

## Dogfennau Ategol – Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig

---

Lleoliad:	I gael rhagor o wybodaeth cysylltwch a:
Ystafell Bwyllgora 3 – Y Senedd	Marc Wyn Jones
Dyddiad: Dydd Iau, 26 Medi 2019	Clerc y Pwyllgor
Amser: 09.15	0300 200 6363
	<a href="mailto:SeneddNHAMG@cynulliad.cymru">SeneddNHAMG@cynulliad.cymru</a>

### – Pecyn 1 – Papurau ychwanegol

---

Noder bod y dogfennau a ganlyn yn ychwanegol i'r dogfennau a gyhoeddwyd yn y prif becyn Agenda ac Adroddiadau ar gyfer y cyfarfod hwn

---

#### 2 Bil Anifeiliaid Gwyllt a Sycrasau (Cymru) – Sesiwn dystiolaeth 2

(09.15 – 10.45)

(Tudalennau 1 – 12)

Dr Carys Bennett, Uwch-swddog Cyswllt Corfforaethol – Pobl dros Drin  
Anifeiliaid yn Foesebol (PETA)

Dr Ros Clubb, Uwch-reolwr Gwyddonol – RSPCA

Dr Chris Draper, Pennaeth Lles Anifeiliaid a Chaethiwed – Born Free  
Foundation

##### Dogfennau atodol:

Papur – People for the Ethical Treatment of Animals (PETA) UK (Saesneg yn  
unig)

Papur – RSPCA Cymru (Saesneg yn unig)

Papur – Born Free Foundation (Saesneg yn unig)

#### 5 Gwrandawriad cyn penodi ar gyfer Cadeirydd newydd Cyfoeth Naturiol Cymru – CYHOEDDUS

(11.00–12.00)

(Tudalennau 13 – 23)

##### Dogfennau atodol:

Gwybodaeth gan yr ymgeisydd (Sesneg yn unig)

Gwybodaeth gan Llywodraeth Cymru



PEOPLE FOR  
THE ETHICAL  
TREATMENT  
OF ANIMALS

 PO Box 70315  
London N1P 2RG  
United Kingdom  
+44 (0) 20 7837 6327  
+44 (0) 20 7923 6242 (fax)

Info@peta.org.uk

## PETA's Written Evidence to the Climate Change, Environment and Rural Affairs Committee on the Wild Animals and Circuses (Wales) Bill

These comments are submitted on behalf of People for the Ethical Treatment of Animals (PETA) Foundation, which has approximately 1.2 million members and supporters in the UK, in response to the Wild Animals and Circuses (Wales) Bill. PETA – whose motto reads, in part, that “animals are not ours to use for entertainment” – supports the bill in its current form.

PETA believes that the use of any wild animal in travelling circuses must be completely banned, as a circus environment cannot adequately fulfil the exceptional physical, social, and psychological needs of wild animals.

### Welfare Concerns

We support the ban's introduction on ethical grounds. However, we feel it is important to emphasise the numerous welfare concerns that are inherent in the use of wild animals in circuses. Animal welfare issues are the reason why every animal protection organisation in the country is calling for a ban on wild-animal circuses. [As the British Veterinary Association – the expert on such issues – states](#), “The welfare needs of non-domesticated, wild animals cannot be met within a travelling circus – in terms of housing or being able to express normal behaviour.”

Circuses tear animals from their natural habitats, force them to spend most of their lives chained or penned, and transport them up and down the country – year in and year out – in order to make them perform confusing and often painful tricks, typically through force, intimidation, and pain. The whips, muzzles, chains, steel rods, electric prods, and other “tools” used in circuses are a visual reminder of this. Other “training” methods include food and water deprivation, hooking, paw burning, application of caustic chemicals, and isolation.

In 2016, a PETA Asia eyewitness went inside [10 animal circuses in Suzhou, China](#), an area that is home to more than 300 circuses. The investigation exposed the circus industry's abusive training methods, which included forcibly taking bear cubs from their mothers (causing them to cry out in distress) and chaining them by the neck to force them to stand on their hind legs. Big cats, who were hit with metal poles and made to jump through hoops, paced relentlessly in barren enclosures. And monkeys were chained and confined to filthy cages, causing them to bounce neurotically and screech.

Animal Defenders International (ADI) released undercover footage in 2016 documenting that lions and tigers used by Thomas Chipperfield displayed abnormal behaviour patterns, such as stereotypic pacing, demonstrating that they are not coping with their unnatural environment.

PEOPLE FOR THE ETHICAL  
TREATMENT OF ANIMALS (PETA)  
FOUNDATION – a charitable  
company limited by guarantee,  
with its registered office at  
Cannon Place, 78 Cannon Street,  
London EC4N 6AF.  
Registered in England and Wales  
as charity number 1056453,  
company number 3135903.

#### Affiliates

- PETA US
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands



Chipperfield only recently stopped visiting Wales with these big cats act after he was refused a licence renewal by Defra.

ADI's investigation confirms that the suffering uncovered by PETA Asia's investigation is not localised to China but rather endemic in the circus industry.

## Suggested Amendments to the Bill

### 1. Inclusion of Static Circuses

As described above, the welfare problems experienced by animals in travelling circuses are inherent. Importantly, these concerns encompass all aspects of animals' lives in a circus environment; they are not limited to the suffering caused by frequent transportation from one venue to another. In addition to the stress of travelling, animals are also subjected to premature maternal separation, the constant threat of physical punishment, and prolonged and unnatural confinement, and they are deprived of the opportunity to satisfy virtually all their species-specific needs and instincts.

### 2. Power to Seize Animals

We would like the bill to give inspectors the power to seize an animal if they have reason to believe that the animal is unwell, suffering, or in danger of being abused by any person or persons affiliated with the travelling circus. The seizure of animals is currently prohibited by Section 11(k); only objects that can be used as evidence of an offence may be confiscated.

### 3. Measures for Repeat Offenders

We urge the government to include a provision for repeat offenders to be liable to a community or prison sentence.

### 4. Definition of 'Wild Animals'

Any legislation must specifically include zebras, camels, raccoons, and reindeer, who are commonly exploited by travelling circuses yet are often, mistakenly, referred to as semi-domesticated. Circuses cannot adequately provide for the exceptional physical, social, and psychological needs of any wild animal, and all species deserve protection from cruelty and exploitation.

The newly adopted legislation in England and Scotland prohibits the use of wild animals in travelling circuses, but without a ban in Wales, these animals can still legally be used by circuses performing on Welsh land. These include circuses from elsewhere in Europe that force giraffes, elephants, and big cats to live in appalling conditions and subject them to cruel training methods. The Welsh government must ban wild-animal circuses, which are an archaic and patently inhumane form of animal exploitation.

PEOPLE FOR  
THE ETHICAL  
TREATMENT  
OF ANIMALS

PO Box 70315  
London N1P 2RG  
United Kingdom  
+44 (0) 20 7837 6327  
+44 (0) 20 7923 6242 (fax)

Info@peta.org.uk

PEOPLE FOR THE ETHICAL  
TREATMENT OF ANIMALS (PETA)  
FOUNDATION – a charitable  
company limited by guarantee,  
with its registered office at  
Cannon Place, 78 Cannon Street,  
London EC4N 6AF.  
Registered in England and Wales  
as charity number 1056453,  
company number 3135903.

#### Affiliates

- PETA US
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands



PEOPLE FOR  
THE ETHICAL  
TREATMENT  
OF ANIMALS

PO Box 70315  
London N1P 2RG  
United Kingdom  
+44 (0) 20 7837 6327  
+44 (0) 20 7923 6242 (fax)

[Info@peta.org.uk](mailto:Info@peta.org.uk)

PEOPLE FOR THE ETHICAL  
TREATMENT OF ANIMALS (PETA)  
FOUNDATION – a charitable  
company limited by guarantee,  
with its registered office at  
Cannon Place, 78 Cannon Street,  
London EC4N 6AF.  
Registered in England and Wales  
as charity number 1056453,  
company number 3135903.

**Affiliates**

- PETA US
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands



# Consultation Response

FROM THE RSPCA IN WALES

## Climate Change, Environment and Rural Affairs Committee consultation: General Principles of the Wild Animals and Circuses (Wales) Bill

August 2019

### Terms of reference

To consider-

the general principles of the Wild Animals and Circuses (Wales) Bill and whether there is a need for legislation to deliver the Bill's stated policy objectives

the provisions of the Bill, in particular, in relation to:

- (i) the prohibition of using wild animals in travelling circuses (including the meanings set out in sections 2 to 4);
- (ii) the powers of enforcement (the Schedule); and
- (iii) the amendments relating to licensing of circuses (section 8);
  - whether there are any unintended consequences arising from the Bill;
  - the financial implications of the Bill (as set out in Part 2, Section 8 of the Explanatory Memorandum);
  - the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Part 1, Section 5 of the Explanatory Memorandum).

RSPCA Cymru welcomes the opportunity to respond to this important consultation on an issue, and piece of legislation, we have long campaigned for.

We value our close working relationship with the National Assembly for Wales' Climate Change, Environment and Rural Affairs Committee, and commit to working as closely as we can - and is required - by the committee, as the Wild Animals and Circuses (Wales) Bill undertakes its legislative journey.

Indeed, the Assembly's committee structure has assisted the RSPCA with furthering this campaign, through the raising of petition - ['P-04-653 Ban the Use of Wild Animals in Circuses in Wales'](#) - with the Petitions Committee. This ultimately attracted the support of approximately 9,000 individuals; after

continuing to attract interest following its submission with 7,268 paper signatures and 517 online signatures.

The committee's scrutiny follows many years of action on this issue by RSPCA Cymru - incorporating numerous consultation responses, scientific papers, briefings, public-facing events, street stalls, campaign actions and more. Indeed, a ban on the use of wild animals in travelling circuses has long been a key objective for the RSPCA - and we very much welcome the Welsh Government's decision to act and, consequently, the opportunity to scrutinise the Wild Animals and Circuses (Wales) Bill in conjunction with the Climate Change, Environment and Rural Affairs Committee. We look forward to complementing this submission with the delivery of oral evidence.

### **The need for legislation - and the prohibition of using wild animals in travelling circuses**

Pivotaly, the itinerant, transient nature of circuses means the complex needs of wild animals cannot be adequately met in such an environment. Confinement, constant transportation, forced training and being placed within abnormal social groups are all grim realities associated with circus life; all of which can cause stress and welfare problems for the animals involved.

Equally, these animals often face forced performances to strict timetables, and the performance of unnatural acts and tricks, which can cause welfare problems; but do not educate the public or foster respect for animals. Loud crowd-noise routinely associated with a travelling circus also raises welfare concerns for captive wild animals. As such, we believe the animal welfare benefits of a ban on this practice are clear and have long rendered Welsh Government action necessary.

Indeed, the use of wild animals in travelling circuses is - the RSPCA believes - out-dated and firmly out of step both with public opinion, and how animals should be treated in a modern compassionate society. Utilising legislation to deliver an outright and absolute ban on this practice sends a powerful and an important statement as to how the welfare of animals is regarded in modern Wales. While the numbers of wild animals used in the circus environment in Wales is currently low, the absence of a ban offers no protection to those animals, nor mitigates against the possible growth of an industry which is so damaging to wild animal welfare.

Animal welfare has long been a devolved competency, and legislation ensures Wales continues its proud record of furthering the nation's animal welfare agenda. The need for legislation has been further highlighted by action taken elsewhere in Great Britain. In England, the Wild Animals in Circuses (No.2) Bill has gained Royal Assent and will come into force in January 2020, while in Scotland, the Wild Animals in Travelling Circuses (Scotland) Act 2018 implemented a ban one day after receiving Royal Assent on 24 January 2018.

In terms of the legislative process utilised, for the RSPCA, our primary objective is to see a ban on this out-dated practice implemented and in force as soon as possible - regardless of the means used. Nevertheless, RSPCA Cymru has long highlighted our belief that two legislative mechanisms exist to achieve this aim - either primary legislation, or subordinate legislation utilising Section 12 of the Animal Welfare Act. We previously highlighted how secondary legislation under the wider Act could provide an expedited route to a ban. However, we also recognise the role primary legislation can play in reducing potential future legal challenge, and opening up an important conversation about the issue of animals used in entertainment and circus environments generally as this Bill now makes its way through the Assembly's legislative process.



The draft legislation is very clear in that the owner of a travelling circus, or a person otherwise with overall responsibility for the circus, cannot use, or permit to be used, a wild animal - either in performance or exhibition. RSPCA Cymru, however, supports the extension of the definition of what constitutes the 'use' of a wild animal in a travelling circus. At present, the draft Bill makes reference only to the wild animal performing or being exhibited. We fear the scope of this wording may be too narrow. Indeed, under this proposal, a wild animal could still legally be taken on tour with a travelling circus and trained for performance within Wales - perhaps for later exhibition in a country without a ban - and thus be exposed to conditions that make itinerant circus life so inappropriate for these animals. To avoid this situation, section 1(2) of the Bill should be strengthened to add '*travels with*' and '*is kept by*' as additional sub-sections as to when a wild animal is considered to be used by a travelling circus; thus strengthening the scope of the offence and aiding enforcement.

RSPCA Cymru has long supported the Welsh Government's intention to define a 'wild animal' as an animal of a kind not commonly domesticated in the British Islands - namely the United Kingdom, Channel Islands and the Isle of Man. The definition delivers parity with the well-established Zoo Licensing Act 1981, which has been in operation for over 30 years. We therefore welcome the retention of this definition in this Bill laid before the National Assembly for Wales.

Positively, the Welsh Government's decision to remove a previous sub-section that suggested a wild animal bred for two or more generations in captivity could be considered domesticated is also very welcome. This has greatly improved this Bill from the earlier consultative stage in October 2018.

We are concerned that the definition of travelling circus used means that performances that do not take place in a typical circus tent (e.g. a tour of arenas) would be allowed to continue despite this being, in all other ways, the same experience for animals as a 'big top' circus. Similarly, reference to '*entertainment*' within the definition of a travelling circus could encourage some operators to seek to continue touring a travelling circus under the guise of education in an attempt to circumvent these regulations. While these would clearly be against the spirit of the Wild Animals and Circuses (Wales) Bill, we fear that without a tightening of this definition, the possibility of wild animals continuing to be carted around in travelling circus-like productions remains an unnecessary prospect. We would instead urge decision-makers in Wales to utilise definitions contained within the Austrian Animal Welfare Act (2005), and England's Circus Regulations, to avoid this possibility. The term 'circus' should not refer to the place but rather the group of people and animals that make up a circus. This more accurately reflects how circuses work, with acts coming and going from the company, and moving between different 'companies' or groups. Austria's legislation refers to 'institutions' which is also appropriate.

Furthermore, all types of performance, exhibition and less formal 'display' of animals (e.g. in fields near public rights of way next to circuses or animals shown next to circus posters) should be included in scope, not just those that are formally 'exhibited'. The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 define a travelling circus as a circus 'which (i) travels from place to place for the purpose of giving performances, displays or exhibitions'... Drawing these together, we therefore suggest that a travelling circus is defined as 'any company/group or institution which travels from place to place for the purpose of giving performances, displays or exhibitions'.

However, we note that regulations can be made to offer further clarity as to both the definition of a wild animal and the meaning of a travelling circus - which may prove useful following implementation of the Act and any subsequent loopholes identified which circus operators may try and exploit to keep wild animals within touring shows. Nevertheless, we believe these minor amendments - namely expanding the offence and definition of a circus - would help avoid such a future possibility being necessary.

Concerningly, the Bill has an enforcement date of 1 December 2020. One explanation given is that it would permit the two circuses that visit Wales to avoid making provisions to comply with the Bill whilst on tour. RSPCA Cymru believes this is unnecessary and unacceptably long. Both circuses that currently tour with wild animals are based in England, but sometimes visit Wales. England's ban comes into force in January 2020 when their licensing regulations expire. Both circuses have had years to prepare for this eventuality, and, in England, the UK Government is satisfied that January 2020 is a reasonable enforcement date. RSPCA Cymru strongly urges the Welsh Government to adopt an enforcement date as soon as legally possible, thus reducing the prospect of wild animals facing further touring in a travelling circus and living in the associated, unacceptable conditions.

## Powers of enforcement

The Bill confers powers of entry to appointed inspectors if they have reasonable grounds to believe an offence is being committed, in terms of wild animals being used by a travelling circus. Such powers seem proportionate and fair to the nature of the legislation and would allow inspectors appointed by Welsh Ministers or at a local authority level to respond to intelligence to investigate potential breaches of this law.

Extending these powers to automatically include police constables, as is the case in the Wild Animals in Travelling Circuses (Scotland) Act 2018, would further strengthen enforcement and ensure potential breaches are investigated in a timely manner.

However, we would support extension to the legal enforcement provisions contained within the draft Bill. Courts should be empowered to disqualify offenders from keeping wild animals - a move which could help prevent repeat offenders. Additionally, this would deliver consistency with the Dangerous Wild Animals Act 1976 - which is important in the creation of a consistent animal-related statute in Wales.

The section including enabling powers to stop and search vehicles has been removed from the proposed legislation, on the basis that powers of entry already extend to vehicles, tents or moveable structures, which are considered 'premises'. The Explanatory Notes also state that it is 'considered unnecessary to include powers to stop and search travelling circus vehicles for evidence of the use of wild animals'. We would welcome more clarity from the Welsh Government as to the removal of 'stop and search' powers, and whether all scenarios will be catered for under existing power of entry provisions.

## Amendments relating to licensing of circuses

By omitting animals based in a circus as an exemption from the Dangerous Wild Animals Act 1976, wild animals based in a circus in Wales which are not performed or exhibited would potentially fall under the remit of that legislation. Therefore, wild animals in a circus not being performed or exhibited would be subject - for the first time - to licensing under Dangerous Wild Animals Act 1976. This potentially offers additional controls and scrutiny over the keeping of those animals and - the RSPCA would hope - opportunities for any welfare concerns identified by local authority inspectors to be appropriately flagged. Indeed, the explanatory memorandum clarifies that a *'travelling circus retaining but not using a dangerous wild animal will require a licence under the 1976 Act'*.

## Unintended consequences arising

RSPCA Cymru believes this Bill is very clear in its set objectives.



However, one concern we hope will be addressed during the Bill's legislative journey, is the possibility of existing travelling circuses that use wild animals remarketing themselves to try and escape the Welsh Government's proposed definition of what constitutes a travelling circus, to circumvent the law. Indeed, recently a production - 'An Evening With Lions and Tigers' - toured Wales, under the guise of educating the public around conservation and animals. We believe a tightening of the proposed definitions would ensure shows like this do not consider themselves exempt from the law; nor result in other circus entertainment featuring wild animals attempting to remodel itself along such lines to circumvent the ban.

In the absence of tightening the proposed legal definition, we would welcome clarity from the Welsh Government that a travelling circus retaining wild animals - potentially exploiting the aforementioned potential 'loophole' - could instead be subject to the provisions contained within the Zoo Licensing Act 1981. This may offer some limited but insufficient safeguards via inspection, though RSPCA Cymru believes the tightening the definition of what constitutes a circus will ensure such a scenario does not arise, and will offer further protection for the animals involved.

### Financial implications of the Bill

We do not envisage the proposed Bill to have onerous negative financial consequences for public bodies. RSPCA Cymru works closely with Wales' network of 22 local authorities, and fully appreciate the difficult situation many currently face with regards to stretched resources and the delivery of a myriad of animal welfare policies and procedures within that climate. However, we do not foresee that enforcement of the bill will have major financial implications or consequences.

Nevertheless, the lack of full prohibition on wild animals being transported in travelling circuses does potentially create additional difficulties in policing this ban, and may make the process more time-consuming for local authorities, in a way which could be easily avoided with a more robust definition of the proposed offence - namely extending the scope beyond wild animals being performed or exhibited. This would further promote welfare and remove potential situations of ambiguity for inspectors.

Equally, local authorities have already highlighted increased correspondence from the general public when wild animals in circuses visit. Responding to this correspondence is costly and time-consuming, but an absolute ban on the use of wild animals in circuses would likely end the necessity for this correspondence - and associated freedom of information requests - and thus ultimately have a positive impact on Council resources, and the time their staff potentially have to spend on other matters pertaining to animal welfare.

Polling has consistently shown that the public in Wales favour a ban on the use of wild animals in circuses. Indeed, it has found that 74 percent of the public in Wales support a ban on wild animals performing in circuses in Wales<sup>1</sup>. Equally, touring circuses featuring wild animals are often met by widespread protests and negative press attention. As such, the RSPCA believes banning the use of wild animals does not need to adversely impact circus revenue, as the appetite for non-animal focussed circus entertainment is far stronger, and could lead to bigger footfall for this form of entertainment. Indeed, the vast majority of circus entertainment in Wales already does not utilise performing or exhibited animals. To this end, we do not believe this legislative change would have a negative impact on local economies in Wales, either.

---

<sup>1</sup> Polling has shown that 74% support a ban on wild animals performing in circuses. Figure from YouGov Plc. Total sample size was 1,036 adults. Fieldwork was undertaken between 19th–22nd August 2015. The survey was carried out online. The figures have been weighted and are representative of all Welsh adults (aged 18+).

## Appropriateness of subordinate legislation-making powers

The draft Bill contains provisions for Welsh Ministers to make regulations which could further specify what is, or is not, to be regarded as a wild animal, and concerning what activities are regarded as a travelling circus. We support these regulations being made via the affirmative procedure to ensure a level of scrutiny and discourse around these changes. We have previously commented in detail on the role subordinate legislation plays for animal welfare through a [submission to the Constitutional and Legislative Affairs Committee](#).

We welcome the Welsh Government's close consideration of potential loopholes that this legislation could inadvertently introduce. Indeed, the Minister made a clear commitment during her recent plenary statement on this - noting that it was important to ensure "that there are no loopholes in any legislation". However, we do believe minor amendments to the Bill as it stands would prevent many potential loopholes materialising - namely firming up the definition of what constitutes a circus and the scope of the offence, to better protect animal welfare, remove legal ambiguities and ease enforcement.

Any amendments to the definition of a wild animal, or a particular species included on any list must be backed up by a solid evidence base; involvement of suitably qualified independent consultees; and a mechanism to deal with disagreements and appeals.

## Conclusion

RSPCA Cymru is delighted that the Wild Animals and Circuses (Wales) Bill is now progressing through its legislative journey. We have long highlighted how the itinerant nature of circuses, and the environment they provide, are wholly inappropriate for wild animals - and that this out-dated practice must be brought to an end in modern Wales. We are therefore supportive of the general principles of this proposed Bill, and the need to legislate. While the stated aims of the Bill are clear, we support extension to the scope of the prohibition of using wild animals in travelling circuses, and to the definition of what constitutes a circus. We feel this would reduce the likelihood of the Welsh Government needing to utilise subordinate legislation to close identified loopholes. The extension of enforcement provisions within the Bill would also ensure consistency with other wild animal-related legislation.

Bil Anifeiliaid Gwyllt a Sycrasau (Cymru) | Wild Animals and Circuses (Wales) Bill  
WA 06

Ymateb gan : Born Free Foundation

Evidence from : Born Free Foundation



## Background

The Born Free Foundation was founded as Zoo Check in 1984, and since then has become a leading wildlife charity working to ensure that all wild animals, whether living in captivity or in the wild, are treated with compassion and respect and are able to live their lives according to their needs.

We welcome the introduction of this Bill, and believe that a ban on the use of wild animals in travelling circuses in Wales is long overdue.

It is our understanding that the ban is proposed on the grounds of ethical considerations. It is important to take into account that concerns for animal welfare are not divorced from ethics, and that public opinion against the use of wild animals in circuses reflects a spectrum of animal welfare and other sensibilities.

Wild animal circus acts are opposed by both the Federation of Veterinarians of Europe (FVE) and the British Veterinary Association, on the grounds that the welfare needs of non-domesticated, wild animals cannot be met within a travelling circus – in terms of housing or being able to express normal behaviour.

The Born Free Foundation agrees with the conclusion of the report to the Welsh Government by Prof. Stephen Harris, that: “Life for wild animals in travelling circuses does not appear to constitute either a ‘good life’ or a ‘life worth living’”.

We are convinced that there are powerful grounds to prohibit wild animals from travelling circuses on ethical grounds, as have been explored in implementing bans in Scotland and the Republic of Ireland.

## Public opinion

- *2010 - Defra Public Consultation*  
94.5% of respondents considered a ban on the use of wild animals in circuses the best option to achieve better welfare standards
- *2018 - Survey for the Born Free Foundation 16.9.18*  
79.77% of UK respondents agree with statement: "wild animals in circuses should be banned"

## Definition of circus

Born Free believes that there is a clear need for a definition of "circus" / "travelling circus", either on the face of the Bill or in statutory guidance.

This is an area for particularly careful scrutiny, in order to make a clear distinction between travelling circuses and mobile animal exhibits. The latter are also worthy of consideration in relation to ethical and animal welfare concerns, but we consider that the best course of action is to restrict the current Bill to travelling circuses.

In particular, there may be a need to distinguish between the use of animals in itinerant shows (where the animals live "on the road", as in a circus), and in shows that return to a home base daily or after a few days.

## Definition of wild animal

We are convinced that the definition of wild animal in the Zoo Licensing Act 1981 ("animals not normally domesticated in Great Britain") is sound and practicable, and should be employed in this case; Defra's Guidance on interpreting this definition is particularly helpful (see Annex A, "Zoo Licensing Act 1981 Guide to the Act's provisions", Defra 2012).

## Scope of proposed ban

We are convinced that the "use" of wild animals in travelling circuses should include not only performance and exhibition, but also keeping wild animals within a circus or taking wild animals on tour with a circus. There is a risk that it will be impossible to police the ban if circuses are permitted to have wild animals on tour, and there will be legal considerations over whether or not these animals are considered to be "exhibited". Objections to using wild animals in travelling circuses stem, in part, from the repeated travel that to which the animals are subjected: this would remain a feature of these animals' lives unless the ban also applies to taking animals on the road.

### Fate of animals following ban

Born Free stands ready to work with Government and other NGOs to find suitable sanctuary homes for any wild animals that are no longer wanted by circuses in the event of a ban.

Nonetheless, we consider that the ban on the “use” of wild animals in circuses means that animals would remain the property of their current owners, and that, where appropriate, licensing under the Dangerous Wild Animals Act 1976 or other legislation should be sought.

The sustainable management of natural resources in Wales is an immense agenda, full of complex issues and exceptionally difficult and often impossible to reconcile, choices The Well-being of Future Generations Act (Wales) 2015 and the Environment (Wales) Act 2016 establish NRW's prime purpose but all within a wider Welsh Government policy architecture - Prosperity for all – The National Strategy based on Taking Wales forward –the programme for government and other core policy areas.

Added to all this is a rapidly increasing political priority attached to the natural resources agenda and the increased focus the new First Minister is clearly putting on the Environment and our responsibility to our future generations. More and more will be being demanded of NRW in the coming years.

NRW has had a difficult few years for a myriad of reasons but grounded in the failure from the inception of the organisation to integrate the predecessor bodies into one fully functioning unit with a strategic clarity, effective collective leadership and a commitment to developing an empowering culture

Some progress has been made and the core strength of a deeply committed group of staff has seen many achievements. However a succession of problems especially surrounding forestry/ timber and other regulatory areas have badly damaged NRW's reputation.

In the autumn of 2018 I accepted an invitation from the Cabinet Secretary to become interim Chair of NRW for a year to take a lead in addressing the difficulties being faced and in particular through the leadership of the Board support the relatively new Chief Executive.

We have made significant progress so far in dealing with the immediate problems and continuing the restructuring of the organisation behind a different decentralised operating model. The Timber issues which proved to be far more serious than first thought are being dealt with very quickly and various other measures taken, including building a proper unitary board and getting some organisational basics put in place as well as ensuring the right leadership is in the right place.



A lot more remains to be done but more importantly the Board needs to lead on implementing a far more radical approach to addressing the ever increasing demands on NRW. Put simply carrying on with the same approach will not be sufficient to get the effectiveness of NRW to the right level with a consequent reputational gain. These new approaches include a different partnering approach where NRW gets others to do the lifting, whole catchment areas approaches involving all elements of the business and not a silo approach and looking at the advocacy end of the spectrum of activity in a different methodology. There are many other issues but NRW needs to become the indispensable partner of choice for public and private bodies in pursuing the sustainable resource agenda.

From a personal point of view I saw this initially as a purely interim role but I have become absorbed by it on a number of levels. The agenda NRW is dealing with is crucial and the challenge of public policy making and implementation in leading the Board is a role which attracts me greatly. I have found inspirational staff everywhere I have gone and it would be immensely rewarding to continue helps support them in this Chair leadership role. Quite simply what NRW does matters hugely and to continue to be a part of it going forward would be a privilege.

I am patently not a scientist or environmentalist by background but I am surrounded by such colleagues on the Board and the organisation. I have an extensive experience in leading public sector bodies especially through significant change. I think I have brought some experience in leading Boards ( executive and non-executive) especially in the complex areas of public policy making ,good governance and leadership and believe I can add some significant value going forward.



# Pre-appointment hearing questionnaire

Following questions sent from Climate Change, Environment and Rural Affairs Committee August 2019 ahead of September 2019 session.

## Sir David Henshaw – Chair, Natural Resources Wales

### Personal background

**1. Do you have any business or financial connections, or other commitments, which might give rise to a conflict of interest in carrying out your duties, or impact on the time you are able to commit to the role?**

**Business or Financial connections and conflict of interest:**

I do not have any business or financial connections which would give rise to any conflicts of interest.

**Commitments:**

I have other commitments namely Chair of a Foundation Trust Hospital and Chair of Trustees at National Museums Liverpool but my experience since my appointment as interim Chair confirms that I have more than sufficient time to commit to the role.

I do not envisage taking on any further commitments.

**2. Have you ever held any post or undertaken any activity that might cast doubt on your political impartiality?**

No.

**3. How were you recruited: were you encouraged to apply, and if so, by whom?**

By open competition through a full public appointments process. I was encouraged to apply by colleagues in NRW.

**4. Please explain how your experience to date has equipped you to fulfil your new responsibilities.**

Highly experienced as chair and former chief executive with experience across a wide range of public sector bodies in central and local government, in the health sector together with private sector experience.

I have had successful executive and non-executive experience in leading challenged organisations with significant performance problems on routes to recovery often facing the most complex of issues.

This experience equipped me well in working with colleagues, in tackling the challenges in NRW and we have made major progress but there remains a considerable amount to achieve which I feel I have the experience and skill set to lead.

## Performance of the role

### 5. What will be your key priorities in your new role?

Clearly there is a huge agenda facing NRW and the key priorities are:

1. Leading the Board and the organisation to deliver the ten priorities in our Business Plan and play a lead role in Wales' response to the Welsh Government's declaration of a climate emergency in Wales whilst emphasising that this is also an environment emergency. Sustaining a healthy environment is fundamental to Wales' future health, prosperity and well-being.
- 2 Fulfilling NRW's responsibilities within the future generations legislation and driving our operational agenda with a sense of our duty to care for our environment which has been borrowed from our successors and becoming an outward facing organisation.
- 3 Leading and developing the Board to ensure effective governance of NRW but most importantly in such a way that all our staff feel they are being well led.
- 4 Supporting the Chief Executive and Executive team in their effective leadership of NRW and in particular seeking the embedding of the cultural and governance improvements we recognise are needed following the Grant Thornton Report.
- 5 Building strong relationships with all our stakeholders across Wales and beyond, developing our reputation as the partner of choice for other organisations and making NRW indispensable to the Welsh Assembly and Welsh Government.

### 6. What criteria should be used to judge your performance over your term of office?

Overall the main criteria should be the effective and efficient discharge of NRW's strategic and operational performance which is the responsibility of the whole Board including the Chief Executive and Executive team.

However I lead the Board and should be held accountable for delivering good governance, strategic leadership and building a one team approach.

In addition I would suggest the following:

- Visible non-executive Chair leadership and confidence from the Board
- Confidence and trust of stakeholders and staff in NRW
- Confidence of Welsh Government and Welsh assembly
- Delivery of recovery of NRW

My intention is to introduce a 360 degree appraisal system for Board members and myself.

## The organisation

### 7. What criteria should be used to judge the performance of NRW as a whole?

I have referred to this previously but in sum. The criteria which should be used to judge the performance of NRW as a whole are the following:

- Delivering the strategic agenda
- NRW operational performance
- The views of our stakeholders and all those we serve
- The views of the Welsh assembly and Welsh government and simply being held to account in the discharge of our responsibilities
- A high performing and motivated workforce
- Positive audit opinions – UKWAS, ISO, WAO
- Improving Customer Satisfaction

### 8. What do you see as the key risks to delivering NRW's objectives?

In simple terms:

- Resources (staff / money)
- Culture change
- Brexit
- Legislative changes

### 9. What do you consider to have been the main successes and failures of NRW? What lessons can be learned from the failures?

Successes:

- The ongoing work in merging three organisations into one, while completing an entire restructure enabling NRW to deliver new statutory purpose and place based delivery.
- The ongoing recovery work around timber sales and forestry more generally.

During this significant change, continuing to deliver the ongoing business at NRW including for example:

- Dealing with environmental incidents – tree disease, flood events (e.g. Storm Callum, forest fires)

- The ongoing work in rebuilding our capability
- Delivering first ever State of Natural Resources Report (SoNaRR)

Failures:

- Qualified accounts and timber sales governance
- Public engagement around difficult decisions (e.g. Permitting, Flood Projects)

Lessons:

As in every organisation there is a need for real clarity around vision, strategy and a plan which is understandable for all. I would suggest we emphasize on the following:

- Good governance and a one team approach for the whole NRW Board
- Value the importance of positive organisational culture and investing in people
- Getting the right balance between central corporate direction behind a coherent strategy and effective devolving of responsibility and empowering people
- Becoming an outward facing organisation with positive engagement and early involvement of interested parties and the need to build a clear understanding of our roles and responsibilities in what are difficult and often unpopular decisions

**10. What is your assessment of the public profile and reputation of the organisation?**

It is early days but my sense is that there is a recognition that NRW is now on the improvement journey with a lot to do and more to improve. NRW has a set of challenging responsibilities. At one end of the spectrum we are a regulator and at the other a cheer leader, an advocate and promoter.

The roles and all in between go forward as one. We will never please everyone.

In particular:

- We have begun the task of rebuilding trust with many stakeholders, but we are not complacent and there is still a long way to go.
- We need to continue to build awareness and understanding of our many roles and responsibilities.
- We need to continue to grow public awareness of the importance of our natural resources and environment to Wales' future health, prosperity and well-being.
- We have to make difficult and unpopular decisions on many issues. But we do so using the evidence we have in an open and transparent way and our ambition is to do this involving others from the outset.

## **SIR DAVID HENSHAW – CURRICULUM VITAE**

### HIGHER EDUCATION

BA – Public Administration

M.Soc.Sci – Management in  
Local Government

### EMPLOYMENT and Other Roles

Interim Chair Natural Resources Wales November 2018 to November  
2019

Interim Chair Wirral University Foundation Trust Hospital March 2018  
Ongoing

Interim Chair Liverpool Community Foundation Trust  
Aug 2017-Nov 2027

Chair of Trustees National Museums Liverpool 2017- Ongoing

Trustee North Wales Building Preservation Trust 2017- Ongoing

Interim Chair St Georges University Hospital Foundation Trust  
2016 -2017

Chairman Alder Hey Children's University  
Foundation Trust Hospital 2010 - 2019

Deputy Chair UK City of Culture Judging Panel 2013 2015

Public Services Reform Adviser States of Jersey 2013-2017 -

Interim Chairman Dorset Health Care Foundation Trust 2013-2014

Interim Chairman Morecambe Bay University  
Foundation Trust Hospital 2012 2013

Member NHS Improvement Chairs Advisory Panel 2015 Ongoing-

Chair Manchester Academy of Health Science 2008-2012

Chair Welsh First Ministers Public Service reform  
Advisory Committee 2006 2009

Board Adviser Northgate PLC 2006-2016



Chairman North West Strategic Health Authority NHS	2006-2010
Redesigning the UK Child Support system for UK Government reporting to Prime Minister and Secretary of State for Work and Pensions	2006-2008
Liverpool City Council Chief Executive	1999-2006
Knowsley Metropolitan Borough Council Chief Executive	1989 -1999
Chief Executive to Merseyside Police Authority	1989- 2002
Essex County Council – Assistant Chief Executive	1974-1989
South Yorkshire County Council – Assistant to Chief Executive / Corporate Planning Officer	1974-1975
INLOGOV, University of Birmingham – Research 1970 – 1971 Associate	
Trustee and Chairman of Innovation Programmes Board and Public Service Innovation Laboratory Of National Endowment for Science Technology And the Arts (NESTA)	2008 - 2012
Non Executive Director Hedra PLC	2005 – 2008
Non Executive Director Albany Investment PLC	2003 – 2012
Non Executive Chairman Rethinking Consulting Trust PLC	2006 - 2008
Chairman Sir David Henshaw Partnership Ltd 2006 Ongoing	
Executive Chairman Bryn Terfel Faenol Festival Trust	2006-2011

An extensive government career with a particular emphasis on turnaround ,leading change and transforming organisational

performance coupled with a more recent experience in redesigning the UK Child support system and Non Executive Chair and Director Experience across public and private sectors. Of particular significance Chief Executive of Liverpool City Council and with the Leader of the City Council, leading and winning the bid to be European Capital of Culture 2008.

Since 2006 substantial involvement in UK National Health Service with chair roles in Foundation Trust Hospitals focusing on strategic leadership and turnaround in failing organisations at the request of regulators and also national policy involvement .Major focus has been on step change in delivery of outcomes, transformational change and cost reduction through reform of business process , Governance and productivity and efficiency gains A key feature has been recovering and developing stakeholder engagement especially community

Other turnaround roles and consultancy across public and private sectors

Previous other roles

- Chief Executive of Liverpool Culture Company
- Adviser to the Prime Minister's Delivery Unit
- Adviser to the Cabinet Office Strategy Unit
- Non-Executive Member of the Home Secretary's National Offender Management Board
- Member of the HM Treasury Public Services Productivity Panel
- Member Of Strategy Sub Group Civil Service Management Board
- Member of the Department of Health's External Panel
- Member of the Board of the Museums, Libraries and Archives Council
- Chairman of the Commonwealth Games Opportunities & Legacy Partnership Board
- Member of the Board of Liverpool Vision
- A member of the Board and former Chairman of the Mersey Partnership

- A Director of the Board of the European Institute of Urban Affairs based at John Moore's University, Liverpool
- President of the Society of Local Authority Chief Executives
- Chairman of SOLACE Enterprises Ltd
- Joint Vice Chair of the National Task Force on Crime Reduction
- President of the Society of Local Authority Chief Executives
- Honorary Doctor Sheffield Hallam University
- Fellow of Royal Melbourne Institute of Technology
- Honorary Fellow of Liverpool John Moore's University
- Fellow of the University of Liverpool.

Other relevant experience includes regular lecturing and speaking engagements on leadership, public service reform and joined up Government and service delivery in the UK, Australasia, Europe and the US. I also have a variety of informal advisory roles spanning a wide variety of organisational issues.

I was knighted in the Queens Birthday Honours in 2004

## Recruitment of Chair to the Board of Natural Resources Wales (NRW)

### Vacancy summary:

Detailed information about the appointment vacancy, including job role criteria and remuneration rate is provided in the information for candidates pack.

### Publicity summary:

The Welsh Government circulated details of the appointment through stakeholder lists held by the Public Bodies Unit (PBU) and posted the vacancy on the Welsh Government public appointments website and the UK Cabinet Office website. The vacancy was also posted to the Natural Resources Wales website.

The vacancy was promoted by the following Social Media channels and advertised through the media listed below:

Twitter – Minister for Environment Energy and Rural Affairs
Twitter – Follower’s of Natural Resources Wales twitter account

- The Western Mail – online only
- The Daily Post – online only
- Diversity Jobs Network - online only
- The Guardian – online (advert was live for one month, including WG logo and refresh at two weeks, placing the advert at the top of advertisements)
- environmentjobs.co.uk - premium (standard listing - featured in email shot and featured on website for two days)

### Recruitment process summary:

#### *Assessment advisory panel membership:*

- Rosie Varley, Senior Independent Panel Member (Panel Chair)
- Tim Render, Director, Environment and Rural Affairs, Welsh Government
- Julia Cherrett, Natural Resources Wales Board Member

A total of **17 applications were received**. The sift meeting took place on 5 June 2019 and **4 candidates were recommended for interview**. The Assessment Advisory Panel considered there to be **3 appointable candidates**.

**Minister for Environment Energy and Rural Affairs preferred candidate:** Sir David Henshaw.

The candidate has not declared any conflicts of interest or political activity.