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Llywodraeth Cymru
Welsh Government

Welsh Government Consultation – summary of responses

Animal Exhibits

The Animal Welfare (Licensing of Animal Exhibits) (Wales)
Regulations 2020

December 2019

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
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Executive Summary

Welsh Ministers have the power to make legislation to promote animal welfare in Wales. Using powers under section 13 of the Animal Welfare Act 2006, The Animal Welfare (Licensing of Animal Exhibits) (Wales) Regulations 2020 (“the Regulations”), have been drafted to introduce a proposed licensing scheme for Animal Exhibits (AEs).

The Regulations provide a licensing scheme for all AEs which meet a given criteria. AEs are diverse and there is currently no standard licensing regime or requirement for routine inspection. Some may be registered under the Performing Animals (Regulation) Act 1925, but registrations under that Act are one-off and there are no mandatory inspection requirements. Consequently there are concerns welfare standards cannot be guaranteed.

Whilst the Animal Welfare Act 2006 (“the Act”) provides power for enforcers to act where a welfare concern is identified – and this was rightly noted by some consultation respondents - Local Authorities or other enforcers would only ordinarily visit an unregulated AE if an animal welfare complaint was received. Where animals are kept at domestic dwellings and only in the public eye as part of an AE for limited periods of time, as may be the case particularly for mobile AEs (MAEs), any welfare concerns may never be brought to the attention of enforcers. A licensing scheme is seen as appropriate to remove that risk by implementing a framework which allows inspections to take place, as well as introducing minimum conditions, against which Local Authorities can assess standards of animal health and welfare. This is in line with a similar scheme which has been in force in England since October 2018: The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018¹ (“the English equivalent Regulations”).

Between 29 August and 21 November, a 12-week public consultation took place on the draft Regulations and draft accompanying Guidance. This followed a public consultation on a principles paper in 2017² where views were sought on the implementation of either a licensing or registration scheme for MAEs, and a series of stakeholder workshops held across Wales in 2018. With clear support for a licensing scheme received from both processes, Regulations were drafted and the purpose of this consultation was to seek feedback on the proposed licensing scheme.

This report summarises the main themes raised in response to each question of the 2019 consultation and sets out the Welsh Government’s response.

Broadly, the draft legislation was supported, although some concerns were raised around its complexity and the potential for unintended consequences, such as the risk of recreational pursuits being classified as a licensable activity and the disproportionately negative impact this could have, particularly on elderly members of the public or those on low income. Some respondents felt the cost of a licence and work required to meet the licence conditions may result in it becoming too difficult for some hobbyist activities to continue. A further example of a concern raised was the potential for duplication of inspections and licence fees where AEs are mobile and exhibit both in Wales and England. The Welsh Government has been clear throughout the policy development process of its aim to be proportionate and fit for purpose; further detail on the Welsh Government’s response to these concerns is outlined in the body of this report.

¹ <https://www.legislation.gov.uk/ukdsi/2018/9780111165485>

² <https://gov.wales/mobile-animal-exhibits>

1 The Consultation Exercise

1.1 Background Information

On 29 August 2019, the Animal Welfare team launched a 12-week public consultation on draft Regulations 'The Animal Welfare (Licensing of Animal Exhibits) (Wales) Regulations 2020' and accompanying Guidance, as well as inviting evidence to assist policymakers in assessing the impact the proposed scheme may have on the people and biodiversity of Wales. This followed a 2017 public consultation³ on the principles of introducing a licensing or registration scheme, and a series of stakeholder workshops held across Wales in 2018.

The draft Regulations provide a licensing scheme for all AEs based in, and visiting, Wales which meet a given criteria; the introduction of such a scheme provides, for the first time, for a robust system of checks to be made to ensure good welfare standards are met at their home base, in transport and during exhibition.

What has become clear as this policy has progressed is the important role that AEs play in the development of attitudes towards animals. Respondents have voiced concerns that AEs may have a negative impact, by portraying animals as commodities or toys. Others feel strongly that well-managed AEs are well equipped to introduce children, young people and adults alike to animals in a controlled environment, with the possibility of nurturing feelings of respect and a recognition of the inherent value of animals.

A key principle of the proposed licensing scheme is to develop respectful and responsible attitudes towards animals and to that end, the draft Regulations introduce a new requirement for licensed AEs, where possible, to promote public education and raise awareness of the species kept. This has been a long-standing and successful requirement for licensed zoos and ensures AEs provide more than just a display of animals for our entertainment, a notion the people of Wales have been clear is an outdated one⁴.

This requirement should ensure a lasting impact on children and young people in particular and, as the future generation of animal owners and keepers, it was important they were given the opportunity to comment on the proposal. A children and young people's version of the consultation was available at the Royal Welsh Agricultural Show 2019 and was also published alongside the main consultation pack on the Welsh Government website.

AEs play an important role in the Welsh tourist industry and the proposed licensing scheme will not only play a role in protecting the safety of people who observe these exhibits but underline to the people of Wales and our visitors we are a nation of animal lovers and passionate about ensuring animals, whether kept for working purposes or companionship, live a good quality life.

³ www.gov.wales/mobile-animal-exhibits

⁴ For many years the Welsh Government has been lobbied to ban the use of wild animals in travelling circuses as this form of entertainment is widely seen to be outdated. Whilst no such lobbying has been widely received for other AEs, there is a read-across that must be acknowledged.

1.2 Purpose of the Consultation

The Welsh Government is grateful to all who provided input and evidence during the 2017 public consultation and the 2018 stakeholder workshops. The evidence received, along with consideration of the equivalent legislation and Guidance introduced in England in 2018⁵, resulted in the production of draft Regulations and accompanying Guidance which is both reflective of the needs of the people of Wales and mindful of potential cross-border issues should the proposed scheme differ too greatly from that already in force in England.

In order for the draft Regulations and Guidance to be finalised, it was considered prudent to conduct a second public consultation to seek the views of interested parties on the proposed requirements so as to ensure the Regulations reflect the needs of both the animals involved in AEs, and the people who work, or engage, with them.

The consultation also invited evidence on the impact the legislation may have on the people and biodiversity of Wales.

⁵ The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

2 Responses to the Consultation

2.1 Full consultation

338 responses have been recorded. Where responses have been received with more than one signature, these have been classed as individual responses (for example, if a response was received which included 10 additional signatures to that of the sender, this is classed as 11 responses). All were submitted in English except one Welsh response. A list of the organisations who responded to the consultation, other than those who requested anonymity, is available at Annex A.

The overwhelming majority of responses received in response to the consultation were as a result of a campaign generated by The Kennel Club,⁶ which advised people who show their dogs in Wales (for example, in conformation competitions) they would require an AE licence under the proposed scheme. A further 437 responses (this total includes individual signatures as individual responses in cases of multi-signed letters and petitions) not included in the 338 total mentioned above were received which used a template letter provided by The Kennel Club.

After full consideration of the responses received, what was clear from many of the responses submitted by the dog show community was that individuals were responding to the consultation in order to voice opposition to the perceived licensing of their hobby, rather than considering the wider aspects of the proposal and the large number of other activities that fall within its scope. For example, some responses were one-worded or negative as a matter of course, didn't answer the question asked and didn't provide any evidence to support the position taken. Further, many respondents submitted multiple identical or very similar responses, either in their own name or using several names or email addresses. As a consequence, an accurate quantitative analysis of the results is difficult to achieve and because of this, a quantitative analysis has not been undertaken.

⁶ <https://www.thekennelclub.org.uk/our-resources/kennel-club-campaigns/animal-exhibit-regulations-in-wales/>

2.2 Welsh Government response to the Kennel Club campaign

The Welsh Government is grateful to The Kennel Club and all other organisations and individuals involved in the recreational 'showing' of animals who took the time to respond to the consultation; the strength of feeling has been noted.

The draft Regulations published for the consultation process did not reference show dogs and the accompanying Guidance only made a passing reference to local dog shows as an example of an activity involving pets which would not generally be considered to fall within the scope of the licensing scheme. This was in no way intended to imply other 'hobby shows' such as conformation competitions should be licensed. The consultation has made clear that there is a strong body of opinion as regards the impact that a licensing scheme could have, were its scope to include 'hobby shows'. This is something that will be taken into consideration as the draft Regulations and draft Guidance are finalised.

We have been clear the proposed licensing scheme will be proportionate and fit for purpose, and as noted by some consultation respondents, we have been considerate of activities which are already well-regulated, either by legislation or through an established governing body.

It was not the intention for the recreational showing of dogs and other similar species-specific activities to be subject to licensing under the Animal Welfare (Licensing of Animal Exhibits) (Wales) Regulations 2020. After thorough consideration of the responses and evidence received through the consultation, including responses that consider the recreational showing of dogs should be a licensable activity, the Welsh Government remains of the view that this is a well-regulated activity and should not fall within the scope of the licensing scheme. How this is made clearer in the Regulations and/or Guidance will be carefully considered by officials.

Views have been received with regard to the introduction of a separate registration system for hobby activities and/or events where animals are exhibited where the licensing or registration of individual animal keepers would not be proportionate, such as in the case of dog shows, for example for traceability purposes in the event of a relevant disease outbreak. The Welsh Government response to this proposal is outlined elsewhere in this report.

2.3 Summary of Responses

The following section summarises the key themes raised during the consultation.

Not all respondents answered the posed questions and instead submitted general comments. To account for these responses, an additional 'general responses' section has been added at the end of the questions to summarise these submissions.

Question 1: Regulation 3 sets out that, for the purposes of determining whether something is a licensable activity, 'licensable activity' means:

(a) keeping animals in Wales where those animals are being used for exhibition for educational or entertainment purposes,

(b) training animals in Wales where those animals are being used for exhibition for educational or entertainment purposes, or

(c) exhibiting animals in Wales for educational or entertainment purposes.

(2) The licensable activity may take place with or without charge.

(3) Exhibiting animals for the purpose of the licensable activity includes—

(a) the exhibition of animals to any audience attending in person, and

(b) the recording of visual images of the animals by any form of technology that enables the display of such images.

If something is a licensable activity, in order to carry it out, a licence will be needed.

Do you agree with this definition? Please provide reasons for your answer.

Regulation 3(1)

There was broad agreement with the intent of this regulation. Many respondents felt the definition of 'exhibition for educational or entertainment purposes' captured too many activities. To aid enforcement, it was suggested it would benefit from the addition of legal definitions of 'education' and 'entertainment' and the Guidance amended to provide a greater steer and more examples of what should and should not be captured by the licensing scheme.

- ***Animal Therapy***

Scientific evidence was provided by one respondent, suggesting the need for therapy animals to be regulated due to potential welfare concerns. This view was supported by another respondent, and one other felt the activity should be regulated, albeit via a separate, new piece of legislation. Two respondents felt therapy animals should be specifically exempted due to the positive impact they have on human health and welfare, and another was concerned the licensing scheme may have a negative impact on the availability of animal therapy.

- ***Animal Breeding for Sale***

A small number of responses were received both in favour of, and against, the addition of 'breeding' to the definition of the types of exhibit that should be licensable. This would be applicable in instances where animals are exhibited (for example, photographs on a website) to potential customers.

Regulation 3(2)

Please see summary of responses to Question 3.

Regulation 3(3)

Whilst the licensing of AEs was broadly supported, some felt there may be unintended consequences with the definition of 'any audience attending in person' and whether this would apply, for example, to homeless people with animals.

With regard to the recording of visual images, many respondents raised concerns about possible unintended consequences where individuals uploading photographs or videos of their animals to social media may be captured by this requirement. Additionally, it was also questioned whether proactive enforcement would be possible if social media activity was included. Some felt a commercial requirement would prevent hobbyists being captured.

One respondent felt this approach could impact on evidence-gathering for enforcement purposes should it deter, for example, pet owners uploading home videos to the internet.

There was also some concern about the effect this aspect may have on British wildlife where, for example, cameras are placed in nest boxes for research purposes and streamed on websites.

However, some saw the benefit of the recording of images being included as it is in line with the requirements of the Performing Animals (Regulation) Act 1925.

One respondent felt the recording of audio should be added to the definition.

Welsh Government response: The Welsh Government notes the difficulty respondents have experienced in ascertaining what should and should not be considered a licensable activity. Due to the variety of AEs operating in Wales, it is essential Local Authorities are given a flexible approach to consider each case on an individual basis, but we will consider whether the addition of legal interpretations of ‘education’, ‘exhibit’ and ‘entertainment’ would be beneficial. In doing so we need to be mindful of any read-across this could have on other legislation, in both this subject area and others, and whether it could be helpful or unduly restrictive to define these terms. The Welsh Government recognises that the wide variety of AEs, the evolving nature of such exhibits and the differing views by the various sectors, makes the definition of specific terms difficult. Where this is not possible the Welsh Government will seek to provide as much clarity as possible within the Guidance.

With regard to proposals regarding the inclusion of therapy animals within the scope of the Regulations, the evidence has been noted. As no responses were received from organisations representing this sector, we will seek to invite their views before coming to a decision.

Similarly with regard to ‘breeding’, it is unlikely animals exhibited for ‘breeding’ purposes would meet either the ‘educational’ or ‘entertainment’ aspect of the licensing definition, therefore ‘breeding’ would need to be added as an additional requirement. Further consideration is needed of both the arguments for and against its inclusion and whether it is practical for it to be included in the scope of this legislation or whether this is best addressed elsewhere.

With regard to the recording of images, we will review the Guidance on this requirement and strengthen to make it clear what should and should not be considered for licensing. In doing so it is hoped that any confusion on this point, as raised in the consultation, will be addressed.

With regard to the proposal to introduce the recording of ‘audio’, we have received no responses in contrast. We will consider this addition further, in the context of the wide variety of AEs that fall within the scope of the Regulations.

Question 2: Regulation 3(4) lists a number of exempted activities that it is proposed will not be subject to this licensing scheme. The exempted activities will therefore not require a licence. These are:

- (a) “Keeping animals primarily for dairy farming and livestock¹⁰ breeding and keeping,**
- (b) Keeping or training animals for military or police purposes,**
- (c) Keeping or training animals for sporting purposes,**
- (d) Animals displaying learned behaviours which are taught for working purposes,**
- (e) Any activity permitted under a licence for a zoo under the Zoo Licensing Act 1981,**
- (f) Keeping a pet shop under a licence granted under section 1(1) of the Pet Animals Act 1951,**
- (g) Any activity permitted under a licence for a riding establishment under the Riding Establishments Act 1964.”**

Do you agree with these exemptions? Can you think of an activity that would fall within the exemptions that you believe should be included within the scope of the licensing scheme? Can you think of an activity that would fall within the current definition of an Animal Exhibit that you believe should be exempted? Please provide evidence to support your comments.

Whilst some respondents did agree with the exemptions as drafted, a significant number did not agree, mainly because it was seen to be too ambiguous and open to interpretation. The key themes raised were as follows:

- Regulation 3(4)(a)
Comments were received both for and against this exemption, and some comments were made that the drafting should be simplified, on the basis that the wording is confusing. Whilst some were pleased to see an exemption for livestock because activities involving these animals are heavily regulated, others argued that as the animals are often placed in unfamiliar and noisy environments (for example at agricultural shows), they should be subject to licensing.
- Regulation 3(4)(b)
Many respondents did not agree with this exemption, particularly where these animals are used for purposes that are not in-keeping with their role within the police service or military, or after they have retired from service. The Royal Welsh Goat, often exhibited at rugby matches, was given as a specific example of an animal being exhibited in a stressful, noisy and unfamiliar environment with little or no checks being made on its welfare.
- Regulation 3(4)(c)
This exemption was questioned by many respondents for being too general. It was felt to be unclear what would be classed as a ‘sport’ and a legal interpretation was requested. There were mixed responses about what should or should not be included. For example, some agreed that novelty sports (for example, rabbit show-jumping or pig racing) should be licensable, whereas others felt they may be beneficial for some charity fundraising events (for example, ferret racing to raise money for ferret rescue organisations) and should therefore be exempt.

Substantial evidence was received which centred on concerns about welfare issues and a lack of self-regulation of greyhound racing in Wales. Those respondents that raised this issue were of the view that greyhound racing should fall within the scope of the draft Regulations. Whilst this activity is licensed in England, as well as a governing body being

in place, neither apply to the greyhound track in operation in Wales. This issue was raised by animal welfare organisations and individual respondents.

- Regulation 3(4)(d)
There were a number of respondents who were content with the inclusion of this exemption. However, similarly to the previous bullet point, this exemption was criticised for being too vague and there were concerns it would exempt activities that should be included. What should be included within this exemption was, however, not straightforward and a variety of opinions were expressed. An example given of an activity that may or may not be licensed, dependent on how this exemption was interpreted by enforcers, was if an animal was taken to an event to demonstrate its working skills, but was still on display while it rested (for example, birds of prey). Legal definitions and/or stronger Guidance were requested.
- Regulation 3(4)(e)
A small number of respondents were concerned that licensed zoos would be exempt from licensing and felt that zoos should require an AE licence if they take their animals off the zoo premises for the purpose of exhibition. Others queried whether zoos exempted under section 14 of the Zoo Licensing Act 1981 would be licensed.
- Regulation 3(4)(f)
Responses were received both in favour of, and against, this exemption. Whilst avoiding duplication was welcomed, it was felt where pet shops exhibit animals on a permanent basis (i.e. not for sale) or take animals off the premises to exhibit (e.g. at children's parties), they should be subject to licensing under the AE Regulations, on the basis that they are going beyond the traditional remit of a pet shop.
- Regulation 3(4)(g)
No objections were received to this exemption; general comments referenced ensuring activities such as donkey rides were regulated.

With regard to additional exemptions or amendments, the following suggestions were received:

- Recreational activities, such as dog shows where animals are exhibited to assess their conformation;
- Registration of events where animals are exhibited for the core purpose of entertainment to ensure welfare needs are met and improved traceability in the event of disease outbreak;
- Private breeding establishments (note comments received for and against this activity throughout the consultation);
- Animals kept for scientific procedures;

Welsh Government response: The differing views received in connection with the list of exemptions and whether they need to be amended and/or more detailed Guidance provided, will be considered by officials.

We have noted comments regarding both the pet shop and zoo exemptions, which will be considered further, taking into consideration ongoing policy work in both areas.

With regard to the views received in connection with the proposed exemption for animals used for military or police purposes, this exemption mirrors that in the Performing Animals (Regulation) Act 1925, which it is proposed will be revoked when

the AE Regulations come into force. It also mirrors the exemption provided for in the English equivalent Regulations, which was seen as providing continuity in the English and Welsh schemes. We note the concerns raised by respondents about this exemption and are minded to agree. Where an animal is exhibited to demonstrate its working skills, assuming the exemption at 3(4)(d) remains, this activity will be captured by regulation 3(4)(d). This would seem to remove any ambiguity regarding the animal demonstrating skills outside of its work-based training or continuing to be exhibited once it has been retired from its working life.

With regard to proposals to include greyhound racing as a licensable activity, the evidence received has been noted. As no responses were received from organisations representing the greyhound racing sector, we will seek to invite their views before considering this further, as this will enable us to consider the various arguments before reaching a view as to whether or not greyhound racing should fall within the scope of the Regulations.

Question 3: We are proposing that all Animal Exhibits that meet the licensing criteria should be licensed, irrespective of whether they charge a fee for that Exhibit or not i.e. it could apply to individuals, businesses, charities or other not-for-profit entities. This is considered appropriate as the intention of the Regulations is to ensure that animal welfare standards are met, and this is the case regardless of whether an activity is carried out for profit or not. Do you agree with this approach? Please give reasons for your answer.

This question relates to Regulation 3(2), which indicates that AEs which meet the licensing criteria can be licensed irrespective of whether they charge a fee for that exhibit.

Respondents were divided on whether the licensing scheme should apply to all AEs or just commercial organisations, as is the case in the English equivalent legislation (The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018).

The licensing scheme applying to all AEs, regardless of whether a fee is charged, was strongly supported by many animal welfare organisations with the following a selection of the themes identified from all responses:

- Welfare issues can arise in all AEs and it is appropriate that all are eligible for licensing if they meet the licensing criteria;
- Profit is irrelevant;
- There should not be any loopholes;
- Some organisations may purport to be a charity to avoid licensing;
- There was support for the approach adopted by Wales which was seen as more favourable in terms of protecting animal welfare than the 'business test' in the English equivalent Regulations.
- Where animals are exhibited for free, there may be a disregard for their welfare as there is no commercial benefit;
- Consideration should be given to the purpose of the exhibit before determining whether a licence is required;
- Guidance should be given to Local Authorities on fee setting.

The hobbyist sector strongly opposed the licensing scheme applying to them. The following is a selection of the themes identified from all sectors:

- There should be consistency with the English equivalent legislation, which only licences commercial organisations;
- Resource implications for Local Authorities if scope is too wide;
- Licence fees may be too expensive for charities and volunteers, preventing educational work from being undertaken;
- Hobbyists should not be included where they are already governed by a membership body (for example, The Kennel Club or Felis Britannica);
- This may have a detrimental effect on the rural economy if it deters the exhibiting of animals.

Welsh Government response: We have noted the responses received and the arguments both in favour of, and against, requiring animal exhibits that meet the criteria to be licensed irrespective of whether or not a fee is charged.

We note the view of some that licence fees may deter charities and volunteers. It should, however, be noted that many charities of varying sizes responded positively

to the proposal and did not feel they should be exempted from licensing, recognising that the underlying aim behind the Regulations is to promote animal welfare.

It is clear a potential loophole may arise if a 'business test' is adopted, which is the approach that has been taken in England. For example, some operators may set up as a charity to avoid licensing or there may be difficulties in proving a commercial element if a business operates 'cash in hand'. Underpinning the Regulations is a desire to ensure animal welfare, and the Welsh Government is of the view that this should be regulated irrespective of whether the person carrying out the activity is a business or not. The responses to the consultation have not included any information or evidence to persuade us otherwise.

Local Authorities are ultimately responsible for setting – or waiving - licence fees in their areas and considering whether reduced fees should be available for certain types of exhibit (e.g. not-for-profit entities) based on their individual circumstances. The Regulations set out the fees charged must not exceed the reasonable costs of any consideration and related inspection(s).

A full Regulatory Impact Assessment, including a cost-benefit analysis, is being undertaken alongside this consultation. Whilst some responses have suggested the introduction of licence fees may make some not-for-profit exhibits unviable, initial estimates based on a selection of licence fees charged under the English equivalent Regulations suggest the costs should not be excessive when compared to the ongoing costs of keeping an animal.

Question 4: The current definition of a licensable activity does not provide an exemption for people who may only exhibit their animals only once or twice a year. If an activity falls within the definition of 'licensable activity' then a licence is required. Do you agree with this approach? If not, do you think a threshold should be included, setting out the number of times someone can exhibit animals before requiring a licence? What would be an appropriate threshold? Do you feel this is enforceable? Please give reasons for your answer.

There was some confusion from respondents about whether or not the draft Regulations introduce a threshold because of some example activities outlined in the Guidance. Greater clarification on this matter was a strong theme throughout the responses received.

Respondents were divided over whether or not a threshold should be formally introduced. Of those who were in favour of a threshold being introduced, a selection of the themes raised are as follows:

- Suggestions of thresholds ranged from 2-52 days per year;
- A threshold will exempt many hobbyists and those who do not exhibit regularly (e.g. open days at sanctuaries);
- A registration system could be introduced for some exhibits operating under a certain threshold (for example, animals in schools or hobbyists) or for event organisers in some circumstances for proportionality.

Of those who were not in favour of a threshold being introduced, a selection of the themes raised are as follows:

- Minimum animal welfare standards should be demonstrated whether an animal is exhibited once or several times;
- A threshold would cause enforcement issues if a Local Authority had to prove whether or not an animal had been exhibited above a certain number of times;
- Several members of the same family could operate separate exhibits and use the same animals to avoid licensing if a threshold was introduced;
- A threshold would undermine the point of the legislation (i.e. to promote welfare);
- Hobbyists may exhibit animals regularly so they should still be included in the licensing scheme.

Welsh Government response: We note the concerns about the potential lack of protection if no licence is needed for animals that are not exhibited regularly. The responses included proposed thresholds which differ dramatically, showing no common agreement in terms of the number of times that an animal can be exhibited without a licence being required. We remain concerned that the introduction of a threshold would introduce a potential loophole and at a practical level would require (in the event of a dispute) a Local Authority to prove an AE was operating above the threshold, before enforcement action could be taken. Whilst it will be clear the threshold is met in some AEs (e.g. where they are open to members of the public), this will not always be clear cut and could particularly be a point of dispute in the case of mobile AEs where details of their activities may not be readily available.

Having considered the responses received, we have decided that a threshold will not be introduced.

Question 5: There will be cost implications associated with this licensing scheme in so much as an Animal Exhibit licence will be subject to a fee payable to the relevant local authority by the licence applicant and, for example, an applicant may need to improve their facilities to meet the licence conditions.

Local authorities will also incur costs to manage the licensing scheme. Whilst the licensing fee should compensate for these costs, in some cases ongoing enforcement costs may exceed it.

Costs may also be incurred for the justice system where prosecutions or appeals are taken forward.

We would welcome any evidence of any potential financial impacts, both on Exhibitors and on local authorities, and any other persons or organisations you feel may be affected, which may occur as a result of the proposed licensing scheme. Please give reasons for your answer.

Generally it was accepted that a fee was required in order for the Local Authority to enforce the legislation and in many cases, this was not seen to be an issue ("*a small price to pay for animal welfare*"). Some felt this would deter lower quality AEs who will not want to pay the fee and businesses would be able to offset it as a business expense.

Some also felt that, if an AE had to pay to improve its facilities to meet the licence conditions, this should be considered a positive outcome as it should raise the standards of welfare for the animals being kept by that operator.

Where concern was raised, this was generally focused on impacts to the rural economy and the potential of people incurring duplicate costs and inspections if separate licences were required in both Wales and England. Concerns were also voiced about the availability of AEs to those on lower incomes if booking fees were raised to compensate licence fees. Some were also concerned that the payment of a licensing fee would detract from money available to care for the exhibited animals appropriately, including paying vet bills.

With regard to Local Authority fees, there was concern about the differing fees that may be implemented across Wales and the Welsh Government was urged to work with Local Authorities to introduce a standardised approach. It was also felt Local Authorities should be able to recoup any additional costs as a result of enforcement activity.

Many respondents advocated for no, or reduced, fees for charities or other low-income operators. There was also concern raised where operators are licensable under other pieces of legislation and those licensing schemes are not exempted from the AE Regulations (for example, Dangerous Wild Animals Act 1976).

One respondent raised a concern about the cost in respect of time needed to meet the paperwork elements of the licence conditions and prepare for inspections etc.

Welsh Government response: A full Regulatory Impact Assessment (including a cost-benefit analysis) is being undertaken alongside this consultation as part of the policy development process and the results of the consultation will further inform that exercise. We will continue to liaise with our counterparts in Defra and, if necessary, other Government administrations, regarding the introduction of some form of mutual recognition of licences across borders, with a view to minimising any cross-border difficulties or duplication, whilst ensuring that the necessary animal welfare standards are met.

Question 6: We would like to know your views on any other effects you anticipate the draft Regulations could have on the Justice System. This includes operators of Animal Exhibits (for example, if they are prosecuted for not being licensed or are prosecuted for breach of a licence condition); local authorities as the enforcement authority; the court system; and any other persons or organisations you feel may be affected. What effects do you think there would be?

Very little evidence was submitted which suggested there would be a significant impact on the Justice System, but it was noted that welfare issues may be identified as licensing is rolled out due to the lack of scrutiny of some activities to date. One respondent saw this as a benefit to help evaluate the scale of any animal welfare issues within the sector. One other respondent proposed a regulation was added to introduce bans on specific activities if sufficient welfare evidence supported this approach.

Some respondents felt the effects on the Justice System should not be a reason to avoid introducing regulations to protect animal welfare, however others were concerned with the Local Authorities' ability to handle extra licensing requirements, as well as their expertise to appropriately identify welfare issues.

Welsh Government response: A full Justice System Impact Assessment is being undertaken in conjunction with the Ministry of Justice as part of the policy development process and the results of the consultation will inform that exercise.

We anticipate, based on the available data on previous prosecutions under related legislation; discussions with Local Authority representatives; and the low number of AEs that we anticipate will be subject to licensing, the impact on the justice system will be minimal. The Regulations introduce a range of processes for Local Authorities to exhaust before a prosecution takes place (for example suspending, varying or revoking a licence).

Whilst animal welfare issues may be identified in the short-term as some AEs will be assessed for the first time and may need to improve their facilities, in the longer term there may be some benefit to the justice system as animal welfare issues in AEs will be managed more effectively through the licensing framework.

Question 7: We feel the licensing scheme presents an opportunity for the Welsh tourist industry, of which Animal Exhibits play an important role. The licensing scheme will ensure that all licensed Animal Exhibits will be meeting the same welfare standards and will prove to visitors that we are a nation of animal lovers and the welfare of exhibited animals is taken seriously. We would like to know your views on the effects that the draft Regulations may have, particularly on rural businesses, people and communities. What effects do you think there would be?

Many of those who responded to this question focused their answer on dog showing and their view that licensing this activity would reduce the number of visitors to Wales and as a result, have a financial impact on businesses such as hotels and restaurants which are used by visiting exhibitors.

There were mixed views about Wales' reputation as a nation of animal lovers with those who disagreed mostly focusing on the issue of puppy farming as examples of why this is not the case.

Of those who agreed the licensing scheme could have a positive effect on the tourist industry, the following is a sample of the themes identified:

- The licensing scheme is something the industry should be celebrating as proof of meeting set welfare standards and promoting business;
- The licensing scheme must be about welfare standards and not about the economy or profits;
- May boost the rural economy with more getting involved in the film industry;
- A ratings system would go further to inform the public of animal welfare standards;
- Short term licences should be considered for temporary exhibits;
- The licensing scheme will increase public awareness of animal welfare;
- Will deter the more unscrupulous exhibitors;
- Will help to regulate animals used on film and television sets.

Of those who disagreed with the licensing scheme having a positive effect on the tourist industry, the following is a sample of the themes identified:

- May have a negative impact on local shows if it deters individuals from exhibiting animals;
- Registration of events rather than individual animal keepers;
- On-site checks at events;
- Financial impact on small businesses;
- Must not penalise those who open their premises on an ad hoc basis e.g. open farm days;
- Only 3% of visitors to Wales in 2017 visited farms/rare breed attractions so AEs do not play an important role in the tourist industry;
- Tourists should be encouraged to enjoy animals in their natural environments;
- Public opinions towards animals used for entertainment is changing with overwhelming opposition to the use of wild animals in circuses.

Welsh Government response: We have noted the comments submitted and will consider those suggestions which may increase the positive impact the licensing scheme may have on the Welsh tourist industry. Financial impacts are being fully explored as part of the separate Regulatory Impact Assessment process.

With regard to comments received about the impact the licensing scheme may have on agricultural shows, we expect the majority of animal activities at such events to be

exempt, owing to the exemption on traditional livestock keeping outlined in regulation 3(4)(a).

Whilst the registration of events would provide some traceability if it was undertaken, this would not allow the home base of an AE to be inspected, nor any transport associated with the licensable activity. This would result in Local Authorities not being able to fully assess the welfare standards of animals being kept for the purpose of exhibition.

Question 8: Schedule 1 of the Regulations contains a list of licence conditions that must be attached to every licence issued for the licensable activity. Are there any conditions that you do not consider appropriate, or alternatively, are there any conditions that you would expect to be included, which aren't? Do the licence conditions provide sufficient flexibility, both from an operational and enforcement point of view? Please provide as many reasons to substantiate your views as possible.

Whilst there was broad agreement to the licence conditions, many of the responses proposed specific amendments, for example amending terminology. The individual proposals have not been listed here.

The general themes identified in response to this question were as follows:

- Whilst the conditions are suitable for commercial organisations and offer excellent safeguards, hobbyists and charities will find them difficult to meet, especially if they do not know the history of the animals exhibited;
- It is appropriate that the conditions are based on the Five Freedoms (suitable environment; suitable diet; ability to express normal behaviour; to be housed with or apart from other animals; and protection from pain, suffering, injury and disease);
- List of conditions is too extensive;
- Licence or registration system for event organisers to safeguard animal welfare;
- Concerns around flexibility for enforcement purposes;
- Concerns around lack of inspection for those being licensed based outside of Wales;
- Many requirements should not apply to fish;
- Mutual recognition of licences between Wales and England;
- Additional identification requirements should be added (e.g. horse passports);
- Templates for written procedures would be useful;
- Specific guidance should be considered for individual species.

Welsh Government response: We will consider all responses received with regard to Schedule 1, engaging with stakeholders as necessary.

Question 9: Schedule 2 of the Regulations contains details of persons who may not apply for a licence. This includes persons who have held a licence which has been revoked, or who have been disqualified, under the following legislation:

☐ Animal Welfare (Licensing of Animal Exhibits) (Wales) Regulations 2020; ☐ Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014; ☐ The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012; ☐ The Welfare of Animals Act (Northern Ireland) 2011; ☐ The Welfare of Racing Greyhounds Regulations 2010; ☐ Animal Welfare Act 2006; ☐ Animal Health and Welfare (Scotland) Act 2006; ☐ Dangerous Dogs Act 1991; ☐ Dogs (Northern Ireland) Order 1983; ☐ Dangerous Wild Animals Act 1976; ☐ Breeding of Dogs Act 1973; ☐ Riding Establishments Act 1964; ☐ Animal Boarding Establishments Act 1963; ☐ Pet Animals Act 1951; ☐ Protection of Animals (Amendment) Act 1954; ☐ Performing Animals (Regulation) Act 1925; ☐ Protection of Animals Act 1911; ☐ Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018; ☐ Zoo Licensing Act 1981.

Do you agree with this approach? Should any other legislation be included? Please give reasons for your answer.

The majority of respondents who answered this question were in agreement with the approach, although there were some concerns that this would automatically disqualify those with spent convictions. A number of respondents were concerned that licences could be issued to members of the same family or employees of the same company where one or more individual has had a licence revoked.

Concerns were raised with the inclusion of the following pieces of legislation:

- The Welfare of Racing Greyhounds Regulations 2010 (*“not sure about its efficacy”*);
- The Dangerous Dogs Act 1991 (*“this is an extremely flawed piece of legislation”*); and
- The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 (*“does not operate on the basis of animal welfare concerns – could lead to disproportionate action being taken against an applicant”*).

Where additional pieces of legislation were suggested, they were as follows:

- The Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009
- Non-Commercial Movement of Pet Animals (Amendment) Order 2014
- The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974
- The Trade in Animals and Related Products Regulations 2011
- Wildlife and Countryside Act 1981
- Convention on the International Trade of Endangered Species (European Council Regulation 338/97)
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996
- Protection of Animals (Amendment) Act 1988

With regard to wider legislation, comments were received querying whether those on the sexual offenders list, or those with relevant other convictions, should be automatically disqualified from applying for an AE licence.

Welsh Government response: The Welsh Government has noted the comments submitted and will review Schedule 2 in light of the evidence received.

Question 10: A Guidance document has been drafted to which local authorities must have regard in implementing the Regulations. Do you have any comments on the content of that guidance? Do you consider that additional guidance in connection with any particular provisions of the Regulations would be helpful? Please give reasons for your answer.

Many of the responses received to this question proposed specific amendments to the Guidance, for example amending terminology. The individual proposals have not been listed here.

The general themes identified in response to this question were as follows:

- Uniform standards should be adopted between Wales and England to ease any cross-border difficulties for exhibitors and enforcers;
- Some see the Guidance in England as unworkable and are concerned the version proposed in Wales will have the same difficulties;
- Mutual recognition of licences needs to be considered;
- Greater clarification required - concern that Local Authorities will have flexibility to interpret the Guidance differently across Wales, resulting in differences in implementation;
- Local Authority inspectors must be adequately trained;
- Consideration needs to be given of the definition of a 'specialist' inspector;
- Not all aspects of the Guidance will be appropriate for wild species;
- Reporting frequency and what is reported needs amending;
- Excessive and unnecessary written procedures.

Welsh Government response: The Guidance has been drafted with an awareness of the current English Guidance and mindful of input from those who have fed into the policy development process, which has highlighted areas where there is the potential for confusion or misunderstanding. The Guidance seeks to provide practical examples to illustrate the implementation of the regulations and help people understand the reason behind, and aim of, specific provisions within the Regulations.

As the draft Regulations contain differences to the English equivalent Regulations, the Guidance needs to reflect the requirements of the Welsh legislation. The Welsh Government wishes to avoid cross-border difficulties and discussions are ongoing on how best to achieve this.

Question 11: We are proposing a three-year licence period for all licensable Animal Exhibits. Is this appropriate, or do you consider that there should be the option of providing a licence for a shorter period? Please provide reasons for your answer

Responses were mixed on the licence period.

Of those who agreed with a set three year licence period, the following themes were identified:

- Less pressure for Local Authorities;
- Inspections should still be made in-between and conditions reviewed on an annual basis;
- Supported as it would keep costs low for applicants.

Of those who disagreed with a set three year licence period, the following themes were identified:

- Risk-based approach to licensing;
- Shorter licence (one-two years suggested);
- Temporary licence for occasional exhibiting (e.g. those visiting from outside of Wales);
- Longer licence (suggestion of five years);
- Three years is a long time when considering the life span of certain species;

Welsh Government response: We have noted the comments submitted and will review the length of the licence period in light of the evidence received, engaging with stakeholders as necessary. Identified financial impacts are being fully explored as part of the separate Regulatory Impact Assessment process and this will help to inform any decision made on this matter.

Local Authority input into this aspect of the legislation will be valuable in determining what is achievable from a resource perspective.

Question 12: In the 2017 consultation, 60% of respondents felt that Animal Exhibits may have a negative impact on the attitudes of children and young people towards animals, for example by perceiving them as play things or commodities. Conversely, many respondents felt Animal Exhibits play a key role in introducing children and young people to animals in a controlled environment and where managed well, could play a positive role in educating children, young people and adults.

In Schedule 1, paragraph 8(9) requires that the licence holder must “where possible, promote public education and awareness, and respectful and responsible attitudes, in relation to the species being exhibited”. We feel this will result in a positive impact on the attitudes of children and young people towards animals, with Animal Exhibitors leading by example to inspire the next generation of animal owners and keepers. Do you agree? Please give reasons for your answer.

The requirement for licensed AEs to promote public education and awareness was strongly supported by respondents, with many recommending the condition is strengthened with the removal of the wording ‘where possible’. Further guidance or examples were also requested of what activities may meet this licence condition.

A selection of the themes in support of the requirement are identified as follows:

- Animals should not be used purely for entertainment purposes;
- Helps children learn about animals, nature, conservation etc. in a controlled environment;
- This may be of particular benefit for disabled children with regard to their education and access to animals;
- Such interactions will help develop healthy attitudes towards animals;
- Not all children have access to animals, so this will help to nurture a caring and educated attitude towards animals;
- This could help adults make informed choices before purchasing a pet;
- Exhibiting animals can change perceptions about certain species (*specific example received about bats*);
- May inspire individuals to pursue a career working with animals;
- May have a positive impact on conservation measures in the UK and beyond;
- Many exhibitors already include education elements in their displays.

A selection of the themes which do not support the requirement are identified as follows:

- Native wild-born animals should not be used in exhibits;
- Teaching children about respecting animals should be the responsibility of the parents;
- The knowledge and integrity of the operator will play a big part in the success of this requirement;
- It is of no benefit to the animal to be used for exhibition purposes;
- Psychological research indicates animals used in exhibits are “deprived of freedom, kept in unnatural contexts and in conditions not respecting their needs, forced to behave contrary to their species characteristics” which may have an effect on children – this is not in line with the principle of the licence condition;
- Research has proven no added benefit to having a live animal present in educational sessions regarding animal welfare.

Welsh Government response: We are pleased the introduction of an ‘education’ element has been supported by many respondents and note the strength of feeling around the use of ‘where possible’. We will consider the requirement in the context of

the wide variety of AEs that exist to determine whether or not it will always be possible to meet this licence condition. Should the wording not be changed, we will ensure the Guidance is strengthened to make it clear that this licence condition is expected to be met in the vast majority of cases, and it will only be the exception when it is not undertaken.

We have noted the concerns around animals being exhibited in conditions which do not meet their needs, particularly in the case of exotic animals and will consider whether the Guidance needs to include further detail. As part of the licence application process, operators must evidence that they can meet the needs of the animals which will be exhibited.

The exhibition of native wild-born animals, particularly those which are intended to be released back into the wild is of particular concern to the Welsh Government with evidence received both for and against their exhibition. We will engage with stakeholders as appropriate to reach an agreed way forward.

We will consider amending the draft Guidance so as to provide further practical examples of activities that may meet the requirements of this licence condition.

Question 13: There are some instances where an animal may be exhibited for a reason other than for entertainment or education. For example, for ornamental purposes (such as a fish tank in a restaurant) or animals that have been bred for sale (e.g. livestock, birds of prey, equines or other pets). As currently drafted, we would not expect exhibits of this nature to fall within the scope of the licensable activity.

Section 9 of the Animal Welfare Act 2006 places a duty on the person responsible for an animal to ensure its welfare. Not doing this is an offence. In light of this, are there any specific activities that you feel should be included in the Regulations, that aren't protected elsewhere? Please give reasons for your answer

Responses to this question varied greatly, with a divide between those who agreed or disagreed with the proposed requirements, but also what should or should not be added to the licensing regime.

Some felt all AEs should be included as staff members may not be appropriately trained to meet the welfare needs of the animals in these instances, or that animals could be seen as commodities; others felt that licensing them would be disproportionate and lead to a decline in such Exhibits.

Where suggestions were made of activities to be considered licensable, the following themes were identified:

- Animals as prizes
- Breeders of animals for sale
- Commercial Horse Drawn Carriages

To be exempted from licensing:

- Species-specific shows (e.g. dog and horse shows)
- Breeders of animals for sale

Welsh Government response: We have been clear throughout the policy development process that the licensing scheme will be reasonable, proportionate and fit for purpose. We will consider the suggestions made by respondents to the consultation in line with the policy intent to determine whether any changes are required, or where concerns are raised, whether it would be more appropriate to consider them under different policy areas.

Question 14: We would like to know your views on the effects that the draft Regulations may have on people with protected characteristics as defined in the Equality Act 2010¹¹. These characteristics are:

age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. What effects do you think there would be?

Only a small number of respondents answered this question as many were not clear why it was being asked when the focus of the Regulations is on animal welfare.

However, of those that suggested effects, the following were identified:

- **Public health**
It was felt the Regulations may have a positive impact on public health, particularly those with immune system difficulties. A positive effect for those with disabilities was also identified because of the educational requirements.

However, there was also concern, particularly from the hobbyist sector, that the Regulations could have a detrimental effect on the physical and mental health of the people exhibiting their animals, as well as those on low income or elderly, who may not be able to afford the licence fees.

- **Religious beliefs**
One religious organisation responded to the consultation with concerns the Regulations may impact the use of animals as part of their religious activities, which would discriminate against them on the basis of religion.

Welsh Government response: We agree the Regulations will be of benefit to public health, including children and young people, as well as the health and welfare of the animals being exhibited, due to the introduction of set licence conditions requiring, for example, appropriate biosecurity measures to be adopted and risk assessments to be carried out.

The Welsh Government is mindful of the effects the licensing scheme could have on those on low income, particularly those who exhibit animals for recreational purposes only. As outlined above, it is not the intention for hobbyists to be captured by the Regulations, so it is not thought groups such as the elderly (which were identified as at risk of being negatively impacted by the hobbyist sector), are likely to be significantly impacted.

Similarly with religious groups that exhibit animals, whilst activities such as pets being blessed in churches or one-off displays of donkeys in nativity plays are not the intended focus of the licensing scheme as the animals wouldn't be kept or trained for exhibition for educational or entertainment purposes. Should there be instances where the nature of religious AEs meet the licensing criteria (for example, the use of animals to deliver rings in wedding ceremonies), the activities would be considered in the same way as any other animals being exhibited.

Question 15: We would like to know your views on whether the draft Regulations could offer any opportunities to reverse the decline of biodiversity in Wales, in line with the Wales Nature Recovery Action Plan 12.

What effects do you think there would be?

Of those who answered this question, the following themes were identified:

- **Education**
The licence condition requiring education and awareness raising of the species kept to develop respectful and responsible attitudes towards animals was seen to potentially have a positive impact on biodiversity in Wales.
- **Rare breeds**
Some respondents felt the licensing scheme, if it were to deter some individuals from exhibiting their animals, may have an impact on rare breeds.
- **Nature Recovery Plan**
One respondent felt the licensing scheme will have a negative effect on the objectives of the Wales Nature Recovery Action Plan as it may prevent people from connecting with nature. Others felt the licensing scheme was unlikely to have a negative effect as projects involved with conservation should already have well defined procedures and protocols.

Welsh Government response: A full Biodiversity Impact Assessment is being undertaken as part of the policy development process and the results of the consultation will inform that exercise.

Question 16: We would like to know your views on the effects that the draft Regulations would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be?

Only a small number of respondents answered this question with the majority feeling the Regulations would have no effect on the Welsh Language.

Negative effects were mainly identified by the hobbyist sector who felt licensing would have a detrimental effect by reducing the number of individuals who visit Wales to show their animals, thus reducing their interaction with Welsh speakers.

Positive impacts were identified around the education licence condition, for example if bilingual materials were used. It was also felt by encouraging the exhibition of animals, it would bring people together with a shared interest and, where Welsh is used, it will contribute to keeping the language alive.

Welsh Government response: A full Welsh Language Impact Assessment is being undertaken as part of the policy development process and the results of the consultation will inform that exercise.

Question 17: Please also explain how you believe the draft Regulations could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language.

Many respondents did not answer this question or saw no effect, given the Regulations and Guidance would be published in English and Welsh.

There was concern, mainly from the hobbyist sector, that should the Regulations have a negative effect on tourism or the movement of animals being exhibited for recreational purposes (e.g. at dog shows), this may impact on the Welsh language as there would be less interaction with Welsh speakers.

Others were concerned there would be a cost impact for AEs if they were to produce materials in English and Welsh.

Conversely, some felt it provided a good opportunity to use Welsh, particularly via the education requirement, and to promote Welsh agriculture and rural culture.

Welsh Government response: A full Welsh Language Impact Assessment is being undertaken as part of the policy development process and the results of the consultation will inform that exercise.

Question 18: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, or have any comments on specific aspects of the draft Regulations or Guidance, use this space to report them. Please provide as much detail as possible.

Whilst this question was generally used to summarise points already made elsewhere in response to the consultation, the following themes were identified:

- Mutual recognition of licences between Wales and England;
- Inclusion of animals as prizes;
- Inclusion of greyhound racing;
- Exemption for species-specific recreational activities;
- Exemption for Sanctuaries;
- Ensure Guidance is legally binding;
- Concerns over threats to agricultural shows;
- Concern over the issuing of licences for exhibiting native wild-bred animals (i.e. this activity should not be allowed);
- Concern over the exhibiting of any wild animal;
- Concerns over cost of licences;
- Training of Local Authority inspectors;
- Alignment with other legislation e.g. Zoo Licensing, Dangerous Wild Animals, Wild Animals and Circuses;
- Animal Welfare Act 2006 already covers the activities to be licensed;
- Possible impact on rare breeds;
- Extending the protection the Regulations offer to invertebrates;
- Further consultation requested.

Welsh Government response: The Welsh Government is grateful for the responses received and will consider fully, engaging with stakeholders as necessary during the next phase of policy development.

General responses

The majority of general responses received were from the hobbyist sector objecting to the potential for the showing of dogs and other species, for example in conformation competitions, to be a licensable activity.

A response was also received with regard to pet shops. Whilst it was welcomed that pet shops are specifically exempted from the Regulations, it was felt where pet shops use their animals for 'parties' (for example, taking the animals off the premises for exhibits other than the purpose of sale), they should be subject to licensing.

Concern was also raised by one respondent that the licensing scheme would capture animals kept and exhibited for scientific purposes; this activity is already well-regulated by the Home Office.

Concerns were also raised about livestock used for any purpose being subject to licensing because they are already well-regulated.

Welsh Government response: A response to the campaign on species-specific recreational activities has been outlined elsewhere in this report.

Further consideration will be given to the proposals regarding pet shops, livestock and animals kept for scientific procedures.

2.4 Children and Young People

A children and young people's version of the consultation was prepared given the impact the proposed licensing scheme could have on children and young people, with regard to the development of respectful and responsible attitudes towards animals.

The document was published alongside the main consultation pack⁷ on the Welsh Government website and letters were issued to all schools in Wales to notify them of the consultation. No responses were received to the children and young people's aspect of the formal consultation, however in July 2019 face-to-face consultations were undertaken with children and young people attending the Royal Welsh Agricultural Show. 104 children and young people participated and a summary of the responses is as follows:

Question 1: Do you think change is needed?

Respondents showed general agreement that change is needed in the way that AEs are regulated, with 81% providing a 'Yes' response.

'I think if animals are going to be 'on show' they should at least be happy and comfortable'

'Animals don't deserve to be locked in a cage as they deserve a better quality of life'

Other comments mentioned aspects such as a need for better standards and an increased awareness of how well animals in exhibits are being taken care of by their owners.

Question 2: Do you agree that these changes will improve the welfare of animals kept in exhibits?

The majority of respondents agreed the change would improve animal welfare, with 84% providing a 'Yes' response.

'Animals will be looked after with better care. Standards would be met in exhibits to protect them'

'Because they will have a better life'

Question 3: Do you agree that three years is a good amount of time for a licensing period?

There appeared to be some uncertainty in responses to this question, with 33% providing a 'Don't Know' response. Of those remaining 39% were in agreement with a 'Yes' response, leaving 29% showing disagreement with a 'No' response.

'I think the licensing period should be every year. This is to check up on anything good or bad'

'I think no because three years is not that long, however, I suggest that it should be 7 years, this is much longer and could benefit the animals, if the animals were looked after well and the licence holder got the licence taken off, this will be bad'

Question 4: Do you think that teaching people about the animals they are seeing in Animal Exhibits is a good idea?

The majority of respondents agreed with the above, with 88% of respondents providing a 'Yes' response.

'Because people are learning things from these animals and it makes it all worth it, also they may see that they can help animals in the future and get more involved'

'it helps people understand the species'

Others provided comments regarding increased animal welfare/ standards of care.

'This will improve animal welfare'

'People will then appreciate the work it takes to look after such animals and if they then want to own them, they have a welfare standard to meet'

⁷ www.gov.wales/animal-exhibits

Question 5: Do you agree that the new law should apply to all animal exhibits?

76% of respondents agreed that the law should apply to all AEs, with 8% in disagreement.

'I think if the law is being enforced it should apply to all'

'Because it won't be fair otherwise and this can cause arguments and debates'

'It should all be fair'

Other comments made mentioned standards of care and animal welfare.

'Yes, every animal needs the correct care'

'Otherwise it wouldn't be fair and animals could still be abused'

Question 6: Is there anything else we need to think about before we make these changes?

46% of respondents answered 'Don't Know', 29% answered 'No' and 25% answered 'Yes'.

'Special consideration for farmers'

'Take each case individually'

'Make sure all staff are properly trained'

3 Next Steps Statement

The Welsh Government is grateful to all individuals and organisations which took the time to submit evidence in response to this consultation exercise.

We are pleased that the licensing scheme is generally supported, albeit with further work required to strengthen the accompanying Guidance and to consider the draft Regulations in light of the responses received, and the suggestions relating to certain defined terms. Officials will continue to consider the evidence received during the consultation and engage with stakeholders as necessary to address areas of concern that have been identified.

We remain committed to ensuring the licensing scheme will be proportionate and are mindful of the respondents who have lobbied for a mutual recognition of licences between Wales and England. The Welsh Government wishes to avoid cross-border duplication and difficulties and is exploring how this could be implemented and continue to work with our counterparts in Defra, whose cooperation has been gratefully received, on how best to achieve this.

We note that a number of key issues have arisen regarding what should or should not be subject to licensing and we wish to ensure that all interested parties have an opportunity to comment on those proposals, irrespective of whether or not they participated in this consultation exercise, before any decisions are made on whether specific activities should be included or excluded from the licensing scheme. This may involve a further short and focussed consultation to seek views on any significant changes to the requirements of the licensing scheme.

A Written Statement will be made in the New Year outlining timings for the immediate next steps of the policy development process.

List of Organisations that Responded to the Consultation

This list does not include those who requested anonymity, nor does it include those who responded with the template letter provided by The Kennel Club.

Afghan Hound Breed Council
Airedale Terrier Breed Council
Animal Defenders International
Animal and Plant Health Agency
Animal Welfare & Ethical Review Body of Swansea University
Animal Welfare Network for Wales (AWNW)
Aritaur Dobermanns
Basset Fauve de Bretagne Club
Basset Hound Club of Wales
Bat Conservation Trust
Beagle Association
Beagle Club
Black Mountain Falconry
Blue Cross
Border Collie Club of GB
Born Free Foundation
Budgerigar Society
British Veterinary Association (Welsh Branch) and British Veterinary Zoological Society
Caerphilly Local Authority
Chester City & County Canine Society
Churches Together in Wales
Companion Animal Welfare Group Wales (CAWGW)
Countryside Alliance
Daschund Breed Council
Dobermann Club
Dogs Trust
Dumfries & Galloway Canine Rescue Centre
East Anglian Staffordshire Bull Terrier Group
English Setter Society of Wales
Farmers Union for Wales (FUW)
Felis Britannia
Festinniog Railway Co. Cambrian Archaeological Association
Freedom for Animals
Gower Bird Hospital
KC Horse Rescue
Kennel Club
Llanafan Show
Llynfi Valley Canine Society
Messano Golden Retrievers
Murray Simmonds Falconry
Namkia Poodles
Origin Vets
Ornamental Aquatic Trade Association
Owls Trust
Pact

Pets at Home
Ragemma Pugs
Redwings
Royal College of Veterinary Surgeons
Royal Welsh Agricultural Society
RSPCA Cymru
Sarabande Welsh Springers
Self Help Group for Farmers, Pet Owners and Others Experiencing Difficulties
with the RSPCA
Southern English Springer Spaniel Society
South Wales Kennel Association
Stebel Labradors
Swansea and District Canine Club
Tannahill Beagles
Wales Animal Health and Welfare Framework Group
Wax Pot Nails and Beauty
Welsh Doberman Club
Welsh Dog Groomers Group
Welsh Hawking Club
Welsh Hawk Board
Welsh Kennel Club
World Horse Welfare (supported by the British Horse Council)
Wings of Wales
Zoo That Comes to You

List of Organisations who were consulted prior to publication of the draft Animal Welfare (Licensing of Animal Exhibits) (Wales) Regulations 2020

This list does not include those who requested anonymity.

Ministerial

Lord Gardiner of Kimble, then UK Government's Parliamentary Under Secretary of State for Rural Affairs and Biosecurity⁸

Conservation Medicine Services

Helen Mary Jones AM (on behalf of constituent)

Research

Welsh Local Authorities⁹

Professor Stephen Harris¹⁰

Zoo Expert Committee¹¹

Public consultation – 2017

There were 70 unique responses to the consultation and a further 892 campaign responses on the use of wild animals in travelling circuses. Of the 70 unique responses, 23 organisations responded to the consultation; the list can be seen in the Annex of the Summary Report here: https://gov.wales/sites/default/files/consultations/2018-02/summary_en.pdf. A further Children's Consultation was undertaken at the Royal Welsh Agricultural Show 2019, the results of which will feed in to the full 2019 consultation summary report.

⁸ <https://gov.wales/written-statement-mobile-animal-exhibits-including-circuses>

⁹ *The Local Authorities in Wales undertook a project funded by the Welsh Government in 2017 to identify the number of Mobile Animal Exhibits in Wales and to survey them on their processes and opinions on a future registration or licensing scheme.*

¹⁰ *In 2016 Professor Stephen Harris was commissioned by the Welsh Government to review the collective effect of all aspects of the travelling circuses lifestyle on wild animal welfare. He also considered this in the wider context of mobile zoos.*

¹¹ *The Zoo Expert Committee produced a report on 'mobile zoos' which was sent to Defra and the devolved administrations.*

Ad hoc meetings / visits / correspondence

Animal and Plant Health Agency	Peter Jolly's Circus
Circus Guild of Great Britain	RSPCA / RSPCA Cymru
Circus Mondao	Scottish Government
Countryside Alliance	Wales Animal Health and Welfare Framework Group
Defra	Wales Heads of Trading Standards (Local Authority representatives)
Cracknell Wildlife and Veterinary Services	Welsh Local Government Association
Origin Vets	Zoo Expert Committee

Stakeholder workshops - 2018

Out of the wide range of key stakeholders invited to the workshops, the following attended:

A&S Animal Encounters	Hawk Board
Albion Falconry	Hawks Drift
Animal Zone UK	Heart of the Valley Show
BM Falconry	Independent Bird Register
Born Free Foundation	International Wildlife Consultants Ltd
British Horse Society	Into the Wild Animal Encounters
British Veterinary Association	Isle of Anglesey Council
British Veterinary Association (Welsh Branch)	Martin Jones Falcons
British Veterinary Zoological Society	Newport Council
Caerphilly Council	Origin Vets
Carmarthenshire Council	Pant Glas World of Nature
Countryside Alliance	Pembrokeshire Council
Dagge Design	Powys Council
Denbighshire Council	Quack Pack
Dogs Trust	Rhondda Cynon Taff Council
Falconry Experiences	Rockwood Animals on Film
Falconry UK	RSPCA
Farmers Union of Wales (FUW)	The British Bird of Prey Centre
Flintshire Council	The Owl Sanctuary
Freedom for Animals	Wings of Wales
Gwynedd Council	