



Executive
21 May 2012

**Report from the Director of
Environment and
Neighbourhood Services**

Wards Affected:
ALL

Animals at events in Brent council parks and open spaces.

1.0 Summary

- 1.1** The use of performing animals within circuses is becoming more controversial and there is increasing public concern about the welfare of animals in circuses. This report to members proposes that the Council adopts a policy regarding animals at events in Council owned parks and open spaces.

2.0 Recommendations

- 2.1** The Executive adopts a policy regarding use of animals at events across the boroughs | Parks and open spaces which:
- a.** Does not permit animals that come under the Schedule 'Kinds of Dangerous Wild Animals' in the Dangerous Wild Animals Act 1976 (Modification) (No.2) Order 2007, to be allowed to be part of any event including circuses and funfairs on the Council's parks and open spaces.
 - b.** Does not permit the provision of live creatures as prizes at any event including circuses and funfairs on the Council's parks and open spaces.
 - c.** Does permit animals that do not come under the Schedule 'Kinds of Dangerous Wild Animals' in the Dangerous Wild Animals Act 1976 (Modification) (No.2) Order 2007 to be part of an event including circuses and funfairs on the Council's parks and open spaces. This would therefore allow for example dog shows, performing horses and falconry displays to take place.

3.0 Detail

- 3.1** In the past the Council has received requests to hold events in its parks from circuses with performing animals as well as events which have included animal rides, dog shows and falconry displays. More recently there has been a significant increase in the number of events which local community groups want to organise and host on Council owned land. In 2011 the Parks service received a request to have elephants, tigers and camels included in large community events.
- 3.2** The use of performing animals within circuses is becoming more controversial. In 2010 DEFRA undertook consultation on the use of wild animals in circuses and more than 90% of the 10,576 respondents said they wanted to see a total ban. The RSPCA is campaigning against the use of wild animals in circuses and lobbying the UK government to ban their use in England, as other countries have already done and in March 2012 the Government confirmed its intention to pursue a ban on the use performing wild animals in travelling circuses in England, although they recognize that this will take time to implement and are consulting on an interim new licensing scheme.
- 3.3** Because of increasing public concern over the welfare of animals in circuses, a number of local authorities in the UK do not allow animal circuses to perform on council-owned land.
- 3.4** The Council endorses the Animal Welfare Act 2006 principles of five freedoms for animals and in circumstances within its control will endeavour to ensure that they are met:
- Freedom from thirst, hunger and malnutrition
 - Freedom from discomfort
 - Freedom from pain, injury or disease
 - Freedom to express normal behaviour
 - Freedom from fear and distress
- 3.5** For as long as officers can recall the Council has not allowed circuses involving dangerous and wild animals on its parks and open spaces. There are no zoos on Council owned land.
- 3.6** The Council has no written policy to which officers may refer should they receive requests to hold events that include animals on its parks and open spaces. It is therefore proposed that the Council adopts the following policy which:
- a. Does not permit animals that come under the Schedule 'Kinds of Dangerous Wild Animals' in the Dangerous Wild Animals Act 1976 (Modification) (No.2) Order 2007, to be allowed to be part of any event including circuses and funfairs on the Council's parks and open spaces.
 - b. Does not permit the provision of live creatures as prizes at any event including circuses and funfairs on the Council's parks and open spaces.

- c. Does permit animals that do not come under the Schedule 'Kinds of Dangerous Wild Animals' in the Dangerous Wild Animals Act 1976 (Modification) (No.2) Order 2007 to be part of an event including circuses and funfairs on Brent's parks and open spaces. This would therefore allow for example dog shows, performing horses and falconry displays to take place.

3.7 The revised Schedule detailing the kinds of mammals and invertebrates identified under the Dangerous Wild Animals Act 1976 (Modification) (No.2) Order 2007 is attached as appendix 1.

4.0 Financial Implications

4.1 There is no loss of income as the Council has not accepted bookings from circuses or funfairs that have included wild and dangerous animals.

5.0 Legal Implications

5.1 There are a number of pieces of legislation that relate to animals but none specifically addressing which animals should be permitted to be used in public displays. The legislation focuses on a person being registered and provision about animal welfare.

5.2 The various legislation includes:

- Animal Welfare Act 2006.
- Performing Animals (Regulation) Act 1925
- Dangerous Wild Animals Act 1976 (Modification) (No.2) Order 2007

5.3 The Animal Welfare Act makes provisions about animal welfare. The Act covers prevention of harm, promotion of welfare, licensing and registration and enforcement powers. This Act has consequences for all animal owners and carers and requires that they ensure that the needs of an animal (see paragraph 3.4) are provided for.

5.4 The Performing Animals (Regulation) Act 1925 places restrictions on the exhibition and training of performing animals such that no person shall exhibit or train any performing animal unless they have registered to do so and have obtained a Performing Animals Certificate of Registration.

5.5 The Council is the Licensing Authority for the purposes of issuing a Certificate of Registration. A Licence may impose conditions where it is considered necessary and reasonable to do so. The Licence holder will be expected to carry appropriate indemnity insurance in order to cover third party liability and damage to property caused by the performing animal. If a person commits offences under the Act they are liable to prosecution and a fine upto £1,000. Member's attention is drawn to the Council's Performing Animals Regulation Leaflet at Appendix 2.

5.6 The Dangerous Wild Animals Act 1976 requires that anyone wishing to keep a dangerous wild animal can only legally do so under the authority of a licence issued by a local authority granted in accordance with the provisions of the Act. As mentioned in paragraph 5.5 above similar offences are committed

under this Act if a license is not obtained from the Licensing Authority which can lead to prosecution and a fine upto £2,000. Members attention is also drawn to the Councils Dangerous Wild Animals Information and checklist requirements at Appendix 3

5.7 This proposed policy does not cover private land.

6.0 Diversity Implications

6.1 None

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 None

Background Papers

None

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SCHEDULE KINDS OF DANGEROUS WILD ANIMALS

NOTE: See section 7(5) of this Act for the effect of the second column of this Schedule

<i>Scientific name of kind</i>	<i>Common name or names</i>
<u>MAMMALS</u>	
Marsupials	
Family <i>Dasyuridae</i>: The species <i>Sarcophilus lanarius</i> .	The Tasmanian devil.
Family <i>Macropodidae</i>: The species <i>Macropus fuliginosus</i> , <i>Macropus giganteus</i> , <i>Macropus robustus</i> and <i>Macropus rufus</i> .	The western and eastern grey kangaroos, the wallaroo and the red kangaroo.
Primates	
Family <i>Cebidae</i>: All species except those of the genera <i>Aotus</i> , <i>Callicebus</i> and <i>Saimiri</i> .	New-world monkeys (including capuchin, howler, saki, uacari, spider and woolly monkeys). Night monkeys (also known as owl monkeys), titi monkeys and squirrel monkeys are excepted.
Family <i>Cercopithecidae</i>: All species.	Old-world monkeys (including baboons, the drill, colobus monkeys, the gelada, guenons, langurs, leaf monkeys, macaques, the mandrill, mangabeys, the patas and proboscis monkeys and the talapoin).
Family <i>Hominidae</i>: All species except those of the genus <i>Homo</i> .	Anthropoid apes; chimpanzees, bonobos, orang-utans and gorillas.
Family <i>Hylobatidae</i>: All species.	Gibbons and Siamangs.
Family <i>Indriidae</i>: All species of the genera <i>Propithecus</i> and <i>Indri</i> (<i>Avahi laniger</i> is excepted).	Leaping lemurs (including the indri and sifakas). The woolly lemur is excepted.
Family <i>Lemuridae</i>: All species except those of the genus	Large lemurs. Bamboo or gentle lemurs are excepted.

<i>Hapalemur.</i>	
Edentates	
Family Dasypodidae: The species <i>Priodontes maximus</i> .	The giant armadillo.
Family Myrmecophagidae: The species <i>Myrmecophaga tridactyla</i> .	The giant anteater.
Carnivores	
Family Canidae: All species except those of the genera <i>Alopex</i> , <i>Cerdocyon</i> , <i>Dusicyon</i> , <i>Otocyon</i> , <i>Pseudolopex</i> , <i>Urocyon</i> , <i>Vulpes</i> and <i>Nyctereutes</i> . The species <i>Canis familiaris</i> , other than the subspecies <i>Canis familiaris dingo</i> , is also excepted.	Wild dogs, wolves, jackals, the maned wolf, the bush dog and the dhole. Foxes, raccoon dogs and the domestic dog (but not the dingo) are excepted.
Family Felidae: All except— (a) the species <i>Felis silvestris</i> , <i>Otocolobus manul</i> , <i>Leopardus tigrinus</i> , <i>Oncifelis geoffroyi</i> , <i>Oncifelis guigna</i> , <i>Catopuma badia</i> , <i>Felis margarita</i> , <i>Felis nigripes</i> , <i>Prionailurus rubiginosus</i> and <i>Felis silvestris catus</i> ; (b) a hybrid which is descended exclusively from any one or more species within paragraph (a); (c) a hybrid of which— (i) one parent is <i>Felis silvestris catus</i> , and (ii) the other parent is a first generation hybrid of <i>Felis silvestris catus</i> and any cat not within paragraph (a); (d) any cat which is descended exclusively from any one or more hybrids within paragraph (c) (ignoring, for the purpose of determining exclusivity of descent, the parents and remoter ancestors of any hybrid within paragraph (c)); (e) any cat which is descended exclusively from <i>Felis silvestris catus</i> and any one or more	All cats including the bobcat, caracal, cheetah, jaguar, leopard, lion, lynx, ocelot, puma, serval and tiger. The following are excepted: (i) the wild cat, the pallas cat, the little spotted cat, the Geoffroy's cat, the kodkod, the bay cat, the sand cat, the black-footed cat, the rusty-spotted cat and the domestic cat; (ii) a hybrid cat which is descended exclusively from any one or more species within paragraph (a); (iii) a hybrid cat having as one parent a domestic cat and as the other parent a first generation hybrid of a domestic cat and any cat not within paragraph (a); (iv) any cat which is descended exclusively from any one or more hybrids within paragraph (c); (v) any cat which is descended exclusively from a domestic cat and any one or more hybrids within paragraph (c).

hybrids within paragraph (c) (ignoring, for the purpose of determining exclusivity of descent, the parents and remoter ancestors of any hybrid within paragraph (c)).	
Family Hyaenidae: All except the species <i>Proteles cristatus</i> .	Hyænas. The aardwolf is excepted.
Family Mustelidae: All species of the genera <i>Amblonyx</i> , <i>Arctonyx</i> , <i>Aonyx</i> , <i>Enhydra</i> , <i>Lontra</i> , <i>Melogale</i> , <i>Mydaus</i> , <i>Pteronura</i> and <i>Taxidea</i> . The genus <i>Lutra</i> except the species <i>Lutra lutra</i> . The species <i>Eira barbara</i> , <i>Gulo gulo</i> , <i>Martes pennanti</i> and <i>Mellivora capensis</i> .	Badgers (except the Eurasian badger), otters (except the European otter) and the tayra, wolverine, fisher and ratel (otherwise known as the honey badger).
Family Ursidae: All species including the species <i>Ailuropoda melanoleuca</i> and <i>Ailurus fulgens</i> .	All bears including the giant panda and the red panda.
Family Viverridae: All of the genus <i>Civettictis</i> . All of the genus <i>Viverra</i> . The species <i>Cryptoprocta ferox</i> .	The African, large-spotted, Malay and Indian civets and the fossa.
Pinnipedes	
Family Odobenidae: All species.	The walrus.
Family Otariidae: All species.	Eared seals.
Family Phocidae: All species except <i>Phoca vitulina</i> and <i>Halichoerus grypus</i> .	True or earless seals. The common seal (or harbour seal) and grey seal are excepted.
Elephants	
Family Elephantidae: All species.	Elephants.
Aardvark	
Family Orycteropodidae: The species <i>Orycteropus afer</i> .	The aardvark.
Odd-toed ungulates	
Family Equidae:	Asses, horses and zebras.

All species except <i>Equus asinus</i> and <i>Equus caballus</i> .	The donkey and domestic horse are excepted.
Family <i>Rhinocerotidae</i> : All species.	Rhinoceroses.
Family <i>Tapiridae</i> : All species.	Tapirs.
Even-toed ungulates	
Family <i>Antilocapridae</i> : The species <i>Antilocapra americana</i> .	The pronghorn.
Family <i>Bovidae</i> : All species except any domestic form of the genera <i>Bos</i> , <i>Bubalus</i> , <i>Capra</i> and <i>Ovis</i> .	Antelopes, bison, buffalo, gazelles, goats and sheep. Domestic cattle, buffalo, goats and sheep are excepted.
Family <i>Camelidae</i> : All species of the genus <i>Camelus</i> .	Camels.
Family <i>Cervidae</i> : All species of the genera <i>Alces</i> and <i>Rangifer</i> , except any domestic form of the species <i>Rangifer tarandus</i> .	The moose or elk and the caribou or reindeer. The domestic reindeer is excepted.
Family <i>Giraffidae</i> : All species	The giraffe and the okapi.
Family <i>Hippopotamidae</i> : All species.	The hippopotamus and the pygmy hippopotamus.
Family <i>Suidae</i> : All species except any domestic form of the species <i>Sus scrofa</i> .	Old-world pigs (including the wild boar and the wart hog). The domestic pig is excepted.
Family <i>Tayassuidae</i> : All species.	New-world pigs (otherwise known as peccaries).
Hybrids	
Any hybrid of a kind of animal specified (other than by way of exception) in the foregoing provisions of this column where at least one parent is of a kind so specified, and any animal of which at least one parent is such a hybrid. This does not include an excepted hybrid of the Family <i>Felidae</i> .	Any mammalian hybrids with at least one parent of a specified kind, and any animal of which at least one parent is such a hybrid. This does not apply to excepted cat hybrids.
<u>BIRDS</u>	

Cassowaries

Family *Casuariidae*: All species.

Cassowaries.

Ostrich

Family *Struthionidae*: All species.

The ostrich.

REPTILES

Crocodylians

Family *Alligatoridae*: All species.

Alligators and caimans.

Family *Crocodylidae*: All species.

Crocodiles and the false gharial.

Family *Gavialidae*: All species.

The gharial (otherwise known as the gavial).

Lizards and snakes

Family *Atractaspididae*:

All species of the genus *Atractaspis*.

Burrowing asps, also known as mole or burrowing vipers and stiletto snakes.

Family *Colubridae*.

All species of the genera *Malpolon* and *Thelotornis*.

The species *Dispholidus typus*, *Rhabdophis subminiatus*, *Rhabdophis tigrinus*, *Elapomorphus lemniscatus*, *Philodryas olfersii*, *Tachymenis peruviana* and *Xenodon severus*.

Certain rear-fanged venomous snakes, Montpellier snakes and African vine snakes (otherwise known as African twig or bird snakes).

The boomslang, the red-necked keelback, the yamakagashi (otherwise known as the Japanese tiger-snake), the Argentine black-headed snake, the South American green racer, the Peruvian racer and the Amazon false viper.

Family *Elapidae*: All species.

Certain front-fanged venomous snakes including cobras, coral snakes, kraits, mambas, whipsnakes and all Australian poisonous snakes (including the death adders).

Family *Hydrophiidae*: All species.

Sea snakes.

Family *Helodermatidae*: All species.

The gila monster and the (Mexican) beaded lizard.

Family *Viperidae*: All species.

Certain front-fanged venomous snakes (including adders, the barba amarilla, the bushmaster, the fer-de-lance, moccasins, rattlesnakes and vipers).

INVERTEBRATES

Spiders

Family Ctenidae: The genus <i>Phoneutria</i> .	Wandering spiders.
Family Hexathelidae: The genus <i>Atrax</i> .	The Sydney funnel-web spider and its close relatives.
Family Sicariidae: The genus <i>Loxosceles</i> .	Brown recluse spiders (otherwise known as violin spiders).
Family Theridiidae: The genus <i>Latrodectus</i> .	The widow spiders and close relatives.
Scorpions	
Family Buthidae: All species.	Buthid scorpions.
Family Hemioscorpiidae: The species <i>Hemiscorpius lepturus</i> .	Middle-Eastern thin-tailed scorpion."

EXPLANATORY NOTE
(*This note is not part of the Order*)

This Order substitutes, in England and Wales, the Schedule to the Dangerous Wild Animals Act 1976 ("the Act"), which specifies the kinds of animals to which the provisions of the Act apply. The changes effected by this order represent the outcome of a further review of the Schedule to the Act as last modified by S.I. 1984/1111. (The contents of the Schedule substituted by this Order differ slightly from those of the Schedule which would have been substituted by the Dangerous Wild Animals Act 1976 (Modification) Order 2007 (S.I. 2007/1437); the earlier Order is now revoked, before its coming into force, by this Order.)

This Order adds the following animals to the Schedule: the Argentine black-headed snake, the Peruvian racer, the South American green racer, the Amazon false viper, the Middle-Eastern thin-tailed scorpion and the dingo.

The following animals are no longer listed (other than by way of exception) in the Schedule and so the provisions of the Act no longer apply to them: certain smaller primates (woolly lemurs, tamarins, night (or owl) monkeys, titis and squirrel monkeys), sloths, the North American porcupine, the capybara, crested porcupines, certain types of cat (the wild cat, the pallas cat, the little spotted cat, the Geoffroy's cat, the kodkod, the bay cat, the sand cat, the black-footed cat, the rusty-spotted cat; cat hybrids descended exclusively from such excepted species; cat hybrids having a domestic cat as one parent and a first generation hybrid of a domestic cat and a non-excepted cat as the other parent, and cats which are descended exclusively from such excepted hybrids or from such excepted hybrids and a domestic cat), cacomistles, racoons, coatis, olingoes, the little coatimundi, kinkajou, binturong, hyraxes, guanaco, vicugna, emus, sand snakes, the mangrove snake, and the Brazilian wolf spider.



DANGEROUS WILD ANIMALS INFORMATION LEAFLET

GENERAL INFORMATION

1. The keeping of certain species of wild animals is controlled by the Dangerous Wild Animals Act 1976.
2. No person may keep any dangerous wild animal without first obtaining a licence from their local authority.
3. The animals for which a licence is required before they may be kept are listed in the Dangerous Wild Animals Act 1976 (Modification) Order (No.2) 2007

LICENCES TO KEEP DANGEROUS WILD ANIMALS

4. Applications for a licence must be made to Brent Council's Health Safety and Licensing Division, and a licence may be issued providing the applicant is not disqualified or has been convicted under the Dangerous Wild Animals Act 1976.
5. There is an application fee of **£302.00** payable at the time an application is made.
6. The applicant will also be required to pay the cost of inspections carried out by the Council's authorised Veterinary Surgeon or Veterinary Practitioner.
7. Except in exceptional circumstances, the person making the application must be the person who owns and possesses or proposes to own and possess the animal to which the application applies.
8. Where a licence is granted that licence and any subsequent licence will expire on the 31st. December of the year to which the licence relates and must be renewed before that date if the licence holder is to continue to keep the animal(s) named on the licence.

BRENT COUNCIL'S DUTIES

9. Before granting a licence the Licensing Inspector must be satisfied that:
 - a) it is not contrary to the public interest to do so on the grounds of safety, nuisance or other grounds.

- b) the applicant is a suitable person to hold a licence to keep the animals listed on the application.
- c) the animal(s) will be kept in accommodation that prevents its escape and is suitable in respect of construction, size, temperature, drainage and cleanliness.
- d) that the animal(s) will be supplied with adequate and suitable food drink and bedding material and be visited at suitable intervals.
- e) appropriate steps will be taken to ensure the protection of the animal(s) in case of fire or other emergency.
- f) all reasonable precautions are taken to prevent the spread of infectious diseases.
- g) the animal(s) accommodation is such that it can take adequate exercise.

10. Where Brent Council issues a licence, that licence will be subject to such conditions as the Council sees fit and in each case these conditions will specify that:

- a) only the person named on the licence shall be entitled to keep the animal.
- b) the animal shall only be kept on the premises named on the licence.
- c) the animal shall not be moved or may only be moved in accordance with conditions specified in the licence.
- d) the licensee must hold a current insurance policy, approved by Brent Council, which insures against liability for damage caused by the animal.
- e) only the species and number of animals listed on the licence may be kept.
- f) the licensee shall make a copy of the licence and its contents available to any other person listed on the licence as being able to look after the animal.

11. Brent Council may at any time revoke or amend any licence condition apart from those covered by 10 a) to 10 f) in this leaflet.

YOUR RIGHTS OF APPEAL

12. Any person aggrieved by a refusal to be granted a licence or by any conditions to which the licence is subject, may appeal to the Magistrates Court and the Courts may give such direction regarding the licence and its conditions as it thinks proper.

OFFENCES AND PENALTIES

13. Anybody found guilty of keeping an animal covered by the Dangerous Wild Animals Act 1976 without a licence to do so or anybody found guilty of failing to comply with any licence condition shall be subject to a fine not exceeding £2,000.

14. Any person found guilty of obstructing or delaying an Inspector or Authorised Veterinary Practitioner or Veterinary Surgeon shall be subject to a fine not exceeding £2,000.

15. Where a person keeps an animal without a licence or where a person fails to comply with a licence condition, Inspectors from Brent Council may seize the animal and may either retain it or have it destroyed or disposed of (to a zoo or elsewhere) without compensation to the owner.

16. Where Brent Council incurs any expense in seizing, retaining or disposing of an animal then the person who was the keeper of the animal shall be liable for those costs.

FURTHER INFORMATION

17. Copies of the Dangerous Wild Animals Act 1976 and other legislation mentioned in this information sheet can be purchased from Her Majesty's Stationery Office.

18. A copy of the Dangerous Wild Animals Act 1976 can be inspected at the Health Safety and Licensing Divisions Offices where you may also obtain an application form and further help or advice.

The Council's Licensing Inspectors may be contacted at:-

**The Health Safety and Licensing Division, P.O. Box 411, Brent House,
349-357, High Road, Wembley, Middlesex, HA9 6EP.
☎ 020 8937 5359. Fax: 020 8937 5357. EMAIL: . hsl@brent.gov.uk
Website: <http://www.brent.gov.uk/hsl>**

If you require a copy of this leaflet in large print please ring 020 8937 5359

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with law enforcement agencies and other bodies responsible for auditing or administering public funds for these purposes. For further information, see Brent Council's privacy statement <http://www.brent.gov.uk/privacy>.

Dangerous Wild Animals Inspection Check List

1. Is the licence readily available for inspection?
2. Is the animal(s) kept by the person or persons specified on the licence?
3. Is the animal(s) kept at the premises specified on the licence?
4. Does the licence holder hold a current insurance policy approved by Brent Council, which insures him and any other person entitled to keep the animal under the authority of the licence against liability for any damage which may be caused by the animal?
5. Does the licence holder only keep species and number of animals listed on the licence?
6. Is the animal(s) kept in accommodation that prevents its escape?
7. Is the animal(s) kept in accommodation that is suitable in respect of construction?
8. Is the animal(s) kept in accommodation that is suitable in respect of its size?
9. Is the animal(s) kept in accommodation that is suitable in respect of its temperature/ventilation?
10. Is the animal(s) kept in accommodation that is suitable in respect of its drainage and cleanliness?
11. Are the animal(s) supplied with adequate and suitable food and drink?
12. Are the animal(s) supplied with adequate and suitable bedding material?
13. Are the animal(s) visited at suitable intervals?
14. Are appropriate procedures in place to ensure the protection of the animal(s) in case of fire or other emergency?
15. Are all reasonable precautions being taken to prevent the spread of infectious diseases?
16. Is the animal(s) accommodation such that it can take adequate exercise?