

ZOO LICENSING – ROLE OF THE LOCAL AUTHORITY

What is a zoo?

1. Section 1 of the 1981 Act defines a zoo as 'an establishment where wild animals are kept for exhibition ... to which members of the public have access, with or without charge for admission, seven or more days in any period of twelve consecutive months'. This means that everything from a traditional zoo to small collections such as butterfly houses and aquaria could be covered by the Act. The Act recognises that differing types of zoos require different levels of oversight by allowing dispensations to be granted for small zoos. The Act permits some collections to be exempted from the provisions of the Act altogether.

A new zoo?

2. If it appears to the local authority that an animal collection may be a zoo, it needs to:

- Decide if the establishment meets the definition of a zoo (Section 1(2) of Zoo Licensing Act 1981) and Annex E of Circular 02/2003);
- consider whether the collection may be suitable for an exemption (Section 14(1)(a) of the Act) and if so apply to Defra;
- if an exemption is not suitable then the zoo will need to apply to the LA for a zoo licence (Section 2 of the Act – forms on Defra website at <http://www.defra.gov.uk/wildlife-countryside/gwd/zoo.htm#forms>;
- arrange a Licence Inspection before deciding whether to grant or refuse a licence.

Suitable for a Section 14(1)(a) exemption?

3. If the local authority believes that a collection is a small zoo, or a zoo exhibiting only a small number of different animals (see paras 80-83 of Circular 02/2003), it may be exempted from the provisions of the Act. In these circumstances the local authority needs to:

- apply to Defra on behalf of the zoo. Applications should contain:
 - A letter from LA stating why they support an exemption.
 - A letter from vet (not used by the zoo) confirming that the zoo is run properly and the animals well cared for.
 - A current stock list.
 - A plan of the zoo with sizes of enclosures.

4. If the Secretary of State directs that that the zoo is exempt, the local authority then needs to:

- review the exempt status from time to time;

- monitor the zoo by means of inspections carried out under other legislation, such as the Health and Safety at Work Act 1974.

Licence Inspection process for a new (non-exempt) zoo?

5. The local authority must arrange for an inspection to be carried out before a zoo licence can be issued (see paras 49-58 of Circular 02/2003). It needs to:

- contact Defra to request nomination of a Secretary of State zoo inspector for a Licence Inspection;
- liaise with applicant and inspector to arrange a date for the inspection;
- participate in inspection. Forward a copy of the inspector's report to the applicant for comment;
- consider the inspection report and the applicant's comment and decide whether to grant or refuse the zoo licence;
- if granted, send licence, for period of 4 years for first licence (subsequent licences for 6 years) and conditions (mandatory and additional) to applicant (and copy it to the zoo inspector).

A smaller zoo - applications for Sections 14(1)(b) and 14(2) dispensations (to allow fewer inspections/inspectors)?

6. The local authority needs to consider whether a small zoo may be subject to a dispensation to allow fewer inspections (para 84 of Circular 02/2003). In these cases the local authority needs to:

- apply to Defra on behalf of the zoo for a Section 14(1)(b) Dispensation (as for a Section 14(1)(a) exemption (see above).

7. In some cases the Secretary of State may issue a dispensation to allow fewer inspectors (para 85 of Circular 02/003):

- Zoo operator applies direct to Defra for a Section 14(2) dispensation. Defra will consult local authorities. Applications should contain:
 - Letter from operator requesting a dispensation.
 - A current stock list.
 - A plan of the zoo with sizes of enclosures.

8. For both types of dispensation, the local authority needs to:

- review the dispensation status from time to time.
- ask an inspector to confirm the appropriateness of the current dispensation status of a zoo before or during an inspection.

Inspection process for zoos with Section 14(1)(b) Dispensations?

9. A zoo subject to a Section 14(1)(b) dispensation will not be subject to either a periodical or special inspection or both. In these cases the local authority needs to:

- arrange an informal inspection (Section 12 of the Act) every year;
- appoint a single inspector competent to carry out an inspection.

10. In these instances, the local authority needs to:

- keep a written report of the inspection;
- bear in mind the opportunity to use the informal inspection during the final year of a licence (year 4 of first licence, year 6 of subsequent licences) to consider whether the licence should be renewed.

Inspection process for zoos with Section 14(2) Dispensations?

11. A zoo subject to a Section 14(2) dispensation will require inspections to be carried out only by Secretary of State zoo inspector(s) (accompanied by a local authority officer). In these instances the local authority needs to:

- arrange informal inspections (Section 12 of the Act) as above except in years when there is a periodical inspection;
- arrange periodical inspections (Section 9A and 10 of the Act), excluding Sections 10(4)(a) and (b) by one or more nominated Secretary of State inspectors (from either part 1 or part 2 of the list, see Section 8 of the Act):
 - During the first year and not later than six months before the end of the fourth year of the initial four year licence.
 - During the third year and not later than six months before the end of the sixth year of the subsequent six year licences.

Inspection process for zoos without a Dispensation?

12. A zoo without a dispensation or exemption will be subject to all the licensing and inspection requirements of the Act. The local authority therefore needs to:

- arrange informal inspections (Section 12 of the Act) as above except in years when there is a periodical inspection;
- arrange periodical inspections (Section 9A and 10 of the Act) by two nominated Secretary of State inspectors (one from part 1 and one from part 2 of the list, see Section 8 of the Act) and no more than three nominated by the local authority one of whom must be a vet:
 - During the first year and not later than six months before the end of the fourth year of the initial four year licence.

- During the third year and not later than six months before the end of the sixth year of the subsequent six year licences.

OTHER ISSUES

Licence conditions

13. Section 1A of the Act specifies the conservation measures that zoos are required to undertake. Where a licence is granted you must implement these requirements by attaching appropriate conditions.

14. Other conditions should be attached to the licence having regard to the inspection report and the Secretary of State's Standards of Modern Zoo Practice. Annexes B and C of Circular 02/2003 provide useful guidance and model conditions.

Special inspections (and non-compliance)

15. Section 11 of the Act gives the local authority the power to carry out a Special Inspection if they consider it appropriate to do so having regard to:

- a) any periodical report on the zoo made to them pursuant to Section 10; or
- b) any representations made to them on behalf of a properly constituted body concerned with any aspect of the management of zoos or the welfare of animals; or
- c) any report on the zoo made to them pursuant to an inspection in accordance with Section 9A or under the provisions of Section 12; or
- d) any other circumstances which in their opinion call for investigation.

16. A Special inspection should be undertaken by persons who appear to the local authority to be competent for the purpose except where the purpose of the inspection relates to the health of animals. In this case a veterinary surgeon or veterinary practitioner with experience of animals kept in zoos should be used.

17. Section 16 provides the local authority with the power to alter licences. This can be done by varying, cancelling, attaching new conditions or by a combination of these methods if in their opinion it is necessary or desirable to do so to ensure the proper conduct of the zoo.

Informal inspections

18. Section 12 requires the local authority to carry out an informal inspection in any calendar year in which there is neither a periodical nor a special inspection.

19. The arrangements for, and conduct of, an informal inspection are for the local authority to decide, but we strongly recommend that a written report is made (paras 75-77 of Circular 02/2003), and that a copy is given to the zoo operator.

20. There is no model form for informal inspections, but they should include looking to see:

- whether there are any obvious ways in which the zoo is not being managed satisfactorily;
- whether the conditions of the licence are being broken;
- what progress there has been made in carrying out the recommendations in the reports of previous inspections;
- whether there have been any new exhibits, improvements or other changes since the previous inspection; and
- that any time limited conditions have been complied with in the time specified.

21. If the local authority has reason to be concerned about a zoo, they should not wait until the next inspection to investigate them.

22. To reduce the burden on Local Authorities and Zoos, informal inspections of zoos could be combined with other inspection activities that the local authority may undertake for that concern, as long as the person is considered competent to carry out the requirements of the informal zoo inspection.

Annex B

The Zoo Licensing Act pages of the Defra website:

<http://www.defra.gov.uk/wildlife-countryside/gwd/zoo.htm>

The Government Circular 02/2003:

<http://www.defra.gov.uk/wildlife-countryside/gwd/govt-circular022003.pdf>

The Secretary of State's Standards of Modern Zoo Practice:

<http://www.defra.gov.uk/wildlife-countryside/gwd/zooprac/index.htm>

The Zoos Forum pages of the Defra website:

<http://www.defra.gov.uk/wildlife-countryside/gwd/zoosforum/index.htm>

The Zoos Forum Handbook:

<http://www.defra.gov.uk/wildlife-countryside/gwd/zoosforum/handbook/index.htm>

Interpretation of "...kept for exhibition...":

<http://www.defra.gov.uk/wildlife-countryside/gwd/zoosforum/handbook/exhibition-guidance.pdf>

Application Forms:

<http://www.defra.gov.uk/wildlife-countryside/gwd/app-forms.htm>

Pre-inspection Audit Form:

http://www.defra.gov.uk/corporate/regulat/forms/cons_man/zoo1.htm

Inspection Report Form:

http://www.defra.gov.uk/corporate/regulat/forms/cons_man/zoo2.htm

Licence Inspection Report Form:

http://www.defra.gov.uk/corporate/regulat/forms/cons_man/zoo3.htm

Mandatory Conditions that must be attached to licences:

<http://www.defra.gov.uk/wildlife-countryside/pdfs/gwd/mandatory-conditions.pdf>

Suggested Model Condition:

<http://www.defra.gov.uk/wildlife-countryside/pdfs/gwd/model-condition.pdf>

Discretionary conditions commonly attached to licences:

<http://www.defra.gov.uk/wildlife-countryside/pdfs/gwd/discretionary-conditions.pdf>