

# House of Commons Symposium: 'Zoo licensing - is the regulatory regime working?'

**T**he ALAW symposium took place on the 30 November, with Andrew Rosindell MP, former Shadow Minister for Animal Welfare and Chair of the All Party Parliamentary Group on Zoos and Aquariums, giving the opening speech. The panel consisted of: Dr Anna Meredith, Chair of the Zoo Expert Committee and zoo inspector for the Scottish Government; Chris Draper, Senior Scientific Researcher at the Born Free Foundation; Dr Miranda Stevenson, Director of the British and Irish Association of Zoos and Aquariums; and Liz Tyson, Director of the Captive Animals' Protection Society (CAPS).

The panel provided an informed insight into some of the issues under the current regime.

Zoos are regulated by the Zoo Licensing Act 1981 (as amended by the Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002 which put into effect enforcement powers to secure the aims and objectives of the European Council Directive 1999/22/EC) (the 'Act').

The UK legislative framework is comparatively strong imposing various obligations on Zoos including conservation, animal

welfare and educational obligations, although the extent of some of the obligations is geared to the size of the zoo with smaller zoos not expected, for example, to have the same scale of international conservation function of larger zoos.

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The UK is thought to be particularly strong on animal welfare, assisted by the passing of our Act before the EU regulation was introduced.

Zoo inspectors undertake inspections to assess compliance of zoos with their obligations. The results of which are fed back to the relevant local authority. The local authority is then responsible for enforcing any required actions, normally related to making improvements and with conditions attached. If conditions are not met, the zoo, or part thereof, could face closure. The Department for Environment, Food and Rural Affairs

(Defra) is the responsible body for ensuring local authorities comply with their obligations.

The Act gives wide powers of enforcement to the local authorities and where the local authority is committed and knowledgeable the regime can work well. However, the panel were agreed that although we have a very strong system in place this had not always transpired in practice, and there are unfortunately still many instances where standards are not met or enforced.

Research undertaken by both the Born Free Foundation and by CAPS found a lack of consistency in the standards of inspections with 11% being carried out by inspectors who are not fully qualified. Further two inspections, 100 miles apart, were carried out on the same day, raising questions as to their robustness.

When inspections are carried out, they include an assessment of the animals' welfare. The results are marked on a set pro forma. One of the issues is that, this only allows for a limited 'yes', 'no' or 'yes but' answer hindering effective reporting or enforcement.

One such tick box is on 'the standards of care of the animals'. Such a measure is not only vague but also fails to capture data relating to the

different standards of care needed and being achieved for different species of animals. A more nuanced approach is required.

A large amount of information was provided by the panel, with many statistics, some encouraging and others highlighted areas were further work was needed, displaying some of the failures by zoos to meet the required standards and for local authorities to be more proactive in enforcing high standards. A few are included below.

Research indicates that 60% of the zoos failed to meet all their obligations under the regulatory regime. One area which consistently produced substandard results was animal health care. Out of 47 criteria on animal welfare, one zoo only reached satisfactory standards on 27 of the aspects required. One quite alarming statistic showed that, six years after conditions had been attached, 24% had still not met the required standards. Further, 89% of recent inspections showed non-compliance with directions, with little or no evidence of zoo closures. In one instance a council failed to close a zoo after non compliance, and were open to the arguments by the zoo to negotiate the removal of the condition

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as an alternative to closure. The obligation of re-housing the animals would have fallen to the council which could be viewed as a daunting task.

Results did depend on a number of different factors, for instance the type of zoo. It was found that the farm class of zoos regularly came out quite poorly and with aquariums were at the top. Part of the problems it seems is low local authority resources. Also it seems a lack of understanding of the legislation and the needs of animals themselves.

A number of issues were identified and suggestions made by the panel of ways forward. Judicial Review of a Council's failure to act was suggested but there are issues around timing. Publicising failures on the part of the zoos, the local authorities and Defra could do more to facilitate local authorities to take up their responsibilities more boldly. While the zoo inspectorate has a role in enabling and supporting zoos to improve their standards there was also a need for a greater emphasis on enforcement.

The current pro-formas should be revised to assist better quality of inspections together with issuing clearer guidance and instructions regarding the obligations imposed by the Act both to the zoos and local authorities. Reporting to the EU may in this case not be effective as UK standards, although with problems are in a large part compliant and the EU have appeared to have been hesitant to intervene in worse cases.

So the regulatory regime although working, is in need of repair. Whichever and however many of the steps forward are taken; it is time to act now. As evidenced by the panel and attendance at the Symposium, there are thankfully people to take this forward.

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**“ One area which consistently produced substandard results was on animal welfare ”**