

# The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012: Post Implementation Review 2018

January 2018

## Introduction

The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 (the 'Regulations') were introduced as an interim measure following a commitment by the Government to ban – on ethical grounds – the use of wild animals in travelling circuses. In advance of introducing the necessary primary legislation, the Government also introduced a licensing scheme using powers available under the Animal Welfare Act 2006 to further protect the welfare of wild animals used in travelling circuses. Other than the general provisions of the Animal Welfare Act 2006 there was at the time no specific legislation in England that set out clear welfare standards for wild animals in travelling circuses.

The Regulations came into force on 20 January 2013 and as of 19 January 2018 they have been in force for 5 years. Therefore, as required by the Regulations, Defra has carried out and published in a report a review of the Regulations.

The current Regulations expire on 19 January 2020. The Government does not intend to renew the Regulations as it intends to ensure that a legislative ban is introduced by then. The Regulations will then be allowed to expire.

## Scope of the Post Implementation Review

As set out in regulation 15 of the Regulations, Defra must carry out and publish in a report a review of the Regulations. The report must:

- set out the objectives intended to be achieved by the Regulations;
- assess the extent to which those objectives have been achieved; and
- assess whether those objectives remain appropriate and if so, the extent to which they could be achieved with a system that imposes less regulation.

Evidence has been obtained from information taken from inspection reports for all five years of the licensing scheme, feedback from the Animal and Plant Health Agency (APHA), an interview with licensed circuses and responses to a questionnaire from Defra appointed circus licensing inspectors.

## Rationale for level of evidence sought

Defra has adopted a proportionate approach towards the level of evidence sought given the extremely small number of circuses regulated by the Regulations, the small numbers of wild animals kept by them, and the low level of regulatory burdens.

The net cost to business per year as a result of the Regulations was estimated in the initial Impact Assessment accompanying the Regulations (Defra 1059) to be around £0.015m. As a result scrutiny of this Post Implementation Review by the Regulatory Policy Committee was not required.

# **Summary of the findings of the review**

## **Objectives of the Regulations**

Ahead of the introduction of a legislative ban on the use of wild animals in travelling circuses, the policy objective of the Regulations was to introduce an effective licensing scheme to promote and ensure high standards of welfare for all wild animals used in travelling circuses in England.

## **Have the objectives been achieved?**

The Regulations appear to have established an effective licensing scheme to promote and monitor high welfare standards for wild animals in travelling circuses in England. Over the five years the scheme has been in force, over 90% of licensing conditions/standards appear to have been met first time.

The Regulations have had a beneficial effect of the management of wild animals used in travelling circuses, with improved welfare monitoring and quicker remedial actions and veterinary treatment of licensed animals. The Regulations have also allowed appropriate enforcement action to be taken where necessary.

The Regulations require every licensed circus to have a 'lead vet' to oversee the welfare of the wild animals as well as approve care and retirement plans. Circuses must also ensure all licensed animals are seen at least four times a year by a vet, including twice by the lead vet. Circuses must also provide for the welfare needs of licensed animals, meeting specific requirements for an animal's environment and transportation.

Guidance has been provided to explain licensing conditions and circuses can expect at least three inspections a year by a Defra appointed circus licensing inspector (including at least one unannounced inspection) to ensure licensing conditions are being met.

## **Do the objectives remain appropriate and, if so, can they be achieved with a system that imposes less regulation?**

The objectives of the Regulations, to ensure the welfare needs of wild animals in travelling circuses are met ahead of the introduction of a legislative ban, remain appropriate. The Government intends to ensure a ban is enacted prior to January 2020, and the Regulations will be allowed to expire. The burdens of these Regulations are low and the licensing regime has ensured that animal welfare needs have been met without imposing excessive costs.

<b>Title:</b> The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 <b>PIR No:</b> 2012/2932 <b>Original IA/RPC No:</b> DEFRA 1059 <b>Lead department or agency:</b> Defra <b>Other departments or agencies:</b> Animal and Plant Health Agency	<b>Post Implementation Review</b>
	<b>Date:</b> 17/01/2018
	<b>Type of regulation:</b> Domestic
	<b>Type of review:</b> Statutory
	<b>Date measure came into force:</b> 20/01/2013
	<b>Recommendation:</b> Repeal
<b>RPC Opinion:</b> Not required.	

### 1. What were the policy objectives of the measure?

Ahead of the introduction of a legislative ban on the use of wild animals in travelling circuses, the policy objective of the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 (the "Regulations") was to introduce an effective licensing scheme to promote and ensure high standards of welfare for all wild animals used in travelling circuses in England.

### 2. What evidence has informed the PIR?

Only two circuses have ever been licensed under the Regulations (with total numbers of wild animals licensed at any one time varying between 16 to 28 animals), and the regulatory burdens of the licensing regime are very low. A proportionate approach was taken to the review. The evidence obtained includes information taken from inspection reports, feedback provided by Defra's circus licensing inspectors and feedback from the two licensed circuses themselves.

### 3. To what extent have the policy objectives been achieved?

The Regulations appear to have established an effective licensing scheme to promote and monitor high welfare standards for wild animals in travelling circuses in England. Over the five years the scheme has been in force, over 90% of licensing conditions/standards have been met first time.

Sign-off for Post Implementation Review:

***I have read the PIR and I am satisfied that it represents a fair and proportionate assessment of the impact of the measure.***

Signed: **Lord Gardiner of Kimble**

Date: 17/01/2018

## Further information sheet

Please provide additional evidence in subsequent sheets, as required.

### **4. What were the original assumptions?**

It was originally assumed that there would be three circuses seeking a licence after the Regulations came into force and that no new circuses would seek a licence. It was also assumed that the introduction of the Regulations would not see a significant increase in the number of wild animals used in travelling circuses. Other assumptions included that licences would be awarded on an annual basis, and meeting the overall costs of a licence to each circus would be some £7,375 in the first year, £6,739 in year two, £4,989 in year three, and £5,068 in years four and five. It was also assumed that the introduction of a licensing scheme would lead Defra to having to investigate 14 'unfounded' complaints per circus in each of the years 1 to 3 of the scheme and 7 'unfounded' complaints per circus in both of year 4 and 5 of the scheme.

### **5. Were there any unintended consequences?**

There were no unintended consequences as a result of the Regulations.

### **6. Has the evidence identified any opportunities for reducing the burden on business?**

The evidence has indicated that the current licensing regime is meeting its animal welfare objectives at a low cost in terms of regulatory burdens to business. The evidence has not identified further opportunities to reduce business burdens, and reductions may compromise the animal welfare objectives of the licensing regime. However, the review suggested some areas where the inspection process could be improved and Defra will consider these.

### **7. For EU measures, how does the UK's implementation compare with that in other EU member states in terms of costs to business?**

Not applicable. The origins of the Regulations are domestic.

# Post Implementation Review of the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012

## Introduction

This Post Implementation Review (PIR) examines the effectiveness of the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 (referred to in this document as the Regulations)<sup>1</sup>. Evidence gathered through an assessment of all the inspection reports produced since the introduction of the Regulations, an analysis of the inspection fees paid by circuses and feedback from circus licensing inspectors, the Animal and Plant Health Agency (APHA) and the two licensed circuses has been used to inform an assessment of the effectiveness of the Regulations.

A decision on whether the Regulations should remain after the current Statutory Instrument expires on 20 January 2020 is not dependent on the findings of this PIR. The Government intends to ensure a legislative ban on the use of wild animals in travelling circuses is in place by the time the Regulations expire in January 2020.

Section 2 of this document outlines the policy background, summarising the rationale and objectives behind the Regulations. Section 3 outlines the rationale for the level of evidence sought for this PIR. Section 4 explains how the evidence was collected and what evidence was found. Section 5 assesses whether or not the Regulations have broadly met their objectives.

## Policy Background

The welfare of wild animals in travelling circuses in England is protected by the Animal Welfare Act 2006<sup>2</sup> and the Regulations. The Regulations will have been in force for five years as of 19 January 2018. As set out in regulation 15 of the Regulations, Defra must carry out and publish in a report a review of the Regulations. The report must set out the objectives intended to be achieved by the Regulations; assess the extent to which those objectives have been achieved; and assess whether those objectives remain appropriate and if so, the extent to which they could be achieved with a system that imposes less regulation.

### Need for regulation

The Regulations were introduced following a commitment by the Government to introduce a ban – on ethical grounds - on the use of wild animals in travelling circuses<sup>3</sup>. In advance of a ban being enacted, which would require primary legislation, the Government decided to introduce a temporary licensing scheme using powers already available under the Animal Welfare Act 2006 to further protect the welfare of wild animals used in travelling circuses. Other than the general provisions of the Animal Welfare Act 2006 there was at the time no specific animal welfare legislation in England that set out clear welfare standards for wild animals in travelling circuses. The Regulations came into force on 20 January 2013.

### Objective of the Regulations

The Explanatory Memorandum published alongside the Regulations explained that the purpose of the legislation was to *“introduce a set of minimum welfare standards for all ‘wild’ animals*

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<sup>1</sup> <https://www.legislation.gov.uk/uksi/2012/2932/contents/made>

<sup>2</sup> <https://www.legislation.gov.uk/ukpga/2006/45/contents>

<sup>3</sup> [Hansard 1 March 2012 Column 41WS](#)

*(meaning an animal belonging to a species which is not normally domesticated in Great Britain) used by travelling circuses in England. These standards will be enforced by Defra through a licensing scheme.”<sup>4</sup>*

The Impact Assessment ‘DEFRA1059: Welfare of wild animals in travelling circuses’, also published alongside the Regulations, goes on to state that the primary policy objective was “*to introduce as a matter of urgency secondary legislation in England, using powers provided by the Animal Welfare Act 2006, to address the gap in welfare safeguards. It will establish an effective licensing scheme to promote and ensure high standards of welfare for all wild animals used in travelling circuses*”.<sup>5</sup>

## **Requirements of the Regulations**

The Regulations require that all travelling circuses in England wishing to use wild animal acts must be licensed by Defra, and adhere to strict welfare standards. These welfare standards are set out in ten licensing conditions contained in the schedule to the Regulations. A summary of the ten licensing conditions are included in the appendix to this report.

The licensing scheme, including arranging circus inspections, is administered on a day-to-day basis by APHA but decisions on applications and inspection reports are taken by a panel of officials in Defra (the ‘Circus Licensing Panel’). Circus licences are usually awarded for twelve months, although they can be awarded for any period up to a maximum of three years. A licensed circus will be inspected at least three times during that period – with one unannounced on-tour inspection, one announced on-tour inspection, and one inspection (usually at winter quarters) as part of the renewal process. All inspections are carried out by Defra appointed circus licensing inspectors, accompanied by a witness, typically a local APHA Animal Health Officer (AHO). Circus licensing inspectors are drawn from the Secretary of State’s list of zoo licensing veterinary inspectors, and have all received training on the requirements of the Regulations. Currently there are four Defra appointed circus licensing inspectors.

## **Impact Assessment: Welfare of wild animals in travelling circuses**

The following summary of costs is reproduced from Impact Assessment ‘DEFRA1059: Welfare of wild animals in travelling circuses’ which was produced to accompany the introduction of the Regulations in 2012. Although the primary focus of this PIR has been to assess whether the initial objectives of the Regulations have been achieved, an analysis of some of the main estimated costs of the Regulations compared to the actual realised costs has been undertaken. Given the scale of the regulation and the corresponding proportionate level of evidence sought, a detailed evaluation of all the costs and benefits of the Regulations has not been attempted. (see Section 3, below, for an explanation of the level of evidence sought). The full set of envisaged costs from the Impact Assessment is included here for information. These costs represent the total costs to the three circuses that we originally estimated would be licensed.

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<sup>4</sup> [https://www.legislation.gov.uk/ukxi/2012/2932/pdfs/ukxiem\\_20122932\\_en.pdf](https://www.legislation.gov.uk/ukxi/2012/2932/pdfs/ukxiem_20122932_en.pdf)

<sup>5</sup> [https://www.legislation.gov.uk/ukia/2012/318/pdfs/ukia\\_20120318\\_en.pdf](https://www.legislation.gov.uk/ukia/2012/318/pdfs/ukia_20120318_en.pdf)

Table 1: Summary of estimated costs to industry of licensing

Cost Type	Requirement	Cost of licensing (£)
One-off costs	Training costs	12,000
	Permanent ID	600
	Care Plan veterinary visits	2,100
	Administrative costs	666
	Initial licence inspection costs (incl. admin fee)	11,488
	Initial licence inspection staff costs	738
	Total one-off costs	27,592

Cost Type	Requirement	Cost of licensing (£)
Annual costs	Training costs	750 (after year 2)
	Maintenance of facilities	600 (after year 3)
	Routine veterinary visits	4,200
	Administrative costs	2,498
	Annual licence renewal inspection costs	8,496
	Annual licence admin fee costs	1,170
	Annual licence renewal inspection staff costs	654
	Total one-off costs	15,568

### Size of industry in England and numbers of animals licensed.

According to the Impact Assessment 'DEFRA1059: Welfare of wild animals in travelling circuses', which was completed in 2012, prior to the introduction of the Regulations, precise figures for the numbers of wild animals and travelling circuses were difficult to obtain due to the lack of any specific regulations. It was estimated by the time of introduction in January 2013 there would have been no more than three or four travelling circuses in England using some 35 to 50 wild animals. Subsequently only two circuses have ever been licensed under the Regulations. An application for a licence from a third circus has also been refused.

In total, between January 2013 and the end of the 2017 circus touring season, there have been 37 wild animals licensed under the Regulations at one time or another. The animals include: 7 Reindeer; 7 Zebra; 6 snakes; 4 Camels; 4 Tigers; 3 Raccoons; 2 Lions; an Ankole; a Fox; a Macaw and a Zebu.

As of the end of the 2017 circus touring season there remains only two circuses licensed in England to use wild animal acts. The two licences cover 19 wild animals; these are: 6 Reindeer; 4 Zebra; 3 Camels; 3 Racoons; a Fox; a Macaw; and a Zebu.

## Rationale for level of evidence sought

Given the extremely small number of circuses regulated by the Regulations (and the small numbers of wild animals kept by them), and the relatively low cost to business as a result of the Regulations estimated in the Impact Assessment, Defra adopted a proportionate approach towards evidence gathering.

This PIR will:

- as a minimum establish whether the Regulations have broadly achieved their objectives and have met their success criteria; and whether there have been unintended effects;
- use previously-available monitoring data and management information for evidence;
- use feedback from the APHA circus licensing administration team, Defra appointed circus licensing inspectors and the circuses licensed under the Regulations; and
- be conducted relatively quickly and in-house.

This PIR is not intended to be a detailed evaluation of the original required standards themselves and whether these standards are still set at the right level. Such an exercise would require new information and possibly some commissioned work, which would not be merited given the size of the industry and the intended limited lifespan of the Regulations. As the standards were based on recognised accepted standards for the keeping of wild animals in captivity at the time (e.g. the Secretary of State's Standards of Modern Zoo Practice); the Government is assured that the standards, if met, secure acceptable levels of welfare.

The evidence consists of information taken from inspection reports for all five years of the licensing scheme, APHA's record of inspectors' inspection fees, feedback from APHA, interviews with licensed circuses and responses to a questionnaire sent to each of Defra's circus licensing inspectors.

The PIR will be structured in three parts: looking at how the Regulations have been implemented and have been administered, how the Regulations have ensured welfare standards have been met and, how the actual costs of the Regulations compare with the costs estimated in the Impact Assessment produced when the Regulations were being developed as well as some of the non-monetised benefits.

The evidence and methodology used should provide an indication as to whether the objectives of the Regulations have broadly been met although the PIR will, understandably, not attempt to prove conclusively that any observed changes were the direct outcome of the intervention. A review or evaluation thorough enough to demonstrate causality would cost more than the projected impact of the regulation itself.



# Findings of the review

## Implementation and administration

Views on the implementation and administration of the Regulations have been sought and received from all four circus licensing inspectors, both licensed travelling circuses and APHA.

### *Views from Defra appointed Circus Licensing Veterinary Inspectors*

All four circus licensing inspectors responded to a questionnaire from Defra on the licensing regime. In summary, all the inspectors agreed that the Regulations has been successful in establishing an effective licensing regime to promote and ensure high standards of welfare for wild animals used in travelling circuses in England. All four inspectors also agreed that, over the five years they had been in force, the Regulations had, in their view, led to an improvement in welfare standards for the licensed wild animals compared to if no licensing regime had been in place.

The inspectors commented that, although the regime placed circuses under close scrutiny, the Regulations had driven circuses to make overall improvements. The increased transparency had helped and the Regulations had undoubtedly led to higher standards; including better record keeping (especially of veterinary care), staff supervision and responsibilities, provision of accommodation, and the general care and the welfare of the animals. This was not to say, in the view of one inspector, that conditions were particularly bad before the Regulations. Standards in general were adequate but were now better. Although another inspector conceded that one circus who held wild animals before the licensing regime came into force (and subsequently opted not to apply for a licence) may have had to do more work to meet the required standards.

Inspectors added that the regime had also enabled issues of non-compliance to be identified and rectified in a timely manner. One inspector did comment though that both licensed circuses had “made a real effort to comply and take the regulations very seriously”, which, in their view, made it more difficult for them to judge the robustness of the Regulations.

### *Views from licensed circuses*

Both circuses licensed under the Regulations were interviewed together as part of the review. In summary both circuses felt that generally they had high welfare standards in place before the Regulations came into force. However, they also agreed that the Regulations now provided an independent verification of these standards.

One area where both circuses felt the Regulations had led to a change in the way they operated was in the level of record keeping required. In most cases, this was documenting activity (e.g. trimming an animal’s feet) that would, in their view, have been carried out regardless of the Regulations. In some cases, it had made welfare considerations more routine. For example, one circus explained that it had made them more proactive when considering the space available for animals at different travelling sites.

The circuses also felt that the Regulations had also led to changes in the way that animals were seen to by a vet. The circuses agreed that prior to the Regulations, the animals were generally only seen by a vet when they became aware that the animals presented signs of ill health or

needed routine treatments. The importance of the role of the lead vet was recognised and the requirement was seen as beneficial because it allowed them to have regular checks in place and to maintain continuity of animal monitoring, treatment and care as the vet got to know each individual animal.

The circuses also both agreed that they had not noticed any change in protest activity around their circuses. They still regularly experienced protesters videoing and taking pictures whilst they were on tour. The Regulations had not had any impact on the level of that activity.

## **Implementation of the scheme**

### *Views from the APHA circus licensing administration team*

APHA reported that the Regulations and guidance had been straightforward to understand and the initial implementation work between Defra and APHA had been beneficial in ensuring APHA were able to effectively administer the scheme from 'day one'. APHA also reported the administration of the scheme had not proven to be burdensome and that both circus licensing inspectors and the circuses that initially applied for a licence had engaged positively with the requirements and the needs of the licensing scheme.

APHA also commented that the current panel of four circus licensing inspectors, while enough to ensure all inspections were carried out as required, was perhaps not large enough. A wider pool of inspectors would have allowed APHA to vary more often the different inspectors visiting the circuses.

### *Views from Defra appointed Circus Licensing Veterinary Inspectors*

While the general administration of the scheme seemed to work adequately, a common complaint from the inspectors was that the payment of claims for inspection fees by APHA was far too slow. Also there was no paper or email notification of a payment once it has been made, including how it was calculated. Expense claims were, however, paid promptly.

One inspector suggested that inspectors should be provided with copies of all inspection reports *and* correspondence from the Circus licensing panel prior to an inspection.

### *Views from licensed circuses*

Both circuses confirmed that they had initially found the split in responsibilities between Defra and APHA unclear. This was no longer an issue as they now ensured they copied all documents to both organisations. The circuses did also say that they were not always contacted by an inspector about a planned announced inspection before the inspection had happened. They said they were not overly concerned about this, as they did not usually change their routine for an inspection. However, it did sometimes mean that they (the licensees) were not always present at the circus at the start of an inspection.

The circuses also commented that the licensing scheme was recognised and respected by local authorities, who now inspect them less (under the Dangerous Wild Animals Act 1976, for example) because they had already been inspected by Defra.

## Inspections

### *Views from Defra appointed Circus Licensing Veterinary Inspectors*

All four circus licensing inspectors agreed that the number and type of routine inspections each year (three routine inspections with at least one unannounced) was appropriate for assessing on-going compliance with licensing conditions. One inspector commented that three inspections a year could be quite challenging as both licensed circuses spend time in Wales and therefore inspections become 'bunched'. Another inspector suggested that, while three inspections were appropriate, now inspections were embedded "perhaps a risk assessment system could be used to possibly reduced inspections to two per year".

On the effectiveness of unannounced inspections in assessing whether licensing conditions were being met, opinion was more divided. Two inspectors felt unannounced inspections were more effective than announced inspections, one inspector felt the effectiveness of unannounced inspections was the same as announced inspections and one inspector felt they were less effective than unannounced inspections.

One inspector felt that now that circuses were familiar with the regime, they can soon get organised for an unannounced inspection, making little difference to an announced inspection. However, he did concede that unannounced inspections would be more important for any new circus not familiar with the scheme. Another inspector felt that generally unannounced inspections took longer (as circuses had to get animals ready to be inspected and records organised for inspection) compared to announced inspections – where advance notice meant that the animals and paperwork were ready to be inspected with minimal disturbance.

On the value of having a witness, typically a local Animal Health Officer, present at inspections, only one inspector found them helpful while three inspectors found them to be not helpful. One inspector found the presence of an independent witness to be useful in any case of query or dispute over any verbal comments. The other three inspectors felt the witness hadn't been needed as they had never encountered any difficult or confrontational situation with any circus. However, all three admitted the presence of a witness would be important in the event of any "conflict situations".

All four inspectors found that current inspection report template was still helpful and current, although one commented that the inspector's recommendation on a licence cannot be inputted electronically. Finally, on the inspection process, two inspectors also commented that, while the inspection process had been effective, there should be an allowance to also report any concerns regarding domestic animals (as well as a circus's other facilities).

### *Views from licensed circuses*

The circuses did not have any strong views on the frequency of Defra inspections or circus veterinary visits. From a welfare perspective they had no issue with the number of inspections or visits. However they were concerned about costs of Defra inspections, particularly in cases where they had to cover extensive travel costs.

The circuses commented that they were rarely assigned the same inspector consecutively. They felt this increased the time for an inspection as each inspector had to familiarise

themselves with the circus. Although each inspector would receive a copy of the previous inspection report as a minimum, the circuses felt it would be helpful for the inspectors to receive more than just the previous report and also the correspondence from Defra on each report.

Both circuses agreed that it was useful to see copies of the final inspection reports. However one circus felt that they were sometimes obliged to act upon recommendations in the report even where they were in addition to the requirements of the licence.

## **Guidance**

All the circus licensing inspectors agreed that the guidance provided was a useful tool for assessing whether a circus was complying with licensing conditions, and that the guidance was still helpful and current. Inspectors commented that having sizes and limits in guidance were useful to quote and require, removing a potential source of conflict for inspectors. The guidance also helped reduce variations in the interpretation of the regulations – allowing for a more even and rational basis for inspections.

The two circuses also had found the guidance to be helpful, especially in regard to meeting the record keeping requirements of the Regulations.

### *Administration and implementation – conclusions*

Given the above feedback, and particularly the fact that the Regulations have triggered more regular monitoring of animal welfare and more routine veterinary checks on wild animals in circuses, the Regulations do appear to have improved standards and have had a positive impact on the welfare of licensed animals. While the licensed circuses felt they already maintained acceptable standards (and this was confirmed by one of the inspectors who was aware of the standards at the two circuses before the Regulations came into force) both circuses and inspectors were in agreement that the record keeping requirement had had a beneficial effect on the management of the animals, imbedding as routine standard welfare practices which had led to improved welfare. The requirement for a lead vet also appeared to have improved veterinary oversight of the animals. There also appeared to be agreement that the Regulations had improved transparency.

On the inspections, there appeared to be no consensus that one type of inspection (announced or unannounced) was better than another. There seemed to be agreement that this was mainly because, after five years, both licensed circuses were very familiar with the inspection process. The frequency of inspections and veterinary visits was seen as about right, although the number may be more suitable for a new circus not familiar with the Regulations.

Several points were raised about the inspection process itself, to do with the number of inspectors, payment of their fees and consistency between inspections (and inspectors). Defra will discuss with APHA how these issues can be best addressed.

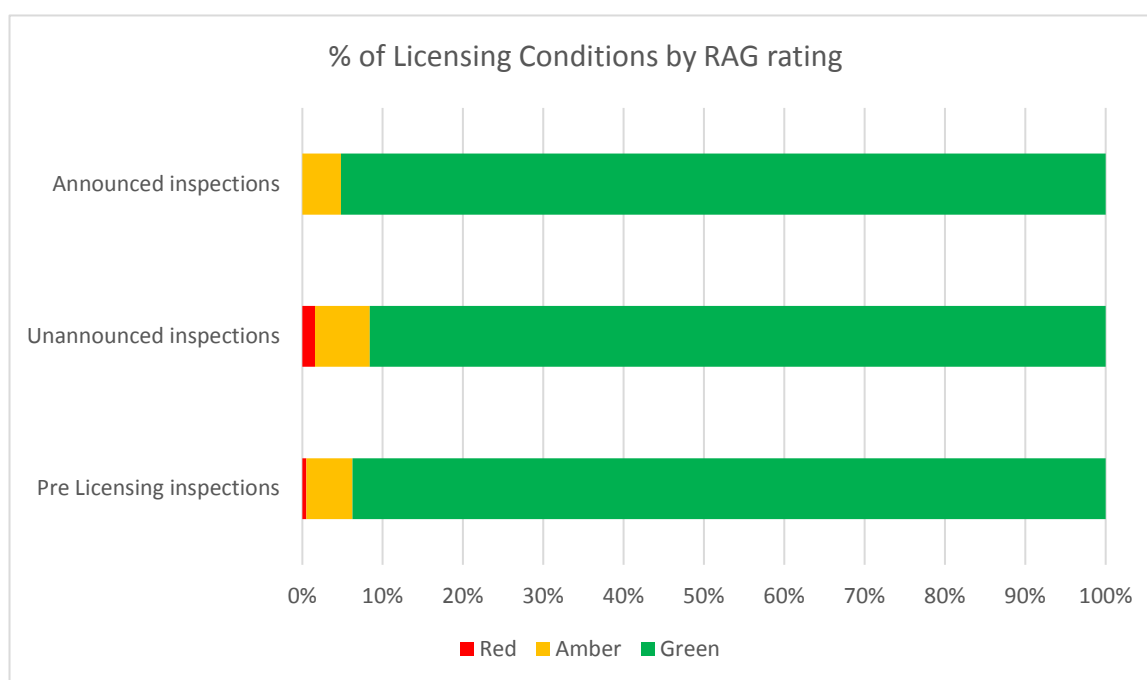
## Licensing conditions met

As circuses have been licensed under the Regulations for five years, this PIR was able to collate and analyse the findings of all the inspection reports generated under the Regulations. In total, there were some 39 inspections across three circuses over the five years.

Each inspection report requires inspectors to assess the circus against seventeen different conditions or standards representing the ten licensing conditions in the Regulations (note: not every inspection would have assessed all seventeen conditions/standards as some inspections were follow-up or special inspections undertaken to inspect or review a specific issue or problem). Each condition or standard is assessed during an inspection as either Green (signifying full compliance or minor breach but no action required), Amber (breach identified, remedial action required) or Red (significant breach, action required).

In summary, some 586 conditions or standards were assessed over the five years of the scheme. 548 – or over 90% - of those conditions were assessed as Green first time during an inspection. Of the 38 conditions (4 Red and 34 Amber) not rated Green, 23 were subsequently rated Green by the time of the next inspection. Therefore, over 95% of conditions were assessed as Green either in the first inspection or by the next inspection.

Figure 1: Licensing Conditions by RAG rating and by inspection type (by %)



During the five years of the Regulations, ten animals have died while licensed under the Regulations. Four deaths related to animals euthanized on veterinary advice, and two more attributed to the animal's advanced age. None of these deaths were attributable to a failure to meet licensing conditions. Three snakes died suddenly in October / November 2013 of suspected Clostridial Septicaemia, which in the opinion of the circus's lead vet was most likely contracted via the snakes' feed. Again, no failure to meet licensing conditions preceding this was found. A fourth snake died in October 2015. This was attributed to a parasitic infection which, if treated earlier, may have not lead to the death of the snake. The preceding inspection had found the health of the snake to be in breach of conditions and had recommended urgent veterinary examination, which had been undertaken.

During the five years of the Regulations, one suspension has had to be issued. A licence was suspended for a brief period whilst a circus was not on tour. This was due to a repeated issue being identified where licensed reindeer were housed during the winter where they were accessible to the public whilst unsupervised. The Regulations allowed for the licence to be suspended until the animals had been moved to another site and the circus agreed not to return to that site with any licensed animals in future. Further corrective actions taken where an issue had not been addressed satisfactorily included additional inspections (usually unannounced) being undertaken and further formal letters sent by APHA/Defra requesting action to be undertaken. An application for a licence from a third circus has also been refused.

#### *Views from licensed circuses*

Views on the licensing conditions have also been sought from both licensed travelling circuses. Neither circus reported any issues or negative unintended consequences from meeting any of the licensing conditions. Although, they did feel that sometimes there was too much duplication of records. And sometimes it appeared to them that spot record checks by inspectors covered periods that had already been checked during previous inspections – increasing the eventual fee charged to the circus for the inspection.

#### *Licensing conditions met – conclusions*

An analysis of all the inspection reports produced over the five years of the Regulations has found that over 90% of the conditions/standards inspections were being complied with when circuses were inspected. Where action was required in response to either amber or red ratings, successful corrective action (resulting in a green rating) was undertaken in over half the cases. Less than 5% of conditions/standards were not rated green after a subsequent inspection. In this situations, the Regulations allowed for further enforcement action (suspension, further inspection, or a further formal letter) to be undertaken.

### **Actual v Estimated Costs**

This section of the PIR looks at some of the costs of the Regulations and compares them with some of the estimates set out in the Impact Assessment DEFRA 1059. It is not intended to look in detail at all the costs resulting from the Regulations, as that would take more resource to collate than would be proportionate for a PIR of this scope. As in the Impact Assessment, benefits have not been monetised as it is difficult to accurately measure the extent of any benefits, or prove causality to the Regulations, and it would not be proportionate. However, a qualitative discussion of some of the non-monetised benefits identified has been included.

#### *Costs of inspections*

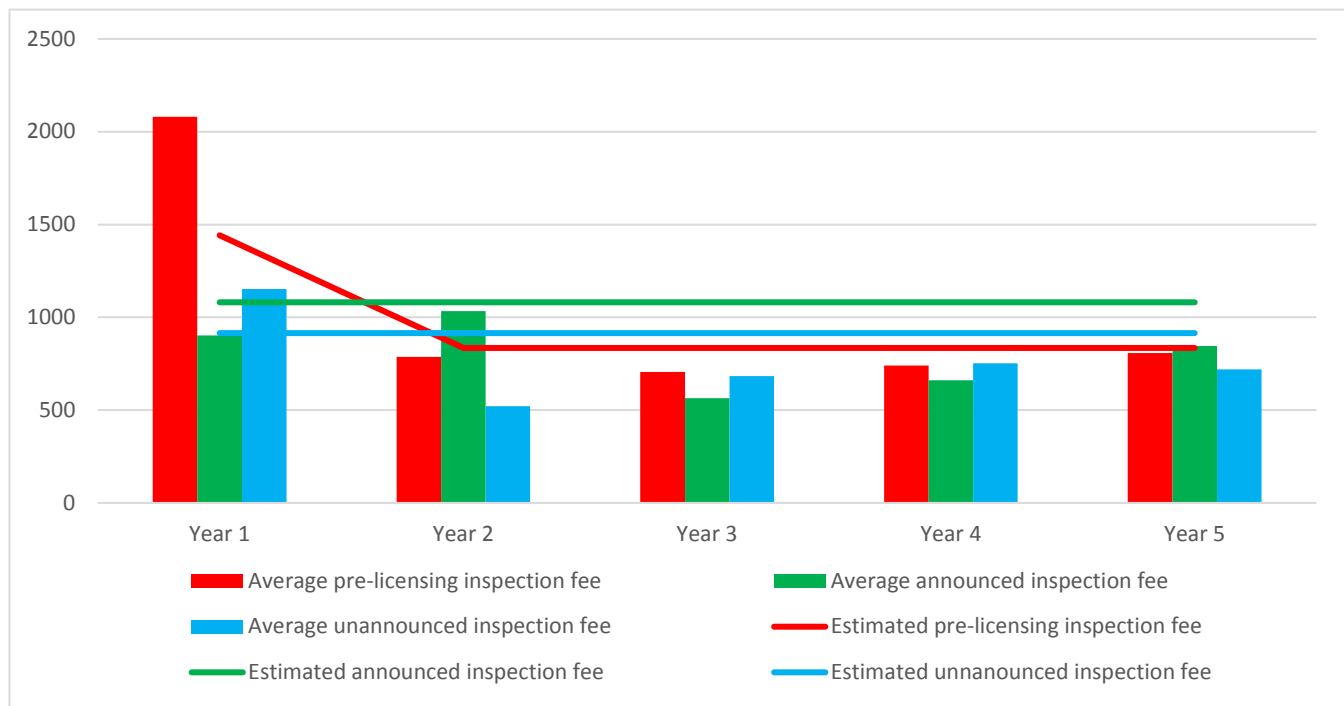
The Impact Assessment DEFRA 1059 assumed that three circuses would apply for a licence. Over the five years the Regulations have been in force, only two circuses have applied for, and obtained, a licence. A third circus has applied for a licence but that application was refused (at the time of writing this PIR that refusal was subject to an appeal).

The Impact Assessment (para 8.7.1) did estimate that, during the first year of licensing, the inspection process would cost each circus approximately £3,400 a year - some £10,300 for three circuses. This estimate was based on each circus receiving one initial licensing inspection plus one follow-up; one announced on-tour inspection; and one unannounced on-tour

inspection. This turned out largely to be the case, although one of the circuses received an additional announced on-tour inspection as they added a new big cat act during the first year.

Thereafter, it was estimated that the inspection process would cost each circus approximately £2,800 a year – some £8,500 for three circuses. This estimate was based on each circus receiving one initial licensing inspection; one announced on-tour inspection; and one unannounced on-tour inspection. Again, this largely proved to be the case. However, there were three occasions during the following four years where additional unannounced inspections were required. For the purposes of a direct comparison, we have taken the average cost of one of each of the different types of inspection.

Figure 2: Estimated versus actual average cost (£) per circus for each type of inspection.



### Year 1

The total average cost, including expenses, per circus for all the inspections during the first year was some £4,137 – compared to the initial estimate of £3,438. Much of the difference was due to the cost of the initial licensing inspection. We had estimated that the cost of the initial pre-licensing inspection would be some £1,442. The actual average cost for the initial pre-licensing inspection was some £2,081. As the actual time spent on the initial inspection was less than anticipated (2½ and 2¾ hours compared to an estimated 4 hours per inspection), the difference appears largely down to an underestimate of the travelling and report writing time each inspector would charge for the initial inspection. This may have been due to higher than anticipated travel times and the inspectors familiarising themselves with the requirements of a new scheme. The Impact Assessment also underestimated the associated expenses for the inspectors.

The final costs of the announced and unannounced on-tour inspections following the first initial pre-licensing inspection were broadly as anticipated, although inevitably there was some actual variation from the anticipated time spent on inspections, the time spent travelling to and from circus sites and the time spent report writing. This was to be anticipated as the two circuses had

differing numbers and species of animal and were in different locations and the inspectors themselves travelled from different parts of the country. However, the final overall costs for the first set of in-year inspections were, as stated above, broadly in line with the anticipated costs.

## Years 2 to 5

The initial total estimate for inspection fees, including expenses, for years 2 to 5 of the scheme was £2,831 per circus per year. Actual average costs for years 2 to 5 were: £2,344 (Yr2); £1,954 (Yr3); £2,155 (Yr4); and £2,373 (Yr5). By and large, the Impact Assessment appears to have marginally overestimated the likely inspection fees, but not to any significant degree, with year 3 being the largest discrepancy at some 30% below the estimate. As with Year 1, some actual variation was inevitable, given the differing time each inspector would have spent travelling to and from different circus sites, the differing time spent on inspections themselves, and the different size of each circus. The Impact Assessment estimated that the total number of hours needed for three inspections for each circus in years 2 to 5 would be 15.75 hours (para 8.7.3). The average number of hours for three inspections per circus was 13.5 hours (yr 2); 12 hours (yr 3); 12 hours (yr4) and 10.5 hours (yr 5). In addition, the number of animals in each circus has fluctuated over the five years, with the general trend being fewer animals being licensed over the five years. The number of licensed animals at any one time peaked during the first year of licensing with some 28 animals licensed for use. The number of animals currently licensed for use is 19, but has been as low as 16.

Feedback from Circus licensing inspectors suggested that the majority of inspectors felt that inspections did not become shorter over the five years. However, one inspector suggested that inspections would inevitably become quicker over the five years as “once paperwork and husbandry systems are established and operating the inspectors job becomes easier and quicker”. Another inspector agreed that inspections in the first year did take longer (as some time was spent explaining the requirements). After that, though, in general the time taken to carry out the inspections did not vary much, with any variations largely down to differing travelling times.

## *Licence fee*

The Impact Assessment estimated that the total cost of licence application fees would be £1,170 a year. This was based on the assumption that there would be three licensed circuses. The actual licence application fee - £389 – is set in the Regulations. Therefore the total cost to the two circuses that have been licensed would have been £778 per year.

## *Staff Inspection Time*

The Impact Assessment (para 8.7.3) estimated that there would be a cost to circuses of having one member of staff present during inspections, and the inspections would take some 17.75 hours per circus in the first year, and 15.75 hours per circus thereafter. The cost per circus of the staff time would be £246 in the first and £218 per year for subsequent years. The average time spent on four inspections in the first year was 17.25 hours, with the average time for three inspections per circus for the following years being 13.5 hours (yr 2); 12 hours (yr 3); 12 hours (yr4) and 10.5 hours (yr 5). Using the same hourly cost of time for leisure and sports managers as used in the Impact Assessment (which was taken from the UK Standard Cost model at



£13.88 per hour including 30% overheads) costs would have been £239 per circus in year 1, and £187, £167, £167 and £146 in years 2 to 5. Therefore the Impact Assessment again appear to have marginally overestimated the likely costs to circuses of staff attending inspections, but again not to any significant degree.

### *Training Costs*

The Impact Assessment (para 8.2.2) estimated that there would be a cost due to the licensing scheme of some £2,000 a year per circus for the first two years on training costs, with £250 a year thereafter. The two licensed circuses confirmed that they had not incurred any direct financial training costs (e.g. for training courses). This was due to the family nature of the business, in which training was done 'on the job'. The circuses did confirm they had experienced an increased amount of 'on the job' training time but were unable to quantify this. The length of training time also was heavily dependent on the requirements of their stock.

### *Facility upgrade and maintenance*

The Impact Assessment (para 8.3.1) estimated, based on the initial 'roadtesting' of the licensing conditions on the three circuses we anticipated would need a licence, that there would be no upgrade or maintenance costs to circuses in the first three years of licensing as the circuses' accommodation and transport facilities already met the required standards. However, the Impact Assessment also estimated that after year three, there would be a cost to each circus of some £200 a year to maintain facilities to the standard required by the Regulations.

The two licensed circuses reported that their facilities and maintenance costs had exceeded this, mainly in relation to the upkeep of facilities at winter quarters. In total, they estimated maintenance costs to be around £1,000 per year between them. However, the circuses believed most of these costs would have been met regardless of the existence of the Regulations.

### *Permanent ID*

The Impact Assessment (para 8.4.1) estimated there would be zero additional cost of permanently identifying licensed animals, as permanent identification was already industry best practice. As noted elsewhere the number of licensed animals has varied over the five years of the Regulations, with animals both being added to and removed from licensed circuses' stocklists. We believe that these animals would have been permanently identified anyway and have received no evidence to suggest otherwise (in some cases it would have been a requirement of other legislation). Therefore we have not found evidence of any additional costs here due to the Regulations.

### *Quarterly Veterinary visits*

The Impact Assessment (para 8.5.2) estimated that additional quarterly veterinary visits (over the veterinary visits that the circuses were already paying for before the Regulations came into force) would cost each circus some £500 extra a year. The two licensed circuses confirmed that the additional quarterly veterinary visits had cost between an extra £400 to £1,200 per year. The variation was recognised as largely due to the different stocklists of each circus.

## *Record keeping*

The Impact Assessment (para 8.6.1) estimated that the recurring record keeping requirements would take each circus approximately 10 minutes a day to complete (or 60 hours per circus per year). The two licensed circuses reported a wide range of time spent on record keeping. One circus reported twenty to thirty minutes a day, with an additional one and a half hours of filing work per week. The other circus, which has a wider range of animals, reported an hour a day per species, with an extra two hours if the animals were to move or complete training. They also reported time costs associated with photocopying and filing. Both circuses said that record keeping had now become routine and that they understood the need to complete it. However they reiterated that some duplication of information appeared unnecessary.

## *Costs of unfounded visits*

One of the biggest costs estimated in the Impact Assessment was the cost to Defra of investigating allegations of licensing infringements by licensed circuses from members of the public, animal welfare organisations, etc. It was assumed that these allegations could require further visits by inspectors and that, if the allegation proved unfounded, the cost of these visits would be absorbed by Defra (para 8.7.4 of the Impact Assessment). It was estimated that Defra would need to set aside £28,500 in each of the first three years of the licensing scheme, and £14,280 in each of the next two years, to cover these unfounded visits. It was assumed that the number of complaints received would decline over the lifetime of the Regulations as the licensing regime showed itself to work. However, over the five years, Defra has only received a small number of complaints about conditions at a licensed circus. These complaints have either been submitted not long after an inspection had been undertaken (which enabled it to be addressed without need of a further visit) or, where a further inspection was undertaken, proven to be merited - with the cost of the inspection then being charged to the circus. Therefore, over the five years, there were actually no costs to Defra for 'unfounded' visits.

## *Benefits*

Feedback from Circus licensing inspectors suggested some additional benefits (other than animal welfare benefits). Benefits included the public being able to have greater confidence in the care of the animals at the circus from having a robust inspection scheme in place and also a general realisation by operators that once paperwork systems are in place the extra work involved is minimal and that there are spin-off management benefits in having access to historical as well as day to day records.

Both circuses reported benefits in terms of publicity. Since obtaining licenses they had received less negative coverage from the mainstream press, although they did still experience interest from local papers. They also found the Regulations were widely recognised by their key contacts, such as site owners, police, and the RSPCA. Finally, both circuses said that licensing gave them more sense of security as they had a record of positive welfare they could use to respond to any allegation.

Neither circus reported that licensing had impacted ticket sales. They attributed this to the fact that the general public were not aware of the Regulations.

## *Actual vs Estimated costs – conclusions*

The analysis of the costs of the Regulations found that they were broadly in line with the costs estimated in the original Impact Assessment. The actual costs for inspections appeared to be slightly below estimated costs, while some of the other costs for circuses appeared to be slightly higher than the estimates. However, these variations were not significant. The one notable discrepancy was the costs to Defra of ‘unfounded’ visits. Costs for these unnecessary inspections was actually zero. For a PIR of this size, it was not deemed proportionate to seek further views from as to why the anticipated complaints did not materialise. Given the small scale of the industry, it is possible that many people were not aware that Defra was the licensing authority for travelling circuses using wild animals.

## **Numbers of circuses and wild animals**

During the development of the Regulations the argument was put that the introduction of a licensing scheme would encourage circuses to use more wild animals and possibly encourage more circuses to enter the market. However, during the Consultation on the Regulations Defra did not receive any convincing evidence that the introduction of a licensing scheme would encourage circuses to use more wild animals, stating in the Impact Assessment that the Government thought it ‘highly unlikely that the numbers of wild animals in circuses will increase significantly as a result of the introduction of further regulations’ (para 8.1). We assumed, for the purposes of the Impact Assessment, that only three circuses would be using wild animal acts after the Regulations came into force, and that no new circuses would seek to use wild animals.

During the year immediately before the Regulations came into force, it was estimated that there were three, possibly four, circuses using some 35 to 50 wild animals. During the five years since the Regulations came into force, only two circuses have been licensed under the Regulations, and they are currently licensed to use 19 wild animals. A third circus has been refused a licence. The number of animals used by the two licensed circuses at any one time during the five years has fluctuated. As mentioned above, during the first year of licensing the number of wild animals peaked with some 28 animals licensed for use, but the trend since then has been one of a steady decline, although the number of wild animals has been as low as 16.

Some of the species of animals used in travelling circuses has also altered over the lifetime of the Regulations. Animals such as snakes and an Ankole, already present in a circus when the Regulations came into force, have been replaced by a Macaw and a Zebu. Species such as Camels, Reindeers and Zebras, however, have been a constant on circus’ stock lists.

Of course, it is difficult to speculate about what impact the announcement of a ban had on any circus that may have been considering obtaining wild animals (or more wild animals). One of the circuses we assumed would apply for a licence stopped operating with wild animals prior to the scheme coming into force, citing the announcement of a ban as one of two reasons for not seeking a licence<sup>6</sup>. However, the number of circuses using wild animals has been in steady decline for many years before the introduction of the Regulations (para 2.1 of the Impact Assessment). It would appear there is relatively little call for such acts and the introduction of the Regulations does not appear to have altered that demand. Surveys of the public on the use

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<sup>6</sup> <http://www.horseandhound.co.uk/news/zebra-advertised-for-sale-as-circus-sells-animals-313781>

of wild animals in travelling circuses have shown a preference for circuses not to be allowed to use such acts<sup>7</sup>.

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<sup>7</sup> <http://www.ipsos-mori.com/researchpublications/researcharchive/2549/Public-views-on-the-use-of-wild-animals-in-circuses-in-England.aspx>

## Conclusions and recommendations

Assessed against their original objectives, which was to introduce an “effective licensing scheme to promote and ensure high standards of welfare for all wild animals used in travelling circuses” it appears the Regulations have been successful. The licensing regime which came into force on 20 January 2013 has enabled Defra to closely monitor the welfare of those wild animals still being used by travelling circuses in England.

Overall, the Regulations seem to have improved standards in circuses. Both circuses and inspectors were in agreement that the paperwork requirement had had a beneficial effect of the management of the animals and that this had improved welfare monitoring and remedial actions/veterinary treatment. There also appeared to be agreement that the Regulations had improved transparency. The requirement for a lead vet also appeared to have improved veterinary oversight of the animals and the frequency of inspections and required veterinary visits was also found to have been appropriate. The Regulations had allowed enforcement action to be taken where necessary and during the five years of the Regulations, a third circus had been refused a licence to use wild animals at all.

Inspections found a compliance rate of over 90% with the conditions in the Regulations. Where action has been required in response to either amber or red ratings, successful corrective action (resulting in a green rating) was undertaken in over half the cases. Only less than 5% of conditions were not rated green after a subsequent inspection.

The analysis of the costs of the Regulations compared to the estimates contained in the Impact Assessment for the Regulations suggested that the actual costs for licensed circuses had broadly been in line with estimated costs. The actual costs for inspections appeared to be slightly below estimated costs, while some of the other costs for circuses appeared to be slightly higher than the estimates. Any variations though were not significant, and are likely explained by normal variations (e.g. differences in the number and type of animals used by the two circuses). The one significant difference in estimated and actuals costs, was the costs to Defra of investigating ‘unfounded’ visits, which proved to be zero.

It is unclear whether the Regulations themselves have kept down the number of wild animals in travelling circuses. The introduction of a rigorously enforced licensing regime, combined with a commitment by the Government to introduce a ban, may have dissuaded some circuses from investing in wild animal acts and seeking a licence. However, with no counterfactual of a licensing scheme being introduced, but without a commitment to introduce a ban, this is impossible to demonstrate conclusively. All that can be shown is that the number of wild animals used in travelling circuses in England since the introduction of the Regulations has remained low.

Finally, the objectives of the Regulations, to ensure the welfare needs of wild animals in travelling circuses are met, remain appropriate. The Government intends to ensure a legislative ban is enacted prior to January 2020. The Regulations would be allowed to expire, having appeared to have successfully fulfilled their original purpose.

# APPENDIX

## The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012

### Summary of licensing conditions

(The following list provides a summary of the licensing conditions. It is not exhaustive. For a complete overview of the conditions the Regulations should be consulted directly.)

Condition 1: Acquisition of wild animals. Circuses are required to notify Defra in writing when they intend to acquire a new wild animal for use in their circus. At least 14 days' notice must be given, unless prior agreement to a shorter notice period has been agreed.

Condition 2: Notification of tour itinerary. Circuses must inform Defra of their tour itinerary in writing. Any variations must be notified to Defra immediately, also in writing.

Condition 3: Wild animal records. Circuses must supply Defra with a stock list of the animals they wish to be covered by the licence. Defra must be notified of any changes in the stock list as soon as possible after any changes are made. Records for each of those licensed animals must also be kept. These records should include the information necessary to identify the animal, any relevant permits and registrations, its medical, veterinary and behavioural history, the animal's location and details of its acquisition and, where relevant, its disposal.

Condition 4: Care Plans. Group and individual "Care Plans" must be prepared, agreed by the lead vet and followed at all times. They must be reviewed regularly by a veterinary surgeon. The plans must include: a fully developed set of welfare plans and programmes, including: risk assessments; a behavioural and environmental enrichment programme; a breeding policy, a diet plan, a programme of preventative medicine, and daily recording of all relevant welfare factors. The plans must also include retirement plans for each animal.

Condition 5: Persons with access to licensed animals. Access to licensed animals is restricted to appropriate persons. Circuses must maintain sufficient numbers of such persons and keep a list of the persons authorised to access and care for the licensed animals. A list of those persons on duty looking after licensed animals must be clearly displayed where the animals are kept.

At all times a suitably qualified and experienced person must be in charge of the animals at any place where they are kept and be able to ensure licensing conditions are being met.

Condition 6: Veterinary surgeons. Each circus must appoint a "lead vet" who will need to have an appropriate level of expertise to understand the needs of the licensed animals, is able to treat the animals and agree Care Plans. A vet with an appropriate level of expertise must inspect the licensed animals at least once every three months (as well as any ad-hoc visits, e.g. for treating illnesses or injuries). Where this visit is undertaken by a vet that is not the designated lead vet then the lead vet should be consulted.

Lead vets should inspect all licensed animals at least twice in any twelve-month period. At least one of these visits should be at the winter quarters, and at least one whilst on tour.

Condition 7: Responsibility of the operator to promote the welfare of licensed animals. Circuses are required to take all reasonable steps to ensure that the welfare needs of licensed animals are met to the extent required by good practice. Guidance on meeting the specific needs of those species of wild animals most likely to be used by travelling circuses in England is provided by Defra. Species specific guidance is provided for: big cats, elephants, reptiles, ungulates, and sea lions.

Condition 8: Specific welfare requirements for display, training and performance. No animal shall be used in a travelling circus for display, performance or training unless it is fit to do so. The activity must be stopped if the animal shows any sign of pain, suffering, injury or disease. Only positive reinforcement training techniques should be used, and no equipment should be used that could cause pain, suffering, injury or disease. All animals must be checked after display, training and performance. The public must be informed of any behaviour to be avoided that might adversely impact on the welfare of the animal.

Condition 9: Specific welfare requirements for environment. All reasonable steps must be taken to minimise loud or unexpected noises, and distress to the animals from strobe lighting or smoke. Licensed animals must have shelter from adverse weather conditions; and have appropriate temperature and humidity levels. Food must be stored, prepared and provided appropriately. Accommodation must be designed, constructed, and maintained such that it is hazard free, suited to the social and welfare needs of the animal(s), secure and of a suitable size for the animals kept.

Condition 10: Specific welfare requirements for transportation. No animal shall be transported unless it is fit for the intended journey. Written plans setting out the details of a journey must be prepared in advance. The means of transport and any containers used must be kept and used in a way to secure the welfare of the animals. All necessary arrangements should be made to minimise the length of the journey and to secure the welfare of the animal during the journey.