Review of local authorities’ implementation of the Zoo Licensing Act 1981 in England and Wales

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Executive Summary

Concerns have been expressed with respect to local authority implementation of the Zoo Licensing Act 1981 (‘the Act’) and against this background, Defra commissioned a study to review this implementation in England and Wales. ADAS, working in close collaboration with the British and Irish Association of Zoos and Aquariums (BIAZA), carried out an iterative programme of work in order to achieve the project objectives:

- consider any identified problems or inadequacies with the legislation and comment on the possible need for legislative changes to assist local authorities, including for simplification of the zoo licensing system;
- provide an analysis of how local authorities have performed in implementing the Act;
- identify and record local authority good practices and procedures in the licensing and inspection of zoos; and
- where any difficulties have been found, make suggestions for administrative (non-legislative) measures that would assist local authorities in implementing the Act.

At the outset, a review of available information was conducted to identify key issues. This informed the development of a postal survey of all local authorities with zoos in their area, with responses received from 138 local authorities. From the respondents nine were interviewed for more detailed case studies. In addition a postal survey of exempt zoos (those with dispensation 14(1)(a)) was carried out that yielded 36 replies. Postal survey data were supplemented by discussions with six of the Secretary of State’s zoo inspectors. The work took place in the twelve months between June 2010 and July 2011 and focussed particularly on the two-year period that ended 31 March 2010.

The initial review provided some evidence for a number of issues raised in connection with the implementation of the Act, particularly prior to 2008, such as missed or late inspections, incomplete inspection teams and licence conditions not being enforced. However, there was also evidence of significant improvements in these areas in recent years.

The local authority survey focussed on assessing the current situation with respect to implementing the Act. The results suggested that the majority of inspections were carried out in a timely and effective manner but there was room for further improvement with around 10% reporting delays to formal inspections and 13% to informal inspections. The survey highlighted examples of good practice in many areas of implementing the Act and these were followed-up in the local authority case studies and inspector interviews.

The importance of maintaining effective communications between all involved was emphasised. Given the scope of their activities, local authorities were perceived as being well placed to maintain an overview of zoo activities within their area but this was dependent on effective internal communications. Nine out of ten respondents to the local authority survey indicated that they would approach AHVLA/Defra/Welsh Government for assistance in the event of any queries, clearly highlighting their central role. The Defra website was widely used and highly rated and generally seen as a useful resource.

There was much evidence of a pro-active approach among local authorities in terms of managing zoo licensing, for example using automatic electronic reminders to ensure adherence to timings. The benefits of this were reflected by comments from inspectors to the effect that they had seen improvement in local authorities’ management of the inspection process.

There was agreement among local authority representatives and inspectors that a ‘good’ pre-inspection audit (PIA) leads to a more efficient inspection on the day. Comments requesting improved guidelines with respect to the requirements of the PIA to ensure that it was fit for purpose were more widely echoed with reference to documentation associated with the Act. There was a widely shared consensus that the better and clearer the guidelines, the more consistent the implementation of the Act would become. In addition, improved consistency between licence
conditions, and their enforcement, would help to overcome any challenge from zoo operators on the grounds of regional differences in implementation of the Act.

The inspection process came under scrutiny from both local authorities and inspectors. Local authorities in particular mentioned the difficulties associated with the various inspections required in different years of the licence. There was some concern expressed by inspectors and local authorities about the role of informal inspections that could be addressed, again through the provision of guidance on the format and recording of these inspections. A number of local authorities and inspectors felt that the inspection forms associated with the Act would benefit from some updating to reflect the different types of animal collections.

Overall, there was no strong evidence or support for legislative change but it was acknowledged that the Act can be difficult to understand and the guidance would benefit from some simplification and clarification. In the light of these findings, we make the following suggestions:

Organisation of zoo licensing responsibilities within local authorities

1. The annual licensing reminder should be retained by Defra.

2. Local authorities should ensure robust internal processes are in place to support zoo licensing activities with sufficient staff available to cover in the event of absence and to ensure effective handover.

Managing the zoo licensing and inspection process

1. Review the pre inspection audit (PIA) form to assess whether changes to the content are necessary. Provide more detailed guidance for zoo operators (and local authorities) with respect to completion of the PIA to ensure that the correct level of detail is provided.

2. Guidance should be given to local authorities on the timescale allowed for the zoo operator to respond to formal inspection reports.

3. Remind local authorities of the role of informal and special inspections and provide additional guidance with respect to the associated protocol and recording.

4. Conditions on licences should be associated with measurable outcomes; allocated an appropriate time span and worded clearly – more guidance as to what constitutes an additional condition would be beneficial.

5. Explore the possibility of imposing sanctions under the Zoo Licensing Act 1981 as an alternative to zoo closure, such as enforcement notices.

6. Remind local authorities of the powers of enforcement that they have under the Animal Welfare Act (2006) but highlight the need for local authority officers to be authorised under that Act.

7. Consider more detailed guidance for local authorities on the various dispensations available and how to monitor zoos with dispensations.

8. Remind local authorities that they should monitor animal collections with a 14(1)(a) dispensation (‘exempt’ zoos) and notify AHVLA/Welsh Government if the exemption is no longer appropriate.

Local authority communication with Defra/Welsh Government and with other local authorities

1. Local authorities should be reminded that it is a requirement for formal inspection reports relating to local authority owned premises to be copied to Defra/Welsh Government – a
reminder of this requirement should be included in the annual licensing letter from AHVLA/Welsh Government to local authorities.

2. Local authorities should be encouraged to send copies of all completed inspection reports to AHVLA/Welsh Government and to provide feedback on the inspectors who carry out inspections.

3. Promote the sharing of information between local authorities by encouraging them to join the Local Government Regulation Companion Animals Community of Practice forum.

**Provision of information and guidance to assist with zoo licensing**

1. Promote the existing information on the Defra and Welsh Government websites to the local authorities. Many local authorities requested additional information through the website and may be unaware of the developments that have already taken place. Consider offering an automatic notification of changes to content on the local authority guidance pages of the Defra/Welsh Government websites.

2. Following promotion of the existing material enhance the content of the guidance pages and ‘frequently asked question’ section on the Defra and Welsh Government websites; to include, for example: licensing new zoos, zoo closures, dispensation definitions and enforcement procedures.

3. A small number of local authorities suggested that Government Circular 02/2003 and the SSSMZP required some general updating to reflect current concerns and modern best practice, however no specific areas were mentioned.

4. Consider whether amendments or updates are necessary to the zoo inspection forms, specifically the provision of separate forms for particular types of collections (e.g. aquaria, falconry centres and reptile centres), and whether general Health and Safety questions should be included.

5. Provide a mechanism by which local authorities, inspectors and zoo operators can provide feedback to AHVLA and Welsh Government relating to the implementation of the Act.

6. Training – many local authorities reported they would welcome some training on implementing the Act. Consider provision of interim training pack to help local authorities provide training to new members of staff in between more formal training sessions.
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1. **Background**

1.1 **Licensing of zoos**

Licensing of zoos in England and Wales is the responsibility of local authorities. The Secretary of State’s appointed Zoo Inspectors carry out inspections of zoos. Given the relatively small number of licensed zoos within each local authority area, some local authority officers may have infrequent and intermittent liaison with zoos in their area. In response to these risks, inspectors are rotated between areas and training for local authority licensing officers and others has been provided through training seminars. The seminars were organised by AHVLA to assist inspectors and officers in keeping up to date with the legislation and processes associated with the licensing of zoos. AHVLA (the merged Animal Health and Veterinary Laboratories Agency) is the Government’s Executive Agency responsible for managing and maintaining the list of Secretary of State Zoo Inspectors who are qualified to inspect zoos in England. The Welsh Government is responsible for this list in Wales. The Zoo Inspector lists are required to be made up of two parts:

- the first part contains details of veterinarians who have experience of zoo animals and who are competent advising on appropriate conservation measures in accordance with the requirements of the Zoo Licensing Act 1981 (the Act); and
- the second part contains details of persons who are competent to inspect animals in zoos and advise on their welfare and husbandry as well as the implementation of conservation measures and the management of zoos more generally.

AHVLA’s Zoo Inspectorate and the Welsh Government nominate suitable inspectors on behalf of local authorities to conduct the inspections required by the Act.

1.2 **The licensing procedure**

The licensing procedure varies to reflect licensing of new and existing zoo premises. In addition, some zoos, by virtue of their size and type of collection, may be eligible for an exemption or various dispensations that will vary the number of inspectors and the profile of inspection teams, or exempt the zoo from the requirements of the Act altogether.

The original licence granted to a new zoo following a successful licence inspection runs for four years with subsequent licences running for six years. The local authority is responsible for carrying out an interim periodical inspection during the first year for a new zoo (third year for an existing zoo) and a renewal periodical inspection not later than six months before the end of the licence period. In other years, informal inspections are required. Responsibilities of the local authority for formal inspections include requesting names of Secretary of State Inspectors; arranging inspection dates with sufficient notice; and providing inspectors with the appropriate documentation. The local authority is also responsible for ensuring that the composition of the inspection team is correct. Once the inspection is complete the local authority is responsible for ensuring that the process is completed in a timely way to prevent delays in issuing licences. Where inspectors recommend that conditions are added to the licence, the local authority will take these recommendations into account. It is ultimately the responsibility of the local authority to ensure that conditions are attached to the zoo licence and that they are enforced.

Guidance to assist local authorities in implementing the Act is contained in the Annex to Government Circular 02/2003 (which contains an interpretation and consolidated text of the Act). Local authority guidance and forms can also be found on the websites of Defra (http://www.defra.gov.uk/wildlife-pets/zoos/la-guidance-forms/) and Welsh Government (http://new.wales.gov.uk/topics/environmentcountryside/ahw/zoos/). Defra also publishes

1.3 Rationale for this project

This study was commissioned, in England and Wales, by the Department for Environment, Food and Rural Affairs (Defra) to assist with the assessment of local authorities’ implementation of the Zoo Licensing Act 1981 (the Act). This was achieved by reviewing how local authorities are meeting their obligations in this area. The timescale under investigation in this study runs from 1 April 2008 to 31 March 2010. The outcomes of this project are expected to be of benefit in highlighting examples of best practice and encouraging a consistent approach for local authorities and inspectors.

1.4 Key issues

The report of the 2009 Zoo Licensing Training Seminar1 organised by the then Animal Health and supported by the Zoos Forum (until February 2011 Government’s independent advisory body on zoo licensing matters), identified a number of areas where difficulties had been encountered in the operation of the zoo licensing system. For example: inspection schedules had slipped; licences had not been renewed in time; and inspections had proceeded without the correct complement of inspectors.

Criticisms were also noted regarding: the Act not being applied uniformly; powers of enforcement not being used; zoos remaining open without licences; backdating of licences; inspections not taking place; mandatory conditions not being attached to licences; and inspectors’ recommendations on reports not being implemented. In view of these concerns, it was reported that the then Minister for Climate Change, Biodiversity and Waste had written to all local authorities, in 2008, to remind them of their responsibilities under the Act. To assist local authorities to administer the Act, Animal Health undertook to write annually to all local authorities known to have zoos in their area to remind them to make timely preparations for inspection procedures for the year ahead.

In the 2003 study of Secretary of State’s Zoo Inspectors’ Performance, IZVG2 conducted a review of zoo inspection reports for defined collections and, on investigating local authorities’ responsibilities, reported the following findings:

1. number of inspectors – although the number of inspectors appeared to correlate with the dispensation status there was evidence that the dispensation status did not necessarily match the number of animals in the collections;

2. selection of inspectors – this is the responsibility of Defra or the Welsh Government, rather than the local authority. It was noted that one of the collections was inspected by an inspector who was also the veterinary surgeon to the main collection;

3. frequency of inspections – evidence of missed periodical inspections (due in the third year of the licence) were found for a number of collections; and

4. licence conditions – in all cases, the conditions recommended by the inspection team had been applied to the zoo licence. However, when compliance with previous conditions was examined, one collection was noted to have failed to comply with any previous conditions (from six years before), and another with a condition about the frequency of veterinary visits.

1 Animal Health, Report of the Zoo Licensing Training Seminar, 2-3 March 2009
2 Defra, Secretary of State’s Zoo Inspectors’ Performance, August 2003
2. Introduction

2.1 Definitions

2.1.1 Zoos

According to the Zoo Licensing Act 1981 (the Act) a zoo is defined as an establishment where wild animals are kept for exhibition to the public otherwise than for purposes of a circus and otherwise than in a pet shop. The term “wild animals” means animals not normally domesticated in Great Britain. The Act applies to any zoo to which members of the public have access, with or without charge for admission, on seven days or more in any period of twelve consecutive months. The term zoo covers a wide variety of collections including farm parks, aquariums, bird gardens and safari parks as well as “traditional” zoos.

2.1.2 Dispensation status

Section 14 of the Act provides the Secretary of State with powers to relax the requirements of the Act for a small zoo or for a small zoo exhibiting only a small number of different kinds of animals. Zoos considered by the Secretary of State as suitable for an exemption under section 14(1)(a) are generally small collections of non-hazardous and non-conservation sensitive wild species not exceeding 120 specimens (although each case is treated on its individual merits). Zoos with such an exemption are exempt from the requirements of the Act. Exemptions are issued by the Secretary of State and are not given where, in the Secretary of State’s opinion: it is prejudicial to the protection of wild animals and the conservation of biodiversity. Zoos with dispensations under either sections 14(1)(b) or 14(2) are required to comply with the Act but the inspection requirements of the Act are relaxed.

2.2 Scope of the study

2.2.1 Number of zoos by dispensation status

As at October 2009, the then Animal Health reported that there were 267 zoos in England. By dispensation status, there were: 57 (21%) zoos with 14(1)(a) dispensation status (‘exempt’ zoos); 1 (<1%) zoo with 14(1)(b) dispensation status; 164 (61%) zoos with 14(2) dispensation status; and 45 (17%) zoos with no dispensation.

A similar list provided by Welsh Government indicated that there were around 20 zoos in Wales although dispensation status was not stated.

2.2.2 Number of local authorities in England and Wales

In September 2009 National Statistics reported that there were 56 Unitary Authorities in England and 27 shire counties split into 201 (non-metropolitan) districts (ref: http://www.statistics.gov.uk/geography/counties_nonmet ua.asp). All 22 local authorities in Wales were listed as Unitary Authorities. As mentioned above, AHVLA maintains a list of zoos and corresponding local authority contacts for England. The 2009 list had contact details for 168 authorities with zoos in their areas (65% of English authorities). The corresponding list for Wales showed 12 authorities to have zoos (55% of Welsh authorities).

Departmental structure within local authorities varies with the result that responsibility for zoo licensing can sit in one of a number of departments e.g. Environmental Health, Trading Standards or Licensing. The number and size of zoo premises also varies between authorities and ranges from those with responsibility for one small ‘exempt’ zoo to those with one or more large zoos.
3. Aims and objectives

3.1 Project aims and objectives

3.1.1 Aims

The aim of this project was to collect and assess information on the implementation of the Zoo Licensing Act 1981 (the Act) in local authorities in England and Wales.

The project will:

- consider any identified problems or inadequacies with the legislation and comment on the possible need for legislative changes to assist local authorities, including for simplification of the zoo licensing system; and
- highlight and make suggestions for administrative (non-legislative) measures that would assist local authorities in implementing the Act.

3.1.2 Objectives

The objectives:

- consider any identified problems or inadequacies with the legislation and comment on the possible need for legislative changes to assist local authorities, including for simplification of the zoo licensing system;
- to provide an analysis of how local authorities have performed in implementing the Act;
- to identify and record local authority good practices and procedures in the licensing and inspection of zoos; and
- where any difficulties have been found, make suggestions for administrative (non-legislative) measures that would assist local authorities in implementing the Act.
4. **Methodology**

4.1 **Overview**

An iterative approach was taken that started with a review of available information. The review was conducted to identify the key issues associated with local authority implementation of the Zoo Licensing Act 1981 (the Act) and helped inform the development of materials for the surveys and case studies that followed. Briefly, the methodology involved:

1. **Local authority survey.** A postal survey of all local authorities in England and Wales believed to have zoos in their areas was conducted to gather information on how local authorities performed in implementing the Act and to identify examples of good practices and procedures.

2. **Local authority case studies.** Case studies of seven English and two Welsh local authorities were carried out to explore the issues surrounding zoo licensing in more depth and identify examples of good practice in administering the Act.

3. **Exempt zoo survey.** A postal survey of exempt zoos operating in England and Wales was conducted to gather information on how local authorities monitor these premises.

4. **Secretary of State Zoo Inspector interviews.** In-depth interviews were carried out with six inspectors (three from each list, see Section 1.1) to identify examples of good practice and measures that could assist local authorities in implementation of the Act.

4.2 **Project team**

The project was co-ordinated by ADAS UK Ltd (http://www.adas.co.uk/). Working in collaboration with ADAS, the British and Irish Association of Zoos and Aquariums (BIAZA, http://www.biaza.org.uk) provided specialist advice and support. BIAZA is the professional body that represents many zoos in Britain and Ireland where the emphasis is on animal welfare, education and conservation work.

4.3 **Project Steering Group**

A project Steering Group was set up to oversee the study. Regular contact was maintained through periodic meetings at key points and by telephone and email. The Steering Group comprised Jane Withey and Margaret Finn (Defra, Biodiversity Programme), Alun Streeter (Welsh Government), Helen Pontier (Defra, scientific advisor) and Amanda Ewington and Alastair Grant (local authority representatives).

4.4 **Summary statement**

A summary statement outlining the background to the project and the aims and objectives was published on the Defra, ADAS and BIAZA websites. For a copy of the statement please see Appendix 1.

4.5 **Review of available information**

A review of available information was conducted. The search focused on literature relating to the implementation of the Zoo Licensing Act 1981 by local authorities in England and Wales. In addition the project team reviewed a number of completed zoo inspection reports to identify potential issues and areas of concern. The outputs of this review informed development of the survey materials. A copy of the review can be found in Appendix 2.
4.6 Local authority survey

A postal survey of all local authorities in England and Wales believed to have zoos in their area was conducted. Contact details for 168 local authorities in England were provided by AHVLA and similar details in Wales by the Welsh Government. It was felt however that the contact list for Wales was incomplete so to ensure total coverage, all 22 local authorities were contacted (see Section 2.2.2)

Survey materials were developed by the project team in consultation with the Steering Group and were approved by Defra’s Survey Control Unit (a copy of the questionnaire can be found in Appendix 3). The materials were pre-tested amongst six local authorities across England and Wales to allow amendments if necessary. A survey pack made up of a covering letter, questionnaire and reply-paid envelope was mailed to the remaining 165 local authorities in England and 20 local authorities in Wales in late November/early December 2010. In Wales, English and Welsh versions of the survey were sent out to potential respondents. All respondents were provided with an e-mail address to request an electronic version of the questionnaire. Reminder e-mails were circulated to non-respondents in early January 2011 and final telephone reminders were implemented from mid-January to provide target respondents with every opportunity to participate.

In total, 190 local authorities were approached (including the pre-test sample) and responses were received from 138, a response rate of 73% - slightly over the target of 70%. Completed questionnaires were date stamped on receipt, cross referenced with the target list and checked for errors and omissions. Responses were entered into Excel for analysis. A number of respondents claimed to have no zoos in their area or did not give sufficient information and their responses were excluded from further analysis. In total 130 valid responses were received.

Table 1: Summary of the mix of zoos in respondents’ local authority areas on 31 March 2010 (127 responses from those responsible for one or more operational zoos)

<table>
<thead>
<tr>
<th>Note: excludes three local authorities that only reported applications underway</th>
<th>Number of authorities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Responsibility for zoos in only one dispensation category</strong></td>
<td></td>
</tr>
<tr>
<td>Exempt zoo</td>
<td>11</td>
</tr>
<tr>
<td>14(1)(b) dispensation</td>
<td>3</td>
</tr>
<tr>
<td>14(2) dispensation</td>
<td>53</td>
</tr>
<tr>
<td>No dispensation</td>
<td>19</td>
</tr>
<tr>
<td><strong>Responsibility for zoos in two dispensation categories</strong></td>
<td></td>
</tr>
<tr>
<td>Exempt &amp; 14(2) dispensation</td>
<td>13</td>
</tr>
<tr>
<td>Exempt &amp; no dispensation</td>
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</tr>
<tr>
<td>14(1)(b) &amp; 14(2) dispensations</td>
<td>1</td>
</tr>
<tr>
<td>14(2) &amp; no dispensation</td>
<td>19</td>
</tr>
<tr>
<td><strong>Responsibility for zoos in three dispensation categories</strong></td>
<td></td>
</tr>
<tr>
<td>Exempt &amp; 14(2) dispensation &amp; no dispensation</td>
<td>6</td>
</tr>
<tr>
<td>14(1)(b) &amp; 14(2) dispensation &amp; no dispensation</td>
<td>1</td>
</tr>
</tbody>
</table>

Results from LA survey, (n=130)
As shown in Table 1 above, respondents were responsible for collections across the full range of dispensation status. Dispensations under Section 14 relax the requirements of the Act for a small zoo or a zoo with a small number of different species. The majority (85%) of local authorities had responsibility for at least one collection with a dispensation under Section 14 of the Act. A total of 127 local authorities were responsible for one or more zoos on 31 March 2010. There were 12 local authorities that reported applications underway at the time of the survey, in three of these cases local authorities did not have any existing zoos. Only a third of local authorities were responsible for zoos in two or more categories.

4.7 Local authority case studies
Permission was sought from all respondents to the local authority survey for further contact in connection with the project. From the 130 valid responses received, 63% gave permission to be contacted again. A shortlist of potential interviewees was drafted and proposed to the Steering Group for approval. Following discussion with the Steering Group, two local authorities from Wales and seven from England were approached for in-depth interviews. Local authorities were chosen to reflect the licensing of a range of zoo types and their experience administering the Act. Overall the chosen authorities were responsible for four exempt zoos, ten zoos with a 14(2) dispensation and seven with no dispensation. In addition, four representatives had new applications underway in their areas.

The project team in consultation with the Steering Group developed a discussion guide. Information gathered from the review of available information and findings from the local authority survey were used in the drafting of the guide but the emphasis was on identifying examples of good practice and procedures as well as any difficulties implementing the Act.

Face-to-face interviews were carried out at the respondents' place of work. This enabled examples of zoo licensing reference material to be available to illustrate points if necessary.

4.8 Survey of exempt zoos
Local authorities do not have any powers under the Act to inspect exempt zoos but they are advised to review the exemption status from time to time. A postal survey of all zoos in England and Wales with a 14(1)(a) dispensation was conducted to gain an insight into the monitoring of their exemption status by local authorities. Contact details of zoos in England with a 14(1)(a) dispensation were sourced from AHVLA’s lists and were supplemented with zoos identified from the local authority survey. A specific list of exempt zoos was not available for Wales but a total of four were identified by the Welsh Government and the local authority survey.

Survey materials were developed by the project team in consultation with the Steering Group and were approved by Defra’s Survey Control Unit. The materials were pre-tested with three ‘exempt’ zoos across England and Wales to allow amendments if necessary. A survey pack made up of a covering letter, questionnaire and reply-paid envelope was mailed to a total of 71 zoos in March 2011. In Wales, English and Welsh versions of the survey were sent out to potential respondents. A copy of the questionnaire can be found in Appendix 4. Respondents were provided with an e-mail address to request an electronic version of the questionnaire. Telephone reminders were carried out in late March to encourage participation.

In total 71 ‘exempt’ zoos were approached (including the pre-test sample) and responses were received from 36, a response rate of 50%. A total of 13 respondents (36%) reported that their premises were not an exempt zoo. Of these a number claimed that they had never had an exempt zoo, whilst others reported that establishments had closed or the number/type of species kept had changed.
Completed questionnaires were date stamped, cross-referenced with the target list and checked for errors or omissions. Data were entered into Excel spreadsheets for analysis.

4.9 In-depth interviews with a sample of inspectors

The Secretary of State Inspectors are well placed to provide an overview of the implementation of the Act by local authorities and identify the key features of those that carry it out to a high standard. They are also well qualified to comment on both legislative and non-legislative changes that could assist local authorities in the implementation of the Act. A discussion guide was developed by the project team in consultation with the Steering Group. Information gathered from the review of available information and findings from the local authority survey were used in the drafting of the guide. The emphasis was on highlighting examples of good practice and procedures as well as identifying any measures that could assist local authorities in the implementation of the Act.

The Secretary of State’s list of inspectors is in two parts:

- the first part is made up of veterinary surgeons and practitioners who have experience of the kinds of animals that are kept in zoos and are competent to advise on the implementation, in zoos, of the conservation measures referred to in section 1A of the Act.; and
- the second part is made up of persons competent to inspect animals in zoos, to advise on their welfare and on keeping them, to advise on the implementation of the conservation measures referred to in section 1A of the Act, and finally to advise on the management of zoos generally.

A shortlist of three inspectors from each list was drawn up and agreed by the Steering Group.
5. **Results**

The approach outlined in Chapter 4, Methodology aimed to gather information from a range of sources to provide an all round perspective of local authority implementation of the Zoo Licensing Act (the Act), whilst minimising the burden on any particular group. This helped deliver high response rates to the surveys and good cooperation from those involved with the case studies and in-depth interviews.

5.1 **Local authority survey**

The local authority survey was designed to provide information on how local authorities performed in implementing the Act in the two year period from 1 April 2008 and identify good practices and procedures. Additionally respondents were offered the chance to highlight any areas where local authority implementation of the Act could be improved.

5.1.1 **Maintaining an awareness of zoos in the area**

Local authorities have a responsibility to identify those premises that are likely to fall under the Act. They can expect to be notified of new establishments (or modifications to existing ones) by the operator but may also check with their planning department and other sources in their area to identify potential new zoos. This approach was confirmed by respondents to the local authority survey (Table 2) with zoo operator notification and planning being cited most frequently. The majority of respondents gathered information from a number of sources with ‘local intelligence gathering’ being mentioned by a number of respondents.

<table>
<thead>
<tr>
<th>Methods used by local authorities to ensure awareness of collections in their areas</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notified by the zoo operator</td>
<td>111</td>
</tr>
<tr>
<td>Planning procedure</td>
<td>90</td>
</tr>
<tr>
<td>Notified by members of public</td>
<td>57</td>
</tr>
<tr>
<td>Notified by NGOs</td>
<td>53</td>
</tr>
<tr>
<td>Notified by AHVLA/ Welsh Government</td>
<td>35</td>
</tr>
<tr>
<td>Other (including 'local intelligence')</td>
<td>32</td>
</tr>
<tr>
<td>No response</td>
<td>2</td>
</tr>
</tbody>
</table>

*Results from local authority survey, (n=130)*

Where respondents reported ‘other’ means of keeping up to date the most widely cited were:

- colleagues in different departments of the local authority (n=13);
- good knowledge of the local area (n=8);
- information from the media (n=6); and
- information from other premises (n=2).

The majority of local authority respondents (n=84) had not seen any changes in the number of zoos operating in their area since 1 April 2008 but 31 reported they had new zoos or applications underway. Respondents with new zoos tended to be more likely to report ‘other’ methods of keeping up to date (39%) than those that had no new collections (21%).
further 13 local authorities had experienced zoo closures (and reopening in two cases) and three had seen changes in zoo numbers due to a change in area boundaries.

5.1.2 Managing the inspection process

To avoid the risk of zoos operating for a period without a licence, zoo inspections need to be organised in good time.

From the information given in Table 1 it can be seen that 116 local authorities (i.e. excluding from the total of 127, those 11 that have only exempt premises) have responsibility for organising formal and informal inspections. An annual licence reminder is sent out to all local authorities in England by AHVLA and in Wales by Welsh Government. Participants in the survey were asked about any additional internal processes that they used to assist them in this process. Automatic electronic reminders produced by local authority databases were mentioned by 74 respondents (64%). Other methods that were mentioned included Excel spreadsheets, diaries and wall-charts. Many respondents reported using a combination of methods. Three authorities commented that they contracted out at least part of this function to another local authority. A minority of respondents claimed to have no internal process in place. At least one local authority reported having drawn up a checklist on local zoo licensing procedure to assist them in implementing the Act.

Table 3: Local authority internal processes to ensure that inspections are organised on time (responses from 116 local authorities with responsibility for organising formal inspections)

<table>
<thead>
<tr>
<th>Process</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electronic reminders</td>
<td>74</td>
</tr>
<tr>
<td>Manual diary/wallcharts etc</td>
<td>25</td>
</tr>
<tr>
<td>Computerised database or spreadsheet</td>
<td>14</td>
</tr>
<tr>
<td>Other</td>
<td>8</td>
</tr>
<tr>
<td>Zoo licensing is contracted out to another LA</td>
<td>3</td>
</tr>
<tr>
<td>No internal processes</td>
<td>3</td>
</tr>
</tbody>
</table>

Results from LA survey, (n=130)

5.1.3 Managing formal inspections

In the year ending 31 March 2009 four respondents (from a total of 46 that reported carrying out renewal or periodical inspections in that period) reported delays impacting on one or more formal inspections. Three of these stated that as a consequence of these delays, zoos had operated for a period without a licence. In the following year, ending 31 March 2010 seven respondents (from 58) reported experiencing delays to formal inspections, but none of these had resulted in zoos operating without licences.

Where local authorities experienced delays in the formal inspection process the reasons given included:

- insufficient time between inspection date and target completion date/licence expiry to circulate and finalise inspection report and issue licence (n=3);
- difficulty setting dates for the inspection team (n=2);
- postponement of original inspection date (n=2);
- difficulty communicating with zoo operator (n=1);
• dispute between zoo operator and inspectors following an inspection (n=1);
• delays relating to processing the renewal application within the local authority (n=1);
• corruption of data on transfer between local authority systems (n=1).

Composition of the inspection team

Local authorities are responsible for ensuring that the correct team is present to carry out the inspection on the day. Participants were asked how many, if any, inspections were carried out without the full complement of inspectors for the particular type of inspection in the two year period under consideration. There was little evidence of incomplete inspection teams, although one authority specified an occasion that the designated local authority veterinary surgeon at an inspection was also the vet for the collection.

Completing the inspection form and handling additional licence conditions

Participants were asked to give a brief description of their approach to handling additional conditions that the inspection team may recommend be put on a licence following an inspection. In general, conditions tend to be outlined for discussion and agreement between the zoo operator and the inspection team at the time of the inspection. However, where additional conditions were fully or partially completed before the issue of the licence a number of respondents said that they would either not include them on the licence or reword them. Additionally some respondents stated they did not attach conditions to the zoo licence where these should be enforced under other legislation, such as the Health and Safety at Work Act.

As above, the timescales for completion of additional conditions were generally discussed by the inspection team with the zoo operator at the time of the inspection to ensure that they were realistic and achievable.

Where respondents had experience of attaching additional conditions to licences they were asked how they followed these up. The measures for checking compliance with conditions varied depending on their severity and urgency. The vast majority (more than 80%) of those that commented stated that they arranged a visit (either pre-arranged or a spot check) ahead of the next programmed inspection to check that works had been completed. But, where appropriate, a number of respondents would accept copies of documentation as evidence that the establishment had complied with conditions e.g. producing supporting paperwork.

5.1.4 Managing informal inspections

Local authorities are responsible for arranging informal inspections for licensed zoos in any calendar year where there is not a formal inspection. Of the 116 respondents with responsibility for arranging informal inspections in the two year period under review, 87% did not report any delays but 15 (13%) reported that one or more inspections had been either postponed or missed completely. Sickness of either local authority staff or the zoo operator had led to postponement of three inspections. Issues surrounding the provision of sufficient, suitably qualified staff were highlighted in several cases and a switch of responsibility for zoo licensing within the local authority had also contributed to missed inspections.

Respondents were asked how they provide evidence of completed informal inspections. Responses were varied but indicated that the majority of respondents produced a written report but there was also evidence of letters and email documentation. Many respondents also logged visits on computer databases and/or on premises files.
5.1.5 Monitoring dispensation status and exempt zoos

Dispensations under Section 14 relax the requirements of the Act for some zoos based on the range of species and/or number of animals kept. Once a dispensation has been granted by AHVLA (the Welsh Government in Wales) the local authorities are advised to review the dispensation status from time to time to ensure that it remains appropriate.

Around 85% of the respondents (n=108) to the local authority survey had responsibility for collections with some form of dispensation under Section 14 of the Act. They were asked how they ensured that the zoo’s exemption or dispensation status was correct and reviewed regularly. On-site annual inspections required under the Act or under other legislation were cited by the majority of respondents. Additionally some respondents specifically mentioned that they would refer to the annual stock list and consult Defra /the Welsh Government if necessary. The importance of maintaining a good relationship with the zoo operator was highlighted and a number of respondents would expect zoos in their area to update them of any changes to their collection.

A total of 31 local authorities had responsibility for zoos with a 14(1)(a) dispensation (‘exempt’ zoos). The local authority does not have any powers under the Act to inspect these premises but may be able to monitor them through inspections carried out under other legislation. Additionally AHVLA suggests (in Figure 1. of the Zoo Licensing Act Guidance Flow Charts) that local authorities could ask for a stock list although this is not a legal requirement. Evidence of contact with ‘exempt’ zoos was seen with annual or biennial inspections mentioned by 19 local authorities and requests for annual stock lists by nine.

5.1.6 Enforcing the Zoo Licensing Act

Local authorities have the power to alter zoo licences but, when asked only 13% of respondents had used this power in the two years up to 31 March 2010. Over the same time period 27 local authorities (23%) experienced zoos’ non-compliance with licence conditions. Although not all respondents detailed the causes of non-compliance there were some recurring themes among those that did with issues relating to stock lists and record keeping cited most often. Conservation and education requirements and the ethical review process were also mentioned (three respondents for each).

Methods for dealing with non-compliance included:

- informal advice, letters and reminders (n=14);
- formal notice, additional visits or meetings with zoo staff to ensure compliance (n=6);
- formal extensions to timescale for completion (n=3);
- a special inspection which may result in new additional conditions (n=3); and
- zoos unable to meet conditions that closed before formal measures taken (n=2).

Only eight respondents had experience of administering zoo closures in the two year period under review. Two of these stated that the closures had gone smoothly whilst three experienced some difficulty obtaining details relating to the future care and distribution of stock. Only one respondent reported severe difficulties that related to a prolonged struggle with an unlicensed collection about the need for a zoo licence. Difficulties relating to powers of entry for inspection of unlicensed collections were expressed.

5.1.7 Local authority good practices and procedures

Good practices and procedures are reflected in those local authorities that go beyond the minimum required in implementing the Act. For example, they engage fully with the
procedure and communicate effectively with zoo operators and Defra/Welsh Government. The following information relates to a number of practices that whilst not mandatory in the majority of cases do give an indication of engagement over and above the required minimum by the local authorities.

**Time allowed for a response to the inspection report by the zoo operator**

It may take from two to six months for a formal inspection report to be agreed and finalised between all parties and where negotiations are protracted this can affect the timely issuing of zoo licences. Following a formal inspection, the zoo operator is given time to respond to the inspection report before it is finalised. As the Act does not specifically give guidance on this, respondents were asked how much time they would typically give the zoo operators in their area. Where respondents reported having a target timescale (n=83) this ranged from a few days up to a month. A minority of local authorities reported that they did not specify a timescale.

**Sending copies of completed inspection reports to Defra and the Welsh Government**

The Act recommends that local authorities send copies of completed formal inspection reports to AHVLA or the Welsh Government, and this is a mandatory requirement for local authority owned zoos. As seen below in Figure 1, more than half of respondents reported that copies of completed formal inspection reports were always submitted. A minority of respondents (18%) reported that they never send copies of completed reports.

One authority with a local authority owned zoo claimed to have ‘never’ sent copies of formal inspection reports to Defra or the Welsh Government, despite this being a mandatory requirement.

**Figure 1: Percentage of local authorities that send completed formal inspection reports to AHVLA or Welsh Government in accordance with their recommendations (116 responses from those responsible for organising formal inspections)**

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Always</td>
<td>59%</td>
</tr>
<tr>
<td>Mostly</td>
<td>13%</td>
</tr>
<tr>
<td>Sometimes</td>
<td>10%</td>
</tr>
<tr>
<td>Never</td>
<td>18%</td>
</tr>
</tbody>
</table>

*Results from LA survey, (n=130)*

**Local authority feedback on Zoo Inspectors**

Local authorities were asked how often they provided feedback on the inspectors who carried out inspections. Just over a third of respondents stated that they ‘always’ or ‘mostly’
provided feedback to AHVLA/Welsh Government but around half had never provided feedback as shown below in Figure 2.

**Figure 2: Percentage of local authorities that provided feedback on the inspectors who carried out an inspection (91 responses from those carrying out formal inspections in the two-year period)**

![Pie chart showing feedback percentages]

*Results from LA survey, (n=130)*

Further analysis revealed a number of local authorities that stood out in terms of their overall level of engagement with the zoo licensing procedure. Around a fifth of local authorities that carried out formal inspections reported that they always sent copies of formal reports to AHVLA/Welsh Government and always provided feedback on the inspectors that carried out the inspections.

### 5.1.8 Training received to assist in implementing the Zoo Licensing Act

Local authorities were asked whether or not they had received any training on the Act and what form(s) this had taken (Table 4). A total of 64 respondents (49%) had attended a zoo licensing training seminar, and 13 (10%) a regional local authority seminar or meeting. In-house training was reported by 20 respondents (15%). Overall 40 respondents (31%) did not report any training and this rose to 64% (seven out of eleven) of those authorities that only had responsibility for exempt collections.

**Table 4: Training received by respondents on the Zoo Licensing Act**

<table>
<thead>
<tr>
<th>Training Type</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoo licensing training seminar</td>
<td>64</td>
</tr>
<tr>
<td>In-house training</td>
<td>20</td>
</tr>
<tr>
<td>Regional meeting/LA seminar</td>
<td>13</td>
</tr>
<tr>
<td>Other</td>
<td>5</td>
</tr>
<tr>
<td>None reported</td>
<td>40</td>
</tr>
</tbody>
</table>

*Results from LA survey, (n=130)*
The majority of local authorities with responsibility for zoos reported that there was no specific budget available for training staff in this area. A lack of practice was a potential problem for LA staff as this type of work was typically reported to represent a small part of overall annual workload; for example, 52% of respondents reported one zoo only in their area.

5.1.9 Administering the Zoo Licensing Act

Local authorities and zoo inspectors acknowledged the importance of gaining a good understanding of the Act and building up a network of contacts to provide assistance where necessary.

Respondents to the survey of local authorities were asked how confident they felt about implementing the Act. Overall, at 61% most felt ‘quite’ confident and 24% felt ‘very confident. Nevertheless, 18 respondents (15%) stated that they felt ‘not very’ confident or ‘not at all’ confident (Figure 3). This proportion was higher (45%) amongst those that had responsibility only for the exempt collections that fall outside the Act. Confidence was significantly higher (p=0.009) amongst local authorities that had attended the zoo licensing training seminars, highlighting the potential of these to have a positive influence on confidence in the implementation of the Act.

Figure 3 Confidence of local authorities in implementing the Zoo Licensing Act

Areas of the Zoo Licensing Act where assistance may be required

It was found that need for assistance with the Act varied across its spectrum. Areas where help is needed are highlighted below in order of frequency of mention by local authority respondents.

- general advice and training required (n=10);
- understanding exemptions and dispensations (n=10);
- organising inspections and understanding the inspection types (n=7);
- enforcement and dealing with zoo closures (n=6);
- welfare of zoo animals and dealing with new species (n=6);
• conservation and education responsibilities of zoos (n=5);
• improving understanding of the Act and SSSMZP (n= 5);
• dealing with new applications, and deciding whether establishment is a zoo (n=5);
• sourcing veterinary expertise (n=2); and
• single mentions for each of: complaints against zoos, ethical review process, the pre-inspection audit and sourcing suitable training.

When respondents were asked where they would go for advice on implementing the Act, the vast majority, 119 from 130 respondents (92%), stated they would approach Defra, AHVLA or the Welsh Government (Table 5). Significant numbers also looked for advice from colleagues in their own or other authorities.

Table 5: Contact points for local authorities for securing advice on implementing the Act

<table>
<thead>
<tr>
<th>Source</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>AHVLA/Welsh Government/Defra</td>
<td>119</td>
</tr>
<tr>
<td>Colleagues in other local authorities</td>
<td>45</td>
</tr>
<tr>
<td>Colleagues in own local authority</td>
<td>39</td>
</tr>
<tr>
<td>Vets/inspectors</td>
<td>18</td>
</tr>
<tr>
<td>Other</td>
<td>9</td>
</tr>
<tr>
<td>No response</td>
<td>3</td>
</tr>
</tbody>
</table>

Results from LA survey, (n=130)

Sources of information for local authority staff

Around 25% of respondents reported sharing information with other local authorities through a number of routes, including the zoo licence training seminars, regional local authority meetings, on-line groups/forums and through individual contact e.g. meetings, phone calls and e-mail. The Local Government Regulation Companion Animals Community of Practice forum was seen to be a useful initiative that is continually improving.

Defra and Welsh Government provide information and guidance relating to the Act on their websites. Respondents were asked whether they had visited these pages and how useful they found the information. Most respondents (87%) had visited the websites and, of these, 95% reported that they found the information to be ‘very’ or ‘quite’ useful.

Flow charts to assist local authorities in the implementation of the Act are published on the guidance page of the Defra website. Respondents were asked whether or not they were aware of these and whether they found them useful (Table 6). Around 82% were aware of these flowcharts and the majority found them to be ‘very’ or ‘quite’ useful.
Table 6: Local authority views on usefulness of Zoo Licensing Act flow charts

<table>
<thead>
<tr>
<th>View</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very useful</td>
<td>45</td>
</tr>
<tr>
<td>Quite useful</td>
<td>46</td>
</tr>
<tr>
<td>Not aware/no experience</td>
<td>16</td>
</tr>
<tr>
<td>Aware of but not needed to use</td>
<td>10</td>
</tr>
<tr>
<td>Not very</td>
<td>5</td>
</tr>
<tr>
<td>Not at all useful</td>
<td>0</td>
</tr>
<tr>
<td>No response</td>
<td>8</td>
</tr>
</tbody>
</table>

Results from LA survey, (n=130)

The Annual Reminder scheme

AHVLA and the Welsh Government send an annual licensing reminder to all local authorities thought to have zoos in their area to remind them of the timing and types of inspection required in the following year. Figure 4, below, shows respondents’ views on how helpful they found these reminders.

Figure 4: Perceived helpfulness of the AHVLA/Welsh Government annual reminder scheme in carrying out the inspection process

Results from LA survey, (n=130)

Overall, the annual reminder scheme was highly valued with nearly two-thirds of respondents saying that they found it ‘very useful’. The responses from England and Wales appeared to differ with eight out of the eleven Welsh respondents (note low number of respondents) with licensed zoos stating they had no experience of the scheme. There were no recommendations for a change in the content or timing of the reminders for the majority. A small number of local authorities stated that the timings set out in the reminder did not correspond with the actual licence dates for their collections and it was suggested that a mechanism for providing feedback would be useful e.g. in the form of a faxback facility to help ensure that data was synchronised.
Administrative measures that would assist local authorities in implementing the Zoo Licensing Act

Participants were asked how local authority implementation of the Act could be improved. Just over half (55%, n=72) took the opportunity to comment on a range of measures.

Improving the provision of training and information for local authorities

Around 50% of respondents to the local authority survey, who suggested potential improvement measures, said that training would be useful to assist them in their implementation of the Act. Whilst the zoo training seminars are well received, not all local authorities could justify the associated investment of time or expense and around a third of respondents called for the provision of low cost, local/regional training courses. Several respondents also requested courses specifically for the local authorities, (possibly at a zoo to demonstrate good practice) to be more widely available. One local authority reported being actively involved with developing a short workshop on aspects of the Act for local authority representatives to address this need. Specific training needs were identified with respect to enforcement as a means of increasing the confidence of local authority officers in implementing the Act.

One local authority suggested regular e-mail notification from Defra/the Welsh Government of updates to legislation or guidance or on-line training as a means of sharing information while at the same time keeping costs down.

Several local authorities suggested that they would like to see more detailed guidance notes and/or examples of best practice documents relating to inspections, model conditions for inspectors etc. and these could be made available on the Defra/Welsh Government websites. The Defra website does contain guidance and a frequently asked questions section on the licensing and inspection procedures and this could usefully be expanded and promoted. Examples of suggested topics to cover included:

- whether an establishment meets the definition of a zoo and the various types of dispensation; and
- effective enforcement of the Act and zoo closure to improve consistency between authorities.

A number of authorities mentioned that the sharing of information relating to incidents that can occur from time to time could provide potentially valuable lessons to be learned and shared. Animal escapes is one example where local authorities would require zoo operators to produce a report on how the animal escaped and action taken to ensure it would not be repeated. The collation of reports on an annual basis would allow any trends to be identified and common risks and mitigating measures highlighted.

Sharing resource to implement the Zoo Licensing Act

As a specialised area, some authorities in responding to the survey suggested sharing inspection teams/experienced officers or carrying out zoo licensing at a regional level. Two respondents felt that zoo licensing should be removed from local authority control altogether with one suggesting that it would be better carried out by AHVLA/Welsh Government. Others felt that having access to organisations with expert knowledge in zoo licensing would be of value. Another suggestion was for the creation of specialist animal/welfare teams within local authorities with appropriately qualified and experienced officers that between them would cover all aspects of animal health and welfare, including implementation of the Act. Some local authorities reported that some activities were already contracted out although overall responsibility remained firmly with the local authority itself.
Clarification of particular aspects of the Zoo Licensing Act

Suggestions were made that simplification of the inspection regime was needed in some areas:

- for exempt zoos - at least one informal site visit a year if none are carried out for other reasons to assist in maintaining a good working relationship with the operators and encourage the flow of information;

- application of the Act for small collections, including Farm Parks, can be disproportionate incurring high costs for the operator and potentially onerous paperwork and additional duties (conservation). More flexibility with respect to the dispensation of zoos could be of value; and

- implementation of risk-based, regular ad-hoc inspections.

There were other suggestions about the timings of licences – for example, four years for the original licence and six years for subsequent licences – and these variations were perceived to add complexity to the system, especially for those local authorities with less frequent exposure to the Act and its requirements. Some respondents questioned the role of informal inspections and suggested, instead, that it should be up to the local authority when and if they need to inspect the zoo according to a risk-based assessment. A small number of respondents suggested it would be valuable to update the Secretary of State’s Standards of Modern Zoo Practice (SSSMZP) to provide more information relating to the requirements of the Act that both zoo operators and local authorities must meet.

5.2 Local authority case studies

The local authority case study interviews were designed to capture more detailed information on a number of key topics identified from the review of available information and the local authority survey, including examples of best practice. In total, nine local authority representatives with experience of a range of establishments were interviewed.

5.2.1 Understanding the organisation of zoo licensing work within the local authority

Typically respondents reported that zoo licensing work was a small proportion of their total work load. In some cases the zoo licence could be one amongst hundreds or thousands of other licences issued by their department. Between them, respondents were responsible for four exempt zoos; ten zoos with a 14(2) dispensation; and seven with no dispensation. Four of the respondents had zoo licence applications underway in their areas. In addition to their other responsibilities, individuals were responsible for between one and five zoo premises (including new applications). Time spent on zoo licensing could be as little as three to four days a year for authorities with a small number of relatively small collections but could increase to around four weeks or more for an authority with a large zoo, in a year with a major inspection. Dealing with new applications or unlicensed collections increased the workload markedly. The majority of the local authorities had a single point of contact for zoo licensing work (with back-up available for interim issues in the event of absence) although in one authority with several zoos, premises were allocated to a specific officer in a small team and this ensured cover in the event of staff absence.

5.2.2 Managing the inspection process

Discussion with the respondents confirmed that planning for formal inspections had to start many months in advance of the planned inspection date. The legislation recommends that a renewal inspection is carried out at least six months before the licence expiry date to allow sufficient time for post inspection procedures to be completed. One representative confirmed that it could take up to six months to complete the process following the
inspection with two months being the minimum. In another case the local authority provisionally schedule all inspections (including informal inspections) for the six year period in advance and then confirm at least three months ahead of the date. Other authorities reported that they contacted Defra/the Welsh Government as appropriate to ask for nominated inspectors between three to six months ahead of the planned inspection date to assist with planning.

In general it was felt that the inspections cover the right things although feedback from one local authority highlighted that there was a chance of the inspection being a ‘snapshot’ on the day. This could be addressed by the local authority requesting sight of daily logs ahead of the inspection to identify potential areas on which to concentrate. The interviews confirmed that there was much value to be gained from agreeing in advance the key points to emerge from the inspection on the day.

### 5.2.3 Monitoring dispensation status and exempt zoos

In discussion with local authorities there was general agreement that the more experienced local authority inspectors broadly understand the different dispensation types and would know who to approach for advice on the subject. However they did acknowledge that the dispensation categories are not generally well understood by less experienced local authority staff or by some zoo operators. Although one respondent said that there is some good guidance available about dispensation types others felt there could be additional information. This could be addressed through the frequently asked questions section on the Defra/Welsh Government websites to provide clarification with respect to definitions.

### 5.2.4 Enforcing the Zoo Licensing Act

In discussions with respondents, the value of a good working relationship and open lines of communication between the local authority and zoo operators was highlighted as beneficial in ensuring compliance with the Act. Where specific concerns were raised these related to clarification of the powers that the local authority could impose on zoo operators. Having sanctions other than revoking the licence would be beneficial e.g. improvement notices, fixed penalty notices etc. Clarification of when additional (special) inspections can be used would also be welcomed, particularly as this has cost implications for the operator.

### 5.2.5 Training received to assist in implementing the Act

The majority of local authorities interviewed had attended a zoo training seminar and these were generally acknowledged to be the most useful method of training for new staff as insights from more experienced colleagues could be gained. However, the seminars were also acknowledged to be quite expensive and could be difficult to justify; an alternative of local/regional training targeted to the needs of the authorities was mentioned in some discussions. Some of the more experienced staff mentioned that they would be willing to provide some basic in-house training for new staff.

### 5.2.6 Administering the Act

Respondents acknowledged the importance of gaining a good understanding of the Act and building up a network of contacts to provide assistance where necessary and this view was reinforced in the zoo inspector interviews.

**Animal Health and Veterinary Laboratories Agency’s annual reminder scheme**

The majority of respondents described having already implemented their own reminder system and therefore the AHVLA/Welsh Government annual licensing reminder was seen as a useful supplement and cross-check but not critical in terms of planning inspections effectively. Additionally, respondents representing the authorities in Wales had no
experience of the system; one commenting that they didn’t feel an annual reminder was necessary to ensure effective implementation. There were no recommendations for a change in the content or timing of the reminders for the majority, although in one case a respondent said that the reminder was out of step with the licence dates for their collection.

**Improving communications between local authorities**

Respondents highlighted the potential value of improved liaison between local authorities. For example, increased sharing of information about the wide variety of lessons learned across all local authorities was seen as a practical means of addressing the relatively limited exposure that some local authorities have due to the low number of zoos in their area. Some examples of areas for coverage included: the approach to small scale zoos with 14(2) dispensations; clarification of the extent to which local authorities should be providing guidance on compliance at informal inspections; clarification as to the availability of support, advice and/or information from zoo vet inspectors between formal or periodical inspections with respect to compliance and/or issues of animal welfare; the suitability of enclosure and similar. More specialist functions, such as the opening or closing of a zoo, were cited as examples where individual local authorities may have limited experience and may benefit from shared knowledge. Encouraging local authorities to sign up to the Local Government Regulation Companion Animals Community of Practice forum could help knowledge sharing.

**Improving guidance to encourage consistency**

Improved clarity and standard guidelines to improve the consistency around implementation of the Act were highlighted. The importance of ensuring effective communication of any updates or changes was emphasised.

Respondents tended to agree that any guidance with respect to the required flows of paperwork and procedures associated with implementation of the Act was appreciated. One respondent emphasised the value of clear boundaries of responsibility and referred to a decision support system routinely applied by local authorities for health and safety issues as a possible example from another sector.

**Freedom of information requests**

It was acknowledged by respondents that dealing with freedom of information (FOI) requests about zoo licensing helped to ensure that the Act was implemented effectively. At the same time, however, concern was expressed by three respondents about the potential for excessive use of FOI requests to impact on the work of the department. They sought guidance on how this could be managed to encourage the exchange of information without becoming overly burdensome. Local authorities have their own procedures in place for data protection and information. Staff dealing with FOI requests relating to zoos should be reminded to contact the appropriate persons before releasing any information.

**The inspection form and pre inspection audit**

Local authority respondents (and zoo inspectors) made a number of comments relating to content and ease of use of the inspection forms. Respondents mentioned that there can be significant on-site variation at zoos that can be difficult to reflect, requiring complex notes on the inspection form.

A particular issue mentioned by respondents (and the zoo inspectors) was in respect to the licensing of new zoos. Inspection teams are asked to comment on the ability of the zoo to meet required standards, but in some cases this assessment is difficult as the zoo may not be ‘complete’ at the time of the inspection. One respondent sought clarification about the timing of new zoo licence applications/inspections and the presence or not of animals on site when the inspection takes place.
Local authorities felt that improved guidance with respect to the pre-inspection audit was necessary to ensure that the resulting document was fit for purpose.

**Fees and other charges**

Issues relating to the non-payment of licensing and inspection fees by zoo operators were raised by respondents (and by zoo inspectors). Cost recovery is usually pursued as a civil debt through the County Court but improved guidance was sought on the appropriate action that could be taken. One local authority suggested that there should be a no fee, no licence policy. Another felt that it would be beneficial to check a new applicant’s credit rating before any work is undertaken. A third called for a set licence fee, rather than invoicing for work done, to be implemented to simplify the licence fee system.

### 5.2.7 Problems or inadequacies with the legislation

During the interviews, respondents’ views were sought about the legislation and any perceived problems or inadequacies, as well as identifying potential scope for improvement. Six out of nine respondents expressed an opinion with respect to the Act. Five of the six were broadly content with the Act, the associated inspection process and their role in its implementation. Another respondent expressed concern at the complexities of an inspection process based around four and six year licence periods (and in particular the timing of the periodical inspections). The respondent suggested that a standard three year licence period would simplify the process for all concerned.

### 5.2.8 The possible need for legislative changes to assist local authorities

While there was little evidence of any appetite for legislative change amongst the nine respondents, it was acknowledged that the Act can be difficult to understand, especially for those in infrequent contact with zoo licensing. One respondent felt that the Act would benefit from being made available in plain English. Additionally the additional sanctions (section 5.2.4) that some local authority representatives would welcome to assist in enforcing the Act may require a change to legislation.

### 5.3 Survey of exempt zoos

#### 5.3.1 Local authority monitoring of exempt zoo collections

Evidence of contact with ‘exempt’ zoos was seen in the local authority survey (see section 5.1) with annual or biennial inspections mentioned by 19 local authorities and requests for annual stock lists by nine. Responses from representatives of ‘exempt’ zoos (n=23) confirmed that on site inspections were carried out under other legislation in the majority of cases. Only three reported not receiving any site visits over the two year period and some premises reported up to three or more inspections a year. A small number of exempt collections reported that their local authority requested a stock list.

Where exempt zoos reported having contact with their local authority, health and safety, environmental health and food safety were most commonly cited as the reason. Where domestic farm animals were also kept contact relating to these e.g. by trading standards departments was also mentioned. A minority stated that they didn’t know which department had made contact. Visits made under Health and Safety legislation were more likely to include tours of the site including the animal collection whilst visits undertaken for food hygiene tended to be more specific.

The majority of respondents stated that they were ‘not very familiar’ (39%) or ‘not familiar’ (26%) with the requirements of the Zoo Licensing Act 1981 (the Act) with around a third (35%) stating they were quite familiar. The majority of the exempt zoos had not needed to contact their local authority in connection with their collection in the two year period under review but six respondents had made approaches with respect to advice on the need for a
licence, changes to stock types/number, or assistance in gaining exemption from the Act. Of these, three reported that their local authority was ‘very’ helpful, one ‘quite’ helpful and only two ‘not very’ helpful.

As mentioned in Section 4.8 nearly a third of respondents reported that they were not an exempt zoo. In some cases respondents claimed to have never had a zoo whilst others reported that establishments had closed or the species kept had changed. In order to update the list of exempt zoos local authorities could be asked to check the status of their exempt collections and report back to AHVLA/Welsh Government.

5.4 In-depth interviews with zoo inspectors

Secretary of State Inspectors are well placed to provide an overview of the implementation of the Act by local authorities and to comment on both legislative and non-legislative changes that could assist implementation. A total of six inspectors (including three from part one of the list and three from part two (see 4.9)) responsible for carrying out inspections across England and Wales were approached. The main topics covered included the inspection process, enforcement of the Act, and suggestions for simplifying/improving the implementation of the Act.

5.4.1 The formal inspection process

Local authorities are responsible for ensuring that inspections are organised in a timely manner and that the inspectors receive the correct documentation. Ahead of an inspection the local authority should request a pre-inspection audit (PIA) report from collections, although completion is not a mandatory requirement. A good PIA should save time on the day of the inspection but this was not always found to be the case. Zoo inspectors had a range of views on the usefulness of PIAs (from not useful to invaluable) but two common themes emerged:

- incomplete or inaccurate returns – this problem tended to be associated more often with smaller, newer zoos; and
- excessive documentation containing too much detail - with the consensus that concise is good.

Overall, zoo inspectors reported that they generally received the correct documentation ahead of an inspection and two stated this always happened. There was agreement among them that this aspect has improved in recent years. Timeliness of receiving the documentation is seen to be generally/always good although there are still a small number of authorities that leave it to the last minute - one inspector recalled an occasion when they had received documentation on the day of the inspection itself - although this was an exception. Overall, inspectors felt there was room for further improvement with respect to local authorities organising inspections in time and obtaining the correct documentation e.g. stock lists and the PIA, particularly from the smaller collections.

The zoo inspectors confirmed that they had not experienced any recent difficulties with inspector numbers although one inspector did comment on an inspection where the local authority vet was also the vet for the collection which was inappropriate. Zoo inspectors generally commented favourably on the commitment of the local authority staff to the inspection and the relationship with the zoo operator on the day. There were only a small number of examples of local authority staff arriving late or leaving early and only one isolated incident of an inspector experiencing a poor relationship between the local authority and the zoo operator.

The inspectors reported general consensus between the team after inspections with minor issues being discussed at the time and resolved quickly and easily. The benefits of agreeing a draft of the report on the day were commented on by several inspectors. Following the
inspection, the majority of the zoo inspectors stated that they would normally complete the
inspection form; only one reported that the local authority officers would do this routinely.

5.4.2 Carrying out and reporting informal inspections
In discussion with zoo inspectors it was noted that this area had seen significant
improvements recently. A small number of informal inspections are still being missed or are
late but the situation is improving. The annual reminder and FOI requests as well as a
general improved awareness were thought to have contributed to this. Where informal
inspections were missed, the view was that this was often the result of pressure of work in
the local authorities.

5.4.3 Enforcing the Zoo Licensing Act
Zoo inspectors reported on their experiences relating to local authority enforcement of the
Act. Five of the inspectors reported that they had seen occasional examples of licence
conditions applied in the previous formal inspection being unresolved at the next. Although
the inspectors clearly felt that the local authorities should give this a higher priority, the
difficulties associated with the wording of certain conditions was mentioned. Issues most
likely to give rise to concern were related to conditions using subjective wording that was
liable to misinterpretation. Ensuring that all conditions are worded objectively with
measurable outcomes and with appropriate timescales could improve the situation. One
inspector commented that enforcement by the local authorities would be more consistent if
there were standard guidelines to follow and would reduce the risk of authorities being
labelled as ‘too strict’ or ‘too lenient’.

As with local authorities, zoo inspectors acknowledged the importance of gaining a good
understanding of the Act and building up a network of contacts to provide assistance where
necessary.

5.4.4 Good practice and procedures identified
Zoo inspectors were asked to identify the key features of local authorities that implement the
Act to a high standard. Maintaining an excellent working relationship between the local
authority and the zoo was considered to be the single most important feature; one inspector
mentioning that negotiation and communication skills were important. Other aspects that
zoo inspectors highlighted were:

• maintaining a good understanding of the Act and being willing to ask if they were
  unsure about any aspect;
• keeping up to date with the activities of zoo operators in their area; and
• making preparation for inspections well in advance and getting the right team
together.

Zoo inspectors reported seeing overall improvements in several aspects of zoo licensing and
its implementation. They reported that local authorities were becoming more knowledgeable
about the Act and that consistency and timeliness had improved. They felt that these
improvements had been brought about by a combination of factors such as attendance at
the zoo licensing seminars, guidance available from Defra/Welsh Government and the
annual licensing reminder, but also as a result of the scrutiny that local authorities faced in
responding to freedom of information (FOI) requests. However zoo inspectors reported that
they felt there was still a variable amount of interest in the zoo licensing process between
authorities. Encouraging engagement with the process including feedback to Defra/Welsh
Government, building good relationships with zoos and building knowledge of the Act should
ensure that consistency between local authorities is improved.
5.4.5 Suggestions for improving the implementation of the Zoo Licensing Act

Local authority training

Many local authorities had identified additional training as important in improving implementation of the Act. The inspectors were asked, in their opinion, where training would most benefit the local authorities. The majority felt that the local authorities should concentrate on improving their understanding of the legislation and that there was little justification for specialist training. Views varied on how this should be delivered and ranged from guidelines on the website and direct advice alone, to shadowing officers in different authorities and attendance at the zoo training seminars. Bringing local authority officers together was felt to improve the opportunities for officers to share best practice.

The inspection form and pre inspection audit

During discussions with the zoo inspectors a number of comments were made relating to content and ease of use of the inspection forms. Some inspectors felt that there were questions that required updating or removing (e.g. general Health and Safety questions that are outside the particular expertise of the Secretary of State Inspectors) and it was suggested that there could be a regular forum for inspectors to feed suggestions back to Defra/Welsh Government for consideration. Suggestions were made that specialist collections such as aquaria, falconry centres and reptile centres would benefit from having specific forms.

A particular issue mentioned by both zoo inspectors and local authorities was in respect to the licensing and inspection of new zoos. Inspectors were asked to comment on the ability of the zoo to meet required standards, but in some cases this assessment was made difficult as the zoo was not complete at the time of the inspection.

Among respondents to both the inspector and local authority interviews, there were calls for improved guidance with respect to the pre-inspection audit to help to ensure that the resulting document was fit for purpose.

Improved guidance

Improved clarification and standard guidelines were the theme of some responses – all shared the same goal of improving consistency around implementation of the Act. The importance of ensuring effective communication of any updates or changes was emphasised.

Three of the inspectors who were interviewed sought clarification and improved guidelines with respect to dispensations as it was felt that any subjectivity could give rise to inconsistency and make decisions vulnerable to challenge. One respondent noted in particular that sanctuaries were sensitive about being labelled as zoos and that this could give rise to problems in terms of maintaining an effective working relationship.

One inspector called for conservation and education requirements to be made more objective to reduce inconsistency and this call was echoed by one of the local authority respondents. Another inspector sought more clarity on the powers available to inspectors to deal with any failure to meet conditions.

Powers of enforcement

Some inspectors who were interviewed felt that in its current form, the Act conveys weak powers of enforcement and called for it to be made easier to take action when needed. Among inspectors, it was suggested that another level of enforcement, other than simply removing the licence, would provide them with greater flexibility. Similarly, the application of improvement notices, fixed penalties or similar could be of value. However it is likely that introducing measures such as these would need changes to the legislation. Additionally it
should be noted that improvement notices could be issued under other existing legislation such as the Animal Welfare Act.
6. **Discussion**

Between them, some 180 local authorities are responsible for approximately 300 zoos throughout England and Wales. Some zoos that operate from more than one site deal with more than one local authority. And while some local authorities may be required to deal with multiple zoos, other local authorities may have just a single zoo operating in their area. Furthermore, the broad spread of zoo size and differences in dispensation status mean that local authority responsibilities span local to national attractions.

This project was commissioned to collect and assess information on the implementation of the Act in local authorities in England and Wales. The project has made reference to a sample of completed inspection reports as part of a review of available information; undertaken primary data collection among all local authorities in England and Wales known to have responsibility for zoos and achieved a response from almost three quarters of these; carried out in-depth interviews with a sub-sample of six local authorities; taken soundings from a sample of six Zoo Inspectors; and collected primary information from a sample of exempt zoos. In this way, the results provide an all round perspective on the implementation of the Act.

6.1 **Legislative problems or inadequacies**

Rather than amending the Act, other than making available a plain English version (see 5.2.8 above) local authorities sought improved guidance to assist them with implementation, as discussed at 6.4 below. However, some local authorities and zoo inspectors sought additional powers of enforcement under the Act that would require legislative change.

6.2 **Analysis of how local authorities have performed in implementing the Zoo Licensing Act**

Inspectors commented that while they had seen improvement in local authorities’ management of the inspection process, there was room for further improvement. This was with respect to organising inspections in time and obtaining the correct documentation e.g. stock lists and the pre-inspection audit, particularly from smaller collections.

There was some evidence among respondents to the local authority survey of informal inspections being missed or postponed. This was further borne out by comments from inspectors – although improvements were acknowledged and tended to be attributed to pressure on resources within the local authority. With respect to formal inspections, although some delays were reported by local authorities, in the year to March 2010 none of these were said to have resulted in zoos operating without a licence. Results from the annual survey of BIAZA members (see Appendix 2.) appear to confirm recent improvements.

There was consensus among local authorities and inspectors that there was much value to be gained from agreeing both the key points to emerge from the formal inspection and the timescales for completion of any additional conditions at the time of the inspection. There was little evidence of local authorities exercising their power to alter zoo licences.
The majority of local authorities that had experience of attaching additional conditions to licences were proactive in ensuring that these were actioned ahead of the next programmed inspection. Nevertheless, around one in four local authorities reported some experience of non-compliance with licence conditions. Inspectors identified this as an area where further improvement was necessary and emphasised the importance of ensuring that conditions were worded objectively with measurable outcomes and with appropriate timescales so that interpretation of all parties is consistent.

The importance of effective, ongoing working relationships between local authorities and zoo operators was recognised by local authorities and inspectors. These working relationships extended to monitoring dispensation status. Where local authorities had exempt zoos in their area, contact was often maintained via on-site inspections under other legislation.

### 6.3 Local authority good practices and procedures

Asked to identify the key features of local authorities that implement the Act to a high standard, zoo inspectors considered that local authorities maintaining an excellent working relationship with zoos in their areas was the single most important feature.

Zoo inspectors reported that local authorities appeared to be becoming more knowledgeable about the Act and that consistency and timeliness had improved. They felt that these improvements had been brought about by a combination of factors such as attendance at the zoo licensing seminars, guidance available from Defra/ Welsh Government and the annual reminder, but also as a result of the scrutiny that local authorities faced in responding to freedom of information (FOI) requests. However zoo inspectors felt there was still scope for improved consistency between local authorities e.g. zoo operators working in more than one local authority area may be required to work to different timescales in responding to the inspection report.

While there is scope for local authorities to provide feedback to Defra/Welsh Government in the form of submitting completed inspection reports and through the provision of feedback on inspectors, uptake between local authorities was variable and could be improved.

Whilst the majority of respondents to the survey of local authorities reported that they felt confident in their ability to implement the Act, most identified areas where additional support was needed from time to time. Discussions with the local authorities and zoo inspectors highlighted the benefits of networking and sharing best practice in implementing the Act. Those local authority representatives who had attended zoo seminars reported higher confidence in their ability to implement the Act. Reinforcing their role as a key contact point, nine out of ten respondents indicated that they would approach AHVLA/Defra/Welsh Government for assistance. The Defra/Welsh Government websites were widely used and generally seen as a useful resource. It was suggested that an enhanced ‘frequently asked question’ section would be of value. About half of all respondents to the local authority survey had attended a zoo licensing training seminar and in total 69% had received some training on the Act and its implementation.

### 6.4 Administrative measures

The annual AHVLA/Welsh Government licensing reminder scheme was highly valued with the majority of local authorities describing it as ‘very useful’.

Zoo inspectors felt that many local authorities would benefit from improving their general knowledge of the legislation but should rely on the specialists for other areas such as animal welfare. Workshops aimed specifically at local authority officers would address this and would have the added benefit of encouraging the exchange of best practice. Local
authorities were largely in agreement with this approach with many wanting more information on the Act in general or of specific aspects such as dispensations and enforcement. The local authority case studies highlighted the usefulness of the zoo licensing seminars for training purposes but responses to the main survey highlighted the budgetary and time restraints faced by many authorities.

Improved guidance to support implementation of the Act was sought on many aspects of zoo licensing, for example, with respect to dispensations, the enforcement of conditions, licensing of new zoos and preparation of pre-inspection audits.

Knowledge sharing between local authorities was highlighted as an effective mechanism to share examples of best practice and lessons learnt – this was seen as being of particular value since many local authorities will have limited exposure given the low number of zoos generally operating in any one local authority area.

Potential benefits to be realised via sharing of resources and outsourcing of activities were qualified by concerns regarding the value of local knowledge and existing communications channels within local authorities and between local authorities and local communities.
7. **Conclusions, and suggestions**

The work reported here has gathered information from a range of sources to provide evidence of how local authorities have performed in implementing the Zoo Licensing Act 1981 (the Act). Overall the results show an improving situation with respect to implementing the Act but have also highlighted areas where further improvement is needed. Best practices in implementing the Act have been identified throughout the study and suggestions for improvements have been put forward by the local authorities and zoo inspectors. These have highlighted the need for all parties to work together to ensure the effective implementation of the Act.

7.1 **The need for legislative change**

Overall the results of this project show that there is no strong evidence for legislative change. However it was acknowledged that the Act can be difficult to understand, particularly by those with infrequent contact with zoo licensing. Although simplifying some aspects of the inspection process was mentioned (see 5.2.7) the majority of suggestions from local authorities and inspectors related to improved guidance. It was also noted in discussion with local authorities and zoo inspectors that some additional sanctions to assist in enforcing the Act would be welcomed and that these may need a change to the legislation.

7.2 **Performance of local authorities in implementing the Act**

There was evidence of an overall improvement among local authorities in their implementation of the Act as demonstrated by the trends in BIAZA data described in Appendix 2. Results of the local authority survey confirmed that the majority of inspections were carried out in a timely and effective manner but there was room for further improvement with around 10% reporting delays to formal inspections and 13% to informal inspections.

Maintaining good communications between local authorities and zoo operators was identified by inspectors as a key feature of those local authorities that they associated with implementing the Act to a high standard. Two-way communication between local authorities and Defra/Welsh Government also has an important role to play. There was evidence of scope for improvement in terms of ensuring that reports are copied to Defra/Welsh Government by local authorities, especially where these relate to local authority premises; and providing feedback on inspectors.

In considering how local authorities have performed in implementing the Act, discussions with local authorities highlighted the pressure on available resources and the challenges of keeping abreast of best practice with respect to zoo licensing when, for many (52%) this represented a single licence among many hundreds or thousands of other licences typically administered. Nevertheless, the wider responsibilities of local authorities, such as health and safety, leave them well placed to maintain an overview of the zoos operating in their area. Effective internal communications within local authorities are vital in making sure that information is shared, as appropriate, between relevant departments.
7.3 Local authority good practices and procedures

This study has provided evidence of good practice and procedures in the implementation of the Act amongst local authorities characterised by the following:

Organisation of zoo licensing responsibilities within local authorities

- an overall commitment within the local authority to carry out the process to a high standard as evidenced by clear chains of responsibility;
- provision of sufficient, appropriately qualified staff to carry out the licensing process, with backup available in the event of staff absence and mechanisms in place to ensure transfer of responsibilities if staff leave;
- a joined-up approach between departments in local authorities to encourage information sharing;
- local authorities have effective internal systems (e.g. databases with automatic reminders) to assist in managing the licensing process; and
- where available, training is encouraged to ensure staff are competent and confident in implementing the Act.

Managing the zoo licensing and inspection process

- local authorities maintain an excellent working relationship with zoo operators in their area;
- robust procedures in place to maintain awareness of zoos operating in their area by e.g. liaising with colleagues, monitoring the local media and maintaining a good overall knowledge of the local area;
- starting preparation for formal inspections well in advance of the due date to take into account possible delays;
- on the day of the inspection ensuring the correct team attends and that sufficient time is available to discuss, with all parties, the outline inspection report, including any necessary conditions and associated timescales;
- following the inspection, ensuring that the report is finalised and forwarded to the zoo operator in good time and indicates a timescale for responses;
- ensuring informal inspections are carried out and documented effectively;
- conditions are attached to licences and are clearly defined, measureable and time bound with effective follow-up;
- where conditions have not been met, local authorities have procedures in place to ensure compliance;
- monitoring dispensation status by requesting annual stock lists and by discussion with zoo operators and liaising with Defra/Welsh Government where necessary; and
- monitoring the status of ‘exempt’ zoos through annual contact (possibly with requests for a stock list) and through on-site inspections under other legislation.
Communication with other local authorities and Defra/Welsh Government

- local authorities take advantage of the opportunity to provide feedback to Defra/Welsh Government in the form of completed inspection reports, and feedback on inspectors;
- local authorities maintain a good understanding of the Act and are aware of up-to-date sources of advice; and
- sharing information and best practice with other local authorities through on-line forums, and regional and national seminars/meetings.

7.4 Administrative measures to assist local authorities in implementing the Zoo Licensing Act

AHVLA’s annual reminder scheme is well received and should be retained. It could be developed to encourage feedback from any local authorities that found the reminder was not synchronised with the licence timings of their collections.

Training is welcome and generally those local authority representatives that have taken part in training activity felt more confident in implementing the Act. Where this takes the form of seminars this has the advantage of encouraging dialogue between participating authorities. Alternative training methods also need to be available to reflect the time and cost constraints of different local authorities.

The Act is considered to be complex, particularly for those who have only intermittent exposure and simple guidance to support implementation of the Act is needed.

Some local authorities and inspectors felt that inspection forms, the Government Circular 02/2003 and the SSSMZP would benefit from some updating to reflect current best practice. This would be of benefit to zoo operators, zoo inspectors and the local authorities. Dealing with non-payment of fees and powers of enforcement were also highlighted as areas where clarification should be given.

A number of respondents to the survey mentioned sharing resources for zoo licensing work and this topic was explored in more depth in the face-to-face discussions. Inspectors and local authority representatives were in broad agreement about the potential benefits. In particular they felt that consistency of implementation could improve if people with the right knowledge and experience were chosen. However a number felt that the current system was working well in their area. The majority also expressed concern about the potential impact on the relationship between the zoo operator and the local authority if zoo licensing was outsourced.

7.5 Suggestions

The following suggestions are proposed by the project team in light of the findings of this study. These suggestions are for consideration primarily by Defra and Welsh Government but also by local authorities and AHVLA. Suggestions are grouped according to: organisation of zoo licensing in local authorities; managing the licensing and inspection process; communications; and provision of information and guidance to assist with licensing.

Organisation of zoo licensing responsibilities within local authorities

1. The annual licensing reminder should be retained by Defra.
2. Local authorities should ensure robust internal processes are in place to support zoo licensing activities with sufficient staff available to cover in the event of absence and to ensure effective handover.

Managing the zoo licensing and inspection process

1. Review the pre inspection audit (PIA) form to assess whether changes to the content are necessary. Provide more detailed guidance for zoo operators (and local authorities) with respect to completion of the PIA to ensure that the correct level of detail is provided.

2. Guidance should be given to local authorities on the timescale allowed for the zoo operator to respond to formal inspection reports.

3. Remind local authorities of the role of informal and special inspections and provide additional guidance with respect to the associated protocol and recording.

4. Conditions on licences should be associated with measurable outcomes; allocated an appropriate time span and worded clearly – more guidance as to what constitutes an additional condition would be beneficial.

5. Explore the possibility of imposing sanctions under the Zoo Licensing Act 1981 as an alternative to zoo closure, such as enforcement notices.

6. Remind local authorities of the powers of enforcement that they have under the Animal Welfare Act (2006) but highlight the need for local authority officers to be authorised under that Act.

7. Consider more detailed guidance for local authorities on the various dispensations available and how to monitor zoos with dispensations.

8. Remind local authorities that they should monitor animal collections with a 14(1)(a) dispensation (‘exempt’ zoos) and notify AHVLA/Welsh Government if the exemption is no longer appropriate.

Local authority communication with Defra/Welsh Government and with other local authorities

1. Local authorities should be reminded that it is a requirement for formal inspection reports relating to local authority owned premises to be copied to Defra/Welsh Government – a reminder of this requirement should be included in the annual licensing letter from AHVLA/Welsh Government to local authorities.

2. Local authorities should be encouraged to send copies of all completed inspection reports to AHVLA/Welsh Government and to provide feedback on the inspectors who carry out inspections.

3. Promote the sharing of information between local authorities by encouraging them to join the Local Government Regulation Companion Animals Community of Practice forum.

Provision of information and guidance to assist with zoo licensing

1. Promote the existing information on the Defra and Welsh Government websites to the local authorities. Many local authorities requested additional information through the website and may be unaware of the developments that have already taken place. Consider offering an automatic notification of changes to content on the local authority guidance pages of the Defra/Welsh Government websites.

2. Following promotion of the existing material enhance the content of the guidance pages and ‘frequently asked question’ section on the Defra and Welsh Government websites;
to include, for example: licensing new zoos, zoo closures, dispensation definitions and enforcement procedures.

3. A small number of local authorities suggested that Government Circular 02/2003 and the SSSMZP required some general updating to reflect current concerns and modern best practice, however no specific areas were mentioned.

4. Consider whether amendments or updates are necessary to the zoo inspection forms, specifically the provision of separate forms for particular types of collections (e.g. aquaria, falconry centres and reptile centres), and whether general Health and Safety questions should be included.

5. Provide a mechanism by which local authorities, inspectors and zoo operators can provide feedback to AHVLA and Welsh Government relating to the implementation of the Act.

6. Training – many local authorities reported they would welcome some training on implementing the Act. Consider provision of interim training pack to help local authorities provide training to new members of staff in between more formal training sessions.
Appendix 1: Summary statement

Review of the implementation of the Zoo Licensing Act 1981 in local authorities in England and Wales
Contract No. CR 0469 – summary statement

Responsibility for administering the zoo licensing and inspection system set out in the Zoo Licensing Act 1981 rests with local authorities. Concerns have been expressed that implementation is inconsistent and that the provisions of the Act may not always be complied with. Defra has commissioned ADAS to conduct a review of the implementation of the Act by local authorities in England and Wales. ADAS will work closely with BIAZA (British and Irish Association of Zoos and Aquariums), building on their successful collaboration in the recent project to review the conservation and education contribution made by zoos.

The aim of this project is to assess local authority implementation of the Act and:

- provide an analysis of how local authorities have performed in implementing the Act;
- identify and record local authority good practices and procedures in the licensing and inspection of zoos;
- where any difficulties have been found, make recommendations for administrative (non-legislative) measures that would assist local authorities in implementing the Act; and
- consider any identified problems or inadequacies with the legislation and comment on the possible need for legislative changes to assist local authorities, including for simplification of the zoo licensing system.

The approach for this project is staged:

- a review of available information will provide early identification of key issues. The outcomes of this review will inform the development of a quantitative survey of local authorities in England and Wales;
- a postal survey of all local authorities believed to have zoos in their areas will be conducted. The permission of all participants will be sought for follow-up research activities and a sub-sample of local authorities will be selected for more detailed case studies;
- a postal survey of exempt zoos will be conducted; and
- the survey work with local authorities will be supplemented by depth interviews with representatives of the Secretary of State’s Zoo Inspectors.

The project will produce a report for publication on the Defra website. The market research conducted during the course of this project will be in accordance with the Market Research Society’s Code of Conduct and, as such, data from individual local authorities and zoos will be anonymous and the identity of respondents will be kept confidential. During the survey, however, consent for further contact and use of information will be sought from individual respondents. Where consent is given, case studies will be developed to illustrate best practice in the administration of the Act.

ADAS and BIAZA have a proven track-record of collaborative working. ADAS (http://www.adas.co.uk) is the UK’s largest independent provider of environmental consultancy, rural development services and policy advice. ADAS has delivered research and consultancy services to Government and corporate organisations on a
commercial basis for more than 35 years. Almost all significant zoos and aquariums are members of BIAZA (http://www.biaza.org.uk/), the only professional organisation representing the zoo and aquarium community in Britain and Ireland. BIAZA works closely with Government, the Zoos Forum and Local Authorities.

For further information about this project please contact the ADAS Project Manager, Karen Wheeler: karen.wheeler@adas.co.uk, for assistance.
Appendix 2: Review of available information

Review of the implementation of the Zoo Licensing Act 1981 in local authorities in England and Wales

Review of available information

Introduction

The Zoo Licensing Act 1981 – the Act - requires all zoos (apart from those granted a 14(1)(a) dispensation) in Great Britain to be licensed and inspected. Local authorities are responsible for the day-to-day running of the licensing system and the implementation of the Act. Defra sets the standards for zoo management (as laid out in Secretary of State’s Standards of Modern Zoo Practice, SSSMZP) and is responsible for maintaining a list of zoo inspectors. Defra also keeps a list of zoos operating in England that is based on information supplied by the local authorities. Since August 2008, the then Animal Health (now AHVLA, Animal Health and Veterinary Laboratories Agency) has taken on responsibility for the delivery of zoo licensing with Defra retaining overall responsibility for zoos policy. Zoo licensing in Wales has been devolved to the Welsh Government and the Standards for zoo management are set out in the National Assembly for Wales Standards of Modern Zoo Practice.

The British and Irish Association of Zoos and Aquariums (BIAZA) summarises the licensing process under the Act for its zoo members as follows:

1. the issue of the original (first) licence to the zoo which runs for four years and can only be granted after the zoo has undergone a successful ‘Licence’ inspection with Local Authority (LA) and Secretary of State Inspector(s) (SSI);

2. Annual inspections by the LA (termed Informal Inspections) using ‘people whom the local authority consider competent for the purpose of the inspection’. Note that these informal inspections must take place in every calendar year where there are no inspections due under sections 9A, 10 and 11 of the Act. A written report is not a requirement of these informal inspections but ‘it is recommended’. The LA is not required to give notice of this inspection;

3. The ‘interim’ Periodical Inspection
   a. In the case of the original (first) licence, the interim inspection takes place during the first year of the period of the licence. The ‘renewal’ Periodical Inspection is then required to take place no later than six months before the end of the fourth year of that original (first) licence.
   b. Licences issued subsequent to the original (first) licence are all required to be for a period of six years. With six year licences the ‘interim’ Periodical Inspection takes place in the third year. These are carried out by the LA and SSI(s). The LA has to give the operator 28 days notice prior to the proposed inspection date and the names of the inspectors.

4. The ‘renewal’ Periodical Inspection of a six year Licence must take place no later than six months before the end of the sixth year of that licence. This is carried out by the LA and SSI(s). The Zoo Operator (ZO) has to apply to the LA at least six months before the expiry of the existing licence using the Licence Renewal Form. The LA is supposed to give notice at least nine months before the end of the period of the licence, of the latest date on which the application for the renewal may be made.

Source: BIAZA
Summary of local authorities’ responsibilities in the licensing process

The licensing procedure differs to reflect licensing of new and existing zoo premises – as summarised in the diagram below. In addition, some zoos by virtue of their size and type of collection may be eligible for exemption or various dispensations that will vary the number of inspectors and the profile of inspection teams.

<table>
<thead>
<tr>
<th>Inspection schedule for new and existing zoos with 14(2) or no dispensation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Year 0</strong></td>
</tr>
<tr>
<td><strong>New zoos</strong></td>
</tr>
<tr>
<td>Type of inspection</td>
</tr>
<tr>
<td><strong>Existing zoos</strong></td>
</tr>
<tr>
<td>Type of inspection</td>
</tr>
</tbody>
</table>

Licensing of new zoo premises

Local authorities are responsible for considering whether or not an establishment meets the definition of a zoo as defined in the Act or falls outside the Act. Where an establishment is considered to be a zoo, the local authority will then consider whether or not it is suitable for a 14(1)(a) exemption and, if appropriate, apply to AHVLA/Welsh Government on behalf of the establishment. If an exemption is granted, the local authority is then responsible for monitoring the zoo for changes in stock number or range of species. Although not a legal requirement, local authorities may request an annual stock list from exempt collections to assist with this. Local authorities are responsible for notifying AHVLA/Welsh Government if they feel that the exemption can no longer be justified.

Where zoos are not eligible for a 14(1)(a) exemption they are required to notify the local authority that they are going to apply for a zoo licence. After a minimum period of two months they can then submit a completed licence application form. The local authority is then responsible for considering the licence application and arranging an inspection before deciding whether or not to grant a licence.

The local authority is responsible for coordinating the new licence inspection, including requests to AHVLA/Welsh Government for inspectors, liaising with the applicant and inspectors over inspection dates and giving appropriate notice of the inspection. Ahead of the inspection the local authority requests a completed pre-inspection audit form from the applicant and supplies this and other relevant information to the inspector. Following the inspection, the local authority is responsible for sending a copy of the inspection report to the applicant for comment and then sending a signed copy of the report to the inspectors (and AHVLA/Welsh Government if a local authority owned zoo). Once the inspection procedure is complete the local authority decides whether or not to grant the zoo licence.

The licence inspection report provides an opportunity for inspectors to recommend whether a dispensation under 14(1)(b) or 14(2) may be appropriate for consideration by AHVLA/Welsh Government. Where a dispensation is granted the local authority is then responsible for reviewing the status from time to time.

Inspections of licensed zoos

The original (first) licence granted to a new zoo following a successful licence inspection runs for four years with subsequent ones running for six years. The local authority is responsible for carrying out an interim periodical inspection during the first year for a new zoo (third year for an existing zoo) and a renewal periodical inspection not later than six
months before the end of the licence period. In other years informal inspections are required. Responsibilities of the local authority for formal inspections include requesting names of Secretary of State Inspectors, arranging inspection dates with sufficient notice and providing inspectors with the pre-audit inspection form and copies of previous reports. The local authority is responsible for ensuring that the composition of the inspection team is correct. Once the inspection is complete and the local authority has received the completed inspection report they send a copy to the zoo operator for comment.

Where inspectors recommend that conditions be added to the licence the local authority is responsible for ensuring that these are attached to the zoo licence and that they are enforced.

**Key Issues highlighted in existing literature**

**International Zoo Veterinary Group**

Work carried out by International Zoo Veterinary Group (IZVG) in 2003 looked at the performance of the Secretary of States Zoo Inspectors. As part of this they conducted a review of licences and inspection reports for a particular zoological organisation. Some of the findings relating to local authority responsibilities are highlighted below:

- **Number of inspectors** – half of the centres had been inspected by two Secretary of State listed inspectors, and half by one, which presumably correlated with their level of dispensation under Section 14 of the Act. It was unclear what the criteria for differentiation were, however, as the number of specimens did not correlate with the level of dispensation in two collections. In those cases where multiple reports were available, this number of inspectors was consistent for each centre.

- **Selection of inspectors** – this is the responsibility of Defra (or the appropriate devolved administration), rather than the local authority. Only one inspector was common to any two centres. The researchers found it surprising that one of the centres was inspected (under a 14(2) dispensation) by an inspector who was the veterinary surgeon to the main collection.

- **Frequency of inspections** – with the exception of one centre, which had been recently opened, the most recent report for each centre was for a licence renewal inspection. In one case the date of the previous inspection was not noted on the form, but in all the others it was clear that the previous periodical inspection (due in the third year of the six year period) had not been carried out.

- **Conditions** – in all cases, the conditions recommended by the inspector(s) had been applied to the Zoo Licence. Some authorities took the opportunity to attach a schedule of required improvements under the Health and Safety at Work Act (1974). However, when compliance with previous conditions was examined, which it is the local authorities’ responsibility to oversee, one collection was noted to have failed to comply with any previous conditions (from six years before), and another with a condition about the frequency of veterinary visits.

- **On completion of the study the authors made a number of recommendations to Government of which two related to local authorities. The first recommended the return of inspection reports from local authorities to a central record keeping and monitoring system. The second highlighted serious problems with the administration of the Act by some local authorities, particularly regarding failure to enforce conditions on licences and the failure to carry out the required number of inspections.**

**Report of the 2009 zoo licensing training seminar**

The 2009 Zoo Licensing Training Seminar was held in Gloucestershire and was organised by the then Animal Health supported by the Zoos Forum. The seminar comprised 171 delegates made up of zoo inspectors, local authority officials, zoo operators, the Zoos
Forum and officials from Animal Health, Defra, the Scottish Government and the Welsh Assembly Government. The report of the seminar highlighted some areas of concern, including inspections schedules slipping, licences not being renewed on time and inspections proceeding without the correct team of inspectors.

In the same report criticisms were also made regarding: the Act not being applied uniformly; powers of enforcement not being used; zoos remaining open without licences; backdating of licences; inspections not taking place; mandatory conditions not being attached; and inspectors’ recommendations on reports not being implemented.

As a result of these concerns, AHVLA and the Welsh Government now write annually to all local authorities known to have zoos in their area to remind them of their responsibilities under the Act and prompt them to make timely preparations for inspections. The reminders are tailored to each authority and give:

- the number of zoos in the local authority’s area;
- the current licence dates for each zoo;
- the inspection regime required for each zoo during the licence period; and
- the number and type of inspectors required for each inspection

Following inspections, AHVLA/Welsh Government requests that inspectors complete the following checklist on:

- the validity of any dispensation status;
- whether the system of informal and periodical inspections is being implemented correctly;
- any close encounter activities; and
- whether the zoo operator may not be aware of CITES (Convention on International Trade in Endangered Species).

In addition, AHVLA and the Welsh Government request copies of licences or refusal letters issued and inspection reports when completed, to enable them to keep the zoos database up to date. This database contains information on the following:

- zoo contact details;
- local authority contact details;
- the zoo’s dispensation status;
- the nature of the zoo (e.g. aquarium, bird of prey, general collection etc.);
- the licence start and expiry dates; and
- the inspection history (i.e. dates and names of the inspectors who carried out previous inspections).

Summary information provided by Animal Health and BIAZA

Although it is not a mandatory requirement for local authorities to send copies of the licences and completed formal inspection reports to AHVLA (except in cases where the zoo is owned by the local authority) the local authorities are strongly encouraged to do so. An initial search of the then Animal Health records of completed inspection reports showed that the total number returned was 34 in 2007/08, 53 in 2008/09 and 66 in 2009/10 (Table 1).
Table 1. Number of completed inspection reports received by AHVLA, 2007-2010

<table>
<thead>
<tr>
<th></th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licence</td>
<td>4</td>
<td>7</td>
<td>13</td>
</tr>
<tr>
<td>Periodical interim</td>
<td>9</td>
<td>14</td>
<td>32</td>
</tr>
<tr>
<td>Periodical renewal</td>
<td>20</td>
<td>31</td>
<td>20</td>
</tr>
<tr>
<td>Special</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Grand total</strong></td>
<td><strong>34</strong></td>
<td><strong>53</strong></td>
<td><strong>66</strong></td>
</tr>
</tbody>
</table>

Source: Animal Health, September 2010

Results from the annual survey of members of the British and Irish Association of Zoos and Aquariums (BIAZA) show that the number of collections not receiving any inspection in the previous year has fallen from 33%-40% in 2003-2006, to 20% in 2007 and 17% in 2008. The data for 2009 show a further improvement falling by 3% to 14%. There is no indication that formal periodical inspections are being missed so it seems likely that the 14% refers to informal inspections (BIAZA, personal communication).

These figures demonstrate significant and continual improvements in the implementation of the Zoo Licensing Act by local authorities from 2007 onwards.

**Summary information from a review of completed inspection reports**

A review of a sample of recently completed inspection reports was carried out by the project team. Copies of inspection reports were supplied by BIAZA and Animal Health.

- BIAZA provided reports from 26 of their member collections in England and Wales. A total of 21 were suitable for further analysis. Reports from 2007/08 (n =2), 2008/09 (n =8) and 2009/10 (n =11) were reviewed and covered a range of dispensation status and inspection types; and
- a total of 30 reports relating to collections in England (and different to those provided by BIAZA) were randomly selected from those supplied by Animal Health. It should be noted that some of these collections may also be members of BIAZA. Reports covering a range of reporting years, dispensation status and inspection type were included for analysis.

In reviewing the available reports, particular areas of interest included the profile of the inspection team, timing of inspections and comments relating to additional conditions and dispensation status. Overall, major differences were not seen between the two samples of reports and the findings from the Animal Health and BIAZA supplied reports have been combined for the purposes of reporting.

In addition to the review of a limited number of completed inspection reports reported here, the project team propose to examine a number of zoo licences and associated inspection reports during the case study interviews with local authority representatives. This should enable a more detailed analysis of inspection intervals and notice periods as well as provide evidence on how and whether recommendations are followed up and additional conditions attached to licences.

**Initial findings**

The vast majority of the reports received from BIAZA (20 out of 21) related to either formal renewal or periodical inspections and the analysis below is restricted to these two
categories. The table below provides a breakdown by year, dispensation status and type of inspection.

**Table 2: Summary of inspection team profile and application of conditions on a sample of completed inspection reports**

<table>
<thead>
<tr>
<th>Profile of inspection team</th>
<th>Have existing conditions met?</th>
<th>Did inspectors recommend additional conditions?</th>
</tr>
</thead>
<tbody>
<tr>
<td>correct</td>
<td>unclear</td>
<td>incorrect</td>
</tr>
<tr>
<td>Total number</td>
<td>45</td>
<td>2</td>
</tr>
<tr>
<td>Year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2007-08</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>2008-09</td>
<td>16</td>
<td>1</td>
</tr>
<tr>
<td>2009-10</td>
<td>22</td>
<td>1</td>
</tr>
<tr>
<td>Dispensation status</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Some</td>
<td>24</td>
<td>0</td>
</tr>
<tr>
<td>None</td>
<td>21</td>
<td>2</td>
</tr>
<tr>
<td>Inspection type</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Renewal</td>
<td>20</td>
<td>0</td>
</tr>
<tr>
<td>Periodical</td>
<td>25</td>
<td>2</td>
</tr>
</tbody>
</table>

An examination of the inspection team profiles revealed that the majority, 45 out of 50, were correct. A total of three were found to be incorrect, all of which were carried out before April 2008. Additionally, the profile of one team (2008/09) was unclear as the designations of the inspectors were not stated on the form. A further inspection carried out in 2009/10 had a potential conflict of interest relating to the local authority vet that was reported to Animal Health ahead of the inspection.

In addition to the criteria examined above, reports were checked to see whether or not the collections had completed the pre-inspection audit. Although this is not a statutory requirement, collections are encouraged to complete the form as it may save time at the inspection. There were only two collections over the period 2007-10 that failed to provide a pre-inspection report ahead of the inspection, one in each of the most recent two years.

Reports were scanned for comments, recommendations and additional conditions and in particular indications that those from previous inspections had not been acted upon. In around 10% of cases comments were made specifically relating to issues that were outstanding from previous formal inspections. These largely related to recommendations rather than licence conditions. In many cases, recommendations from previous inspections that had not been acted on became additional conditions on the current report.

AHVLA/Welsh Government now requests that inspectors comment on the validity of the current dispensation status, whether the system of informal and periodical inspections is being implemented correctly and any close encounter activities. The number of inspectors commenting on these aspects in the inspection reports in the sample is shown in the table below.
Table 3: Summary with respect to whether comments were made relating to dispensation status, inspection process and close encounter activities

<table>
<thead>
<tr>
<th></th>
<th>Comments on validity of dispensation status</th>
<th>Comments on correct implementation of inspection process</th>
<th>Comments on close encounter activities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>yes</td>
<td>no</td>
<td>yes</td>
</tr>
<tr>
<td>Total number</td>
<td>18</td>
<td>30</td>
<td>13</td>
</tr>
<tr>
<td>Year</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2007-08</td>
<td>1</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td>2008-09</td>
<td>7</td>
<td>10</td>
<td>3</td>
</tr>
<tr>
<td>2009-10</td>
<td>10</td>
<td>11</td>
<td>9</td>
</tr>
<tr>
<td>Dispensation status</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Some</td>
<td>11</td>
<td>13</td>
<td>7</td>
</tr>
<tr>
<td>None</td>
<td>7</td>
<td>17</td>
<td>6</td>
</tr>
<tr>
<td>Inspection type</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Renewal</td>
<td>7</td>
<td>15</td>
<td>4</td>
</tr>
<tr>
<td>Periodical</td>
<td>11</td>
<td>15</td>
<td>9</td>
</tr>
</tbody>
</table>

Results from a sample of 50 completed inspection reports

A total of 18 inspection reports contained a comment relating to the dispensation status of the collection. In all these cases the dispensation status was considered to be appropriate.

In 13 reports comments were made relating to the implementation of the inspection regime. In nine cases the report stated that the correct procedure had been followed. Others reported that the most recent periodical had been missed in two cases (relating to inspections that should have taken place in 2004 or 2005) and the informal inspections (for 2008 and 2009) in another. It was noted in the remaining case that neither the operator nor the local authority could locate a copy of the previous formal inspection report.

Of the 48 reports examined, 11 were found to include comments with respect to the presence of close encounter activities.

Summary of findings

On the basis of the sample (n = 50)

- The profile of inspection teams after 1 April 2008 showed 38 were correct and two were unclear;
- The overwhelming majority (96%) of collections complete the pre-inspection audit in advance of the inspection;
- The majority of collections (83%) were reported to have met the existing licence conditions;
- Inspectors recommended additional conditions in 63% of inspections, covering a wide range of subjects and time scales for completion (e.g. from an immediate review of safety procedures or updating of animal records to 12-18 months to update veterinary facilities or work on perimeter fencing);
- Around 10% of reports commented that previous issues had not been acted on;
Appendix 2: Review of available information

- Dispensation status was commented on for 18 inspections. In all cases the status was considered to be correct, there was no comment on the applicability or otherwise of the dispensation status in the remainder;
- Thirteen reports commented on the implementation of inspections:
  - two highlighted that the previous periodical inspection had been missed;
  - one collection had not received informal inspections in previous two years; and
  - details relating to the previous inspection report for one collection could not be found.
- Close encounter activities were commented on in 11 cases.

General remarks

- In the majority of cases the date of the last inspection recorded on the report related to the previous formal inspection rather than an annual informal inspection, hence it was not possible to verify that the correct inspection system had been followed from the information contained in the inspection reports.
- Around 20% of reports contained reminders for the local authority on the need to forward licences and reports to Animal Health
- A small number (six) of licensing inspection reports were examined to look at the profile of the inspection team. In all cases this was correct.

Overall conclusion

The data collected above provide some evidence for a number of the issues raised in connection with the implementation of the Act, particularly prior to 1 April 2008. Evidence was found of incorrect inspection teams and missed inspections. There is also limited evidence that, in some cases, licence conditions had not been enforced. Also noted were the potential complexities associated with multiple additional conditions associated with differing timescales.
Appendix 3: Local authority questionnaire

Survey of local authorities in England and Wales on the implementation of the Zoo Licensing Act 1981

- Thank you for taking part in this survey. The questionnaire has been pre-tested and was found to take 30 minutes to complete on average.
- Please answer all questions as fully as possible – if you require additional space, please continue on a separate sheet and mark clearly with the relevant question number(s).
- Responses will be reported in aggregate and individual replies will not be disclosed.
- In the event of any queries, or to request an electronic version of this form then please do not hesitate to contact the Project Officer, karen.wheeler@adas.co.uk / (01432) 821021.

Your name
Your contact number in the event of any queries
Your job title/designation
Local authority name
Department name (e.g. Environmental Health)

Background to zoos that operate in your authority’s area

1. Please use the table below to record the names of zoos that were operating in your local authority’s area on March 31st 2010. If you have any queries regarding the status of zoos in your area please contact the Project Officer (karen.wheeler@adas.co.uk / (01432) 821021) for assistance.

<table>
<thead>
<tr>
<th>Names of zoos</th>
<th>Private/charity collections</th>
<th>Local authority collections</th>
</tr>
</thead>
</table>
| Application underway
| Exempt zoos with 14(1)(a) dispensation
| With 14(1)(b) dispensation
| With 14(2) dispensation
| With no dispensation

2. Since April 1st 2008, have there been any changes in the number of zoos operating in your area? For example, new zoo opening, zoo closure, exemptions issued or change in area boundaries...

3. How do you ensure that you keep aware of all collections in your area? (please tick all that apply)

- Notified by the zoo operator
- Planning procedure
- Notified by Animal Health or Welsh Assembly Government
- Notified by NGOs (e.g. RSPCA, Born Free)
- Notified by members of public
- Other (please specify, for example general feedback)

Licensing and monitoring activity

4. How many of each of the following inspections have been conducted in your authority’s area in the two 12 month periods leading up to 31st March 2009 and 31st March 2010?

<table>
<thead>
<tr>
<th>Inspection Type</th>
<th>1st April ’08 to 31st March ’09</th>
<th>1st April ’09 to 31st March ’10</th>
</tr>
</thead>
</table>
| New licence inspection
| Renewal
| Periodical
| Informal (may be carried out as part of another inspection e.g. Health and Safety)
| Special
5. Please use the space below to provide a brief description of how you ensure that a zoo’s exemption or dispensation status is correct and reviewed regularly in your authority’s area.

The inspection process
6. Please use the space below to provide a brief description of any internal processes that you have in place, in addition to the Animal Health/Welsh Assembly Government annual reminder scheme, to ensure that inspections are organised on time e.g. automatic electronic reminders.

7. Over the two-year period 1st April ’08 to 31st March ’10, how many informal inspections in your authority’s area have not been completed on time or have been missed completely? □□ (If none, please record as ‘0’); if 1 or more, please use the space below to describe the circumstances that led to this

8. If required, how can evidence be produced of completed informal inspections in your authority’s area? For example, keeping a log, producing written report for own files or written report for the zoo.

9. Please give a brief description of the way that you handle additional conditions that the inspection team may recommend following an inspection. For example, how you decide whether or not to attach them, approach to time scales for completion etc.

10. Where you have experience of attaching additional conditions to licences please can you describe briefly how you follow these up and ensure they are implemented within the appropriate time scale(s).
11. For each of the two years ending 31st March 2009 and 31st March 2010, how many inspections were carried out **without** the full complement of inspectors for the particular type of inspection?

If none please record as ‘0’

<table>
<thead>
<tr>
<th>1st April ’08 to 31st March ’09</th>
<th>1st April ’09 to 31st March ’10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12. How many days do you typically give the zoo to respond to the inspection report? _ ____ days

13. For the years ending 31st March ’09 and 31st March ’10, what was the number of formal inspections where you experienced delays that impacted on issuing licences or completing inspections on time?

If none please record as ‘0’ and go to Q18

<table>
<thead>
<tr>
<th>1st April ’08 to 31st March ’09</th>
<th>1st April ’09 to 31st March ’10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

14. If one or more, please explain briefly how this/these arose?

15. Have delays led to any zoos in your area operating for a period without a licence? (please tick)

Yes

<table>
<thead>
<tr>
<th>1st April ’08 to 31st March ’09</th>
<th>1st April ’09 to 31st March ’10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

No

16. Although not mandatory, do you send copies of completed formal inspection reports to Animal Health/Welsh Assembly Government in accordance with their recommendations?

<table>
<thead>
<tr>
<th>Never</th>
<th>Sometimes</th>
<th>Mostly</th>
<th>Always</th>
</tr>
</thead>
</table>

**Enforcing the Act**

17. Section 16 of the Zoo Licensing Act provides the local authority with the power to alter licences. Have you used this power in the two-year period 1st April 2008 to 31st March 2010?

<table>
<thead>
<tr>
<th>No</th>
<th>Yes</th>
</tr>
</thead>
</table>

18. Over the two-year period 1st April 2008 to 31st March 2010 please describe briefly any experience you have of non-compliance with licence conditions and the approach that you took.

19. If you have been involved in administering zoo closures or part zoo closures between 1st April 2008 to 31st March 2010 please let us know about your experiences, including any particular administrative problems that you may have had...

**Implementing the Act**

20. How helpful do you find the Animal Health / Welsh Assembly Government’s annual reminder scheme in carrying out the inspection process?

<table>
<thead>
<tr>
<th>No experience</th>
<th>Not at all helpful</th>
<th>Not very helpful</th>
<th>Quite helpful</th>
<th>Very helpful</th>
</tr>
</thead>
</table>

21. How confident do you feel about implementing the Zoo Licensing Act?

<table>
<thead>
<tr>
<th>Not at all confident</th>
<th>Not very confident</th>
<th>Quite confident</th>
<th>Very confident</th>
</tr>
</thead>
</table>
22. What specific areas of implementing the Act, if any, do you feel you need assistance with...

23. Who do you contact if you need advice on implementing the Act? (please tick all that apply)
   - Colleagues in your local authority  
   - Contacts in other local authorities  
   - Animal Health / Welsh Assembly Government / Defra  
   - Other (please specify)

24. Have you visited the zoo pages (http://www.defra.gov.uk/wildlife-pets/zoos/index.htm) of the Defra website?
   - No (go to Q26)  
   - Yes (go to Q25)

25. If yes, how useful did you find the information on this website?
   - Not at all useful  
   - Not very useful  
   - Quite useful  
   - Very useful

   - Not aware / no experience  
   - Aware but not needed to use  
   - Not at all useful  
   - Not very useful  
   - Quite useful  
   - Very useful

27. Have you received any training to assist you in implementing the Act? (please tick all that apply)
   - In-house training  
   - Regional meeting / local authority seminar  
   - Zoo licensing training seminar  
   - Other (please specify)

28. Has your local authority shared expertise with other authorities with respect to implementing the Act?
   - No  
   - Yes (please describe)

29. In the two year period 1\textsuperscript{st} April 2008 to 31\textsuperscript{st} March 2010, how often did you provide feedback to Animal Health / Welsh Assembly Government about the inspectors who had carried out an inspection?
   - Never  
   - Sometimes  
   - Mostly  
   - Always

30. In your view how could local authority implementation of the Act be improved? Please use the space below to summarise...

31. We are keen to carry out some follow up case studies with a number of participants. These will allow us to explore some of the topics investigated in this survey in more detail. Would you be happy for us to contact you in connection with this?
   - No  
   - Yes

Thank you for taking part in this project. Please return completed forms in the envelope provided:
Sian Lloyd, ADAS Pwllpeiran, Cwmystwyth, Aberystwyth, Ceredigion, SY23 4AB; fax 01974 282302.
Appendix 4: Survey of ‘exempt’ zoos

Review of the implementation of the Zoo Licensing Act 1981 in local authorities in England and Wales

Survey of exempt zoos

- Thank you for taking part in this survey. The questionnaire has been pre-tested and was found to take no more than 20 minutes to complete.
- Please answer all questions as fully as possible – if you require additional space, please continue on a separate sheet and mark clearly with the relevant question number(s).
- Responses will be reported in aggregate and individual replies will not be disclosed.
- In the event of any queries, or to request an electronic version of this form then please do not hesitate to contact the Project Officer, karen.wheeler@adas.co.uk / (01432) 821021.

The name of your establishment ____________________________
Your name ____________________________
Your contact number in the event of any queries ____________________________
Your job title/designation ____________________________

Background information

1. In which local authority area is your zoo/collection situated?
   ____________________________

2. Is the zoo/collection owned by the local authority?
   Yes ______ No ______

3. Is the zoo/collection a stand alone establishment or part of a larger attraction?
   Stand alone ______ Part of larger attraction ______

4. Please give a brief description of your zoo/collection e.g. areas of special interest, stock number and type of species
   ____________________________

5. When did your zoo/collection acquire exemption status?
   Before 01/04/08 ______ 01/04/08 to 31/03/09 ______ 01/04/09 to 31/03/10 ______ More recently ______

6. What was the reason for the exemption being granted?
   ____________________________

7. How would you rate your familiarity with the requirements of the Zoo Licensing Act 1981?
   Not at all familiar ______ Not very familiar ______ Quite familiar ______ Very familiar ______

8. Where have you looked for information to help you understand the Zoo Licensing Act?
   Yes ______ Have not looked for information ______ Have looked but not found any helpful information ______ Defra/WAG website ______ Local Authority website ______ Other (please specify) ____________________________
Appendix 4: Survey of ‘exempt’ zoos

Contact with the Local Authority

9. Which local authority departments have you had contact with (including visits or by phone/correspondence) between 1st April 2008 and 31st March 2010, e.g. Health and Safety, Trading Standards, Environmental Health, Food safety etc.

   ✔ If don’t know

10. In the two 12 month periods leading up to 31st March 2009 and 31st March 2010 how many on-site inspections/visits has the local authority carried out on your premises.

<table>
<thead>
<tr>
<th>Number of on-site inspections/visits</th>
<th>1 April 2008 – 31 March 2009</th>
<th>1 April 2009 – 31 March 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

11. Under which legislation were the visit(s) carried out (e.g. health and safety, food hygiene)

   ✔ If don’t know

12. Please use the space below to give a brief description of the format of on-site visits and the type of information that the local authority requested (e.g. tour of whole site, general discussion about the animals kept, request for a stock list (not a mandatory requirement for exempt zoos) etc.)

13. Did you get in touch with your local authority for advice or information relating to your exempt zoo/collection between 1 April 2008 and 31 March 2010?

   ✔ No
   ✔ Yes

14. If yes, please describe briefly your area(s) of concern/interest and rate (by ticking the appropriate box) how helpful you found the local authority’s response...

<table>
<thead>
<tr>
<th>Area of interest</th>
<th>Not at all helpful</th>
<th>Not very helpful</th>
<th>Quite helpful</th>
<th>Very helpful</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

15. And finally, please give a brief summary of the contact you have had with your local authority in connection with your zoo/collection between 1 April 2008 and 31 March 2010. (We are particularly interested in frequency of contact, helpfulness of your local authority and any difficulties you may have experienced in connection with your exemption under the Act.)

Thank you for taking part in this project. Please return your completed form in the pre-paid envelope provided; to: Sian Lloyd, ADAS Pwllheirian, Cwmystwyth, Aberystwyth, Ceredigion, SY23 4AB (Fax: 01974 282302)