alternative to defining a travelling circus as having a performance in more than one place would be to measure in terms of touring for a period of time.

The licensing regime is targeted at travelling circuses which are specifically exempted from the Dangerous Wild Animals Act 1976 and the Zoos Licensing Act 1981 (as amended) although they are covered by the Performing Animals (Regulation) Act 1925 and the Animal Welfare Act 2006. This presents a gap in the legislation that protects the welfare of wild animals. It means that wild animals are protected in some contexts, but not others. Under the suite of existing legislation, local authorities carry out the applicable licensing, monitoring and enforcement. It is the itinerant nature of a travelling circus that makes it difficult for local authorities to carry out effective and consistent monitoring and enforcement because they cannot easily track and attend the circuses' premises. This is not generally the case for other uses of wild animal where monitoring and enforcement is easier because the animals are kept at a fixed location for all or most of the time.

Zoo animals, which are covered by the Zoo Licensing Act 1981, would not be covered by the regulations because a zoo is, by definition, not a circus. This complements the Zoo Licensing Act definition which specifically exempts circuses. Similarly, wild animals in collections other than zoos or circuses would be covered by the Animal Welfare Act 2006 and some will fall under the Dangerous Wild Animals Act 1976 and/or the Performing Animals (Regulation) Act 1925. There is no reason to suggest that they cannot be effectively monitored and enforced as appropriate by the local authority for the area where they are based.

Under the definition, any animal that is not normally domesticated in Great Britain would be covered by the regulations. Wild animals traditionally associated with travelling circuses would be included in the meaning of the definition, such as bears, camels, elephants, large cats (for example lions and tigers), sea lions, snakes, and zebra. Defra will consider adding advice to the guidance on the species covered, similar to that used under the existing Zoo Licensing Act 1981. Domesticated animals such as dogs and horses would not be covered.

Some respondents questioned the inclusion of animals that although not domesticated in Great Britain have been domesticated in other countries such as certain types of cattle. Even if an animal is considered domesticated in other countries there is likely to be less experience and expertise about specific welfare needs available in England.

Defra appreciates the feedback informing us that circuses have bred and reared many animals themselves. However, it is important to understand that this does not mean that the animals are domesticated.

Defra understands that some respondents would like to see domesticated animals covered, however this should not be necessary given the far greater expanse of knowledge on keeping domesticated animals and the wider ability to recognise and act on welfare problems. Domesticated animals may be better suited to a travelling environment and constant human contact. In some cases adequate codes of practice already apply.

There are a number of alternative definitions that have been considered, and the feedback from consultation has been used for the final regulations. Defra does not think that defining a travelling circus by the length of time spent touring would necessarily work because it might inadvertently exclude circuses that visit and tour England for a short period of time, which would be unfair to English circuses who would be obliged to obtain licences and adhere to licence conditions.

Defra has carefully considered all comments received and will include improved definitions for the regulations and guidance.

Question 2: Licence conditions and draft guidance

Defra proposed that core requirements are prescribed in regulations and are set as licence conditions. This would be supplemented by detailed guidance and species-specific guidelines.

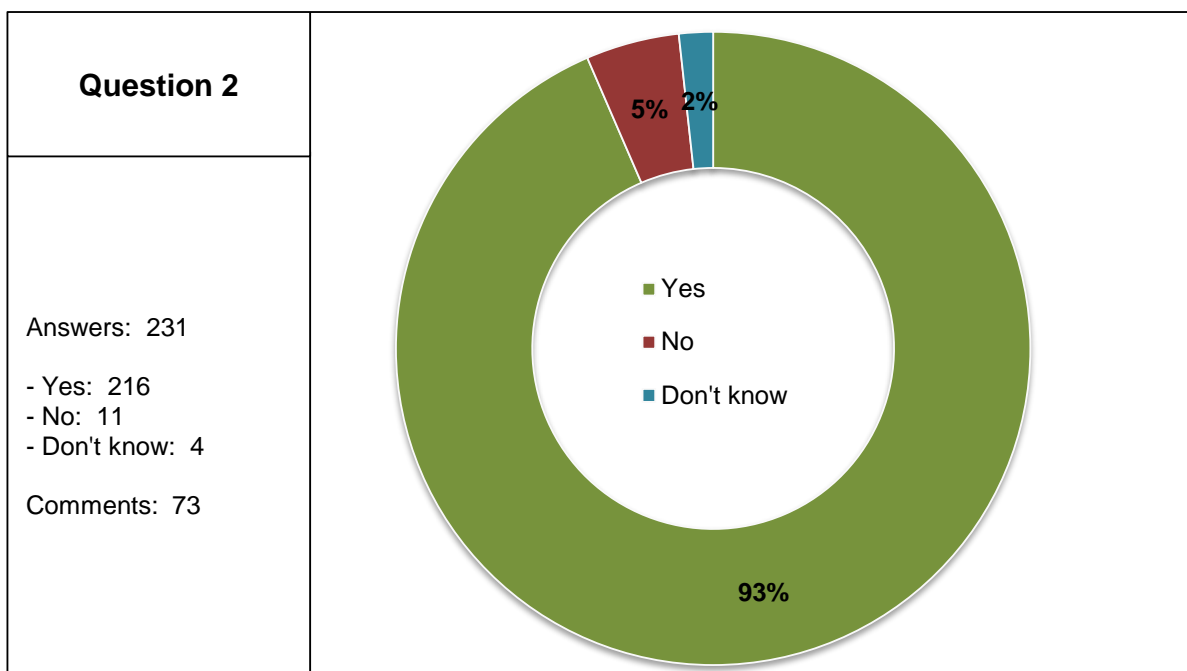
Whilst core requirements should not face significant change over time, specific guidance as well as advice on keeping individual species might require occasional updates. Guidance can be reviewed and updated with relative ease. Regulations take longer and would come at greater cost and burden on Parliamentary time.

In the consultation document, Defra asked respondents:

Do you agree that core welfare standards should be put in the regulations (which a licence holder would be required to meet under licence conditions), supplemented with species-specific guidance?

231 people answered the question, which is equivalent to 98% of all respondents.

Of the people that answered the question, 93% agreed with the proposal and 5% disagreed. This indicated that subject to attention to specific comments made, the proposal is generally well supported.



Substantive responses were received from 73 people.

Comments from the people that said they **agreed** with the proposed split included suggestions that:

- Guidance must be practical and sensible;
- Licences require adherence to conditions and other 'rules' meaning that guidance is essential;
- Core conditions and standards sets a level playing field whilst allowing for individual needs of animals to be taken into account;
- Core guidance is essential to ensure consistency and enforceability;
- Every animal's needs may be different but guidance will help explain what should be provided under the five welfare needs enshrined in the Animal Welfare Act 2006;
- Guidance should relate, where appropriate, to zoos guidance but should be based on the travelling circus environment;
- Even experienced people can find guidance from other experts helpful;
- Guidance should be written by knowledgeable people who are not biased;
- Guidelines must explain what it means to have made suitable provision and cover key aspects of caring for animals including space in accommodation and provision of exercise; and
- Defra should learn from similar systems in other countries.

Where people **disagreed** with the proposed split, of which there were only four, suggestions included that:

- It should not be necessary to explain what constitutes a failure in animal welfare to experienced animal handlers;
- All legally-binding requirements for animal welfare should be clearly laid out in regulations; guidelines are harder to enforce and may be open to interpretation; and
- Guidelines could be subject to frequent change and revision to which adherence may be more difficult and possibly less transparent than going through the regulatory process.

Licence conditions, which will be set out in the Schedule to the regulations, will clearly set out the legally-binding requirements. Guidance aims to explain in more detail what is expected of a licence holder and how compliance with the conditions

will be measured. Species specific guidance aims to explain the guiding principles that will be taken into consideration for individual species; for example, in providing an indication of the type of enrichment and environment that should be provided.

Whilst it is arguable that it should not be necessary to explain what constitutes a failure in welfare, it is important to create a transparent and level playing field where everyone understands what is required of them, and what they will be held to account over. It is also recognised that knowledge and skills will vary, and whilst some people won't learn from the guidance, others should find it helpful and informative.

It is important to be clear about the factors that will be used in determining licence applications, in conducting inspections and in deciding whether a licence should be suspended. In the most serious cases it is possible for a prosecution to be taken under the existing powers in the Animal Welfare Act 2006. It is also important to provide the sort of clarity and detail that can be offered in guidance to provide for a fair appeals process.

Ultimately it will be for the licence holder to adhere to the conditions of their licence and to be able to demonstrate that they are providing good welfare for their animals and it is recognised that, provided it is firmly within the spirit of the guidance, the provision required of individual animals may vary. For example, whilst the guidance may indicate minimum levels, or ranges, it is important that the needs of individual animals and social groups are evaluated and provided for.

It is important that guidance can be updated to reflect current good practice and encourage best practice, however it is not the intention, nor is it practical or necessarily fair, to continually revise and update. Nor should it be assumed that significant changes would be made to guidance without any form of consultation.

A particular recurring theme in comments was that circuses should have their own conditions and standards that reflect circuses and not based solely on other business models, notably zoos. In response, Defra has tried to reflect the reality of circus life in drawing up conditions and standards to ensure that the regulations are achievable, enforceable, fair and will help secure animal welfare.

Based on the comments received, Defra will retain the balance between licensing conditions and guidance. Detailed points will be considered in revising the conditions and guidance. Particular attention will be made to ensuring licence conditions are clear.

Questions on administering licenses

Question 3: Cost recovery

Defra proposed that the system of licensing, including inspections is, as far as possible, subject to full cost recovery.

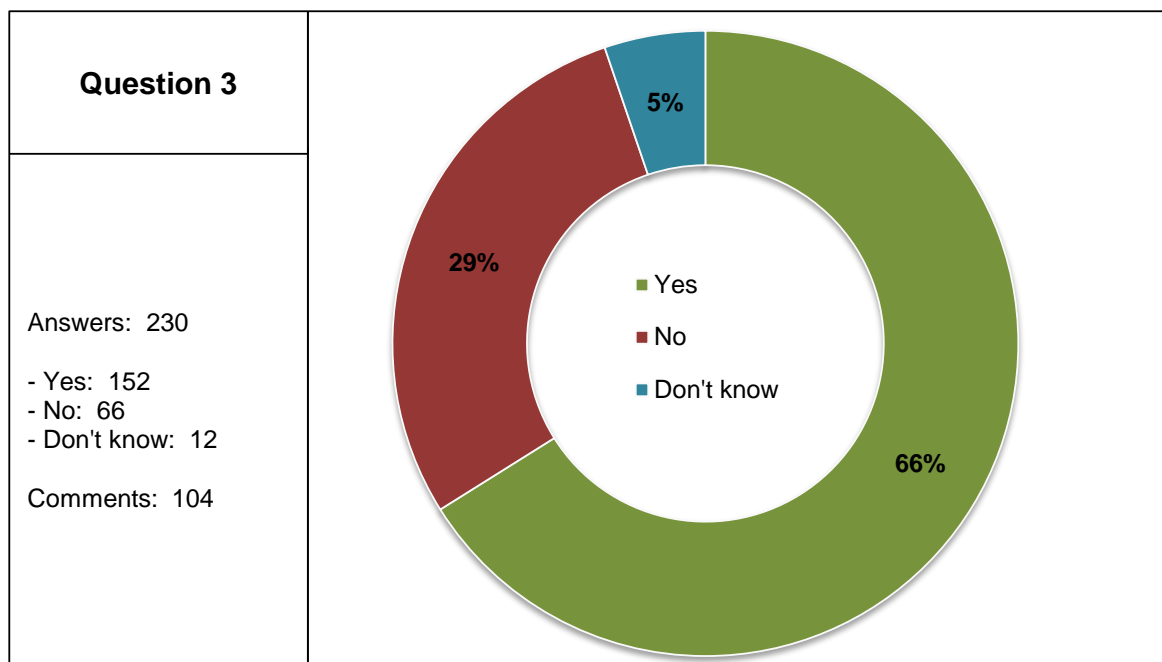
This means that circuses that wish to become licensed (and therefore be able to continue to use wild animals) would pay the costs directly related to administering licences and carrying out inspections.

In the consultation document, Defra asked respondents:

Do you agree that the full cost of the licence and inspections should be recovered from the applicant for a licence?

230 people answered the question, which is equivalent to 97.5% of all respondents.

Of the people that answered the question, 66% agreed with the proposal and 29% disagreed. This indicated that subject to attention to specific comments made, the proposal is generally well supported.



Substantive responses were received from 104 people.

Where people said they **agreed** with the proposed full cost recovery, their comments include that:

- Provided that the costs are reasonable and affordable, it is fair to recover costs in full;
- Costs should be in line with the size of the business;
- Fees should be payable to a central authority (i.e. Defra); and
- Cost recovery applies to other industries and for other welfare licences such as the Zoo Licensing Act.

Where people did **not agree** with full cost recovery, they suggested that:

- Regulations are unnecessary with a ban being promised in a few years;
- Circuses should be allowed to operate with wild animals long enough to recoup costs of licensing;
- Circuses are small businesses and do not generate vast wealth so additional cost would not be welcome;
- Those that raise concerns should pay for any remedial action; and
- If Government wants licensing then it should provide the necessary funding.

In line with the Government's policy of full cost recovery where possible for all publicly provided goods and services, the cost of administering the scheme insofar as is possible will be met by the circuses themselves through the cost of the licence fee, which will be set to allow most costs to be recovered. The administration of the scheme will be undertaken by Defra, but for the very small number of circuses involved costs should not be significant. Cost estimates have been revised for the final stage impact assessment, which is published with the Explanatory Memorandum for the regulations.

Defra is committed to recovering only that which is fair and directly connected to the service for which payment is made. Defra recognises that circuses are small businesses and does not plan to impose unreasonable costs. Defra will not be able to impose charges that are not set out in the regulations and that are not directly related to administering a licence and carrying out inspections. Costs should relate to the size of the business. The main variable will be the costs of inspection. Inspection costs are calculated using a set hourly rate plus actual travel and accommodation costs (which would be charged strictly on the basis of need). A smaller circus with fewer species of animals will require less preparatory work and

time inspecting than a counterpart that is larger or has more animals and should therefore face lower costs. A well managed circus which has records that are in good order and can easily demonstrate compliance might expect a quicker and therefore cheaper inspection than one that has not. Fees will be payable to Defra.

It should be noted that in the event of a prosecution being taken, for example for a welfare offence under the Animal Welfare Act 2006, any penalties would be a matter for the court to determine.

Reflecting concern about the implications of a ban, it is important to note that Defra has yet to set out how any ban would be implemented, and the final agreement would rest with Parliament, so any judgments would be premature. The impact assessment explains some of the considerations that would be made depending on the type of ban that could be implemented.

Defra will proceed on the basis of full cost recovery where possible, which also reflects the majority view of respondents.

Question 4: Length of licences

Regulations would be made under section 13 of the Animal Welfare Act 2006 which prescribes three years as the maximum length for which a licence may be issued.

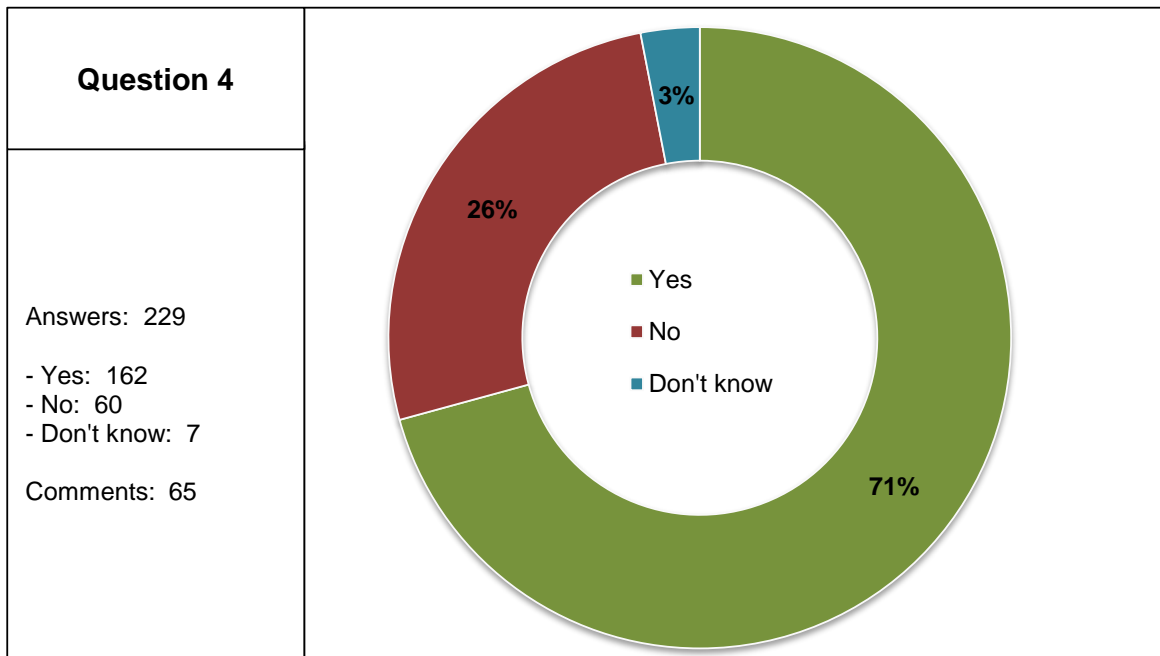
Defra anticipates that initial licences issued to a travelling circus would be for one year, but thereafter could be set for up to three years. The future ability to determine the length of the licence would allow a risk-based approach to be taken by the inspectorate, whereby if a licence holder has a good history of welfare-compliance a longer licence may be issued, but if there is genuine concern about a licence holder's ability to comply with licence conditions over a number of years, a shorter licence can be issued.

In the consultation document, Defra asked respondents:

Do you agree that the inspector should have discretion to set the length of the licence (up to the limit of three years set by the Animal Welfare Act 2006)?

229 people answered the question, which is equivalent to 97% of all respondents.

71% of the people that answered the question agreed with the proposal and 26% disagreed. This indicated that subject to attention to specific comments made, the proposal is generally well supported.



Substantive responses were received from 65 people.

Where people said they **agreed** with the proposal, they suggested that:

- Where a travelling circus has consistently demonstrated compliance and good practice, a three year licence should always be issued after the inaugural one year period;
- A shorter initial licence should help allow a more flexible and targeted approach to enforcement;
- Good reason must be given where a licence of less than three years' duration is issued;
- Inspectors should be experts in animal welfare and able to make a judgement;
- Inspectors are best placed to make a recommendation because they will have seen the travelling circus in practice and can make an accurate assessment of facilities and standards;
- There may be a case for shorter licenses where animals are found to have more complicated or unusual needs;
- The longest possible licence is preferable as it reduces costs; and

- If there are grounds for concern about the welfare of animals (for example, that may have become the subject of media attention) in a particular travelling circus then a licence of less than one year may be appropriate.

Where people **disagreed** with the proposal, they suggested that:

- Licences should not be set for a full three years, perhaps with an approach similar to MOTs for motor vehicles;
- Consideration should be given to provisional licenses that are either then confirmed or expire after a review period;
- The shorter a licence is the higher the costs will be each year;
- Three years is already a short length;
- Flexibility could lead to unfair treatment of some licence holders; and
- Longer licences create certainty which would encourage greater investment.

General comments included:

- Inspectors should make recommendations with decisions taken within Defra;
- Inspectors' decisions should be based on a set procedure;
- Licence holders should always be given an opportunity to improve if failings are found; and
- It may not be fair to cancel a licence for which payment in full has been made.

Defra agrees that inspectors must make robust recommendations to the inspectorate (i.e. Defra) about the duration of a licence which must be based on sound operational policy, fairness of approach and expert opinion, and above all else, on the findings of inspections and best available evidence. Defra agrees that reasons must always be given for decisions made and that a right of appeal is presented.

Defra agrees that licence holders must have reasonable opportunity to improve where a failing has been found. This is why detailed guidance will be published and licence conditions will be set, leaving no one in doubt about what is required in order to be compliant. If a licence is suspended then notice will be issued to the licence holder to explain the steps that must be taken in order to comply with the licensing conditions. If the steps are taken then the licence would be reinstated. If a welfare offence is suspected then a prosecution may be taken under the Animal Welfare Act 2006.

It is interesting to hear ideas such as provisional licences and a similar pass/fail check not dissimilar to the approach for MOTs for vehicles. Both have been considered. A shorter initial licence with the ability to suspend or revoke has, in practice, much the same effect as a provisional licence. Inspectors would note any failures to meet licence conditions which could lead to suspension or revocation of a licence, which is not dissimilar to the way in which MOTs operate. Consideration will be given to the forms used with a view to making the information clear and concise, and whether a format familiar to vehicle owners would be helpful.

Any decision about the length of a licence must be made in the context of evidence found during inspections and compliance (and enforcement) history. It would not be right to penalise a travelling circus solely on the basis of media reports whereas an inspection, or enforcement action, determines fairly whether there are welfare issues that must be addressed. In serious cases the inspectorate would have to consider suspending or revoking a licence, as well as considering whether there are grounds for prosecution under the Animal Welfare Act 2006, and the length of subsequent licences if one is issued.

Although it would be unfortunate to have paid for a licence that has been suspended or revoked, it is important to understand the reasons why this might occur. A licence would only be suspended if there were grounds to believe that the licensing conditions were not being complied with. Revocation is only likely where a licence has been suspended and steps have not been taken to rectify the non-compliance or where the licence holder has been disqualified as a result of a prosecution. The decision to suspend or revoke a licence would always be taken on the best available information and the licence holder would be able to make an appeal. Provided that the licence holder had reasonable opportunity to comply with licensing conditions before their licence is revoked (and it is the intention that they would) it would not be unfair to lose the application fee. The application fee is intended to cover administrative costs associated with the licence and will not be set at an inflated price meaning that it should not be unfair in terms of costs if a licence were to be revoked before it would otherwise expire. No additional fees are charged for suspending or revoking a licence.

Defra has considered the detailed points raised in preparing regulations, and will continue to carefully reflect points in guidance and operational policy. As a result of responses Defra plans to proceed on the basis that licences will initially be required annually that the inspectorate will have discretion over the duration of a licence, and this decision will be informed by the inspector's findings and compliance history.

Question 5: Adding new animals

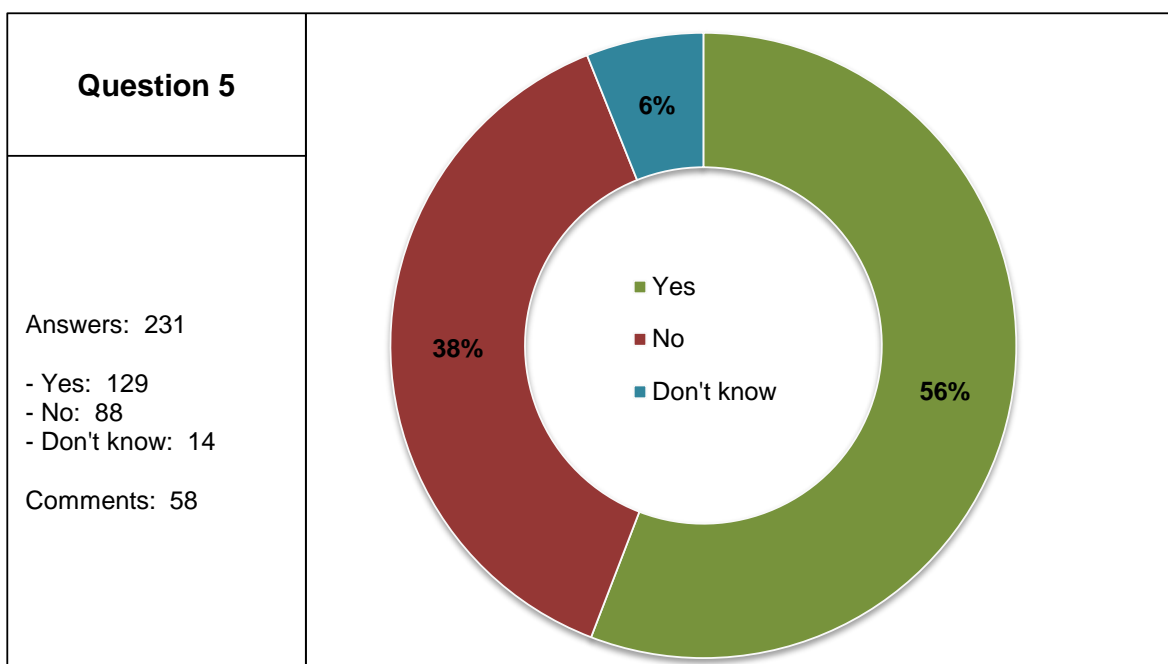
Defra proposed that a licensed travelling circus would need to obtain a variation to their licence before the introduction of new / additional wild animals to the circus.

In the consultation document, Defra asked respondents:

Do you agree that a variation to a licence should be obtained by the licence holder before he or she may bring in an animal not already covered by the licence?

231 people answered the question, which is equivalent to 98% of all respondents.

56% of the people that responded to the question agreed with the proposals and 38% disagreed. The majority supported the proposal, but it does indicate that comments should be carefully considered in light of the points of detail raised by respondents.



Substantive responses were received from 58 people.

Where people said they **agreed** with the proposal, they commented that:

- All animals must be included in the travelling circus's records;

- It provides a safeguard against people attempting to work with animals they have no experience of or introducing an animal without first making appropriate provision for it;
- Travelling circuses should have the ability to introduce animals; and
- It would allow licences to be specific and relevant which would also aid enforcement.

Where people **disagreed**, comments included that:

- It could constitute restriction on travelling circuses before evidence of any wrongdoing has been obtained;
- It would be unnecessary to seek consent if the licence holder knows what is required and is nonetheless subjected to inspection and enforcement;
- It could hamper ability to plan ahead and potentially restrict trade;
- It may be more bureaucratic and time consuming than necessary, particularly if the licence holder already has animals of the same or similar species; and
- Defra should be informed of all relevant changes, but it should not be necessary to require a formal variation.

A number of interesting points have been made, and Defra has carefully considered all of them. A key consideration in deciding how to respond to the points raised is the practical operation of licensing conditions. Defra acknowledges that always requiring a formal variation may be reasonable and proportionate in some circumstances and less so in others. For example, adding one animal of a species already covered by a licence might not cause particular concern to the inspectorate if the circus has already been inspected and the inspector was satisfied that appropriate arrangements were in place and any adjustments for the new animal can easily be made. It may also be a reasonable part of providing for the needs of a social group.

However, if a licence holder proposes to add several animals of the same species or animals of a different species to those covered by a licence then that might suggest that an inspection is required because the inspectorate is less likely to have considered the licence holder's ability to care for the larger collection of animals. It will be the licence holder's responsibility, under the licensing conditions, to optimise welfare for all his or her animals. Licensing conditions will apply at all times that a licence is held. That means that if new animals are acquired, the conditions and guidance will immediately apply, including all the requirements around care plans and veterinary care. As that is the case, a system of variation notices might serve only limited purpose and add little to the inspections and enforcement envisioned.

To ensure that inspection and enforcement can indeed be carried out effectively, Defra now proposes that the licence holder must give Defra (i.e. the inspectorate) notice before a new animal is acquired as well as requiring that notice is given immediately if there are any other changes to a travelling circus's stock list. This strikes a reasonable balance between allowing the licence holder to operate their business without unnecessary bureaucracy and empowering inspectors to inspect and enforce licensing conditions where substantial changes are made to the circus business.

Question 6: Holder of a licence

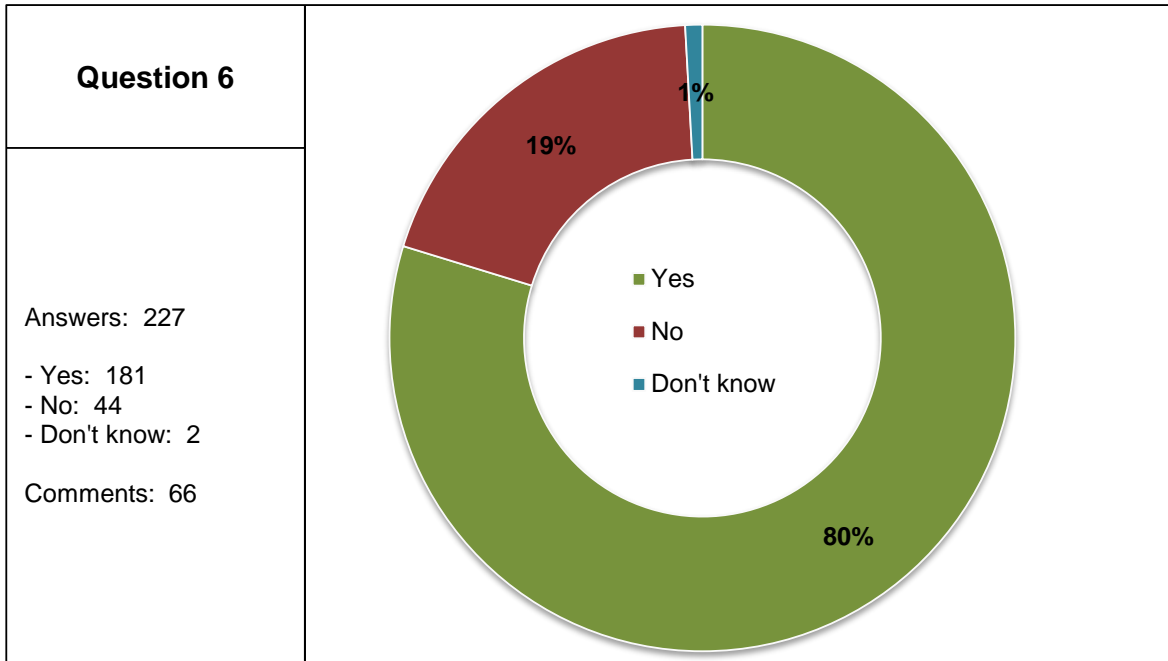
Before an animal is introduced to an existing travelling circus, Defra proposed that either the owner of the act or the owner of the circus should hold a licence.

In the consultation document, Defra asked respondents:

Do you agree that the person responsible for an act joining a travelling circus, or a travelling circus not currently licensed, must either obtain a licence for the act or ensure they are covered by means of a variation to an existing licence?

227 people answered the question, which is equivalent to 96% of all respondents.

80% of people that responded to the question agreed with the proposals and 19% disagreed. There was broad support for proposals, subject to individual comments made.



Substantive responses were received from 66 people.

A number of views were put forward by respondents, including that:

- Someone must be accountable for the welfare of the animals;
- There is a logic to people that own animals being responsible for them, particularly if an animal is presented by the artists that own them and not owned by the circus itself;
- It can be difficult to keep a constant watch on animals owned by a third party; and
- It would be unnecessary to have an animal covered by more than one licence.

Regulations would be made under section 13 of the Animal Welfare Act 2006 and would regulate the activity of operating a travelling circus that has wild animals. There must be a single licence holder who is in overall control and has ultimate responsibility for the welfare of any wild animals in the travelling circus.

This is particularly important because there are aspects of the circus, such as the performance ring and general access to animals, that necessitate that someone has overall control and co-ordination.

This does not prejudice the licence holder's ability to delegate day to day tasks and responsibilities but the licence holder is ultimately responsible for ensuring that licensing conditions are met.

A guest act should not be accepted into a travelling circus if the operator is in any doubt about its ability to comply with licensing conditions, and the host circus should reflect the licensing conditions in any contractual arrangements that are made.

If there is a serious lapse in animal welfare then a prosecution can be taken under the Animal Welfare Act 2006. This is separate to the powers to suspend or revoke a licence because of failure to meet a licensing condition. This may lead to prosecution of someone other than the licence holder. For example, a person that has caused unnecessary suffering. Generally, the owner of an animal is legally responsible.

In summary, all wild animals in a travelling circus must be covered by that circus's licence, for which the licence holder will be responsible for meeting licensing conditions.

Question 7: Number and type of inspections

Defra proposed that a Government-appointed veterinary inspector should inspect each licensed circus three times a year consisting of:

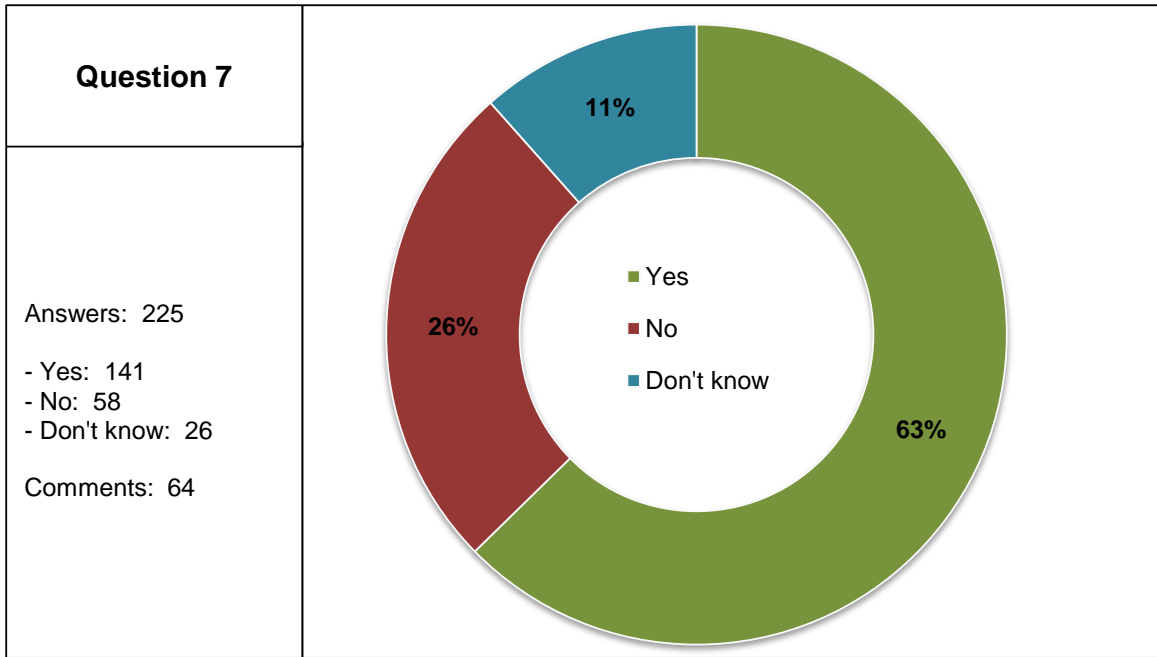
- At least one announced inspection of winter quarters;
- At least one announced inspection of the circus whilst on tour; and
- At least one unannounced inspection during the licence period.

In the consultation document, Defra asked respondents:

Do you agree with the number and type of inspections proposed?

225 people answered the question, which is equivalent to 95% of all respondents.

63% of people that responded to the question agreed with the proposals and 26% disagreed. This indicated broad support for proposals, but that attention should be paid to individual comments.



Substantive responses were received from 64 people.

From the respondents that **agreed** with the proposals, comments included that:

- Unannounced inspections are an important part of a licensing scheme;
- There should be flexibility in the number of inspections, with views including that:
 - Three inspections should be the fewest a circus receives; and
 - Consideration should be given to requiring fewer inspections if a circus has consistently demonstrated high standards and full compliance with licensing conditions, and more inspections is the opposite is true.

Respondents that did **not agree**, suggested that:

- More inspections should be arranged;
- The cost of three inspections is unjustified; and
- Requiring inspections from the lead vet and the inspector is unnecessary.

As a point of clarity, the consultation document referred to the unannounced inspection as a visit; it would be a formal inspection with the same consequences as the announced inspections. The key difference would be the notice period.

Defra agrees that unannounced inspections are important because they provide the inspector with the opportunity to see the normal standards at a circus (there can be

no accusation then that the licence holder has enhanced the welfare provision simply because the inspector is due). This provision adds integrity to the process.

A minimum of three inspections would be expected for the period of a licence. Further inspections would be possible if there is a strong case on enforcement grounds. If a circus does not return to winter quarters for any reason, or the animals are on tour all year round, then the inspection intended for winter quarters could instead be held at a tour site or any other location as required. The operational guidance will be kept under review as will the possibility of requiring fewer inspections where there is a history of full compliance with licensing conditions and evidence of high welfare standards.

Defra believes that the number of inspections is justifiable. Most other welfare licensing schemes are for establishments that keep animals in one location, or if animals do occasionally leave, they return after short periods away. These circuses tour, and it is reasonable to include at least one inspection of the winter quarters and one at a tour site, particularly given that the accommodation and daily routine may differ from site to site. This could be due to, as examples, the lie of the land, the total space available, weather, conditions underfoot, and layout. There need to be sufficient inspections to enable the inspectorate to be confident that welfare standards are optimised and that licensing conditions are being complied with at all sites. If there are too few inspections, there will also be an issue of credibility, with the public not believing that the inspector's findings are representative.

Routine veterinary visits and care are **not** inspections. They are an integral part of good welfare management. Some respondents asked what would be expected of a small zoo, to which the answer is a visit at least every three months from their private veterinary surgeon. Please note that other detailed points about veterinary care are addressed under questions 8 to 11.

Defra does not plan to change the recommended number of inspections for initial licenses, which is also a view reflected by the majority view of respondents to the consultation. However, the operational guidance will be kept under review.

Questions on licensing conditions and welfare standards

The consultation posed four questions (questions 8 to 11) on the detail of the licensing conditions and welfare standards.

221 people, equivalent to 94% of the total number of respondents, answered at least one of the questions on the on licensing conditions and welfare standards (or 220 people excluding those that only answered 'don't know').

Questions 8, 9 and 11 have been grouped (immediately below) in this summary document because many of the responses given to these questions complement or overlap. Question 10 follows.

Questions 8, 9 and 11: Detail of licensing conditions and welfare standards

For Question 10, please see the section below this one, which follows this joint analysis of Questions 8,9 and 11.

Defra asked three questions designed to learn from respondents whether they agreed with the coverage of the proposed licensing conditions and welfare standards, including whether anything had been missed from the guidance.

In the consultation document, Defra asked respondents:

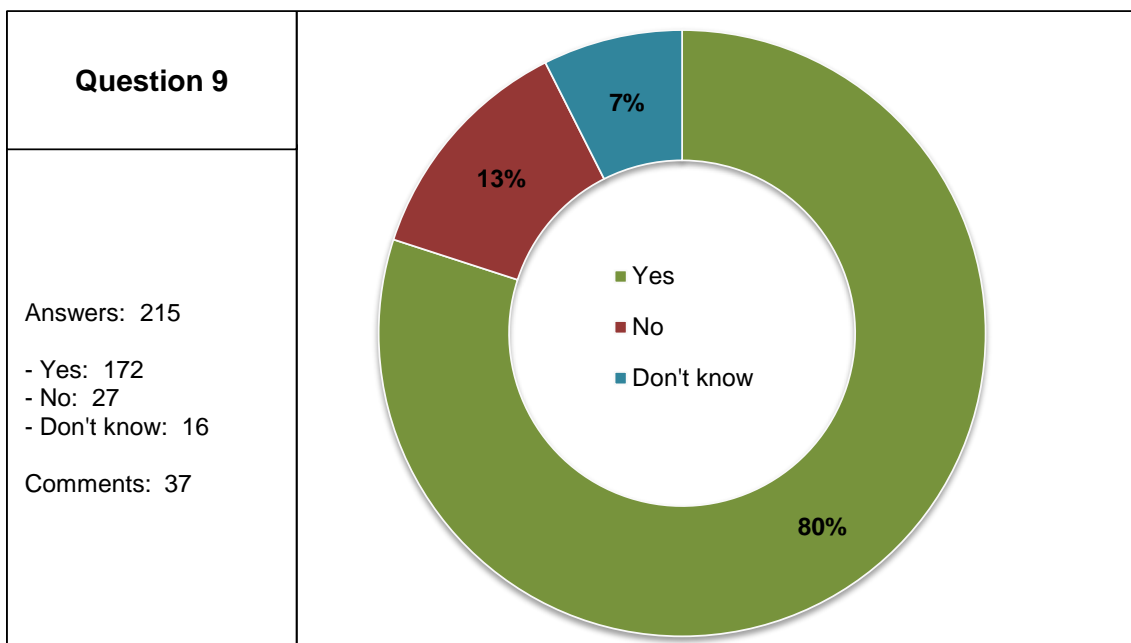
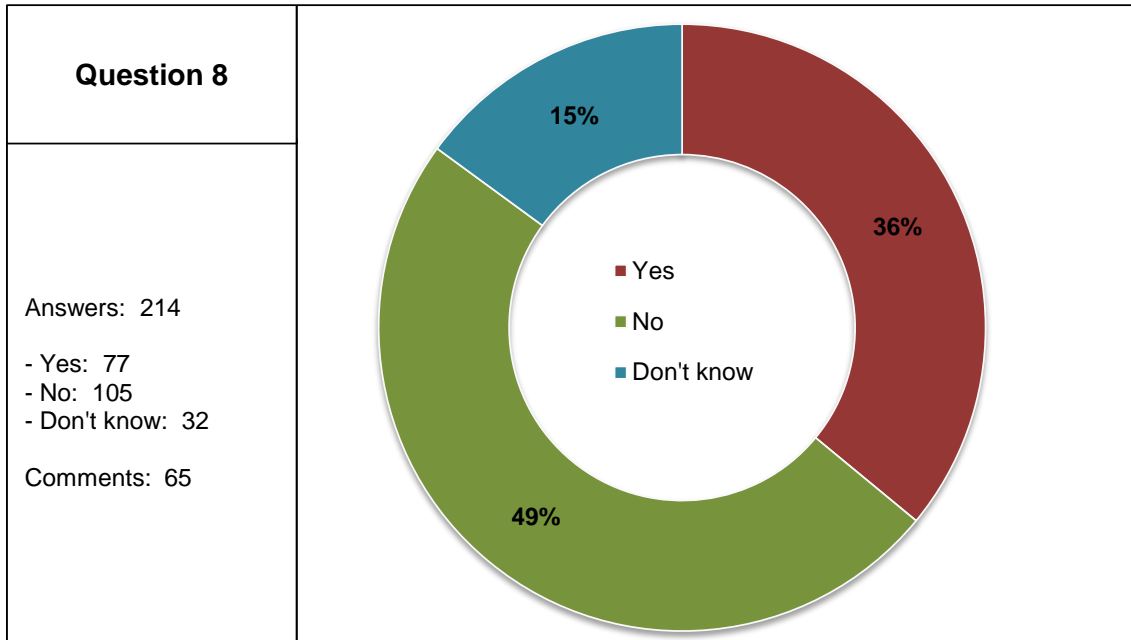
Question 8 – Based on the explanation of welfare-based conditions and the welfare standards, are there any areas of welfare that have been missed, or that do not appear to be adequately set out?

Question 9 – Do the conditions and standards address all aspects of life of a wild animal in a travelling circus?

Question 11 – Is the guidance sufficiently clear? (For example, is there anything that should be added, explained in more detail, or removed?)

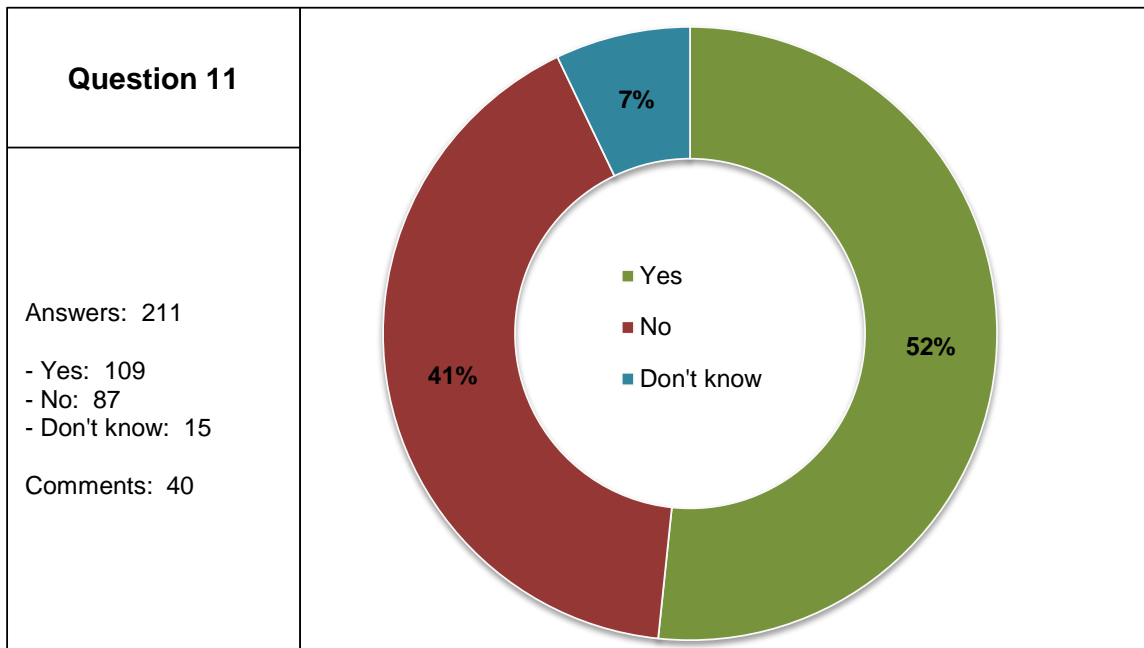
219 people (93% of all respondents) answered at least one of questions 8, 9 and 11.

A summary of how people responded is included in the graphs below (one graph for each question).



The high level responses to question 8 and 9 indicate that the proposed licensing conditions and welfare standards address most aspects of life for a wild animal in a travelling circus (based on 80% of respondents answering yes to question 9), but that there may be parts of the guidance that are not adequately set out (based on

36% of respondents answering yes to question 8). This is reinforced by the answers to question 11, where 41% of respondents felt the guidance is not sufficiently clear.



A total of 142 substantive comments were recorded for questions 8, 9 and 11, and are outlined in detail below. Responses were generally positive with several detailed points to consider, which are summarised below.

Please note that comments made by respondents to the consultation are summarised in lists of bullet points. Each set of bullet points and comments refers to a common theme or section of the guidance. Where relevant, a cross reference to the draft guidance has been included (which can be found with the consultation papers at www.defra.gov.uk/consult). Defra's response follows each set of bullet points.

General points raised

Points in **general** from respondents included suggestions that:

- Details of the licensing scheme are reviewed once the inspection process has been seen in operation; for example, some issues may only come to light during the bedding in period;
- It is not immediately clear which animals are covered by the proposed definition

of wild animals for which a list would be helpful;

- Ensuring that expert opinion goes into the guidance. Several respondents recommended consulting the European Circus Association; and
- Focusing on the best needs of the animals without unduly creating problems for people working with animals.

In response to general points:

Proper review is an important part of any policy. There are different levels at which reviews can take place. Defra will periodically review the policy, including the inspections process and the guidance, for example to take account of changes in good practice. The regulations will in any case include a review date, which will normally be five years. The inspectorate will maintain an ongoing review of its activities including ensuring consistency of approach between inspectors and an understanding of what constitutes good practice within the circus sector. Individual licence holders and animal handlers should regularly review the steps they take to provide for the welfare of their animals, implement any improvements which are possible and act rapidly on the findings detailed in inspection reports and the advice given by inspectors and the Lead Vets when they attend.

It is important that people understand which animals are covered by the regulations. A clearer explanation of the definitions used in the regulations will be included in guidance, including offering greater clarity about which species are covered. Consideration will be given to offering this in a similar fashion to that provided for zoos.

Expert opinion is important. Experts including veterinary surgeons and an experienced zoo inspector have been consulted. The draft guidance drew on the best available international sources of animal welfare information that could be applied to the travelling circus environment, which included material from the European Circus Association. Several respondents asked that the European Circus Association be consulted. Defra included the European Circus Association on the list of organisations consulted (i.e. proactively sent a copy of the consultation and invited their respond). During consultation Defra met the majority of organisations listed as well as those that asked to meet. All responses to the consultation have fed into the preparation of the regulations and impact assessment and guidance. It is of course a matter for each individual whether or not to respond to consultation.

Focus throughout is on the needs of the animals. All licence conditions are related to animal welfare and the five freedoms found in the Animal Welfare Act 2006. Guidance includes details of how to meet the five freedoms in the specific context of travelling circuses. The guidance, and the drafting of the regulations, has been

reviewed in the context of the feedback received during consultation to ensure the regulations and guidance require strict welfare standards which are practical and with which travelling circuses can reasonably be expected to comply.

Points on accessibility and clarity

Ideas on improving the **accessibility** and **clarity** from respondents of the guidance included:

- Including an index; for example, to help where a topic has to span more than one part of the guidance;
- Including a glossary for terms that may need explaining, such as words that convey a technical or veterinary meaning;
- Reviewing the amount of detail (although it is noted that opposing views were found);
- Ensuring all relevant information is grouped under appropriate headings;
- Drawing up standard forms. Forms should help licence applicants and licensees to apply consistency of approach and to produce records and documents that are fit for purpose and contain the right information; and
- Avoiding statements such as “as appropriate” which could be open to interpretation.

In response to points on accessibility and clarity:

A suitable combination of contents page, index and glossary of terms will be included in the final guidance to aid navigation of the document and to help explain definitions and veterinary terminology. Better presentation of key facts will also be considered. The guidance will also be structured in a way that mirrors the regulations.

Defra is prepared to work with the circus sector to help devise a standard approach to forms and record keeping.

A few respondents suggested that the guidance goes into more detail than an experienced animal handler would require. Several respondents indicated that the draft guidance addresses all relevant aspects and should be welcomed by the profession. Some would welcome more detail, such as precisely what should go in care plans, precise measurements for aspects such as size of accommodation, or would welcome standard forms. All the feedback will be taken into account, particularly where greater clarity is sought, or concerns have been raised about practicability.

Defra's view is that it is crucial that sufficient detail and understanding is imparted by guidance so that licence holders know how to comply with the regulations (e.g. with each licence condition) whilst at the same time retaining enough flexibility to allow that person to make provision that best suits the individual welfare needs of individual animals (i.e. to provide equivalent care if there is more than one option available, or go beyond the basic requirements where appropriate).

If an operator is already exercising good practice, then much of the detail of guidance on providing for animals' welfare needs will already be known and it is expected that a person in that position should be able to familiarise themselves with the guidance and meet the requirements of a licence with relative ease. If not, then the guidance should offer all the practical advice necessary for the operator to understand what they must take in to account in providing for their animals' welfare needs.

Ultimately it will be for the licence applicant or holder to demonstrate that they have considered all the aspects covered in the guidance and have properly provided for their animals' welfare needs. Failure to do so would constitute a failure to meet the conditions of a licence and could lead to the suspension or revocation of a licence. With that in mind, it is important to offer as much clarity as possible to the person subject to the licence so that they are treated fairly under the licensing system.

Species specific guidance will help set out what must be considered in providing for the welfare needs of different species and its coverage is being reviewed in light of consultation responses. An advantage to using guidance rather than placing the technical details in the regulations is the ability to keep it under review, and to add species to the guidance should the need arise. The intention is that the guidance informs the inspector, licence holder, and as appropriate other persons such as veterinary surgeons, so that everyone understands what is required under the licensing conditions.

Defra has noted that a few respondents suggested that as any animal covered by the regulations and guidance is a captive wild animal, it is not possible to provide everything that an animal would naturally be expected to experience in its life. A minority argued the opposite by anthropomorphism and projecting human emotional and psychological capabilities onto animals.

Defra will review statements such as "as appropriate". It is important to understand that such statements should not be read in isolation, for example where the paragraphs that follow explain in more detail the factors that must be taken into account. Equally, it must be acknowledged that the specific requirements for an animal may differ from individual to individual. In all cases, "appropriate" includes ensuring that nothing is done that unnecessarily impedes the five freedoms, and in particular that would cause or is likely to cause an animal any pain, suffering, injury

or disease.

Whilst there are inevitably aspects of animal welfare that are open to debate and interpretation, all legislation is open to interpretation and possible challenge in light of the views of the experts responsible. The precise requirements for each circus will vary, and that is one reason why the lead vet for a circus must be consulted on matters of health and welfare and must agree care plans for the animals. It is Defra's view that this is a suitable level at which to decide what is appropriate for each animal, taken in the context of the official guidance.

Respondents did not identify any significant aspects of welfare or an animal's life in a circus as missing from the draft guidance although there are a number of points where greater clarity would be welcomed or amendment is necessary.

A summary of specific comments is set out below, split by section of the draft guidance to which each comment relates.

Points on housing, environment and exercise

Ideas for improving the welfare standards and guidance on **housing and environments** (including **exercise**) included:

- Clarifying the amount of time and space that animals should be able to exercise. Specific feedback included suggestion that:
 - that animals must not be allowed to be left in cages and that it is unacceptable to have animals displaying stereotypic behaviours,
 - time spent in enclosures should take account of enrichment, exercise, play, grooming and other human contact and stimuli unique to circus life,
 - account is taken of time spent training or performing which should count as exercise (and, depending on its nature, count toward enrichment). Failure to do so could encourage overworking of an animal. In some cases it may not be possible to meet the requirement – as drafted - for the simple reason that there are only so many hours in a day,
 - inclement weather or other factors outside the control of the circus should be accepted as reasons to restrict exercise where it is in the best interests of the animal's welfare and safety,
 - animals should be able to rest instead of exercise at their choosing,
 - specifications for exercise areas should be amended to reflect that it is not necessary to have netting if the height and overhang are sufficient and vice versa, and
 - clarity should be given on animals not used in performance, including a suggestion that the animal's retirement plan should be invoked.

- Relaxing the requirement for animals to have a hiding place entirely away from the public gaze because the animals will only be on display to the public for short time, normally immediately after performance, provided that the animals can nonetheless maintain a comfortable distance from people;
- Reconsidering a perceived requirement that would prevent an animal from leaving its current site before stables are erected at the next, where to do so would:
 - lead to animals being loaded onto transport unnecessarily early whilst their accommodation is erected elsewhere,
 - impose costs from purchasing additional apparatus, or
 - present a security or vandalism risk where apparatus is left at a site with minimal supervision before the rest of the circus arrives.

See also: Draft Guidance: Condition 1 on Welfare Standards (Housing and Environs), p. 11-16

In response to points on housing, environment and exercise:

The standards and guidance on accommodation, and in particular on exercise, will be reviewed before the final guidance is issued.

The guidance explains that exercise areas must be available at a time of day or night suited to the animal and species for which it is intended.

The guidance is clear that confined housing or confined quarters are only to be used when appropriate and necessary and if used must provide as a bare minimum enough space for the animal to stand, turn and lie comfortably. The licence holder must ensure that sufficient space is provided in line with good practice for animal welfare. Failure to do so could constitute a failure to meet the conditions of a licence.

It is important to recognise that pacing or other stereotypies can happen as a sign of excitement, for example in anticipation of a stimulating event. The draft guidance makes specific reference to stereotypic behaviour (which manifests itself in the persistent repetition of an act for no apparent reason) and is something which must be taken into proper account by operators and inspectors including the recognition that the animal may not have developed the behavioural pattern under the current husbandry regime.

As a general rule, animals should have the opportunity for physical exercise for at least six hours in any 24 hour period. The six hours may include periods of training

and performance where the animal is being exercised and stimulated.

If training and performance is undertaken which counts towards the total, each animal must nonetheless have the opportunity to exercise at its own choice by having access to an area for spontaneous exercise for at least four hours in any 24 hour period.

Whether exercise and enrichment is provided in activities such as grooming and play will need to be established on a case by case basis, but the inspector will not accept grooming, training and performance as sufficient enrichment and exercise by themselves.

There is no upper limit set in the guidance on the length of time during which an animal may have access to an area for exercise, the guidance sets out minimum standards. Of equal importance to providing exercise is respecting an animal's need to rest. It should be possible to accommodate exercise and rest at the animal's choosing. It is the responsibility of the licence holder to ensure that suitable provision is made for each animal and all of its welfare needs including exercise and rest; failure to do so could constitute failure to meet the conditions of a licence.

Where minimum sizes of exercise areas are set out in species specific guidance these should be followed; the sizes reflect that animals have controlled access to other spaces for example to train and perform. Where animals do not, then larger accommodation should be provided, perhaps more in keeping with zoo animals. The standards will be kept under review and the guidance can be updated to reflect good practice.

The requirements on securing accommodation (such as overhangs and nets) will be reviewed for the final version.

The draft guidance will be revised to clarify that, in general, if an animal is not being used in performance it will require additional space, enrichment and opportunity to exercise. Where possible additional clarification will be included in the species specific guidelines to explain the minimum provision for animals used in training and performance compared to the requirements of those that are not.

Defra accepts that if animals are only on display to the public for very short periods of time, then provided that the animals can maintain a comfortable distance from people there may not be a need to provide a place fully hidden from view unless it is clear that the individual species or animal requires it. Defra will consider whether it would be necessary from a welfare perspective to include a guideline limit on the length of time that animals are on view at close quarters to the public, excluding the time normally spent performing, if they do not have access to such an area to hide.

The draft guidance suggests "where possible, and where the animal does not travel

in its permanent accommodation, sending accommodation ahead of the animals so that it can be erected on the new site before the animals arrive”.

The emphasis is on minimising the length of time an animal is in confined transport accommodation and is without access to enrichment, including space and any other facilities that the animal would otherwise have available to it.

This does not mean that two identical sets of accommodation are required, particularly where this would mean that equipment would be left unattended or under minimal supervision when transferring between sites, and where to do so would present a significant risk. However, it would not be acceptable to leave an animal in confined transport housing for longer than strictly necessary where to do so could be detrimental to that animal’s welfare. This should be avoided through basic planning and appropriate staffing.

Points on performance, training and other uses

Comments on use of animals, such as during **performance and training** included:

- General agreement that animals must not be subject to excessive or unnecessary force;
- Some strong disagreement that negative reinforcement should be prohibited provided that no pain, suffering, injury or disease is inflicted;
- Suggestion that stating “no animal is struck under any circumstances” should be reconsidered for safety reasons;
- Seeking more detail about what is acceptable and unacceptable in performance, particularly for different species;
- That no specific minimum or maximum number of performances is mentioned in the draft guidance;
- It was suggested that noise and temperature ranges can vary greatly during performance, and would normally be less extreme than in the natural habitat; and
- Not all respondents agree that special effects should be eliminated from shows. Dry ice and other special effects are used in a variety of animal displays and performances. Whilst they must be used appropriately, there is no need to eliminate them. It was suggested that it is acceptable to use fire during a performance.

See also: Draft Guidance: Condition 1 on Welfare Standards (Training and

In response to points about performance, training and other uses:

In the draft guidance, it was suggested that only positive reinforcement should be adopted. Several respondents have alluded to the difference between causing suffering to an animal and negative reinforcement used in animal training generally. There is no place for the former, but the latter is generally accepted in animal training provided no harm is caused. However, it is to be used as little as possible and coupled with positive reinforcement when the desired behaviour is elicited. Some respondents have also pointed out that not all natural behaviours are appropriate or desirable, so care is needed in making statements in guidance that are too general. Defra notes feedback that inspectors will need to be able to distinguish between an animal being provoked and an animal responding to a prompt with a learnt behaviour which simulates a natural one.

Negative reinforcement can include actions such as gentle tugging on a harness to guide an animal or the placement of hands and touches to give tactile feedback as part of corrective training. Whilst there are very few circumstances under which it is acceptable to strike an animal with force, there are exceptions such as decisive action to avert or stop an animal endangering itself or others e.g. by attacking, or if it becomes necessary to distract an animal's attention in order to remove whoever or whatever is about to trigger the animal to behave dangerously. The key distinction is that striking an animal with force (or otherwise doing something that might cause harm or provoke an inappropriate response) has no place in routine training and performance, but may be necessary in isolation to control a hazardous situation.

In summary, the guidance will still encourage positive reinforcement. The guidance will also seek to encourage use of natural behaviours in training and performance. That means simulating natural behaviours and responses and only expecting an animal to carry out movements to which it is naturally suited. Natural behaviours elicited should be appropriate. Largely this should be a matter for common sense, for example whilst the flight instinct is a natural behaviour it would not be considered in the best interests of animal welfare to repeatedly and intentionally invoke it; similarly, if an animal is expected to perform a manoeuvre, it should not be required to do anything that is uncomfortable or outside its normal physical and physiological capabilities especially where to do so could cause pain, injury or suffering. It is accepted that stronger forms of negative reinforcement may be necessary in limited circumstances where the alternative would almost certainly lead to greater harm. Examples may include physical conflict between animals where there is a tangible risk of injury to one or more animal or if there is an immediate and real threat to the safety of an animal, to personnel or the public. In addition to the licence conditions

and inspections, the lead vet will have agreed to care plans for the animals which include appropriate risk assessments for animals in training and performance.

It is not practicable to set out in guidance every possible training technique for every possible species of animal and definitively state what is acceptable and unacceptable. The draft guidance includes a number of guidelines in the section on Training and Performance. Under the proposed licence conditions it will only be acceptable to train and perform animals that are fit for the activities demanded of them and are supervised by a suitably skilled person. The responsibility for ensuring training and performance is appropriate must rest with the individual licence holder and reflect good practice. Whatever techniques are used they must reflect good practice and optimise welfare. That explicitly includes ensuring that under no circumstances pain, suffering, injury or disease results.

The draft guidance included guidelines for Elephants, Large Cats, Reptiles and Ungulates, Equids and Camelids as these are species known to have been used in recent years by travelling circuses operating in England. The inclusion of other species will be considered in the light of consultation responses (see also question 10).

The draft guidance does not set a limit on the training and performance that an animal undertakes. The revised guidance will clarify the minimum time which must be made available to an animal for exercise, which can include, but is not to be limited to, training sessions and performances. Each animal will be different, and it is the responsibility of the licence holder to ensure that the animal is not overworked.

Defra accepts that the environmental conditions, and in particular the temperature ranges, experienced in a circus may be less extreme than in natural habitats but no changes to the guidance are planned. There are many events which are prohibited in captivity by animal welfare legislation. Many animals fight or starve to death in the wild, but again this is not acceptable in captivity. When a person is in direct control of an animal they are responsible for its welfare and all that it encompasses. The fact that animals may in the wild experience extremes of environment is not an excuse for failing to optimise conditions for an animal in captivity; in captivity an animal may not be able to relocate itself to seek more comfortable conditions.

A key safeguard will be the risk assessment (which is intended to be part of the Care Plans and in the consultation package was referred to as the Activity Assessment) which for each animal within a group will identify the risks to welfare from the activities undertaken by the animal and the steps that will be taken to manage the risks. Under the licence conditions, the licence holder must ensure that the Care Plans are agreed with the lead vet. Failure to adequately prepare and follow the risk assessment will constitute a breach of the licence conditions.

It is not intended that no special effects may be used as part of performance.

Particular care must be taken to ensure that special effects are not applied in a way that endangers the animal's welfare (e.g. in a manner that could cause pain, injury suffering or disease). The risk assessment in the Care Plans should identify any risks from special effects and how they will be monitored and managed. If anything is found to cause harm, including distress, then it should be eliminated.

Points on transporting animals

Comments on **transporting** animals included:

- Ensuring that transport provisions are consistent with existing laws on the transport of animals; and
- Clarifying the guidelines about regular stops when handlers can check water supply, temperature and general wellbeing of the animal, and in particular if it is practical or necessary for short journeys (which typify the normal operation of travelling circuses).

See also: Draft Guidance: Condition 1 on Welfare Standards (Transport), p. 21-24

In response to points about transporting animals:

In preparing guidance on transporting circus animals, the various legal requirements that apply to the transport of animals were considered and the draft guidance constructed to be consistent whilst also tailored to the travelling circus environment.

The draft guidance suggested that, during transport, the circuses “visually observe animals as frequently as circumstances may dictate but not less than once every four hours”. A checklist will be included in the final guidance to clarify what should be inspected. It may not be necessary to carry out stops during very short journeys, and the guidance suggests a minimum interval of four hours.

Points on veterinary care

The consultation proposals included the requirement for each travelling circus to appoint a lead vet whose role it would be to help ensure that the health and welfare needs of wild animals can be met.

Feedback on the **lead vet** and **veterinary care** indicated that:

- Generally there is support for the establishment of a lead vet for each travelling circus;
- Guidance would be welcome on how to go about appointing a lead vet, and what the inspectorate would expect the vet to demonstrate;
- While Care Plans should be agreed with the lead vet they do not necessarily need to be prepared by the lead vet;
- There is a mix of opinion about how frequently a vet should inspect the animals;
- It may be inadvisable to refer to “specialist” vets in the guidance because it conveys a specific meaning in the profession which may be slightly different to that intended; and
- Recognition should be made of small injuries that can be sustained through play and fighting among compatible animals which would not in themselves represent poor welfare.

See also: Draft Guidance: Condition 2 on Lead Vet and Veterinary Care, p. 29-33

In response to points about veterinary care:

The final guidance will reflect insofar as possible requests for advice on appointing a lead vet.

The regulations will require that the lead vet is consulted on the health and welfare requirements of the licensed animals and the licensee must act on any advice required. The exact amount of consultation will largely depend on the experience and expertise of the licensee. The regulations will require that Care Plans are approved by the lead vet. It will not be a requirement that the Care Plans are prepared and written by the lead vet provided that the lead vet has approved the final product. The circuses themselves should be well placed to compile/produce their own plans, although they should seek veterinary advice as appropriate and take all reasonable steps to ensure that good practice is reflected throughout. Care Plans must be kept under regular review, and must always be reviewed with the lead vet when they visit; this will help to ensure that any issues identified during a visit can be reflected in the Care Plans, and that current standards of industry good practice are implemented. Where good practice is already evident, this should not in itself represent an arduous task.

Difference of opinion was found on the frequency of attendance of veterinary surgeons. On the one hand it was suggested that the lead vet should attend more

frequently than stated in the draft guidance, and should attend every inspection. On the other, it was suggested that fewer visits are necessary if the animals are fit and healthy and where circuses know how to care for their animals.

The draft guidance sets out the minimum frequency of attendance for the lead vet. The draft guidance also makes it clear that the lead vet must be involved in planning for the animals and be available as required to advise on how to care for the health and welfare of the animals. Without prejudice to the professional responsibilities of veterinary surgeons, the licence holder must hold final responsibility and consult a vet when the need arises, even if the minimum attendance has already taken place. The figure in the guidance is intended as a minimum to ensure that animals are regularly checked, it is in no way meant as a target that once met automatically indicates that all is well. It reflects requirements similar to those of a small zoo, but will be reviewed for the final version.

A circus may choose to have their lead vet present during planned inspections but this will not be a requirement of licence conditions since the actions and advice of the lead vet will be reflected in the condition and behaviour of the animals and in the quality of the care plans. The animals are more likely to benefit from vets attending at different times to an inspector since that will increase the number of separate occasions during which the animals will be observed by a veterinary surgeon.

Defra notes the feedback about referring to “specialist” vets. What was intended was the use of vets that have experience and/or additional training relevant to the animals kept by the particular circus and, where relevant, with wild and exotic species.

Defra also notes, and will consider, comments made during the consultation about not all treatment needing to be administered by veterinary surgeons provided that the person administering basic care knows what they are doing.

Points on care plans and other records

Suggestions on **care plans** and records included:

- Including more detail on the precise detail that should be included in each of the records that the licence holder will be required to maintain;
- Clarifying which activities involving the animals would be covered by the guidance and regulations;

- A specific suggestion was made to rename “Care Plans” as “Health and Welfare Plans” to be more consistent with other regulations concerning animal welfare.

Comments on **breeding plans** included:

- Suggested that breeding programmes should cover all animals that are capable of reproducing and not be required where the animals in a social group are not capable of being bred; and
- A few respondents suggested the requirement in breeding policies to set out measures to prevent breeding across different taxa is reconsidered given that there are examples in the wild of cross-breeding (the existence of the mule was given as a well known example).

Comments on **retirement plans** included:

- Guidance is not clear about the age at which the plan is triggered and the animal retired; and
- The retirement plan should detail where the animal will be placed on retirement.

See also: Draft Guidance: Condition 3 on Care Plans, p. 34-55

In response to points on care plans and other records:

The guidance explains the sets of information that must be held in records under the licence conditions. Defra is prepared to work with industry in drawing up templates, model forms and checklists where these will be of help in the practical application of the regulations. The draft guidance will be reviewed, aiming to make what is covered clearer.

A Breeding Policy is required for a group whether or not the intention is to mate the animals. In the Breeding Policy the licence holder must record those animals that are intentionally being used for breeding and also record those that are not. For those that are not being intentionally mated, there must be a description of the appropriate controls for preventing overpopulation and unplanned breeding, and the procedures to be followed in the event of accidental mating or unexpected birth. Defra will amalgamate the original requirement for separate Breeding Policies and Breeding Plans to make the requirements clearer and less arduous. Every attempt will be made to avoid requiring duplication of records.

There may be circumstances where minimal detail is required, for example if all animals are of the same gender in a social group, or the animals are not capable of breeding. For the animals that are being intentionally mated, further planning and detail must be set out in a dedicated plan for each of those animals.

It is deliberate that neither the regulations nor the guidance specify a set age at which an animal should be retired. The precise age at which an animal is no longer capable of participating in circus activities will depend on a number of variables including species and the individual's physiology, health and wellbeing. A reasonable amount of information about the animal's future will need to be set out in the retirement plan.

Points on staff and access to animals

Feedback on **staff** and **access to animals** included:

- Better explanation is needed of what is meant by the “competence” that should be demonstrated by staff with access to animals and what should therefore be included in the associated records;
- It was noted that the guidance does not set out details of training certificates and courses that would be acceptable;
- The meaning of “direct supervision” of staff was questioned. The draft guidance suggests that performance and training must only be carried out by a person listed as a “trainer” in the staff list, or under the direct supervision of such a person. The guidance does not explain whether the trainer must be present at every session, or only at some sessions provided the trainer has overall responsibility;
- A specific comment was made that if a circus employs people from overseas to care for animals, both the licence holder and the inspector should check they are permitted to work in the UK; and
- Suggestion was made that it should be an offence for an unauthorised person to enter the living accommodation of a circus animal and a serious offence to harm an animal or person responsible for that animal.

See also: Draft Guidance: Condition 4 on Staff Competence and Availability, p. 56-59

In response to points about staff and access to animals:

The licence holder will be responsible for ensuring that any member of staff that has access to an animal covered by the licence is suited to the roles they are expected to fulfil. The guidance will be amended to reflect that by “competence”, it includes a requirement that the knowledge and skills of each member of staff must be kept up to date to enable them to implement current animal welfare good practice for their tasks and responsibilities. An extensive list of the relevant areas of knowledge and skills is already included in the draft guidance.

All staff with access to a wild animal must be listed on the Staff List for each species with which they work as either “trainer”, “carer” or “assistant”. It is likely that a person that is the keeper of an animal but who does not train the animals would be a “carer” for the purpose of the regulations (which may include someone who “presents” an animal during a show but who is not suited to training the animal); if they are training with the animals they would have to be a “trainer”; if they are assisting or providing basic care under supervision then they may be an “assistant”.

A description must be included on the staff list to explain why each individual on the list has been allocated their category. These descriptions should include details of qualifications, formal training and practical assessment of skills by the licensee or a trainer.

The licensee will be responsible for maintaining and improving the competence of trainers and carers, including (but not limited to) access to training and sharing of industry good practice. Failure to categorise staff and to review skills and offer appropriate learning and development may constitute a failure to meet the conditions of a licence.

Defra does not think that a formal qualification should necessarily be a prerequisite for caring for an animal provided that the individual can demonstrate that they have or are developing a good knowledge and understanding of the areas identified in the guidance such as animal husbandry, care, normal behaviours, indicators of disease, injury or distress, understanding of diet and understanding of animal welfare.

Broadly speaking, the categories are designed to be hierarchical. In that sense, it may not be necessary for an individual listed as an “assistant” to have a detailed knowledge of every specialism of animal care. However, they should have sufficient understanding of factors affecting the welfare of the animal(s) under their care for the tasks they are expected to fulfil. In such cases, the licence holder should be able to demonstrate that the assistant is properly supervised by “carers” and/or “trainers” with sufficient knowledge and experience. Inability to demonstrate sufficient knowledge, expertise, skills, and where appropriate, supervision may constitute a failure to meet the conditions of a licence.

The practical experience, knowledge and skills of staff are important, as is appropriate training and on-going professional development. Defra will update the guidance to clarify what must be considered by the licence holder. Defra does not plan to specify course that must be undertaken given there are a range of qualifications in animal health and welfare that may be appropriate to different tasks and responsibilities and these may evolve over time.

Employment law is a matter for the employer and the relevant authorities. These regulations will be concerned solely with animal welfare.

Defra is grateful to respondents who provided with detailed suggestions on species specific guidance. Detailed technical points will be carefully considered in preparing the final guidance.

All points raised by respondents have been considered and fed into preparing the regulations.

Question 10: Species covered by species-specific guidance

Species specific guidance was prepared for a number of species known to have been used in England in recent years including large cats (such as lions and tigers), camels, elephants, reptiles and zebra.

In the consultation document, Defra asked respondents:

Are there other species of animal that you would expect to be covered by the guidance?

This question was included to establish whether there are additional species that people would expect to be included in species-specific guidance.

212 people answered the question, which is equivalent to 90% of all respondents. Please note that not all respondents listed additional species that they would expect to see covered in species-specific guidance.

Several respondents highlighted species they would expect to be included in species-specific guidance, as listed in the table below.

Species specific guidance suggested in consultation responses to question 10	Number of times mentioned
Sea lions	38
Ursidae (the family comprising bear species)	11
Primates (covering monkeys and apes)	8
Birds, particularly exotic birds (including parrots)	7
Alligators	4
Seals	4
Crocodiles	3
Emus	3
Hippopotamus	3
Kangaroos	3
Other Large Cats (such as leopards)	3
Non-domestic cattle	3
Ostriches	3
Zebra	3
Giraffes	2
Invertebrates	2
Orcas	2
Penguins	2
Rhinoceros	2
Snakes	2

Budgerigars	1
Elephants	1
Reptiles	1

Several respondents said that all species of wild animal should be covered by the species specific guidance. It is the intention that if a species is not normally domesticated in the UK then it will be covered by the licensing regime and therefore the general guidance applies in all cases.

The species specific guidance has initially focussed on most species known to be used in England in recent years. The majority of wild species in existence have never been used in travelling circuses and there is no indication they will be in future. A number of the species thought by respondents to be absent from the species specific guidance are actually covered, and so the chapter headings will be reviewed with the aim of improving clarity.

The coverage of the species specific guidance will be considered in light of consultation comments. Once the regulations come into force it is intended that the species specific guidance is kept under review to ensure it is fit for purpose and covers the right species and subject matter; it will be possible to update it in response to need.

A few mentions were made of leopards, lions and tigers which are covered by the species specific guidance on large cats.

Elephants and reptiles (including alligators, crocodiles and snakes) were also mentioned and are covered by their respectively named guidance.

Non-domestic cattle and zebra are covered by the guidance on ungulates.

Frequent mention is made of sea lions (seals were also occasionally mentioned), primates, exotic birds such as parrots and ursidae (bears) where there have been examples in the past of such animals circuses either in England or in Europe. A few mentions were made of ratites (emu and ostrich), large reptiles, and snakes.

Occasional reference was made to Orcas (killer whales), although these would not be likely to appear in a travelling circus.

In response, before the regulations are implemented, species specific guidance on sea lions will be prepared as a species most frequently mentioned; consideration will be made of whether other species should be included, particularly ursidae (bears).

A few respondents (five) suggested that the licensing regime should cover all working animals, including domesticated species such as horses used by Police and dogs used for work and display / performance. Domesticated species are beyond the scope of the regulations. Certain domesticated species already have established codes of practice.

Questions on the consultation stage impact assessment

The consultation posed five questions (questions 12 to 16) on the consultation stage impact assessment. The questions were included to help identify anything that had been missed from the assessment of costs and benefits, to gauge opinion about its robustness and to provide opportunity for general and specific feedback.

140 people, equivalent to 60% of the total number of respondents, answered at least one of the questions on the impact assessment (or 131 people / 55.5% excluding those that only answered 'don't know').

Responses to each question on the impact assessment are outlined below.

Question 12: Cost estimates

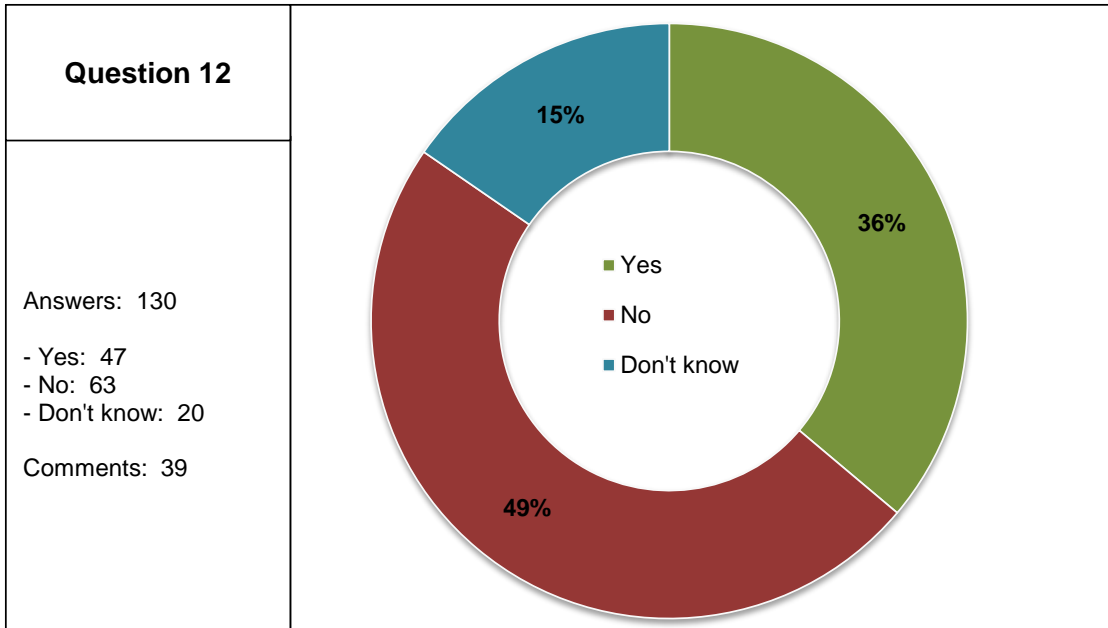
Defra asked respondents:

Do you agree with each of the cost estimates in table 1, and the impact assessment?

The table is included in the consultation paper and sets out the individual cost assumptions that led to an estimated total annual cost of £19,439.

130 people answered the question, which is equivalent to 55% of all respondents.

36% of people that answered the question agreed with the cost estimates and 49% disagreed.



Substantive responses were received from 39 people.

Comments in support of the cost estimates include that the costs look realistic, are broadly in line with expectations and are probably higher than will actually be the case. For example, cost of improvements may be lower than estimated in light of continual improvements that the travelling circuses make to their facilities.

Comments not supporting the cost estimates included that the costs are too high and should be re-examined and that it is not possible to know for certain until the inspections have taken place. A few respondents felt the cost estimates may be out of date and queried some of the sources.

In response, the costs represent initial estimates based on knowledge from consultation in 2009-10 and subsequent stakeholder engagement. Costs will be revised in light of visits to circuses carried out as part of the consultation process for the final stage impact assessment.

Some respondents felt that the estimated cost of training is too high. The consultation stage impact assessment assumed that all permanent staff would need training. During consultation, further discussion with representatives of travelling circuses fed in to revised content for the final stage impact assessment. The regulations will require that staff in charge of animals must either have suitable experience and knowledge of the animals in their care, or be directly supervised by someone who has and who is in overall charge. One of the clearest indicators of competence would be a combination of experience and appropriate qualification (that can also recognise their existing skills). Information from the sector suggests

that during 2012 there should be a vocational qualification available but actual uptake will of course affect the actual costs incurred.

It is usually the case that actual costs are not known until after the event, which - among other things - stresses the importance of periodically reviewing policies.

All costs presented in the final stage impact assessment will be based on the best available information, including where possible information from the circuses themselves. No significant sources of data were offered in consultation responses. In response to the feedback during consultation the cost estimates have been reviewed and some, such as those associate with training and with improvements, have been revised downward.

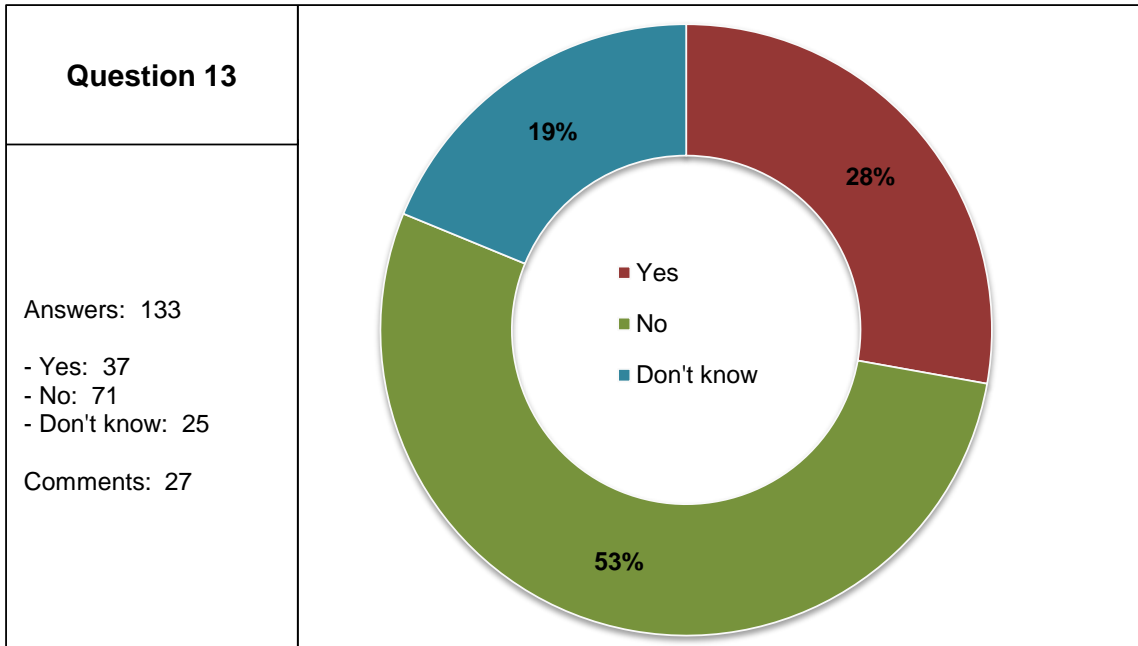
Question 13: Cost that may have been missed

Defra asked respondents:

Do you think any costs have been missed out of the impact assessment?

133 people answered the question, which is equivalent to 56% of all respondents.

28% of people that answered the question suggested that costs may have been missed and 53% thought no costs had been missed.



Substantive responses were received from 27 people.

Only a few respondents explained why they felt that costs had been omitted, which include costs associated with disruption to normal routine, the emotional cost if animals are surrendered and a replacement act has to be brought in. Some respondents commented that costs are not in proportion to the size of the businesses being regulated.

In response, the Impact Assessment recognises the potential for disruption and the cost in terms of circus staff's time. There should not be any significant disruption to circus schedules because the inspector would expect to see the normal practices continue. It is possible that a surprise inspection could disrupt plans, but this is unlikely if the circus has provided an up to date itinerary to the inspectorate in line with licensing conditions.

Defra expects full cost recovery where possible which means that costs directly related to administering licences and carrying out inspections can be recovered. The administration cost will be kept as low as possible and the main variable will be the costs of inspection. Inspection costs are calculated using a set hourly rate plus actual travel and accommodation costs (which would be charged strictly on the basis of need). A smaller circus with fewer species of animals will require less preparatory work and time inspecting than a counterpart that is larger or has more animals and should therefore face lower costs.

Loss of animals may be an issue under a ban, but that would be examined in detail under policy proposals on a ban and not under proposals for licensing regulations.

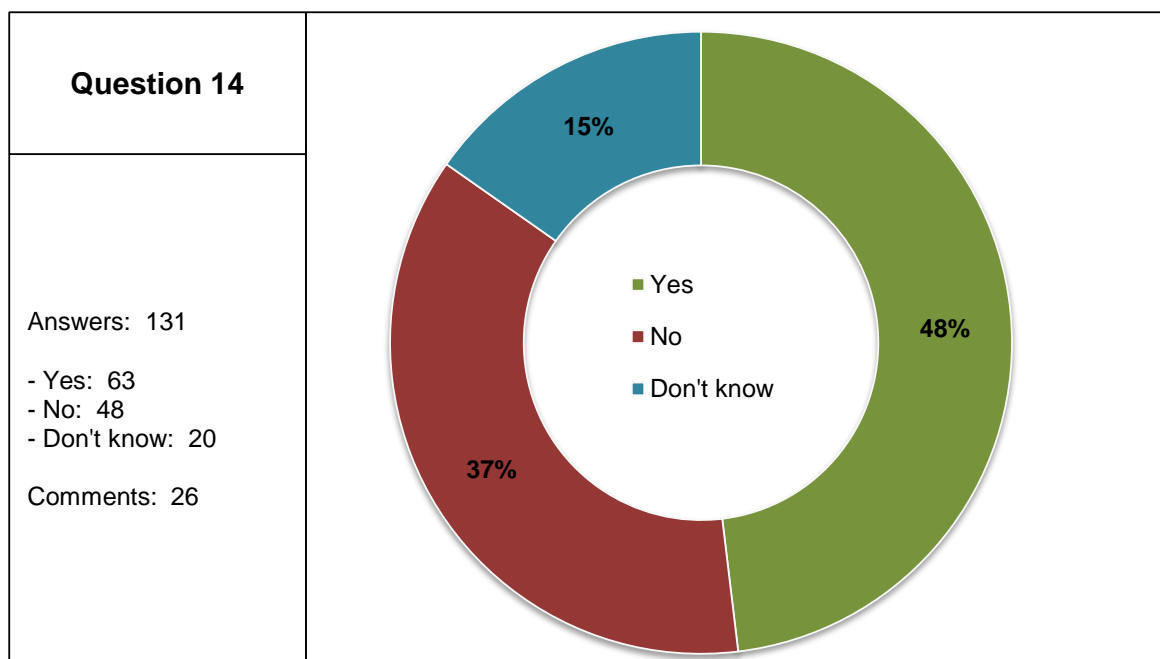
Question 14: Estimate of benefits

Defra asked respondents:

Do you think the benefits set out in the impact assessment represent a fair assessment of the benefits of the proposed licensing scheme?

131 people answered the question, which is equivalent to 55.5% of all respondents.

48% of people that answered the question agreed the benefits in the impact assessment represent a fair assessment of benefits of licensing, and 37% disagreed.



Substantive responses were received from 26 people.

Responses were generally supportive. Specific comments included that:

- The assessment was fair;
- It should be reassessed after initial introduction of the regulations; and
- It should be expected that animal welfare improves, bringing non-monetised benefit.

A few respondents questioned the benefits, including:

- Whether there could be significant improvements to welfare if there is no evidence that standards are not being met; and
- Whether costs of licensing could divert resources from welfare improvements.

Defra accepts that there is limited evidence that welfare is better or worse in circuses than in other captive environments. However, Defra expects that improvements to welfare should result from a strict licensing scheme because travelling circuses have been exempt from some of the legislation that would otherwise have covered them and held them to account. Whilst there are costs associated with licensing, the licensing conditions will be mandatory and the assessment of costs already includes assumed costs of improvements that might be necessary to ensure compliance. As already discussed, some of the costs may in fact be lower than originally anticipated, such as cost of necessary improvements and cost of training.

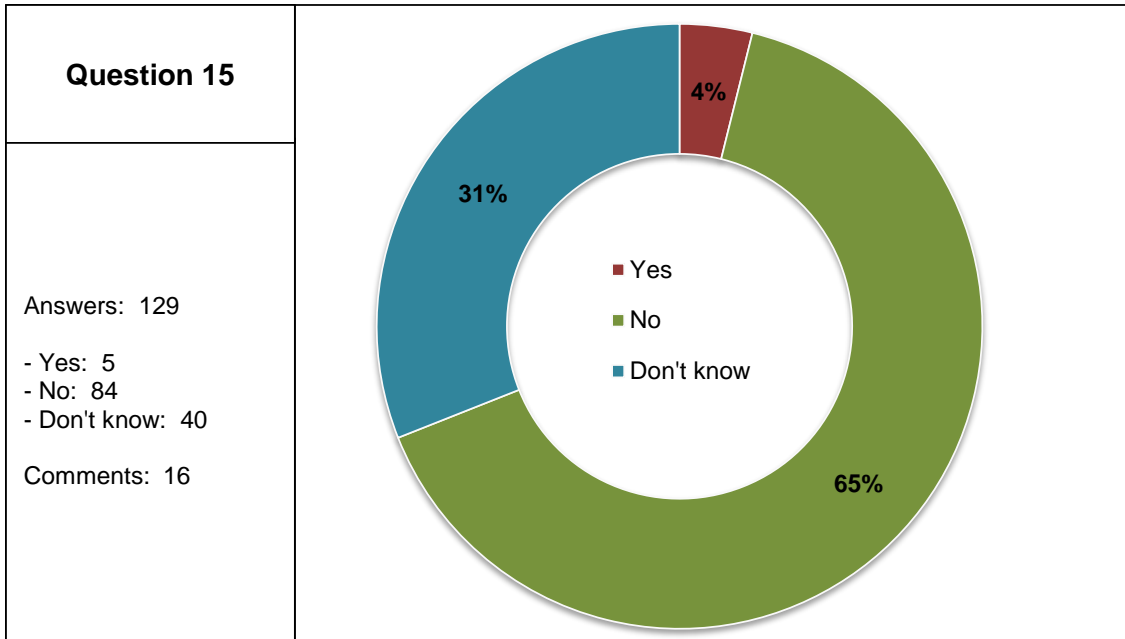
Question 15: Benefits that may have been missed

Defra asked respondents:

Do you think any benefits have been missed out of the impact assessment?

129 people answered the question, which is equivalent to 55% of all respondents.

Only 4% of people that answered the question suggested that benefits may have been missed and 65% thought no benefits had been missed. It is noted that 31% were uncertain, which was more than normal for this consultation.



Substantive responses were received from 16 people.

The majority of respondents did not suggest that benefits had been missed from the impact assessment. Only a handful of substantive comments were made including that independent verification of compliance with licensing conditions should help reassure the public, and enable licence holders to demonstrate that travelling circuses are providing for the welfare needs of their animals. A few suggested that there may be educational value to seeing wild animals up close.

Question 16: Other comments on impact assessment

Defra asked:

Do you have any other comments about the impact assessment?

A number of comments were received. As most related to one of the other questions they have been considered as part of that question and are not repeated here.

Comments not made elsewhere include that:

- Not enough consideration has been made of people who work within the industry;

- The impact assessment does not relate closely enough to the announcement made on 1 March 2012;
- The impact assessment implies that people do not understand their animals; and
- The impact assessment is complicated and difficult to read.

In response to the specific points raised, Defra hopes that amendments made for the final impact assessment will better reflect concerns that some have about people that work in the industry. As an example, content on training will be revised.

The consultation stage impact assessment was scrutinised by the Regulatory Policy Committee before the announcement of a future ban on 1 March 2012. Whilst the content on the licensing scheme was accurate (subject to the feedback on detailed points discussed in this document) the final impact assessment reflects fully the 1st March announcement and is to be published alongside the Explanatory Memorandum that accompanies the draft Statutory Instrument (the regulations) when they are published.

It was not Defra's intention to suggest that people do not understand their animals. The impact assessment is intended to be impartial. Defra has taken the feedback on board for the final stage impact assessment.

Impact assessments are intended to be accessible. Defra has considered each point of feedback in making changes for the final stage impact assessment.

Other questions

Question 17: Other comments or suggestions

This question was included in the consultation to allow people to respond in more detail about any of the preceding questions or to raise any points not sufficiently covered by the other questions.

All points raised by respondents have been read and considered by the policy team in Defra. Where the comments have related to Questions 1 to 16 they have been addressed as part of the question that applies. For example, a number of respondents used the space available at Question 17 to provide detailed feedback on the draft guidance, all of which is being fed into the process of revising the final guidance.

All comments have been digested and will be considered alongside the relevant areas of policy development.

Part III – Summary of Government Response: the way forward

236 responses to the consultation were received, with a good degree of support for the proposals shown.

In terms of the numbers:

- 93% of respondents agreed that core welfare standards should be put in the Regulations and supplemented with species-specific guidance and general guidance.
- 80% of respondents agreed that the proposed licence conditions and welfare standards addressed all aspects of life of a wild animal in a travelling circus.
- Just under 80% of respondents agreed that a licence should cover the wild animals used in travelling circus acts.
- 63% of respondents agreed with the number and type of inspections proposed.
- 52% of respondents agreed that the draft guidance was sufficiently clear.
- However, some 52% of respondents disagreed that the draft definitions accurately defined who and what should be covered by the Regulations.

It should be noted that the main animal welfare groups chose not to respond to the consultation.

The overarching conclusion is that our proposed licensing regime would be robust and workable subject to careful consideration of the feedback received during consultation.

Regulations have been developed as a result of the consultation and engagement work. The main provisions of the regulations will be:

- A requirement that any travelling circus in England that includes wild animals first obtains a licence from Defra;
- A licence can only be obtained on payment of an administrative fee and circuses will also be liable for the cost of inspections;
- An initial inspection will be required before a licence can be issued;
- Further inspections are allowed;
- Licences can be suspended or revoked; and

- Detailed licensing conditions covering all aspects of welfare in a travelling circus which must be met and adhered to.

The Government has made changes to the definitions proposed in the consultation for use in the regulations. A number of other changes to the proposed standards and supporting guidance will be made as a result of individual comments submitted to the consultation and following feedback from the road-testing. Please see “Part IV – Supplementary information” for more information.

Part IV – Supplementary information

Summary of visits to circuses during the consultation period

To reduce the risk of problems being found during the implementation stage of these Regulations, a series of pilot “road test” visits were commissioned by Defra as part of the consultation process. These visits were to assess the practicalities of applying the licensing and inspection regime in the field, including gathering data to inform the impact assessment, with a view to revising the draft documents.

“Road test” visits were held between January and April 2012. A team consisting of two experienced vets (an Animal Health and Veterinary Laboratories Agency vet and a zoo inspector, hereafter referred to as “the road test team”) visited all three of the travelling circuses that use wild animals. Each circus received two visits, one to their home “winter quarters” and one to a tour site.

The draft documents (which were subject to this public consultation) were used for the visits, and the road test team developed an inspection “checklist” from these documents.

The visits were to test that the draft documents, particularly the draft guidance put out to consultations, were fit for purpose. The visits were not to inspect the circuses’ current compliance levels, and this was emphasised to the circuses at the outset, and to others that enquired about the visits.

The road test team were welcomed by the circuses, who expressed a keenness for the licensing system to work, and Defra is grateful for their cooperation. The team was, on the whole, given good access to the circus operations. The road test visits relied on the goodwill extended by the circuses. Whilst the visits did not suggest any lack of openness on the part of the participants, it is worth noting that once regulations are in place the powers of entry under the Animal Welfare Act 2006 can be used if necessary and provide the public with reassurance that all relevant animals were inspected.

The road test team found that the current draft guidelines were, in the most part, fit to implement. They did identify some important areas where revision or clarification was necessary, and these findings are listed below. The animals which were seen which might fall under the definition of “wild” included tiger, zebra, camel, reindeer, fox, racoon, snakes and ankole, although the team noted that this definition needs to be clarified. The road test team suggested that harmonisation with the Zoo Licensing Act definitions might provide clarity and consistency. Practical aspects of administering a licensing and inspection regime were considered during the road-testing process, and recommendations

were made. Included in these recommendations were the type of inspection form, and the advice that the industry could develop a standardised recording system which would make the inspection process faster and therefore less costly to the operators.

One interesting point which the team noted was the apparent positive impact of the 2008 feasibility study visits. This study involved two of the circuses being visited by two zoo inspectors (one vet, one zoo curator) to assess whether a system similar to the Zoo Licensing Act scheme could be applied to circus licensing. A number of suggestions for improvement were made to the circuses by the inspectors at that time and these have been acted on voluntarily.

A number of detailed findings from the road test visits will feed into the final guidance, including those regarding:

- Access to animals
- Care Plans
- Considering how long animals are exposed to sub-optimal conditions
- Enrichment
- Exercise times
- Improved guidance on environmental factors and use of equipment
- Marking of vehicles
- Provision of space for animals to retreat to when on public view
- Retirement plans
- Special effects
- Species specific guidance
- Staff
- Transport and requirements on cervine animals

The issues of scope, definitions and costs were discussed on multiple occasions, and useful points relayed to the policy development team. Practicalities of licensing, the inspection system, complaint investigation and enforcement mechanisms were also addressed and fed back to the policy team.

List of respondents

Responses were received from a variety of sources. 168 responses were submitted using Survey Monkey (an online survey) and for data protection reasons individuals were not asked to personally identify themselves. Of the 68 respondents that replied in other ways, most indicated that they would prefer information to be withheld that would make them personally identifiable; as a result Defra has not published a list that includes the names of individuals. Organisations that responded to the consultation include:

- Animals Count
- Association of Circus Proprietors of Great Britain
- British and Irish Association of Zoos and Aquaria
- British Veterinary Association
- British Veterinary Zoological Society
- Classical Circus Association
- European Circus Association
- Newark and Sherwood District Council Environmental Health
- Performing Animals Welfare Standards International
- Producers Alliance for Film and Television Ltd
- Self Help Group for Farmers, Pet Owners and Others Experiencing Difficulties with the RSPCA
- Trading Standards

Please note that copies of the answers from all 236 responses to this consultation can be obtained from the Defra library at:

Defra
Information Resource Centre
Lower Ground Floor
Ergon House
17 Smith Square
London
SW1P 3JR

General enquiries about this document may be made to:

circusanimalwelfare@defra.gsi.gov.uk