

ZOO LICENSING ACT 1981

ZOO LICENCE

APPLICATION GUIDANCE NOTES

A zoo is defined as being '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'. The wide scope of this definition means that licensed zoos range from traditional urban zoos and safari parks to small specialist collections such as butterfly houses and aquaria.

The Zoo Licensing Act 1981 (as amended) requires the inspection and licensing of all zoos in Great Britain. The Act aims to ensure that, where animals are kept in enclosures, they are provided with a suitable environment to provide an opportunity to express most normal behaviour.

Eligibility Criteria

An applicant must not be disqualified from any of the following at the time of the application:

- The Animal Welfare Act 2006
- the Protection of Animals (Scotland) Acts 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 Act 1976;
- the Endangered Species (Import and Export) Act 1976.
- Part I of the Wildlife and Countryside Act 1981

An applicant for a licence will need to consider whether planning permission is required for the proposed licensed activity. They should contact the planning department to discuss whether permission will be needed. The local authority may refuse or defer a decision on an application for a licence until the planning issue has been decided.

Applicants must pay the required application fee and comply with any conditions attached to the licence.

Fees

Please view the current licensing fees document to find out how much you will need to pay. You will also be recharged Scottish Minister's inspectors fees for any formal inspections that take place during the licence period and on application. Each original licence will run for four years, consecutive renewals will run for six years.

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, the zoo operator, on applying to the local authority for a zoo licence, may be granted a dispensation (Section 14(2)) to reduce the number of inspectors to a reasonable level for a small establishment. This doesn't reduce the zoo's obligation to achieve the levels of animal welfare and public safety set out.

Application Evaluation Process

For new applications at least two months prior to placing an application with the authority the potential zoo operator must provide in writing their intention to make an application. A published notice must also be placed in a locally circulating newspaper as well as a national newspaper. A copy of this notice must also be placed at the site for easy viewing and with the local authority for public comment. The local authority may request representations from the police authority, fire service authority, public objections and/or a national institution concerned with the operation of zoos in the UK (i.e. if aquatic zoo go to an aquatic zoo specialist). Other person(s) whose representations might be relevant can also be consulted.

Once this period of time has lapsed, an application form can be submitted along with the current fee. For renewals an application form should be sent to East Lothian Council 6 months prior to the licence expiring.

An inspection is carried out by a Scottish Minister's appointed inspector who will produce a report of his findings. Based on the report and other considerations the local authority will grant or refuse to grant a licence. The operator will receive a written statement of the grounds for any refusal.

Periodic inspections, with Scottish Minister's appointed inspectors, occur as a minimum at renewal stage (ie within the six months leading to the expiry date) and in the first year of the original licence and in the third year of the six-year period of a renewal. The local authority can request a special inspection by an appointed competent person where concerns have arisen. In any calendar year where no other inspection has taken place, an informal inspection is carried out by an appointed person from the local authority.

The Zoo Licensing Act 1981 specifies conservation measures that must be undertaken by the zoo. The licence will contain appropriate conditions with regard to these measures and the Secretary of State issues model conditions for zoo licences. The local authority also has discretion to attach any condition(s) deemed necessary or desirable for the proper conduct of the zoo.

Tacit consent

Please note that tacit consent does not apply to zoo licence applications. This means that you must wait for the council to determine your application before a zoo may begin operating. It is in the public interest that the authority must process your application before it can be granted. If the required two months notice of intention to apply is correctly served (for new applicants only) we will aim to have your application dealt with and licence granted or refused with 160 days of receipt of the application.

How to apply

You must give at least 2 months notice before applying for a zoo licence. You will need to provide copies of the following:

- Site/location plan
- Stock list
- Plan showing proposed layout of the zoo
- Planning permission
- Animal accommodation plan
- Entrances and exits plan
- Press notice
- Public Liability Insurance certificate
- Employer's Liability Insurance certificate