

Agenda item:

Title of meeting: Cabinet Decision Meeting

Date of meeting: 9th February 2017

Subject: Animal involvement at events and circuses on City Council land

Report by: Director of Culture and City Development

Wards affected: All

Key decision: No

Full Council decision: No

1. Purpose of report

To provide background information on, and to seek an agreement in relation to, the appropriate inclusion of animals at events and circuses on Portsmouth City Council land or on any sites where a venue is operated on behalf of the City Council.

2. Recommendations

- 2.1 That the City Council adopts a clear and robust approach so we can effectively demonstrate our commitment to ensuring that animal welfare is a prime consideration while balancing the need to ensure a broad and varied events programme where animal involvement can appropriately be included, both for entertainment and education purposes.
- 2.3 That the City Council does not permit any circuses or events that include captive, endangered or wild animals to take place on City Council land or on any sites where a venue is operated on behalf of the City Council.
- 2.4 That the City Council agrees to permit performances and displays of animals (both domestic and working animals) at circuses and/or events with the provision that documentation and supporting evidence is submitted to the appropriate City Council department for consideration in advance. All paperwork must fully and appropriately demonstrate that the welfare of the animals has been considered and secured when performing, at rest and when in transit to the event and/or circus. This would require the submission of a veterinary certificate, risk assessments and animal welfare policy.
- 2.5 That the City Council will not permit mobile petting zoos, static exhibitions or the sale of animals (which includes invertebrates, reptiles and fish, excluding working animals) at any events on City Council land, or on any sites where a

venue is operated on behalf of the City Council, irrespective of whether appropriate documentation is available or not. The exception to this would be Cumberland House Natural History Museum and Butterfly House, Blue Reef Aquarium, schools or similar where the main role of the venue is for educational or conservation purposes and that it can be demonstrated that all appropriate measures have been put in place to safeguard the well-being of the animals, invertebrates and insects on display there.

- 2.6 That only those domestic or working animals performing at the event and/or circus be permitted to be kept on site, excepting domestic pets of members of the circus.
- 2.7 That the wording within the Licence issued by the City Council that permits use of a site for circuses on its land be amended to state that *'the Licensee shall be permitted to hold a circus show provided only domestic or working animals shall take part in the circus show or be kept on the Site (save that domestic pets of circus members shall be permitted to be kept on the Site provided that they are not used to take part in performances or for exhibition purposes)*.
- 2.8 That the City Council's approach on animal involvement does not restrict pets as therapy sessions in care homes, dog walking, animal grooming or dog shows on City Council land or any sites where a venue is operated on behalf of the City Council, provided that animal welfare is appropriately maintained by those managing the activity. Should the City Council receive any reports or concerns of animal abuse or cruelty at any of these activities, these will be investigated and instructed to cease as necessary.

3. Background

- 3.1 The issue of performing animals at events was discussed at length by Full Council in 1988. The minutes of that meeting on 16 February 1988 agreed:
- 'That no circus or any event which has wild animals as part be not permitted on Portsmouth City Council land'.
 - 'The City Council does not permit any circus which contains any performing animals with the exception of dogs and horses on Council owned land'.
 - 'That City Council officers be instructed to monitor the arrangements made for the animal welfare at circuses visiting Portsmouth'.
- It is felt that this articulation of policy, made in 1988, needs to be reviewed to allow a broader response to requests for circuses and/or events that involve animals other than dogs and horses, and supported by a fresh analysis of the evidential and regulatory setting in which it operates.
- 3.2 Circuses and events involving animals are popular in the city and regularly attract large audiences. Events and circuses offer the opportunity for the public to see performing and working animals up close and to see the skill and intelligence of the animals, which can foster admiration and respect. Living in a city attending an event or a circus could be the only opportunity some children and adults have to see an animal up close.

- 3.3 The circus is a 250-year-old art form that began in London, developed by equestrian Philip Astley. Although the global success of Cirque du Soleil proves a circus can flourish without animals, well-run and regulated shows keep alive the popular entertainment in its most pure form, with a mixture of human and animal acts.
- 3.4 It is recognised that for some people the inclusion of animals at any events, whether it is a petting zoo or circus, is an emotive issue. There have been a small number of complaints about petting zoos and circuses from members of the public in the past few years but no complaints in relation to the displays of working animals at events, e.g heavy horses, birds of prey, ferrets or sheep at the Rural and Seaside show.
- 3.5 The Licensing Act 2003 does not treat travelling circuses as regulated entertainment (excluding films and a boxing or wrestling entertainment) provided that:
- The entertainment takes place between 08:00 and 23:00 on any day;
 - It takes place within a moveable structure that accommodates the audience; and
 - The circus has not been located on the same site for more than 28 consecutive days.
- 3.6 In line with the Performing Animals (Regulation) Act 1925 and Animal Welfare Act 2006 (including Regulations made thereunder), all circuses that involve performing animals must apply for a Certificate of Registration from a Local Authority before they can be permitted to operate. The City Council already requests a copy of the registration certificate when reviewing the paperwork for a circus in Portsmouth.
- 3.7 The City Council issues a Licence that permits use of a site for circuses on its land. One of the clauses within that Licence currently states that *'the Licensee shall be permitted to hold a circus show only provided that no animals whatsoever other than horses shall take part in the circus show or be kept on the Site (save that domestic pets of circus members shall be permitted to be kept on the Site provided that they are not used to take part in performances or for exhibition purposes)*. If the recommended approach is adopted by the City Council then the wording of the Licence will be amended to agree that domestic or working animals be permitted to be involved within a circus on City Council land, excluding captive, endangered or wild animals.
- 3.8 Any circus or event on City Council land needs to submit an event management plan and supporting documentation which is then circulated to members of the Portsmouth Events Safety Advisory Group (PESAG). This group is comprised of blue light services and City Council departments such as Environmental Health, Licensing and Building control. PESAG consider and comment on any applications, request further information as necessary and need to be satisfied that all requirements have been met before any event or circus can be approved.

- 3.9 In addition to the submission of all relevant documentation, where necessary, appropriate City Council officers will be instructed to undertake inspections of the event and/or circus to ensure that the conditions within which the animals are both kept and will be performing are adequate and meet the requirements of the Animal Welfare Act 2006. The Act makes owners and keepers responsible for ensuring that the welfare needs of their animals are met and holds them accountable should deficiencies arise. The Animal Welfare Act 2006 covers both domestic animals, and wild animals which are transported and used for the purposes of circuses.
- 3.10 The Animal Welfare Act 2006 has introduced an important and new concept for pet owners and those responsible for domestic animals, which enables the RSPCA or similar enforcement agencies, to advise and educate on animal welfare before a pet suffers. If this advice is not followed or the animal's needs are not being met then action can be taken by appropriate enforcement agencies, whether through a formal warning or in some cases a prosecution.
- 3.11 Whilst the City Council would request the appropriate paperwork for animal involvement at events and/or circuses, this would not be required for dog walkers or dog groomers as the risk of animal abuse is small and is an arrangement made between the owners and those with whom they entrust their animals. However, should the City Council receive any reports or concerns of animal abuse or cruelty, these will be investigated, either by the City Council or appropriate enforcement agencies, and any activities ceased as necessary and appropriate action taken.
- 3.12 Many events, including some managed by the City Council, include dog shows. These involve the public entering their own pets into a range of categories to be judged. These are very popular and often well-attended additions to an event and the risk of animal abuse is considered to be low. Again, should the City Council receive any reports or concerns of animal abuse or cruelty, these will be investigated and any activities ceased as necessary and appropriate action taken.
- 3.13 The City Council will no longer permit mobile petting zoos, static exhibitions or the sale of animals (which includes invertebrates, reptiles and fish) at any events on City Council land, or on any sites where a venue is operated on behalf of the City Council, irrespective of whether appropriate documentation is available or not. This will not affect the permanent aviaries and animal enclosures in College Park and Victoria Park managed by the City Council.
- 3.14 The City Council will not permit any static exhibitions or sale of animals (including invertebrates, reptiles and fish, but excluding working animals) at any event on its land or any site where a venue is operated on behalf of the City Council. Some concerns have previously been raised about the appropriate care, well-being and management of animals on display and being offered for sale, without any prior agreement with the City Council. It is felt that this type of activity may not be in line with the Animal Welfare Act 2006, is difficult for City

Council officers to monitor and could put animals under extreme distress and risk of abuse, injury or fatality. It is therefore not considered to be appropriate to permit this type of activity.

- 3.15 In conclusion, this proposed approach is suggesting that the City Council take a stronger stand against the inclusion of animals at events and/or circuses with the following measures:

Current position:

- The City Council only permit dogs and horses to perform in circuses
- There is no restriction on any animal activity, other than the exclusion of captive, endangered or wild animals, at circuses and/or events on City Council land or any site where a venue is operated on behalf of the City Council
- The City Council requests that documentation and supporting evidence is submitted to the appropriate department for consideration in advance of any circus. All paperwork must fully and appropriately demonstrate that the welfare of the animals has been considered when performing, at rest and when in transit to the event and/or circus. This would require the submission of a veterinary certificate, risk assessments and animal welfare policy.

• Proposed position:

- To broaden the position on animals at circuses to permit the inclusion of domestic and working animals (with the exclusion of captive, endangered or wild animals) and the wording in the current Licence be amended to reflect the change.
- That the inclusion of domestic and working animals at City Council events be permitted to continue with the condition that they are delivered by reputable companies or registered handlers with appropriate licences, experience or qualifications.
- That mobile petting zoos no longer be permitted on City Council land or any site where a venue is operated on behalf of the City Council
- That documentation and supporting evidence is submitted to the appropriate City Council department for consideration in advance of any circus or event. All paperwork must fully and appropriately demonstrate that the welfare of the animals has been considered when performing, at rest and when in transit to the event and/or circus. This would require the submission of a veterinary certificate, risk assessments and animal welfare policy.
- That any static exhibition or sale of animals (including invertebrates, reptiles and fish, but excluding working animals) at any event on its land or any site where a venue is operated on behalf of the City Council will no longer be permitted
- No restriction on activities involving dog groomers, dog shows or dog walkers but action will be taken should any concerns be raised in relation to animal welfare.

4. Reasons for recommendations

- 4.1 To confirm that the City Council will not permit and does not support the use of captive, endangered or wild animals at any events or circuses in Portsmouth.
- 4.2 To ensure that the City Council has a robust and current approach in place to allow us to effectively demonstrate our commitment to the safeguarding of animals and to ensuring that animal welfare is a prime consideration while balancing the need to ensure a broad and varied events programme where animal involvement is both for entertainment and education purposes.
- 4.3 To ensure that the City Council has a clear approach in place to inform any responses to complaints or concerns raised by the public with regard to animal cruelty, animal safety or welfare.
- 4.4 To ensure that any City Council led events that currently include the involvement of both domestic and working animals are permitted to continue.
- 4.5 To make it clear that the City Council does not wish to ban the inclusion of animals at events or circuses altogether. It is felt that the inclusion of animals can enhance an event and be both educational and entertaining, but the City Council would insist that the safeguarding of the animals has not been compromised.

5. Equality impact assessment (EIA)

An equality impact assessment is not required for this report as the recommendations do not have a potential negative impact on any of the protected characteristics as described in the Equality Act 2010. This is a report purely to protect animals so this does not disproportionately impact on any specific equality groups.

6. Legal comments

Legal comments are contained within the body of this report.

7. Director of Finance comments

- 7.1 The implementation of the recommendations contained within this report will not lead to any additional costs being incurred by the Council. This report updates and clarifies the existing policy for future events.

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Signed by:
Stephen Baily
Director of Culture and City Development

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Council 10/1988	Central Library

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by:
Leader on behalf of the Cabinet