

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**LICENSING & APPEALS COMMITTEE**

**14 November 2005**

**Report of the Chief Solicitor**

**Part 1- Public**

**Delegated**

**3 ZOO LICENSING ACT 1981: HOP FARM COUNTRY PARK**

**3.1 Introduction**

- 3.1.1 Under the Zoo Licensing Act 1981, it is unlawful to operate a zoo except under the authority of a licence issued by the local authority. A zoo is defined as an establishment where wild animals of the kind specified in the Act are kept for exhibition to the public otherwise than for purposes of a circus or a pet shop.
- 3.1.2 The licence is issued for an initial term of four years and a fee is payable to the local authority for the licence, currently £580. Renewals are granted for periods of six years for the same fee. In addition, the licensee has to pay for the veterinary inspection of the establishment, which is carried out at the time of application and at specified periods thereafter.
- 3.1.3 Under section 14 of the Act, a local authority may apply to the Secretary of State for a dispensation not to require a licence for an establishment "because of the small number of animals kept in the zoo or the small number of the kinds of animal kept there" and that it would not be prejudicial to the protection of wild animals and the conservation of biodiversity.

**3.2 Hop Farm Country Park**

- 3.2.1 It has come to my attention that the Hop Farm Country Park is keeping some animals such as tortoise and iguana. These are animals referred to in the Act and, as a result, there is a requirement to obtain a licence under the Act.
- 3.2.2 The Director of Health and Housing has advised that an application should be made for a dispensation because of the small number of animals kept in the zoo and the small number of the kinds of animal kept there. Consultations have taken place with DEFRA who agree that this is a suitable case for a dispensation.

### **3.3 Recommendation**

3.3.1 In the circumstances, therefore, it is recommended that the Chief Solicitor be authorised to apply to the Secretary of State for a dispensation under section 14 of the Zoo Licensing Act 1981 in respect of the Hop Farm Country Park.

Background papers:

Zoo Licensing Act 1981

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Chief Solicitor