

Guidance notes



Zoo Licences

Updated August 2015

Do you need a zoo licence from North Devon Council?

If you intend to operate a zoo in the North Devon area, it will be necessary for you to gain a zoo licence.

The Zoo Licensing Act 1981 defines a "zoo" as an establishment where wild animals are kept for exhibition to the public other than for purposes of a circus or in a pet shop (separate licences are required). This Act applies to any zoo, which members of the public have access to, with or without an admission charge, on more than seven days in any 12 months.

Application process

The licensing of zoos is a specialist field and the regulations are complex. We work in close partnership with DEFRA. Details on the legislation and the Secretary of State's Standards of Modern Zoo Practice can be found on the DEFRA website under the Wildlife and Pets homepage.

If you are thinking of setting up a zoo, we recommend you contact us first for advice and guidance. We can't consider an application unless at least two months notice of the application has been given, plus details have been published in a local and national newspaper, and a notice has been placed at the site. Once this period of time has lapsed, an application form can be submitted along with the current fee.

Before North Devon Council can grant a licence for a zoo, we must be satisfied that:

- the establishment will not injuriously affect the health and safety of people living in the neighbourhood
- the establishment will not affect the preservation of law and order
- the accommodation, staffing and management are adequate for the proper care and well-being of the animals

North Devon Council will consult the following in relation to your application:

- Police
- Fire authority
- Governing body of any national institute concerned with the operation of zoos
- Planning authority
- Council's Health and Safety team

We will arrange an inspection by a consultant inspector from a list of suitable inspectors nominated by the Secretary of State. The inspector will produce a report of their findings and, based on the report and other considerations, the local authority will grant or refuse to grant a licence. This process may involve determination by the council's Licensing Committee. If your licence is refused, you will receive a written statement of the grounds for refusal.

The applicant

North Devon Council may refuse to grant a licence if you, or any director, manager, secretary or other similar officer of the body, or any person employed as a keeper in the zoo, has been convicted of an offence under the Zoo Licensing Act 1981 or an offence under any of the following involving the ill-treatment of animals:

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

Planning requirements

When applying for a licence, you will need to consider whether planning permission is required for the proposed licensed activity. You should contact the council's Planning and Development Services on 01271 388288 to discuss whether permission will be needed.

Licences

Each original licence will run for four years, with consecutive renewals running for six years. Failure or late application for renewal may invalidate any public liability insurance

for the premises. A copy of the licence must be displayed at every public entrance of the establishment.

Changes to the licence, for example name changes and ownership changes, can be carried out at the request of the operator. A licence can also be transferred to another person with the approval of North Devon Council. There is an application form for the transfer of a licence, which must be submitted with the relevant fee. Go to the council website for details.

In the event of a licenceholder dying, the licence shall be deemed to be granted to their personal representatives and will remain in force for up to three months, or longer with our approval.

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. The local authority can seek a direction that the Act shall not apply at all (Section 14(1)(a)) or that certain category of inspection is not required (Section 14(1)(b)).

Alternatively, on applying to the Secretary of State for a zoo licence, you may be granted a dispensation (Section 14(2)) to reduce the number of inspectors to a reasonable level for a small establishment. This will 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.

What conditions will be attached to a licence?

The Zoo Licensing Act 1981 specifies various conservation measures that must be undertaken by a zoo and these will be attached as conditions to a zoo licence (conditions are available on our website).

North Devon Council also has discretion to attach any conditions it deems necessary or desirable for the proper conduct of the zoo.

The Secretary of State issues guidance of standards of practice that zoos should meet which apply in England. Copies of the Secretary of State's Standards of Modern Zoo Practice are available from DEFRA.

Inspection types

Periodic inspections

Periodic inspections inspectors appointed by the Secretary of State will take place at the following intervals:

- in the case of an original licence, an inspection will be carried out in the first year and no later than six months before the end of the fourth year
- in the case of a renewal inspection in the third year and no later than six months before the end of the sixth year

Up to three inspectors appointed by North Devon Council will visit the premises and at least one of these will be a qualified veterinary surgeon or practitioner. Meanwhile, up to two may be nominated from the Secretary of State approved list. Only one is necessary if they fulfil both of the requirements above.

North Devon Council will give you at least 28 days notice of our intention to inspect your premises and will inform you of the names of the inspectors. You can in turn appeal against all or any of them.

As the zoo operator, you may allow three representatives to accompany the inspection team. The inspection team will submit a report to North Devon Council who will in turn send a copy to you within a month of its receipt.

Special inspections

North Devon Council has the right to make special inspections in any circumstances, which in our opinion call for investigation. As the zoo operator, you must be given notice of the purpose and scope of the inspection and if the investigation involves animal inspection, at least one inspector will be a qualified vet with experience of zoos and zoo animals.

Informal inspections

In any calendar year where no other inspection has taken place, an informal inspection will be carried out by an appointed person from North Devon Council.

Renewing a licence

North Devon Council will give at least nine months notice of the expiry date of your licence. Your application to renew the licence should then be made at least six months before the expiry of the existing licence.

Records required to be kept

The records required to be kept by a zoo will be largely dependent on the conditions imposed on a particular operator. However, typical requirements include providing North Devon Council with a copy of a zoo's public liability insurance, annual stock list, intention of providing hazardous animals.

Offences and penalties

The following offences and penalties are created under Section 19 of the Zoo Licensing Act 1981:

- operating a zoo without a licence in contravention of the Act
- failing without reasonable excuse to comply with any conditions of a licence
- intentionally obstructing an inspector in the course of an inspection
- intentionally obstructing someone who is authorised in accordance with Section 16G to enter the premises of a permanently closed zoos or a dwelling within the zoo grounds
- failing without reasonable excuse with a direction issued under section 16A(2)(d) to close a zoo or part of it to the public for a period not exceeding two years
- failing without reasonable excuse to comply with a zoo closure direction
- failing without reasonable excuse to supply information requested by the local authority about the care or disposal of zoo animals in the event of a zoo closure
- failing without reasonable excuse and without the agreement of the authority, to dispose of any animal kept at a permanently closed zoo before the plan in section 16E(2) has been approved by the authority, or other than in accordance with the agreed plan
- failing without reasonable excuse to comply with a direction issued under section 16E(6) (direction about the welfare or disposal of animals kept in a permanently closed zoo)
- failing without reasonable excuse to display the zoo licence or a copy at each entrance of the zoo

Under Section 19(4), if you are found found guilty of any offence above, you are liable to a fine of level 4 (currently £2,500), except obstructing an inspector, failing to supply information about the care or disposal of zoo animals in the event of zoo closure, or failing to display the licence or copy of it at each zoo entrance area for which are liable to a fine of level 3 (currently £1,000).

Rights of entry

Local authority officers and accompanied by the appointed veterinary surgeon may inspect zoo premises, having given 28 days notice in writing.

There is currently no power of entry to unlicensed premises.

Fee

A completed application (for the grant, renewal or transfer of a licence) must be submitted with the correct fee and in addition the applicant will need to pay any associated veterinary fees for DEFRA nominated inspectors.

How long will it take to process my application?

We will try to contact you within five days of receiving notice of your intention to apply for a licence. If you have not heard from us within this period, please contact us to ensure your notice was correctly made and received. We will then have two months to make the necessary arrangements in preparation of the next stage in the process.

It is not possible to provide an exact time period for the grant or refusal of a licence. Timescales will vary depending on the size and nature of each individual application. Comments gained in the consultation period and from the inspectors report may vary widely, and some applications may need to go before the council's Licensing Committee for determination.

Right of appeal

If you wish to challenge a refusal to be granted a licence, or any conditions to a licence, you can appeal to the magistrates courts.

Complaints

If you want to make a complaint about a zoo premises, please contact us.

If you feel we have failed to provide you with good service or are concerned about the progress of your application, please telephone Customer Services and we will try to resolve any concerns you may have. The council also has a formal complaints procedure.

Further information

Copies of the Zoo Licensing Act 1981 and Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002 can also be purchased from Her Majesty's Stationary Office.

Further information on zoos operating in England, as well managing health and safety in zoos, is available from DEFRA.

The Animal Welfare Act 2006, places responsibilities for care and welfare of an animal, on persons who are in charge of or are responsible for the animal, whether on a permanent or temporary basis. Again, more information is available from DEFRA.

Relevant trade associations

- World Association of Zoos and Aquariums (WAZA)
- British and Irish Association of Zoos and Aquariums (BIAZA)
- Royal College of Veterinary Surgeons (RCVS)