

EAST AYRSHIRE COUNCIL

COUNCIL – 9 FEBRUARY 2012

REVIEW OF COUNCIL POLICY ON LETTING OF COUNCIL OWNED SITES TO CIRCUSES ETC.

Report by Executive Director of Finance and Corporate Support

1. PURPOSE OF THE REPORT

- 1.1** This report invites Council to determine whether to extend current Council policy by the introduction of a prohibition on the letting of Council owned sites to any circus or similar organisation which utilises or travels with any animal.

2. BACKGROUND

- 2.1** On 26 June 2008 Council agreed the implementation of a new policy on the letting of sites owned by the Council which was to refuse to let sites to travelling circuses or any other organisations which utilise or travel with wild and/or exotic animals, excluding birds of prey.
- 2.2** In the years following the introduction of this policy, three circuses or similar types of organisation which have included animals in their performances have visited the East Ayrshire area, namely:-
- July 2008 – Zippos Circus
 - July 2009 – Bobby Roberts Super Circus
 - July 2011 – Zippos Circus

In addition, Zippos Circus have made provisional bookings for Woodroad Park, Cumnock in June 2012 and for Scott Ellis Playing Fields, Kilmarnock in July 2012. All of the above events referred to paragraph 2.2 above involved a let of part of Scott Ellis Playing Fields, Kilmarnock. The New World All Human Circus also visited Woodroad Park, Cumnock in 2010 but it is understood that this organisation no longer utilises or travels with any animals.

- 2.3** Additionally, in July 2010 Bobby Roberts Super Circus booked to visit Kilmarnock but subsequently withdrew their application prior to a hearing before the Local Government Licensing Panel which had been arranged following the submission of a number of representations/objections in relation to the granting of a public entertainment licence in terms of the

provisions of section 41 of The Civic Government (Scotland) Act 1982 which licence would have been required in addition to the granting of a let of the Council owned site.

- 2.4** The factual position is that both Zippos Circus and Bobby Roberts Super Circus travel with and include animals in their performances. The animals used in the 2011 Kilmarnock performances by Zippos Circus were horses and budgerigars. Although Bobby Roberts Super Circus historically travelled with both an elephant and a camel, neither animal was with the circus when they attended Kilmarnock in July 2009.
- 2.5** On 23 June 2011 Council determined to review its current policy, as last considered and approved on 26 June 2008, of not granting lets of Council owned sites to circuses or similar types of organisation which utilise or travel with wild and/or exotic animals, and that it be remitted to relevant officers to bring forward to a future Council meeting a suitable report setting out the implications of extending the existing policy to include a ban on the letting of Council owned sites to any circus or similar organisation which utilises or travels with any animal.

3. CONSULTATION

- 3.1** In order to both facilitate the creation and presentation of an informed and balanced report on this matter it was deemed necessary and appropriate to carry out a detailed and thorough review of the existing policy and how it has operated in the East Ayrshire area and to primarily facilitate such a review by means of a public consultation exercise.
- 3.2** Accordingly and as determined by Council on 3 November 2011, a detailed consultation exercise was undertaken. On 9 November 2011 letters providing details of the review were issued to the following organisations:

- all community councils in East Ayrshire,
- OneKind,
- Animal Defenders International,
- the Captive Animals Protection Society; and
- the New World All Human Circus

In addition, e-mails were issued to Zippos Circus and Bobby Roberts Super Circus. On 10 November 2011, the Kilmarnock Standard published a letter from the Head of Legal, Procurement and Regulatory Services and the Cumnock Chronicle ran a story on the consultation, both of which provided details of the proposed review and gave details of the ways in which members of the public could contact the Council with their views or opinions and feedback. A web page was also created on the Council's

internet site to coincide with the issue and publication of the letters and press information. A specific link from the Council's main home page on the web site to a consultation page where views, opinions or feedback could be submitted by completing an online form was also provided.

- 3.3** It was also deemed appropriate to contact surrounding Local Authorities in order to ascertain whether they had any policies in place regarding letting of Council owned land to organisations or similar which travel with and/or utilise animals in their operation. Accordingly, North Ayrshire Council, South Ayrshire Council and Dumfries and Galloway Council were all contacted in this regard.

4. CONSULTATION RESPONSES

- 4.1** The consultation exercise described above elicited a total of eighteen responses. Fourteen of the responses broadly agreed with the proposal to extend the current policy. Included within these fourteen responses were written submissions from OneKind, Animal Defenders International and the Captive Animals Protection Society all of whom supported an extension of current Council policy.
- 4.2** In general, the responses received were supportive of an extension of current Council policy to cover all animals as the view was expressed that the animals used in circuses are often mistreated, kept in poor conditions and spend a large amount of time travelling. A number of submissions also highlighted ethical and welfare grounds as reasons for supporting a change to current Council policy. Some responses also advised that the writers did not object to animals being kept within wildlife parks or the use by individuals such as magicians and children's entertainers of pet rabbits or birds.
- 4.3** Three of the responses received broadly disagreed with any proposal to extend the current policy. Within these three responses, one response was from Zippos Circus. No response was received from Bobby Roberts Super Circus.
- 4.4** The responses received also in some cases indicated that circuses educate and encourage visitors about animals and conservation. The writers also highlighted that animals in circuses are highly inspected and scrutinised both by professional organisations such as the RSPCA and the SSPCA and also by Council Animal Welfare Officers. One response advised that following an RSPCA Report by an animal behaviourist, there is no scientific evidence that the circus way of life is detrimental to animal health or welfare.

4.5 The response received from the New World All World Human Circus provided information about their recent visit, such as visitor numbers, but did not comment either way on the current proposals.

4.6 Neighbouring Local Authorities confirmed their respective positions on this issue as follows:-

- On 15 February 2011 the North Ayrshire Council Executive were asked to consider whether or not to adopt a policy concerning the letting of Council owned sites to circuses or similar types of organisations which travel with and utilise wild and exotic animals in their operation. The Executive ultimately agreed not to adopt such a policy and it appears that any such case requiring a decision will be dealt with based on its own facts and circumstances.
- South Ayrshire Council's current policy is that only circuses using domestic animals are permitted on Council owned land. This policy was originally adopted by Kyle and Carrick District Council in 1989 and was continued by South Ayrshire Council.
- Dumfries and Galloway Council confirmed that their policy position is to refuse to lease Council owned land to circuses which use live animals, although it is known that both Bobby Roberts Super Circus and Zippos Circus have visited Dumfries and Galloway in recent years. In addition, it was noted that the public entertainment licence granted by Dumfries and Galloway Council requires the operator to notify the Council if they use animals, but does not ban them.

5. THE LEGAL AND FACTUAL POSITION IN SCOTLAND

5.1 There does not appear to be any legislation currently in place, either in Scotland, or indeed across the United Kingdom, which would specifically permit any Local Authority to extend the current policy to introduce a ban on the letting of Council owned sites to any circus or similar organisation which utilises or travels with any animal. There have however been recent discussions in Scotland, England and Wales and also Europe regarding banning the use of wild animals in circuses. It should be noted that such discussions appear to be concerned with the use of wild and/or exotic animals in circuses and the position in relation to domestic animals does not appear to have been considered. In specific terms therefore the Scottish legal analysis would indicate that it would *ultra vires* for the Council to seek to add a condition to the grant of any public entertainment licence prohibiting the use of any animals by circuses and similar organisations seeking to perform within East Ayrshire.

- 5.2** That being the case, the only potential methodology available to the Council would appear to be to consider extending the current Conditions of Let for Council owned sites. The current Conditions of Let state that:

“East Ayrshire Council do not allow Exotic Animals to be part of any Circus utilising its land.”

It may therefore be feasible from a legal perspective to consider the potential revisal of this condition to introduce a prohibition on the letting of Council owned sites to any circus or similar organisation which utilises or travels with any animal.

- 5.3** There is no universal definition in Scots Law of what constitutes a wild and/or exotic animal, however, the Dangerous Wild Animals Act 1976 (as amended) does contain a list of animals which could potentially be classed as wild and/or exotic and includes animals such as kangaroos, monkeys, lions, bears, elephants, camels, giraffes and snakes.
- 5.4** The circuses which have visited Kilmaronock in recent years have used horses, budgerigars and dogs in their performances. These animals are more likely to be classed as domestic rather than wild and/or exotic. Again, there is no universal definition in Scots Law of what constitutes a domestic animal, however, the Protection of Animals (Scotland) Act 1912 defines a ‘domestic animal’ as “any horse, ass, mule, ox, sheep, pig, goat, dog, cat, or fowl, or any other animal of whatsoever kind or species, and whether a quadruped or not which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man.”
- 5.5** According to the RSPCA, there are an estimated 150-200 animals currently used in circuses in the United Kingdom, an estimated 37 of which are classed as wild animals, including zebras, lions, snakes, tigers, camels and crocodiles. There are no circuses currently based in Scotland who use wild animals in their performances, however, circuses using wild animals in their performances do visit Scotland.

6. THE SCOTTISH GOVERNMENT

- 6.1** As a result of the recent widespread publicity surrounding circuses travelling with animals in both Scotland and England, the Scottish Government have indicated that they are currently undertaking a review of their position on banning the use of wild animals in circuses.
- 6.2** In June 2011, there was a debate secured by Elaine Murray MSP to consider a motion on banning the use of wild animals in circuses in Scotland. The motion stated “that the Parliament notes the decision by the UK Government not to introduce a ban on the use of wild animals in

travelling circuses; notes that in the recent past a travelling circus visiting locations including Dumfries included an elephant as one of its attractions; believes that there is sufficient evidence to support the view that life in a travelling circus does not allow for acceptable standards of welfare and quality of life for wild animals; notes the work done by animal rights activists and third sector organisations to argue for such a ban, and considers that action in this area is needed to prevent suffering to animals.” The motion was supported by a number of MSP’s but ultimately only led to The Minister for Environment and Climate Change confirming that Ministers were prepared to continue to work towards bringing matters to a satisfactory conclusion. The response to subsequent Parliamentary Question which was answered on 21 November 2011 advised that the matter of the use of wild animals in circuses is currently under consideration.

- 6.3** In addition, The Scottish Government (Animal Health and Welfare Division) recently responded to a petition submitted to the Scottish Parliament (PE1400) by OneKind regarding banning the use of wild animals in circuses. In the response, dated 27 October 2011, it is stated that The Scottish Government is aware of the renewed public concern over wild animals in circuses and the incident concerning abuse of an elderly elephant at Bobby Roberts Super Circus reopened the question of whether travelling circuses are a suitable environment for wild animals.
- 6.4** The Scottish Government accept that there are significant concerns regarding the welfare of wild animals in this environment and note the British Veterinary Association’s position that wild animals in circuses serve no justifiable purpose. However, they also consistently state that there is existing protection for wild animals in travelling circuses by virtue of the Animal Health and Welfare (Scotland) Act 2006. This Act places a duty of care on those responsible for animals to ensure their welfare by ensuring that their needs are met. In addition, the Performing Animals (Regulation) Act 1925 includes the power to prohibit the training or exhibition of animals, or to impose conditions, where training or exhibition has been proven to be accompanied by cruelty.
- 6.5** The Scottish Government also indicate that some local authorities in Scotland prohibit the use of wild animals on local authority land and, as landlords; they are within their rights to do so. Ultimately, they advise that no plans have been announced on this matter as there are a number of complex legal issues which require investigation before any legislative provision can be required.
- 6.6** In addition, as animal welfare is a matter devolved to the Scottish Government, there has been discussion as to whether Section 26 of the Animal Health and Welfare (Scotland) Act 2006 could be used to make

Regulations which would introduce a ban on the use of wild and/or exotic animals in circuses. Their view is that Section 26 could not be used for this purpose as there is an absence of clear evidence that there is a welfare problem specific to wild animals in circuses or that a ban would be the most effective way of resolving the issues. There may be scope for a ban to be introduced by way of primary legislation, but any legislation would require to be compatible with both the European Convention on Human Rights and also European law.

- 6.7** The Scottish Government are continuing to monitor the situation in England and Wales closely before taking any legislative steps. However, although consideration is being given as to whether to ban the use of wild animals in circuses, there seems to be little or no mention on the position in relation to domestic animals in circuses and whether any ban should be introduced in relation to them.

7. THE UNITED KINGDOM GOVERNMENT

- 7.1** The position in England and Wales is slightly different. The Department for Environment Food and Rural Affairs (Defra) carried out a public consultation exercise on the use of wild animals in circuses on 21 December 2009 for 12 weeks until 15 March 2010. The consultation applied only to wild animals in travelling circuses in England and contained 3 possible options which could safeguard the welfare of wild animals travelling in circuses:

1. A complete ban on the use of wild animals in travelling circuses,
2. A voluntary system self regulating the use of wild animals in travelling circuses, or,
3. A statutory system regulating the use of wild animals in circuses.

- 7.2** From the initial summary of responses to the consultation published by Defra in March 2010, there appears to be support for a ban on the use of wild animals in travelling circuses. However, the consultation does state that the responses received from the main representatives of the circus industry showed unanimous opposition to option 1 and support for option 3 and the responses received from the main animal welfare interest groups showed unanimous support for option 1 and none supported options 2 or 3.

- 7.3** Following this consultation, on 13 May 2011 the Government announced its decision to introduce a strict new licensing regime, rather than an outright ban on wild animals in circuses. The announcement was made by Environment Secretary Caroline Spelman who said that any circuses in England who wish to have wild animals performing in them will need to demonstrate that they meet high animal welfare standards for each animal

before they can be granted a licence to keep those animals. Some areas being considered as part of potential licensing conditions include rules for transportation of the animal, types of quarters that must be provided for the animals and the treatment of animals by trainers and keepers. The licensing regime will be enforced through inspections carried out by Government approved vets and it appears to be the Government's intention that the costs of a licensing scheme for animals in circuses will be met by the circus industry itself, through the cost of the licence fee. Defra intend to consult further on the proposals during 2012.

- 7.4** Following this announcement, on 23 June 2011, a debate was held in the House of Commons, where, following a vote, MP's directed the Government to use its powers under Section 12 of the Animal Welfare Act 2006 to introduce a regulation banning the use of all wild animals in circuses to take effect by 1 July 2012, rather than proceed with the licensing regime. Many organisations have criticised the Government for failing to take decisive action in respect of banning wild animals travelling with circuses. However, the Government appears reluctant to introduce an outright ban and one of the reasons given was due to a case concerning the Austrian Government whereby they introduced an outright ban on keeping wild animals in circuses which might prevent a similar ban being implemented in the UK. The Government stated that they want to take action as soon as possible to protect wild animals in circuses without waiting for the outcome of the Austrian case and ultimately proposed the licensing regime using powers provided under the Animal Welfare Act 2006. Although again, this addresses the issue of wild animals in circuses, there appears to be little or no consideration as to the use of domestic animals in circuses.

8. THE EUROPEAN DIMENSION

- 8.1** As mentioned above, in 2005 Austrian officials introduced a law prohibiting the keeping of wild animals in circuses. The European Circus Association (ECA) submitted a complaint to the European Commission on 20 May 2005 against the decision to ban wild animals in circuses on the basis it was contrary to the EU principle of the free movement of services and therefore in breach of EU law.
- 8.2** Initially, the Commission started infringement proceedings against Austria, however, subsequently changed their mind and decided to leave the issue of the protection of wild animals to national authorities. The ECA thereafter submitted a complaint to the Ombudsman, however, the Ombudsman considered that the complaint had not been preceded by the appropriate administrative procedures and declared the complaint inadmissible. The ECA thereafter lodged another complaint with the Ombudsman alleging that the Commission had failed to properly handle

the complaint, that the complaint should be re-examined and that the Commission should adopt an approach consistent with its initial notice of infringement proceedings against Austria.

- 8.3** The Ombudsman highlighted that the use of a discretionary power cannot lead to arbitrariness. A public authority must always have good reasons for choosing one course of action rather than another. A normal part of exercising a discretionary power is to explain the reasons why a particular course of action has been chosen. Furthermore, when making a discretionary decision, an institution must act within the limits of its legal authority. The Ombudsman also highlighted that when carrying out inquiries into possible maladministration, he seeks to ensure that the institution or body concerned has explained adequately the reasons why a particular course of action was chosen and has acted within the limits of its legal authority.
- 8.4** The Ombudsman made the following draft recommendation to the Commission: the Commission should evaluate the proportionality of the Austrian law. In light of its analysis, if it considers that Austria has not demonstrated that it complies with all the conditions set out in the Gebhard test, the Commission should a) pursue its infringement proceedings against Austria or b) provide valid reasons for dropping the case.
- 8.5** In response, the Commission stated that they did not share the Ombudsman's views regarding the allegation of maladministration. They further stated that in exercising its discretion, the Commission decided that the question on how to protect wild animals in circuses should be left to Member States...they do not require that the Commission would have to examine and conclude whether a less restrictive means to achieve the aim would be available for the Member state in question. Concerning the second allegation of maladministration, the Commission has in particular explained that the question on how to protect wild animals in circuses is not to be decided at Community level but should rather be left to Member States and therefore would not be appropriate to continue an infringement proceeding against Austria. The Commission decided to close the infringement case in 2010.
- 8.6** The ECA have indicated that they are preparing a case to submit to the Austrian Courts challenging the decision and further information regarding this is not yet available.
- 8.7** This is not the only instance that the European Commission has been asked to consider the question of wild animals in circuses. In July 2011, the following question was asked by Spain to the European Commission:-

“Circus productions, with their specialist dances, acrobatics and forms of theatre have been evolving throughout history since the time of the ancient civilisations of China and Greece. Nowadays, the contemporary circus approach incorporates a whole variety of disciplines. The use of animals in circuses can also be traced back a long way, to a time when there was little concern for the living creatures involved. These days, however, Member States such as Greece, the United Kingdom, Sweden and Portugal, and many towns, including a growing number in Spain, have partly or completely banned the use of wild animals in circuses. Spain lacks regulations that deal specifically with the welfare of circus animals. As a result, the level of protection accorded to them varies as existing animal protection and welfare legislation differs from one regional authority to the next. These animals, including a number in danger of extinction, are therefore left completely unprotected. It is difficult to understand how a lion leaping through burning hoops or a bear dancing on a bicycle could have a place in Spain, given that most in society oppose the abuse to which these exotic and domestic animals are subjected. Forcing animals to live in a trailer, under conditions which bear no comparison to a life in freedom or even in some zoos, constitutes a direct assault on any sensitivity and on the very life of living things themselves. This explains why fewer and fewer people are attending shows which use animals, preferring instead to see circus productions which do not involve animal suffering, such as the well-known Cirque du Soleil or Circ Cric....Does the Commission therefore intend to ban the use of animals in circuses and other similar enterprises? If not, does it plan to draw up some form of regulation or directive to protect the animals used in such productions? By training and exhibiting their animals, are circuses acting in line with EU welfare rules on wild animals held in captivity?”

8.8 In September 2011, the following answer was given:-

“Circuses are specifically excluded from the scope of the Zoos Directive (Council Directive 1999/22/EC), and are not covered by any other EU legislation. Since the Treaty does not include the welfare of animals as an objective of the Union, the EU legislation on animal welfare is limited to activities where differences in national pieces of legislation could negatively affect the functioning of the internal market or other EU objectives like agriculture, research, or public health. Therefore, the welfare of circuses' animals remains the sole responsibility of the Member States. The Commission does not have any plans to make specific legislative proposals aimed at banning the use of animals in circuses and other similar enterprises. Concerning the welfare of ‘wild animals’ kept in captivity the Commission has carried out a general evaluation of EU animal welfare policies where these categories of animals have been included.”

9. CONCLUSIONS

- 9.1** The issue of wild animals in circuses is clearly not confined to Scotland and the UK and is also of concern in Europe. There have been queries raised as to whether banning circuses with wild animals would breach the European Convention on Human Rights, the Human Rights Act 1998 or the Provision of Services Regulations 2009 (which give effect to Directive 2006/123/EC). Animal Defenders International have obtained legal advice on this matter which indicates that the introduction of a ban would not breach any of the above legislation, however, there does not appear to be a response from the Government in relation to this. Although concern has been raised regarding wild animals in circuses, there again appears to be little indication of whether the question of domestic animals in circuses has been given any consideration.
- 9.2** Any circus or other similar type of organisation who wishes to visit the East Ayrshire area require to apply for a public entertainment licence in terms of the Civic Government (Scotland) Act 1982, irrespective of whether the circus is being let Council owned land for the purposes of the event.
- 9.3** The licensing authority must not have a blanket policy of refusing to grant public entertainment licences to circuses which utilise animals in their performances and any application for such a licence would need to be considered in terms of Section 41 of the 1982 Act. It is not considered to be legally competent to use licensing legislation to refuse applications from circuses travelling with wild and/or exotic animals. Any decision to refuse to grant a licence to a circus must be based on the particular circumstances of the application. In the case of *Gerry Cottle's Circus Ltd v City of Edinburgh District Council* (1990 S.L.T 235) the District Council were not entitled to refuse to grant a public entertainment licence merely because Council policy 'was based on the fact that the whole concept of animals performing in circuses is wrong.' The Council's decision was successfully challenged on a number of grounds, one of which included that the Council policy was ulterior to the purposes of the Act.
- 9.4** There are no licensing conditions currently in respect of public entertainment licenses which specifically relate to animals and what type will or will not be accepted in terms of the licence. It is possible that the current conditions attached to the public entertainment licence could be amended to reflect the decision of Council on this proposal.

- 9.5** Any policy adopted by Council must be proportionate and reasonable. The Council cannot act in any way which is *ultra vires* (*Associated Provincial Picture Houses Ltd v Wednesbury Corporation* (1948 1 KB 223)). When considering whether to adopt a policy of banning circuses or similar types of organisations travelling with any animal from letting Council owned sites, consideration must be given to whether this is a reasonable approach and whether the decision to ban is based on grounds which can be justified if challenged in the Courts.
- 9.6** As detailed above, the Council as licensing authority may not have a blanket ban on circuses which use or travel with animals, but as landlord leasing a site to a tenant it may impose conditions for the let of the site. The Council, as landlord, has rights under and in terms of the European Convention of Human Rights Protocol 1 Article 1 as ‘every natural or legal person is entitled to the peaceful enjoyment of his possessions.’ It is possible that the current conditions attached to the letting of Council owned sites could be amended to reflect the decision of Council on this proposal.
- 9.7** In the event that Council determines to extend the existing policy consideration should be given as to whether any such extended policy will include events such as cattle shows, agricultural shows, dogs shows, dog agility classes and also whether the policy would extend to the domestic pets of the operators of circuses etc who normally live in residential trailers located on the site of the particular event.

10. FINANCIAL IMPLICATIONS

- 10.1** Since 2008 when the current Council policy was introduced, the Council has let a number of Council owned sites to circuses or other types of organisations which travel with and/or utilise animals in their operation.
- 10.2** The letting of Council owned sites has not been restricted to circuses and there are a number of other organisations who lease land from the Council on an annual basis who travel with animals and/or utilise them in their operation.
- 10.3** The Kilmaurs Farmers Society holds an annual cattle show and lease land at Scott Ellis Playing Fields, Kilmarnock. The Waterside Action Group holds an annual dog show and is held at either Jamieson Park, Stewarton or Barrmill, Galston.
- 10.4** A breakdown of the income received from these lets together with the lets to both Zippos Circus and Bobby Roberts Circus is as follows:

| Cattle Show | Charges | Circus | Charges | Dog Show | Charges |
|--------------------|-----------------|---------------|-----------------|-----------------|----------------|
| April 08 | £350.00 | July 08 | £1800.00 | May 08 | £130.66 |
| April 09 | £450.00 | July 09 | £1900.00 | May 09 | £138.64 |
| April 10 | £500.00 | July 10 | £0.00 | May 10 | £180.00 |
| April 11 | £500.00 | July 11 | £1957.00 | May 11 | £189.45 |
| Total | £1800.00 | Total | £5657.00 | Total | £638.75 |

The overall total income received between April 2008 and July 2011 from lets of Council owned sites to organisations which travel with and/or utilise animals in their operation is £8095.75.

- 10.5** In addition, as mentioned previously, any organisation proposing to hold a show or event in the East Ayrshire area will require to apply for a public entertainment licence in terms of the Civic Government (Scotland) Act 1982. The Council are entitled to charge a fee in respect of the licencing process and since 2008 have received the following income:

| Cattle Show | Licence Fee | Circus | Licence Fee |
|--------------------|--------------------|---------------|--------------------|
| April 08 | £0.00 | July 08 | £217.00 |
| April 09 | £0.00 | July 09 | £217.00 |
| April 10 | £44.00 | July 10 | £228.00 |
| April 11 | £46.00 | July 11 | £228.00 |
| Total | £90.00 | Total | £890.00 |

The overall total income in terms of public entertainment licence fees between April 2008 and July 2011 from licences granted to organisation which travel with and/or utilise animals in their operation is £980.00.

11. POLICY AND COMMUNITY PLANNING IMPLICATIONS

- 11.1** Whilst there are no specific community planning implications arising directly from this Report it is recognised that the issue of animal welfare is of concern on a local, national and European basis. Accordingly the review of the Council's existing policy position is complementary to the general vision, aims, aspirations and strategic priorities of the community plan.

12. RECOMMENDATIONS

- 12.1** Council, taking all of the information presented into account is invited to:-

- (i) consider whether to extend current Council policy by adopting a revised policy and introducing a ban on the letting of Council owned sites to any circus or similar organisation which utilises or travels with any animal; and

- (ii) otherwise note the contents of this report

Alex McPhee
Executive Director of Finance and Corporate Support
25 January 2012

LIST OF BACKGROUND PAPERS

Implementation Officer: David Mitchell, Head of Legal, Procurement and Regulatory Services