

**Meeting date:** Wednesday 22 August 2018

**Report to:** Licensing Committee



**Subject/report title:** Delegation of Authority to grant, refuse or add conditions to a Zoo Licence under the Zoo Licensing Act 1981

**Report from:** Director for Managed Growth & Communities

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**Wards affected:**

- All Wards |  Bickenhill |  Blythe |  Castle Bromwich |  Chelmsley Wood |  
 Dorridge/Hockley Heath |  Elmdon |  Kingshurst/Fordbridge |  Knowle |  
 Lyndon |  Meriden |  Olton |  Shirley East |  Shirley South |  
 Shirley West |  Silhill |  Smith's Wood |  St Alphege

**Public/private report:** Public

**Exempt by virtue of paragraph:** N/A

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**1. Purpose of Report**

- 1.1 To consider the delegation of authority to officers to grant or refuse zoo licences, and consider the imposition of conditions to any licence granted under the Zoo Licensing Act 1981.

**2. Decision(s) recommended**

- 2.1 That the authority to grant or refuse zoo licences and attach relevant conditions under the Zoo Licensing Act 1981 should be delegated to the Head of Neighbourhood & Regulatory Services or his/her deputy.

**3. What is the issue?**

- 3.1 Under the Zoo Licensing Act 1981, a person may apply for a zoo licence, and subject to meeting the required criteria, be granted such a licence. The licensing authority must attach the mandatory licence conditions to any licence granted, and may also consider attaching any other conditions that are necessary or desirable to ensure proper conduct of the zoo. These would normally be attached on the recommendation of a DEFRA appointed inspector.
- 3.2 At present, the authority to grant or refuse such a licence or to impose conditions is delegated to the full Licensing Committee (see Appendix A – specifically function

number 32). In order to make the process more efficient, and to cut out any unnecessary processes or bureaucracy, it is suggested that this authority should be delegated to the Head of Neighbourhood & Regulatory Services or his/her deputy. This will assist businesses in speeding up the application process, and enable more productive relationships between the Licensing Authority and the applicant/licence holder.

#### **4. What options have been considered and what is the evidence telling us about them?**

- 4.1 The alternative option is for the delegated authority to remain as it is, with the Licensing Committee. The applicant for the licence currently being processed has indicated that a decision at officer level would be more preferable in the interests of efficiency. Potentially having to wait for the appropriate committee meeting will inhibit the operators and delay opening for them.

#### **5. Reasons for recommending preferred option**

- 5.1 Efficiency of process is the main reason, but it will also realise cost savings as there will be no requirement to prepare a report or hold a committee meeting.

#### **6. Implications and Considerations**

- 6.1 Delivery of key themes in the Council Plan:

How will the options/proposals in this report contribute to the delivery of the key themes in the Council Plan? *(select which themes apply and briefly state how the options / proposals in this report contribute to their delivery):*

- Improve Health and Wellbeing -
- Managed Growth – efficient decision making processes help support businesses to thrive.
- Build Stronger Communities -
- Deliver Value – removing costly processes will realise savings for the authority and the customer.

- 6.2 Implications for children and young people, vulnerable groups and particular communities:

- 6.2.1 None identified

- 6.3 Consultation and Scrutiny:

- 6.3.1 None required, although an affected business has indicated that a less bureaucratic and efficient process is preferred.

6.4 Financial implications:

6.4.1 There will be savings realised if costs are minimised.

6.5 Legal implications:

6.5.1 The decision made will form part of the Council's constitution and can be reviewed as required.

6.6 Risk implications:

6.6.1 There are specific grounds for the refusal of a licence, and any decision to refuse will be made in conjunction with the DEFRA inspector and/or other consultees and with the support of legal services.

6.6.2 If the applicant is aggrieved by this decision, he/she may appeal to the Magistrates' Court within 28 days.

6.7 Statutory Equality Duty:

6.7.1 Due regard to the Equality Act 2010 has been had, and there are no implications identified.

**7. List of appendices referred to**

7.1 Appendix A – Current delegations

**8. Background papers used to compile this report**

8.1 None

**9. List of other relevant documents**

9.1 None