

Subject:	Review of the Animal Welfare Charter		
Date of Meeting:	21st September 2017		
Report of:	Executive Director Economy, Environment & Culture		
Contact Officer:	Name:	Roy Pickard	Tel: 29-2145
	Email:	roy.pickard@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 In April 2017, full Council considered a petition asking the council to Ban Circus Animals in Brighton. This petition was referred to the Tourism, Development & Culture Committee
- 1.2 The Council has an Animal Welfare Charter. This includes a policy relating to performing animals and circuses which provides that where it is lawful to do so, the Council will not allow land it owns to be used by circuses and other like enterprises of entertainment where caged and/or performing animals are used.
- 1.3 The Charter exempts certain activities from the policy stated in 1.2. One such exemption allows performances of equestrian acts using only horses and ponies. It also exempts the showing of birds, rabbits or other domestic animals.
- 1.4 This report discusses whether it is possible to remove these exemptions.

2. RECOMMENDATIONS:

- 2.1 That the committee agree that the exemptions in the animal welfare charter, in respect of performing animals in circuses, are kept in place.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Council's Animal Welfare Charter was adopted having taken into account the concerns of local people in respect of animal welfare and any cruel treatment, abuse or neglect of animals. (See Appendix 1).
- 3.2 Attitudes to animal welfare and the ethics of using animals for performances have also evolved and this report considers whether to remove the exemption that allows performances involving equestrian acts, using only horses and ponies in circuses.
- 3.3 The Charter sets out the Council's principles, values and policy on animal welfare standards.

- 3.4 It recognises that animals are capable of feeling, capable of enjoying a state of well being and equally capable of suffering and therefore considers animals have the right to enjoy five basic freedoms.
- 3.5 The five freedoms are:
- freedom from fear and distress
 - freedom from hunger and thirst
 - freedom from pain, disease and injury
 - freedom from unnecessary constraint
 - freedom from physical discomfort
- 3.6 The Council looks to these five freedoms for guidance when exercising its statutory powers in relation to animal health and welfare matters.
- 3.7 The regulation of circuses using animals has changed recently. Circuses using wild animals now have to be licensed by DEFRA. However circuses using domestic animals such as horses and pony's are not required to be licenced and are only required to hold a performing animals registration.
- 3.8 The extant Charter is appended.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Removal of the exemption that allows performances involving equestrian acts using only horses and ponies in circuses could potentially affect one regular travelling circus. This is Zippos circus.
- 4.2 Zippos Circus visits Brighton & Hove once a year utilising Hove lawns and is granted landlords consent to do so. The circus has horses, budgies and last year performing cats. The circus last visited Brighton & Hove on 24th August – 4th September 2017.
- 4.3 Every year that Zippos performs in Brighton & Hove, the council's Animal Warden team visits the circus to check on the conditions in which their animals are kept, trained and performed. To date, every inspection has found satisfactory standards of animal welfare.
- 4.4 The circus has submitted to the council a vet report dated 25th August 2017. This report details the inspection of the condition of the horses, their transportation and stabling. In the vets opinion, the horses are extremely well cared for and exceed all minimum criteria for welfare standards set by the FEI (Federation Equine International) and the BHS (British Horse Society). See Appendix 5
- 4.5 Performing Animals are required to be registered. Performing Animals licenses are one off registrations usually issued by the Local Authority where the animals are kept. BHCC's animal warden team check that these registrations are in place each time the circus visits.
- 4.6 Removal of the exemption would mean that circuses and similar entertainments taking place on council owned land would be prohibited from using horses and ponies in public performances where it is lawful to prohibit them. This could potentially impact on Zippos Circus performing on Hove Lawns.

- 4.7 The Council's use of its land both generally and as outlined in the Animal Welfare Charter must conform with the duty imposed on local authorities by section 120(b)(1) of the Local Government Act 1972 and relevant caselaw. This requires that land owned by a local authority be **used for the benefit, improvement or development of that authority's area**. A decision to regulate the use of the land must relate to the purposes set out in that paragraph. Decisions which are not made on that statutory basis could be subject to challenge by the courts and, potentially, overturned.
- 4.8 Whilst the Committee may wish to take into account moral considerations and perceptions, it will be noted that the council does not enjoy the unfettered discretion to deal with its property as it wishes which private landowners have. Decisions as to how council owned land is used must take into account the overriding statutory constraints referred to in paragraph 4.6. A fuller analysis of the law and its implications for the Committee are set out in paragraph 7.2 below.
- 4.9 Were the Committee to remove the exemption in the afore-mentioned Charter relating to the use of horses and ponies and/or that relating to the showing of birds, and seek to rely on the Charter to deny Zippos a licence, then Zippos would not be able to provide a circus in Brighton & Hove, giving rise to a loss of revenue to the council of £6500 per annum (assuming the circus is an annual event). By contrast, if the Charter remains as is and a licence is granted then Zippos are likely to continue to stage a circus and the council could use the £6500 licence fee for the wider benefit of the area. Further, allowing the circus to go ahead would bring visitors to the area and, potentially, contribute to the local economy in other ways (shopping, eating at local restaurants etc.).

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The Events Team have been consulted and advise that if Zippos Circus cannot perform here without the equestrian acts, there would be a loss of income to the council of approximately £6500 per annum (assuming that Zippos would otherwise have performed in the city once a year).
- 5.2 Zippos Circus has been consulted. See attached letter. Appendix 2
- 5.3 Circus Proprietors of Great Britain, the ACP who are the only trade body for the circus industry have sent in their views. Appendix 3
- 5.4 Chris Barltrop the former Chair of the Circus Industry Sub-group an interest group which participated in and contributed to the DEFRA Working Group which generated the Redford Report has sent in his views. Appendix 4
- 5.5 The petitioner gave the council a spread sheet which purported to list 354 Local Authorities and indicate their current policies in respect of performing animals and circuses. The spread sheet claimed that 218 local authorities had an outright ban, 107 had no policy and 29 had a partial ban similar to Brighton & Hove.
- 5.6 Council officers contacted 11 local authorities which were indicated as imposing an outright ban. These were Arun Council, Crawley Council, Greenwich Council Lancaster Council, Blackpool Council, Lewes Council, Winchester Council,

Hastings Council, The City of London, Bristol Council and West Berkshire Council. A number of themes emerged from these discussions.

- The spread sheet was incorrect – some of the local authorities listed as having a full ban, do not currently have such a ban.
- It was unclear whether a ban was imposed by any of the 11 authorities at any point in the past. If it was then it was some years ago and there was a lack of information or knowledge regarding how or when this was done.
- It appeared likely that any ban in place at any past juncture was decided before the 1995 legal judgement and had not been challenged.
- Some of the local authorities contacted were unaware of the 1995 legal judgement.

5.7 None of the local authorities contacted were in a position to provide any helpful information on how to implement a lawful ban on performing animals in circuses taking into account the legal principles established in R v Somerset County Council [1995].

6. CONCLUSION

6.1 Even if the Council amends its Animal Welfare Charter to remove the exemption involving equestrian acts using only horses and ponies in circuses, then the prohibition on the use of land owned by the Council land use may only be relied upon where it is lawful to do so

6.2 Each year, the Animal Warden Team make visits to Zippos Circus when it comes to Brighton & Hove and thus far have always encountered satisfactory standards of animal welfare. It is not considered that removing the exemption regarding the use of horses and ponies on welfare grounds alone could be justified.

6.3 If the Council were to remove the exemption and to rely on the Charter to refuse to grant Zippos a licence to perform on its land in future years then this would be likely to have an adverse economic effect on the area, in terms of loss of revenue to the council (hence less to spend on other services) and loss of visitors who might otherwise spend money on local services before or after their visit to the circus.

6.4 As a result, deciding to remove the exemption regarding equestrian acts and refusing Zippos a licence to perform on Council land on the basis of the amended Charter is considered to expose the Council to the risk of legal challenge. This is because no sustainable argument is considered to have been made as to how doing so might meet the statutory test as regards management of council owned land. For this reason, the Committee is advised to maintain the exemption in the Animal Welfare Charter.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1 The costs associated with regulating and enforcing the Animal Welfare Charter will be met from the Animal Warden revenue budget within the Environmental

Health and Licensing service. The 2017/18 net budget for the Animal Welfare service is £131,370.

The potential loss of revenue from Zippos Circus will be approximately £6,500 per annum, which could impact on the level of income receivable within the Sport and Leisure service unless an alternative event is booked.

Finance Officer Consulted: Monica Brooks/ Gemma Jackson Date: 28/08/017

Legal Implications:

7.2 The manner in which the Committee seeks to regulate how council owned land is used, this as well as the individual decisions it makes, must comply with relevant legislation and associated case law. Specifically, the committee must ensure that the placing of restrictions on the use of council land adheres to the legal principles established in *R v Somerset County Council Ex parte Fewings [1995]*, namely that:

- (i) land acquired by or deemed to have been acquired by a local authority under powers given by section 120(1)(b) Local Government Act 1972 must be managed **“for the benefit, improvement or development of their area”**; this is an overriding statutory constraint on the use that local authorities can make of land they own: a restriction which does not apply to private landowners ; and
- (ii) when considering proposals for use of local authority land, councillors “must understand that, however strongly held their personal views, they must consider the proposals in terms of benefit and detriment of the area.”

In the *Fewings* case, Somerset County Council had imposed a ban on deer hunting by hounds on land it owned, on the basis that the majority of councillors involved in the decision believed that such hunting involved unacceptable and unnecessary cruelty to the deer; their decision was founded on moral repugnance to hunting. According to the court, this was not a proper basis for the decision. The correct approach was for the council to decide the matter having made an objective judgement regarding whether or not deer hunting benefited their area.

The *Somerset* case emphasises the need for local authorities to base their decisions regarding land use on an objective judgement (rather than on moral perceptions alone) about what will be conducive of better management of the estate. In addition, the Court of Appeal emphasised that any expression of personal opinion (i.e. by members of the committee deciding the matter) must involve a judgement on **wider, community-based grounds of what is for the benefit of the area**. As a result it would be legitimate either for an individual committee member or for the committee collectively to disapprove strongly of some particular activity [for instance the use of ponies/horses in circus acts] whilst not being persuaded that banning the activity would be for the benefit of the area.

The **overriding objective** for the committee in reaching its decision must be the achievement of some benefit, development or improvement for Brighton & Hove. Failure to meet that objective (and to base the decision purely on moral issues) would render a council resolution to that effect amenable to legal challenge. The risk of challenge applies both to policy decisions (eg a decision to amend the Animal Welfare Charter) and also to individual decisions (for instance to grant a licence).

In any event, in its decision-making, the Council is required to have regard to any responses received from any interested parties in the course of any consultation process. It must consider relevant responses conscientiously and in accordance with established principles when it approaches its decision-making.

Lawyer Consulted:

Victoria Simpson

Date: 6/9/2017

Equalities Implications:

- 7.3 A rapid equality impact assessment has been carried out. No impacts have been identified.

Sustainability Implications:

- 7.4 None

Any Other Significant Implications:

- 7.5 None.

Crime & Disorder Implications:

- 7.6 None

Risk and Opportunity Management Implications:

- 7.7 The Council's interest in issues of social concern must be balanced against the purpose it manages land for the benefit of residents.

Public Health Implications:

- 7.8 None

Corporate / Citywide Implications:

- 7.9 The main impact of amending the Charter would be on the Council's Outdoor Events Policy.

SUPPORTING DOCUMENTATION

Appendices:

1. The extant Animal Welfare Charter.
2. Zippos Circus response to consultation
3. Circus Proprietors of Great Britain
4. Chris Barltrop the former Chair of the Circus Sub-Group of the DEFRA Working Group
5. Vet report

Documents in Members' Rooms

1. None

Background Documents

1. None

Animal Welfare Charter

This charter has been adopted by Brighton & Hove Council to reflect the concerns of local people who care about animal welfare and any cruel treatment, abuse or neglect of animals.

In adopting the charter the Council hopes that it will provide an example to other agencies and individuals to prevent the unnecessary suffering of animals.

The Council supports the view that all animals have a right to life free from cruel treatment and unnecessary suffering.

It recognises that animals are capable of feeling, capable of enjoying a state of well being and equally capable of suffering and therefore considers animals have the right to enjoy five basic freedoms:

- freedom from fear and distress
- freedom from hunger and thirst
- freedom from pain, disease and injury
- freedom from unnecessary constraint
- freedom from physical discomfort

The Council will look to these five freedoms for guidance when exercising its statutory powers in relation to animal health and welfare matters. Although the charter is not intended to cover every aspect of animal welfare, it does detail those areas that the Council considers most important and where it hopes it can have some influence as a public body.

The Council will endeavour to display and disseminate this charter widely and welcomes comments to enable a review at a later date to ensure that it is in line with changes in national and European legislation, local circumstances and the growing public concern about animal welfare.

The Council calls upon all members of the public to support this charter and to draw to the attention of the Council any contraventions of the provisions contained within it.

Through lawful means the Council will also use its best endeavours to promote improvements in animal welfare by taking account of animal welfare issues in the Council's 'day to day' operations, in its 'decision making' processes and through influence in association with other authorities, voluntary welfare groups and government agencies.

In particular:

The Council will enforce the statutory powers it has in respect of animal health and welfare.

- will continue to fund and operate a dog control scheme incorporating an animal welfare service and believes that the animal welfare staff have an important role in advising and educating the public.
- will promote responsible dog ownership both by enforcement and education by:
 - taking action against infringements of the local bylaws and relevant legislation
 - the production of advisory leaflets on responsible dog ownership
 - educational campaigns to promote responsible dog ownership and knowledge of all relevant bylaws and legislation and ensure that owners are aware of their responsibilities regarding clearing up after their dogs
- will continue to provide dog faeces bins throughout the city and to publicise their use
- will continue to give a high priority to preventing and clearing up dog faeces through education and cleansing campaigns
- will continue to provide a micro chipping service for animals
- will undertake animal welfare licensing to secure the health and welfare of animals in reasonable standards of hygienic accommodation with proper control against infectious disease spread
- will take enforcement action to counter unlicensed premises and contravention of licence conditions
- will fulfil its statutory responsibilities under the Animal Health Act if appropriate by
 - seeking to encourage good practice by maximising publicity where prosecutions are brought
 - prepare and distribute to all involved material explaining the regulations so as to promote a better understanding of the law and greater compliance with the various welfare codes
 - liaise closely with other enforcing agencies to ensure a co-ordinated approach

The Council will take full account, where appropriate, of animal welfare issues in its day-to-day operations and in its decision making process.

- will consider its procurement policy in relation to its role as a purchaser of food taking into account the guiding principles when determining the suitability of food sources
- will respect the concerns of those who have adopted a lifestyle that questions the morality of killing animals for food and actively promote vegetarian and vegan alternatives at council establishments

- will encourage education establishments to adopt a policy of animal welfare in all schools with awareness and promotion to pupils of the issues
- will ensure that all pest control treatments are carried out humanely and by trained and experienced personnel
- will ensure the previous policies opposing blood sports and circuses where performing animals or caged animals are used are sustained ensuring that all legal processes are followed
- will support the principles in respect of wildlife by:
 - opposing all forms of farming which cause distress or unnecessary suffering
 - use its best endeavours to encourage farming practices that have the minimum impact on animal welfare
- will support the use of the fire brigade resources for animal rescue in accordance with welfare codes.

The Council will use its best endeavours to promote improvements in animal welfare through its influencing role and in association with other organisations.

- will publicise this charter throughout the city in libraries and other service outlets
- will liaise with voluntary welfare groups which operate peacefully within the law, whilst deploring the activities of those who operate outside the law
- will lobby government departments, professional organisations, local authority associations etc. to bring the views of the local community to their attention
- will oppose the shipment of live animals for slaughter and lobby the national government and the European Union to ban the export and import of live animals for this trade
- will support schemes for teaching pet care and ownership with others
- will seek the support of businesses for this charter

Specific Policies:

Blood Sports: The Council, where it is lawful to do so, will prevent any blood sports being carried out on its own land and will encourage its tenants not to allow blood sports.

Performing animals and circuses: Where it is lawful to do so, the Council will not allow land it owns to be used by circuses and other like enterprises of entertainment where caged and or performing animals are used. Save as exemptions as follows:

- of performances involving equestrian acts using only horses and ponies

- or greyhound racing behind an artificial lure
- or horse racing
- or cat or dog breed shows
- or dog agility events
- or the showing of birds, rabbits or other domestic animals

All performances covered by the exemption will be subject to both the Strategic Director of Environment & Housing and Culture & Regeneration being satisfied that in each case that there is no form of cruelty and that all animals are well treated both during performances and whilst being trained.

Note: Where an animal is used, the following is considered: companion animals, farm animals, animals used for experimentation and wild animals.

Zippos response

WOC Ltd t/a "ZIPPOS CIRCUS"
Circus HQ, Enborne, Newbury, RG20 0LD

June 15th 2017

Dear Councillor,

Re: EDC Committee meeting 22 June 2017/Petition to ban animal circuses in Brighton and Hove

I am writing on behalf of Zippos Circus. You may recall that I wrote to you earlier this year about the petition seeking to ban animal circuses in Brighton and Hove, which will be presented to the EDC Committee meeting on 22nd June 2017.

I wanted to take this opportunity to remind you of our position and reassure you of the excellence of the animal husbandry at Zippos Circus. Our circus has featured domestic animals – horses and budgerigars in 2017 - for over 20 years. During this time we have been praised by many for our animal husbandry, complied fully with the Animal Welfare Act 2006, worked closely with Local Authorities, including Brighton and Hove, as well as vets and animal welfare organisations to ensure that our high standard of animal care is upheld. To this end, I am attaching a recent report by independent Veterinarian Stephen Ware BVM&S MRCVS

We have several concerns about the petition as follows:

- 1) The petition states that the majority of local councils in the UK have banned circuses with animals on their grounds, this is untrue. The majority allow domestic animals – which include the horses and birds we feature.
- 2) There is no scientific evidence to back up the petition's statement that travelling and performing life is not suited to domestic animals, evidenced in the Government's own "Radford Report" from Oct 2007 see <http://webarchive.nationalarchives.gov.uk/20130402151656/http://archive.defra.gov.uk/foodfarm/farmanimal/welfare/documents/circus-report.pdf>
- 3) We do not believe we are in breach of the City's Animal Welfare Charter as we have been performing with permission on the Lawns for two decades with a variety of domestic animals not just horses.

Perhaps most importantly, our critics do not represent the view of the majority of the local community and tourists – tens of thousands of whom have visited us on the Lawns and derive much pleasure from doing so. Instead, the petition represents the views of a small but very vocal group of animal rights supporters who are passionately opposed to the use of animals in everything from circuses to food and clothing (wool and leather). This group can be found protesting outside a variety of places including supermarkets (for selling meat), The British Heart Foundation shop (against animal testing) and the Sea-life Aquarium (against animals in captivity).

If the council decides to prohibit domestic animals in circuses that visit the city will they also restrict similar Horse and Dog shows – I remember seeing The Spanish Riding

School perform at The Brighton Centre would this no longer be allowed? “Pudsey” a performing dog won the TV show ‘Britain’s Got Talent’ and now tours performing in a show “The Wizard of Oz – for all I am aware this may have or may be booked at the Theatre Royal or The Dome? For if the restriction on working domestic animals only applies to circus and not other local entertainment venues then surely this is discrimination?

We very much hope that the petition will be seen for what it is – as a petition created and supported by a minority of vocal animal rights supporters – and enable us to continue to visit Hove Lawns to entertain families and tourists in your area.

If you have any questions ahead of the Committee Meeting please do not hesitate to contact me. We hope that we can count on your support.

Yours sincerely

David Hibling

Creative Director of Zippos Circus
Email david@zippos.co.uk

Circus Proprietors of Great Britain

Dear Mr Pickford

My name is Paul Archer and I'm the secretary of the Circus Proprietors of Great Britain, the ACP who are the only trade body for the circus industry, set up in 1932 to represent its members on matters arising with proposed new legislation with local and central government.

It has been brought to our attention that a proposal to ban animals in the Circus on all council land in the Brighton and Hove area would affect one of our members, namely Zippos Circus.

As Zippos Circus comes to the area on an annual basis and is the only Circus that has animals in its performances your acknowledgement it would appear that an outright ban would significantly affect only the business of this particular Circus.

This would appear to be very harsh when you consider that there are already very powerful existing laws in place to deal with animal welfare in circuses and even more worrying that you would be targeting a Circus with no allegations, court cases or prosecutions involving animal cruelty. It would be outrageous to even suggest a ban on all shoe shops in town because one shop had sold some defective footwear however it seems to be acceptable to ban circuses working with animals despite no scientific proof that circus is inherently cruel and by also over-riding existing national legislation which has worked for all involved.

I've noticed with animal rights groups and their way of wording proposals to ban, normally state "after a survey of people" and the survey headline usually has the line "would you support a ban on the Cruel Circus" well yes I as secretary of the ACP would support a ban on a cruel circus but please stop and think as I said before there is no evidence to suggest an animal circus is inherently cruel so we end up with a ban coming into force so often under false allegations.

Sincerely I would hope that a decision hasn't been made already and that you are open to both sides of opinion where if you ask an open question to the public you will get the vast majority in support for good animal welfare in good quality establishments including circus, one would certainly pray that you have no bias against animals in circus like some animal rights groups tend to.

I wouldn't advise this as a closely veiled ethics call either as I feel you would need to be more open with the ultimate reality of banning all animal/ human working environments and seeking to ban people having pets as an equal target as this would also be considered un-ethical and if this is a rubber stamp job then I think the public at large need to know the committees agenda as a whole and make them aware that the Racecourse and the Aquarium in town will be targeted next.

Please support quality Circus with animals by continuing to supply sites to them where councils still have full control over their activities.

Mr Pickard if you require further comments or representation please contact me directly on 07050 282624 or to this email.

Kind regards
Paul Archer

10th July 2017

Brighton & Hove City Council
Bartholomew House
Bartholomew Square
BRIGHTON BN1 1JP

Attn: Mr Roy Pickard, Environmental Health Manager

ANIMALS IN CIRCUSES

I write as a member since the early 1970s of the Classical circus community, working as a ringmaster and manager in Great Britain and abroad. I was Chair of the group of circus people whose participation in the DEFRA Circus Working Group over a lengthy discussion period contributed to a government Report (Wild Animals In Circuses, Nov 2007, commonly referred to as the 'Radford Report').

In contributing to the Radford Report, six specialist Academics reviewed evidence on both sides of the question. Three were nominated by the circus community, and three by organisations opposed to the use of animals in circuses. Despite this antipathy, the Academics' conclusions were unanimous. They include the words: On the basis of the scientific evidence submitted to it, the (Academic) Panel concluded that such an argument (to ban the use of wild animals in circuses) had not been made out.

and further note was made by the Chair, a specialist Lawyer, that: Ministers do not have before them scientific evidence sufficient to demonstrate that travelling circuses are not compatible with meeting the welfare needs of any type of non-domesticated animal presently being used in the United Kingdom. It is further submitted that such a decision must be based on scientific evidence, and other considerations are extraneous, and therefore unlawful in the context of section 12. Furthermore, in the absence of compelling scientific evidence, any attempt to ban the use of an animal would fall foul of the principle of proportionality.>>

I am aware that, as the City's only visiting animal circus, this discussion will centre around Zippo's Circus, which has no animals classified as 'wild'. However, my comments below about Regulation reflect the proven high standard of circus animal care in general, and the care taken by Zippo's to ensure the highest standards of physical and behavioural care for their animals.

Circus people welcome constructive criticism. They have responded to advice from the world's leading animal behaviourists and welfarists to ensure the behavioural needs of their animals are met to the same high standards as their physical welfare.

Circuses have themselves been the leaders in proposing and initiating moves to guarantee those standards to the general public. The English government's current Licensing system for wild-animal circuses is an example of those proposals brought to official fruition. Licences are granted only after DEFRA experts have made thorough and stringent inspections of a circus on tour and when resting. Those inspections include surprise visits, and cover every aspect including records of day-to-day care, nutrition and food stocks, transportation vehicles, and a huge amount of documentation

covering every aspect. This inspection régime costs the tax-payer nothing; it is charged-back in full to the circuses involved.

My own personal contact with circus trainers over many years has shown me the affection which exists between them and their animals. I appreciate that exceptional incidents have come to light, but my experience persuades me that these are indeed exceptional, and that the norm within the circus community is of partnership with the animals rather than domination, and certainly not cruelty. Radford confirmed that animal care in circuses equals that given in zoos and safari parks, and that transportation is not an issue as the animals are so familiar with it as part of their regular routine.

No doubt you have heard from organisations with a vested interest in condemning circuses. That 'interest' includes both financial and political gain. Their published material is persuasive, hinging on emotive appeal, and is designed to generate outrage towards many – indeed, any! -- whose work and / or lifestyle involves working with animals. As such, its accuracy is highly questionable. An eminent American animal behaviourist, Professor Ted Friend, wrote to the then UK government Minister Lord 'Jeff' Rooker that, when he and his colleagues were told their lengthy specialist researches on behalf of the US government were extensively quoted in one such document, they were 'flattered'. However, on reading a copy, they were appalled to discover that their work had been (as his letter put it) 'egregiously misrepresented', with oddments cherry-picked to suit an anti-circus argument. Animal rights organisations fund University departments to produce such 'reports'; integrity is sadly lacking.

Public 'surveys' are also highly questionable. It is a simple matter to word questions so as to 'steer' responses. A huge proportion of the responses to a DEFRA survey were rejected as 'stereo'd', motivated not by genuine individual concerns but representing templates issued by activist organisations. In contrast, two small circuses asked their audiences' response as first-hand witnesses over a period of only four weeks. Audience members were invited to answer three simple questions, worded to allow comments 'for' or 'against' the performances they'd just seen and the condition of the animals. Positive responses were almost unanimous, and 4000 such responses were collected in that short time. DEFRA hold examples.

While I praise all those who work for the cause of animal welfare, I am suspicious of individuals and organisations who refuse to acknowledge welfare progress in favour of an animal rights agenda. The philosophy of animal rights is diametrically opposed to that of animal welfare. It seeks to end all contact between humans and animals. I do not believe measures towards such an agenda would be of ultimate benefit to either human beings or to the natural world of which we are all part. A brief glance at the same websites which condemn circuses confirms that farming, horse-racing, and even pet ownership are also targetted in a philosophy which, if encouraged, would radically affect many aspects of social and economic life, both personally and nationally.

Despite the vast sums they raise in donations, those 'campaign' organisations do little or nothing to help protect animals threatened by poachers, by rising populations, and by environmental deterioration, aspects which truly affect the future of the natural world. Circuses show how humans and animals can work and live together in cooperative partnership; they may even help highlight the plight of their poacher-threatened cousins.

The circus people live for their animals, and the traditional circus with animals is acknowledged to be an important aspect of our culture. The European Parliament voted strongly in favour of animal circuses as an important cultural phenomenon: “Whereas it would be desirable for it to be recognized that the classical circus, including the presentation of animals, forms part of European culture ” (European Parliament Resolution, 13 October 2005)

I hope that, rather than condemning circuses in the face of the body of positive evidence provided by open-minded and truthful research, you will choose to help protect both the circus, as a vigorous and cherished aspect of all our cultural heritage, and its animal performers. I believe it would be unethical to ignore that evidence and thus to remove the public’s right to choose.

Thank you for your consideration of these points. I shall be happy to provide further comment, documentation, etc., if requested.

With kind regards.

Chris Barltrop