

PE1400/A

North Ayrshire Council Executive 15 February 2011 discussed the letting of Council owned sites to circuses with wild or exotic animals and decided in the following terms:

Proposed Policy On Letting of Council Owned Sites For Circuses

Submitted report by the Solicitor to the Council on a proposed policy concerning the letting of Council-owned sites to circuses or similar types of organisations which travel with, and utilise, wild and exotic animals.

Bobby Roberts' Super Circus was granted a Public Entertainment Licence for the period 20-25 July 2010 for an area of ground owned by the Council at Stevenston Beach Park. The circus was granted a similar licence for a 6-day period in July 2009.

Bobby Roberts' Circus travels with a number of animals, including an elderly elephant. A letter, set out in Appendix 1 to the report, was received from Advocates for Animals in June 2010, expressing the view that the elephant should not be travelling with, or exhibited by, the circus and citing the requirements of The Animal Health and Welfare (Scotland) Act 2006. The Council also received a submission, dated August 2010 and set out in Appendix 2 to the report, from the Association of Circus Proprietors of Great Britain, which states that there is no scientific evidence to support the assertion of a health risk to performing animals in general and suggests that the particular elephant in question is a well cared for family pet.

The Animal Health and Welfare (Scotland) Act 2006 does not in itself prevent circuses using animals. Moreover, the use of licensing laws to prohibit circuses travelling with wild and exotic animals is not considered to be legally competent on the basis that the Council would be utilising the licensing legislation for a purpose for which it was not intended. However, the Council can prohibit the leasing of Council controlled land to circuses travelling with wild or exotic animals.

Members asked questions, and received clarification, on the role of the Scottish DEFRA (Department of Environment, Food and Rural Affairs) in monitoring animal welfare.

Members discussed the need to adopt a policy in the light of a lack of any evidence of welfare issues in this particular case, and given that the animal in question appeared to be travelling, but not performing, with the circus.

The Executive agreed, in the light of the circumstances set out in the report, not to adopt a policy of refusing to let Council-owned sites to travelling circuses or similar organisations which utilise or travel with wild and/or exotic animals.