

**General Licensing and Registration
Committee**

8th July 2010



Zoo Licensing Act 1981

**Report of the Corporate Director
Neighbourhood Services**

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Councillor Bob Young – Portfolio holder

Purpose of the Report

The Authority has recently received notification from the owners of an animal farm of their intention to apply for a zoo licence. Upon reviewing the authority's arrangements for dealing with such applications, it became apparent that it would be most appropriate for the General Licensing and Registration Committee to determine such applications.

The change in the constitution to allow the Committee to determine such applications will be considered in the near future, but in anticipation of this amendment to the constitution, the purpose of the report is to inform members of the General Licensing Committee of the main provisions of the Zoo Act 1981 and the associated procedure for dealing with applications for zoo licences.

Background

Zoos are regulated by local authorities under the Zoo Licensing Act 1981.

The purpose of the Act is to ensure that, where animals are kept in caged surroundings, they are provided with a suitable environment to provide an opportunity to express their most normal behaviour.

The Zoo Licensing Act defines a zoo as:

"an establishment where wild animals are kept for exhibition to the public otherwise than for the purposes of a circus and otherwise than as a pet shop; and this Act applies to any zoo to which members of the public have access, with or without charge for admission, on more than seven days in any period of 12 consecutive months".

This definition means that licensed zoos can range from the traditional type of zoo and safari park to small specialist collections. Wild animals are defined as animals not normally domesticated in Great Britain.

The Authority works in close partnership with the Department of Environment, Food and Rural Affairs (DEFRA) on all aspects of zoo licensing to ensure that zoos comply with the provisions of the Zoo Licensing Act as well as the requirements set out in the Secretary of State's Standards of Modern Zoo Practice

The Act does not extend to circuses, or to pet shops, both of which are covered by other legislation.

An applicant for a licence will also need to consider whether planning permission is required for the proposed zoo. The Authority may refuse or defer a decision on an application for a zoo licence until the planning issue has been decided.

Application Procedure

At least two months prior to placing an application with the authority for a zoo licence the potential zoo operator must provide in writing his/her intention to make an application.

A notice must be placed in a locally circulating newspaper as well as a national newspaper. In addition a copy of the notice of intention to apply for a zoo licence must be placed at the proposed site of the zoo and the Council offices for public inspection and comment.

Once the 2 months has lapsed, an application can be submitted by the potential zoo operator along with the current licence fee, which for Durham County Council is £400. This fee does not cover the costs of any veterinary charges which are charged separately.

Following receipt of the application the Authority will consider any representations from the police authority, fire service and a national institution concerned with the operation of zoos in the UK ie the Zoo Inspectorate.

Representations can also be considered from any person alleging that the establishment or continuance of the zoo would injuriously affect the health or safety of persons living in the neighbourhood of the zoo or from any other person whose representation might, in the opinion of the Authority, show grounds on which the authority has a power or duty to refuse to grant a licence.

For small zoos or for a zoo exhibiting only a small number of different kinds of animals the Secretary of State has powers to relax the requirements of the Act.

A local authority can request the Secretary of State to direct that, due to the small size of the zoo or the small number of animal types kept there, the Act does not apply or that it is not necessary for periodical and special inspections to be carried out. The Secretary of State may, after consulting such persons as he thinks fit, determine if these dispensations may be allowed. Alternatively, the zoo operator, on applying to the Secretary of State, may be granted a dispensation to reduce the number of inspections to a reasonable level for a small establishment. This, however, does not reduce the zoo's obligation to achieve the levels of animal welfare and public safety set out in the Secretary of State's Standards.

An inspection of the proposed zoo premises is carried out by a Secretary of State appointed inspector prior to the application being considered by the Authority.

The Inspector's report is taken into account by the Authority in determining whether or not to grant a zoo licence.

Should the application be refused the applicant will receive a written statement outlining any grounds for refusal.

Should a licence be granted, periodic inspections by the Secretary of State's appointed inspectors occur as a minimum at the renewal stage of the licence (ie

within the six months leading to the expiry date), in the first year of the original licence and in the third year of the six-year period.

The local authority can also request a special inspection by an appointed competent person where concerns have arisen.

Decision to grant or refuse an application.

The local authority will refuse to grant a licence for a zoo if they are satisfied that the establishment or continuance of the zoo would injuriously affect the health or safety of persons living in the neighbourhood of the zoo, or seriously affect the preservation of law and order.

The local authority may refuse to grant a licence for a zoo if they are not satisfied that the standards of accommodation, staffing or management are adequate for the proper care and wellbeing of the animals or otherwise for the proper conduct of the zoo. The Authority may also refuse to grant a licence if:

- (a) the applicant, or
- (b) (where the applicant is a body corporate) the body or any director, manager, secretary or other similar officer of the body, or
- (c) any person employed as a keeper in the zoo,

has been convicted of an offence under this Act or under any of the enactments mentioned in the Act or of any other offence involving the ill-treatment of animals.

When a zoo licence is granted it remains in force for four years. Consecutive renewals remain in force for 6 years.

Applicants aggrieved by the refusal to grant a licence, any condition attached to a licence, any variation or cancellation of a condition, the refusal to approve the transfer of a licence or a zoo closure direction may appeal to a magistrates' court.

Licence Conditions

The Zoo Licensing Act specifies conservation measures that must be undertaken by the zoo. Any licence granted will therefore contain appropriate conditions with regard to these measures. The local authority also has discretion to attach any condition(s) deemed necessary or desirable for the proper conduct of the zoo.

The Secretary of State issues guidance relating to conditions in the DEFRA document Standards of Modern Zoo Practice.

The following conservation measures are required to be implemented in zoos in accordance with the Act-

- (a) participating in at least one of the following-
 - (i) research from which conservation benefits accrue to species of wild animals;
 - (ii) training in relevant conservation skills;
 - (iii) the exchange of information relating to the conservation of species of wild animals;
 - (iv) where appropriate, breeding of wild animals in captivity; and
 - (v) where appropriate, the repopulation of an area with, or the reintroduction into the wild of, wild animals;
- (b) promoting public education and awareness in relation to the conservation of biodiversity, in particular by providing information about the species of wild animals kept in the zoo and their natural habitats;

- (c) accommodating their animals under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong, including-
 - (i) providing each animal with an environment well-adapted to meet the physical, psychological and social needs of the species to which it belongs; and
 - (ii) providing a high standard of animal husbandry with a developed programme of preventative and curative veterinary care and nutrition;
- (d) preventing the escape of animals and putting in place measures to be taken in the event of any escape or unauthorised release of animals;
- (e) preventing the intrusion of pests and vermin into the zoo premises; and
- (f) keeping up-to-date records of the zoo's collection, including records of-
 - (i) the numbers of different animals;
 - (ii) acquisitions, births, deaths, disposals and escapes of animals;
 - (iii) the causes of any such deaths; and
 - (iv) the health of the animals.

The zoo must keep information to show how it has complied with this condition and supply it to the Licensing Authority upon request.

Specific conditions will also be attached to a licence where these have been identified as being necessary during the inspection by the specialist vet.

Penalties

It is unlawful to operate a zoo without a licence. It is also an offence not to comply, without reasonable excuse, with the conditions attached to the licence or to intentionally obstruct an inspector. Maximum penalties, on summary conviction, may lead to a fine not exceeding £500 for obstruction, and £200 for unlawful operation or non-compliance with conditions.

Recommendations and reasons

That the report be received for information of members.

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Appendix 1: Implications

Finance

None

Staffing

None

Equality and Diversity

None

Accommodation

None

Crime and disorder

None

Sustainability

None

Human rights

None

Localities and Rurality

None

Young people

None

Consultation

None

Health

None