

ZOO LICENSING – TO CONSIDER DELEGATING POWERS TO THE HEAD OF ENVIRONMENTAL HEALTH AND TRADING STANDARDS - ZOO LICENSING ACT 1981

Report By: Head of Environmental Health and Trading Standards

Wards Affected:

County-wide

Purpose

- 1 To consider delegating powers to the Head of Environmental Health and Trading Standards to determine zoo licenses.

Legislation

- 2 The Zoo Licensing Act 1981 makes provisions for the local Authority to make set considerations when issuing a Zoo licence.

Consideration of application

Section.3-(1) On the consideration of an application for a licence the local Authority shall take into account any representations made by or on behalf of any of the persons mentioned in subsection (2)

(2) The persons are:-

- (a) the applicant;
- (b) the chief officer of police (or in Scotland the chief constable) for any area in which the whole or any part of the zoo is situated;
- (c) any authority discharging, in any area in which the whole or any part of the zoo is situated, the functions of fire authority under the Fire Services Act 1947;
- (d) the governing body of any national institution concerned with the operation of zoos;
- (e) where part of the zoo is not situated in the area of the local authority with powers to grant the licence
 - (i) a planning authority for the area in which the part is situated (other than a county planning authority) or,
 - (ii) if the part is situated in Wales, the local planning authority for the area in which it is situated;
- (f) 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;
- (g) any other person whose representation might, in the opinion of the local Authority, show grounds on which the authority has a power or duty to refuse to grant a licence.

S.4-(1) Before granting or refusing to grant a licence for a zoo, the local Authority

shall:-

- (a) consider inspectors' reports made in pursuance of inspections of the zoo this Act, or
- (b) if no inspection of the zoo has been made under this Act, consult such persons on the list as the Secretary of State nominates for the purposes of this section.

S.4-(1A) Before granting or refusing to grant a licence for a zoo, the local Authority shall also:-

- (a) consult the applicant about the conditions they propose would be attached to the licence, if one were granted, under Section 5 (2A) and (if applicable) Section 5(3); and
- (b) make arrangements for an inspection to be carried out in accordance with Section 9A (subject to subsection (2) of that section

(2) The local Authority shall 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.

(2A) The local Authority shall also refuse to grant a licence for a zoo if they are not satisfied that the conservation measures referred to in section 1A will be implemented in a satisfactory manner at the zoo.

(3) The local Authority may refuse to grant a licence for a zoo if subsection (2A) does not apply but they are not satisfied that the standards of accommodation, staffing or management are adequate for the proper care and wellbeing of the animals or any of them or otherwise for the proper conduct of the zoo.

(4) The local 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 subsection (5) or of any other offence involving the ill-treatment of animals.

(5) The enactments are:-

the Protection of Animals Acts 1911 to 1964
the Protection of Animals (Scotland) Act 1912 to 1964
the Pet Animals Act 1951
the Animal Boarding Establishments Act 1963
the Riding Establishments Acts 1964 and 1970
the Breeding of Dogs Act 1973
the Dangerous Wild Animals 1976
the Endangered Species (Import and Export) Act 1976
Part 1 of the Wildlife and Countryside Act 1981

(6) If the local Authority are not satisfied that any planning permission required under Part III of the Town and Country Planning Act 1990 or under the Town and Country Planning (Scotland) Act 1997 for the establishment of the zoo or for the continuance of the zoo during the period for which the licence would be in force, has been, or is deemed to be, granted, they shall either refuse to

grant the licence or grant the licence but suspend its operation until the local planning authority within the meaning of the said Act of 1990 or, as the case may be, 1997 have notified the local Authority that any such planning permission has been or is deemed to be granted.

- (7) Except as provided by this section the local Authority shall not refuse to grant a licence pursuant to an application and if they do refuse to grant it they shall send to the applicant by post a written statement of the grounds of their refusal.
- (8) When a licence is granted the local Authority shall send it to the applicant by post and the licence or a copy of it shall be publicly displayed at each public entrance to the zoo.

Enforcement of licence conditions and closure orders

S.16A-(1) Subsection (2) applies where the local Authority, after giving the licence holder an opportunity to be heard, are not satisfied that a condition attached to a licence granted by them under this Act is met in relation to the zoo or a section of it.

- (2) Unless subsection (3) applies, the Authority shall make a direction specifying
 - (a) the licence condition which they are not satisfied is met;
 - (b) whether they are not satisfied that that condition is met in relation to
 - (i) the zoo; or
 - (ii) a section of the zoo, and if so, which section;
 - (c) steps to be taken by the licence holder to ensure that that condition is met in relation to the zoo (or, if a section of the zoo is specified under paragraph (b) (ii), in relation to that section) within a period specified in the direction, which may not exceed two years from the date of the direction; and
 - (d) whether the zoo or a section of it is required to be closed to the public during that period or any part of it specified in the direction.
- (3) This subsection applies if the Authority have power to make a zoo closure direction under section 16B (5) and they exercise that power.
- (4) The Authority may, after giving the licence holder an opportunity to be heard, make a direction under this subsection varying a direction under subsection (2) (including such a direction as varied by a direction under this subsection).
- (5) A direction under subsection (4) may increase the period specified in the direction under subsection (2) (c) or (d), but the period as increased must not exceed two years beginning with the date of the direction under subsection (2).
- (6) A direction under subsection (2) (including such a direction as varied by a direction under subsection (4)) may be revoked by a further direction of the Authority.

Zoo Closure Direction

- S.16B-(1) The local Authority shall make a zoo closure direction in respect of a zoo licensed under this Act where:-
- (a) they have made a direction under section 16A (2) in respect of the zoo;
 - (b) the period specified in the direction by virtue of section 16A (2) (c), including such a direction as varied under section 16A (4), has expired; and
 - (c) they are satisfied, after giving the licence holder an opportunity to be heard, that a condition:-
 - (i) specified in that direction and in respect of which the zoo was specified under section 16A (2) (b) (i); and
 - (ii) which requires any conservation measure referred to in section 1A to be implemented at the zoo, is not met in relation to the zoo.
- (2) The Authority shall make a zoo closure direction in respect of a zoo licensed under this Act where they are satisfied, after reasonable enquiries have been made, that the licence holder cannot be found.

Appeals

- S.18 -(1) A person aggrieved by:-
- (a) the refusal to grant a licence;
 - (b) any condition attached to a licence;
 - (c) any variation or cancellation of a condition;
 - (d) the refusal to approve the transfer of a licence;
 - (e) a direction under section 13 (8) (c) or 16A(2) or any variation of such a direction;
 - (f) a zoo closure direction;
 - (g) the refusal to approve a plan prepared under section 16E (2);
 - (h) a direction under section 16E (6) or any variation of such a direction; or
 - (i) any arrangements under section 16E (7) or (8),
- may appeal to a magistrates' court acting for the petty sessions area in which the zoo is situated.

To Consider

- 3** Delegating powers to the Head of Environmental Health and Trading Standards to grant or refuse a licence for a zoo.

However the regulatory committee should retain the right to determine the following:-

- (a) if 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.
- (b) if the conservation measures referred to in section 1A will be implemented in a satisfactory manner at the zoo.

S.1A The following are conservation measures to be implemented in zoos in accordance with this 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
 - a. where appropriate, the repopulation of an area with, or the reintroduction into the wild of, wild animals;
 - (v) 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;
 - (vi) accommodating their animals under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong, including:-
 - a. providing each animal with an environment well adapted to meet the physical, psychological and social needs of the species to which it belongs; and
 - b. providing a high standard of animal husbandry with a developed programme of preventative and curative veterinary care and nutrition;
 - (vii) preventing the escape of animals and putting in place measures to be taken in the event of any escape or unauthorised release of animals;
 - (viii) preventing the intrusion of pests and vermin into the zoo premises; and
 - (ix) keeping up-to-date records of the zoo's collection, including records of:-
 - a. the numbers of different animals;
 - b. acquisitions, births, deaths, disposals and escapes of animals;
 - c. the causes of any such deaths; and
 - d. the health of the animals
- (c) if the standards of accommodation, staffing or management are adequate for the proper care and wellbeing of the animals or any of them or otherwise for the proper conduct of the zoo.
- (d) When a closure order under 16 b (1) is to be made
- (e) when a zoo closure order under 16 b (2) is to be made after reasonable enquiries have been made the licence holder cannot be found

Options

- 4 it is for the Regulatory Committee to
- (a) Delegate the powers as detailed in this report
 - (b) Or reach some other conclusion