

BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Meeting, Thursday 12th May, 2016
at 2.00 p.m. (Drawing Room)

A G E N D A

PART ONE

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.
3. Admission of Public and Press

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.
4. Declarations of Interest.

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.
5. Apologies for Absence/Attendance of Substitute Members.
6. To confirm the Minutes of the special meetings held on 23rd/24th February and 2nd March, 2016 and the meeting held on 10th March, 2016 (copies attached).

FOR DECISION

- (D) 7. Appointments on Outside Panels, Working Groups etc.
- (D) 8. Zoo Licensing Act 1981 (as amended)
Zoo Recharging Policy
Setting of a Maintenance Fee for South Lakes Safari Zoo Ltd - 2016/17

- (D) 9. Safeguarding and Hackney Carriage/Private Hire Licensing.
- (D) 10. Annual Review of the Licensing Authority 2015/16.

PART TWO

- (D) 11. Non-disclosure of a relevant conviction – Private Hire Driver.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 12. Endorsement of Decision to Suspend Hackney Carriage Vehicle Driver's Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

NOTE (D) - Delegated
(R) - For Referral to Council

Membership of Committee

Membership of the Committee to be appointed at the Annual Council meeting on 10th May, 2016.

For queries regarding this agenda, please contact:

Keely Fisher
Democratic Services Officer
Tel: 01229 876313
Email: ksfisher@barrowbc.gov.uk

Published: 4th May, 2016

BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Special Meeting,
Tuesday 23rd February, 2016 at 9.30am and
adjourned at ;
Reconvened on Wednesday 24th February, 2016
at 9.30am and adjourned at, and
Reconvened on Wednesday 2nd March, 2016
At 9.30 a.m. (Drawing Room)

PRESENT:- Councillors Callister (Chairman), Seward (Vice-Chairman), Derbyshire, Maddox, Proffitt, Sweeney, C. Thomson and Wall.

Also Present:-

Barrow Borough Council

Anne Pearson (Environmental Health Manager)
Richard Garnett (Principal Environmental Health Officer) (Commercial)
Jane Holden (Acting Principal Legal Officer)
Keely Fisher (Democratic Services Officer)
Sharron Rushton (Democratic Services Officer)

Others

Paul O'Donnell (Local Authority Retained Solicitor from Brown Barron)
Matthew Brash (Retained Veterinary Consultant from DEFRA)

South Lakes Safari Zoo Ltd

David Gill (Zoo Licence Holder and Operator) (Minute Nos. 46-49 only)
Karen Brewer (Marketing and Development Manager)
John McIntosh (Resource Manager)
David Armitage (Senior Zoo Manager)
Frieda Rivera-Schreiber (Veterinary Co-ordinator) (Minute Nos. 46-74 only)

46 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act, 1972 the public and press be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 2 (Minute No. 83) of Part One of Schedule 12A of the said Act.

47 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were submitted from Councillors Biggins, Cassells, Heath, W. McClure and Opie.

Councillors C. Thomson and Sweeney had attended as substitute members for Councillors Biggins and Opie respectively for this meeting only.

48 – Zoo Licensing Act 1981 (as amended) - Zoo Licence for South Lakes Safari Zoo Ltd – Non Compliance with Direction Order – Public Walkways and Platforms

The Principal Environmental Health Officer (Commercial) reported that Mr David Stanley Gill held a Zoo licence issued on 8th June, 2010 to operate a Zoo at premises known as South Lakes Safari Zoo Ltd, Crossgates, Dalton-in-Furness, Cumbria LA15 8JR [the Zoo].

At a meeting of the Licensing Regulatory Committee on 17th December, 2015 the Committee had decided to elevate Condition 21 “Public wooden walkways and platforms” to a Direction Order.

The Direction Order required that all walkways and platforms be closed to the public until the Direction Order was revoked.

The walkways had been a cause of concern over the duration of the current Zoo licence and the issues were as yet, unresolved. The previous history had been reported to past Committees but concerns were raised during Formal Inspections in 2009 and 2013 as well as Special Inspections in 2014 and most recently in November, 2015

Following the service of the Direction Order relating to the public wooden walkways and platforms, the Zoo was inspected by Environmental Health Officers on 20th January, 2016 to ensure that all the walkways were closed. During that Inspection, the Officers were accompanied by Ms Karen Brewer, the Zoo’s Marketing and Development Manager. At the Western end of the Zoo, in the area known as the Worldwide Safari, there were a number of low level wooden walkways that served to level the pathway and make wheelchair access easier. It was said by Ms Brewer that these platforms were less than 300mm high and that R.G. Parkins had said they did not need to be surveyed.

On 11th February, 2016 a telephone conversation had taken place with Adam Roberts, Associate Director of R G Parkins & Partners Ltd due to issues with the walkway around the Andean Bear Enclosure and especially where the walkway was less than 300mm high. Mr Roberts stated that he had never said that a walkway less than 300mm should not be considered and was later confirmed in an email exchange which was attached as an appendix to the report for Members’ information.

Mr Gill and Ms Brewer from South Lakes Safari Zoo Ltd made representations to the Committee regarding this matter and questions were asked by Members accordingly.

All parties concerned were given the opportunity to ask questions.

All parties with the exception of Committee Members, Paul O’Donnell (Solicitor), Jane Holden (Acting Principal Legal Officer), Keely Fisher (Democratic Services) and Sharron Rushton (Democratic Services) withdrew and were re-admitted to the meeting following the Committee’s deliberations.

RESOLVED:- That the Committee instruct the Zoo to close every public wooden walkway/platform regardless of its height above the ground until the full terms of the Direction Order have been met.

(Timescale: Immediate).

49 – David Stanley Gill, South Lakes Safari Zoo Ltd - Zoo Licensing Act 1981 (as amended) – Report on Periodical/Renewal Inspection

The Principal Environmental Health Officer (Commercial) reported that under the Zoo Licensing Act 1981 (as amended) Mr David Gill held a Zoo licence to operate the Zoo at Dalton issued on 6th June, 2010. Zoo licences were renewable for a 6 year period. The current licence, in accordance with the Act, would expire on 6th June, 2016. On 17th and 18th November, 2015 a combined inspection was undertaken by three Secretary of State appointed Inspectors. The Inspectors undertook a combined inspection comprising of a Periodical Inspection and Renewal Inspection.

The Inspectors produced the statutory report of their findings for Barrow Borough Council as the Licensing Authority. A copy of the Report was attached as an appendix to the Environmental Health Officer's report. Because of the design of the form, the Recommendations and Additional Conditions had been reformatted to make it easier to read which was also attached as an appendix to the Officer's report.

The report was sent to the Zoo on 22nd January, 2016 for comments. The Zoo provided their comments on 9th February, 2016. A copy of the Zoo's response was attached as appendices to the Officer's report.

Members noted that the inspection report detailed the findings of the Inspectors' as at 17th and 18th November, 2015. Under s.10(7) of the Act the Zoo were given an opportunity to comment on the report, however these comments could not change the content of the original report.

The purpose of the Principal Environmental Health Officer's report was to ask Members to consider the results of the November inspection and to consider:

- a) Whether the Zoo licence should be renewed; and
- b) What conditions if any should be attached to the existing licence following recommendations made in the report.

The licensing regime for zoos was primarily governed by the terms of the Zoo Licensing Act 1981 (as amended). The Act was primarily focused on ensuring that certain conservation measures were achieved in zoos in accordance with s.1A of the Act. In order to achieve this, most Licensing Authorities imposed up to 11 standard conditions on Zoo licence holders (although the precise number varied between authorities). Where inspections revealed that zoos were failing to meet necessary standards or requirements, the Act allowed for the setting of additional conditions on the licence. Should licence conditions fail to be met then the Act contained an enforcement mechanism of imposing Direction Orders. If a Direction Order was not complied with, the Act permitted partial or whole closure of the zoo. Implementation of the provisions contained in the Act was supported by;

- DEFRA's Guide to the Zoo Licensing Act (2012 edition);
- DEFRA's Zoo Expert Committee Handbook (2012 edition); and
- DEFRA - Secretary of State's Standards of Modern Zoo Practice ("SSSMZP").

Where an inspection was undertaken prior to the renewal of a licence, s.9A(7) required the Inspectors to be nominated by the Secretary of State from her list of 25 approved Inspectors. The Secretary of State nominated Inspectors were:

Professor Anna Meredith *MA VetMB PhD CertLAS DZooMed DipECZM MRCVS*; and
 Nick Jackson *MBE*, Director of the Welsh Mountain Zoo.

The Local Authority representatives were:

Matthew Brash; *B.Vet.Med Cert Zoo Med MRCVS* as the Council's advisor and Richard Garnett. *MCIEH*

On 11th January, 2016 the Council received an application to renew from Mr David Gill.

The Inspectors had recommended that the renewal of the licence be refused unless the "Additional Conditions" listed in their report were complied with, with greater emphasis placed on "Additional Condition" 32:

"32. In order to comply with Section 10 of the Secretary of States Standards, a robust management and staffing structure must be in place to the satisfaction of the Licensing Authority, and in order to allow a new licence to be issued. This new structure must include a competent, suitably qualified and experienced full-time Director (or Senior Manager) with day to day responsibility for the running of the Zoo, the ability and authority to make decisions independent of the owner, and must be fully responsible to the licensing authority for the conduct of the Zoo, all its on-site activities and its compliance with the Secretary of State's Standards. [Please see recommendation/comment 2 regarding recommendation for refusal of a licence. Renewal of a licence is recommended to be dependent on the listed Additional Conditions being either complied with, or satisfactory progress towards compliance being made.]"

Recommendation/comment 2 referred to above reads:-

"The decision by the Inspection Team to recommend that a new licence for South Lakes Safari Zoo should not be granted at its due date, unless a Condition regarding the management structure has been complied with, is not taken lightly. It must be emphasised that the Inspectors are keen to see the Zoo develop and thrive in line with modern zoo standards.

The Inspectors commend Mr David Gill for his initial decision to step back from the running of the Zoo and to concentrate on its conservation role, but do not believe that at the time of the inspection, or subsequently, sufficient progress has been made in this respect, and note that this decision was subsequently reversed during the compilation of this final report.

This is no longer a small zoo and it now houses a large and diverse number of species. Suitable management processes must be in place before a new licence

is issued to enable the Zoo to meet all its legal obligations, particularly in respect of Sections 3, 8, 9 and 10 of the SSSMZP.

These have been areas of concern and flagged as issues repeatedly over a number of years at previous zoo inspections. The inspection of November 2015 has highlighted 33 Conditions that the Inspectors believe must be applied to the licence. This is a considerable number of conditions for a zoo of this size and many of these result from the repeated failure to implement fully previous Conditions, thus aggravating the situation and determining the Inspectors' position.

Of particular concern to the Inspectors is the fact that as this Zoo grows, it relies heavily on the Owner's experience implementing out of date practices and refusing to implement modern zoo methods. In the Inspectors' opinion this has resulted in animal welfare issues, a higher than expected mortality rate amongst the animals, higher than expected incidents (such as injuries to the public from animals), and places both staff and the public potentially in danger."

Council Officers had felt it important to try and place the proposed number of licence conditions sought in their report in to some form of context. There were over 350 licensed zoos in the UK and a snapshot of how many conditions other zoos presently had imposed upon them had been accordingly obtained.

One of the key problems in doing so was that the practice of attaching conditions did vary between Licensing Authorities. The guide to the Act suggested in Annex F (page 51) a model zoo licence template which included 6 "statutory conditions" dealing with conservation measures (required by s.5(2A)) and 5 "other conditions" which set certain standards arising from the SSSMZP. In addition there was capacity for any "additional conditions" which may be necessary and proportionate to deal with failings identified through the inspection regime.

For those authorities who had adopted the model format it would therefore be reasonable to expect zoos within their district to have up to 12 conditions on their licence which would comprise the "statutory" and "other" conditions. Some zoos had less due to their Licensing Authorities adopting a differing stance to that prescribed by the guidance whereby they had condensed the minimum requirements into a fewer number of conditions.

However, it would be fair to conclude that any zoo with more than 12 conditions attached to its licence had had failings identified during their inspection process which had resulted in their Licensing Authority imposing "additional conditions" by way of enforcement.

Out of the 165 zoo licences reviewed, a total of 47 (28%) had more than 12 conditions on their licence and could therefore be assumed to have had additional conditions imposed on their licences. Only 5% of zoos reviewed had over 20 conditions. The recommendations of the inspection report, if accepted, would result in a total of 39 conditions to be placed on the Zoo's licence, 28 of which were "additional conditions". From the benchmarking undertaken, this would constitute an unprecedented level of conditions being sought against a Zoo licence holder.

Members also noted the Planning History of the Zoo during consideration of the application for the renewal of the licence. Under s.4(3) of the Act "Local Authorities

may refuse to grant a licence if they were not satisfied that the standards of accommodation, staffing or management were adequate for the proper care and well-being of the animals as a whole or for any of them, otherwise for the proper conduct of the Zoo” (5.4 DEFRA guidance).

The Development Services Manager (Planning) had made comments regarding the planning history of the Zoo which Members’ had noted.

The Zoo had also submitted comments regarding the report which Members’ noted.

All parties concerned were given the opportunity to make representations and ask questions.

The Zoo had made a statement regarding the proposed new structure of the Management of the Zoo and copies of this statement were circulated to all parties present.

During the course of the meeting, at relevant points, all parties with the exception of the Committee Members, Paul O’Donnell (Solicitor), Jane Holden (Acting Principal Legal Officer), Keely Fisher (Democratic Services) and Sharron Rushton (Democratic Services) withdrew and were re-admitted to the meeting following the Committee’s deliberations.

It was moved by Councillor Maddox that the decision relating to the Renewal Application be deferred until 5th and 6th July and that proposed Condition 32 be imposed with a compliance date of 22nd May, 2016. She further moved that the existing licence should remain valid until the decision to extend is made at the hearing on 5th and 6th July, 2016. This was duly seconded, voted upon and it was unanimously;

RESOLVED:- (a) That the decision relating to the Renewal Application be deferred until 5th and 6th July, 2016 and that proposed Condition 32 be imposed with a compliance date of 22nd May, 2016; and

(b) That the existing licence should remain valid until the decision to extend is made at hearing on 5th and 6th July, 2016.

Conditions

As part of the above report, the Committee considered the following conditions.

The Chairman had announced at the beginning of the meeting that the Committee would deal with all points below in blocks and make provisional decisions on the recommendations which would be announced at the end of the meeting.

During the course of the meeting, at relevant points, all parties with the exception of the Committee Members, Paul O’Donnell (Solicitor), Jane Holden (Acting Principal Legal Officer), Keely Fisher (Democratic Services) and Sharron Rushton (Democratic Services) withdrew and were re-admitted to the meeting following the Committee’s deliberations.

50 – Condition A1 – Perimeter Fence

The Principal Environmental Health Officer reported that escapes had been a long standing issue at this Zoo with 7 incidents being reported between 2004 and 2014. During the inspection, a number of issues related to escapes, or the potential of escapes came to the Inspectors' attention.

The Zoo was surrounded by a wire fence topped by electrical wires. Although a perimeter fence was meant to only deter entry or escapes, as large areas of the Zoo contained free roaming animals, such as lemurs, it was essential that the true perimeter fence remained small primate proof.

In certain areas considerable overgrowth of brush, such as brambles, was short circuiting the electric fence. In many areas trees were overhanging the fence. Either of these issues would be sufficient to easily allow primates to leave the premises as they would avoid any contact with the fence.

All parties concerned were given the opportunity to make representations and ask questions.

It was moved by Councillor Sweeney and duly seconded that the recommended Condition be placed on the Zoo's licence with a compliance date of 22nd May, 2016. It was voted upon and unanimously;

RESOLVED:- That the following condition be attached to the Zoo's licence:-

In accordance with 8.7 and 8.29 of the SSSMZP all vegetation, shrubs, bushes and trees in proximity to the perimeter fence must be cut back and maintained to ensure they remain clear of the electric fencing. All shrubs, bushes and trees overhanging or near the perimeter fence must be kept cut back to prevent animals from escaping.

Timescale: 22nd May, 2016.

51 – Condition A29 – Black Tailed Prairie Dogs Escape Assessment

The Principal Environmental Health Officer reported that along the Western perimeter fence the Zoo had a colony of free roaming prairie dogs. In the wild these animals lived in extensive burrows and warrens.

Condition 3 of the Zoo's Licence stated that South Lakes Safari Zoo must:

- “3. Prevent escapes and put in place measure to be undertaken in the event of any escape or unauthorised release of animals.”

It was highly probable that, at some stage the prairie dogs' burrows may reach and cross the perimeter fence as, according to the Zoo's management, the fence was only set into the ground to a depth of 30cm in this area.

Inspectors had noted that:-

- “29. There are a number of prairie dogs free living, in burrows, in the top walk through area where the perimeter fence is set into the ground only to a depth of 30cm.”

If the Zoo wished to maintain the animals roaming free in this area, they must take steps to ensure that animals could not burrow under the perimeter fence and escape.

All parties concerned were given the opportunity to make representations and ask questions.

It was moved by Councillor Sweeney that the Officer's recommendation be amended to read:-

“In accordance with 8.10 and 8.29 of the SSSMZP, a suitable and sufficient written risk assessment carried out by a suitably qualified professional on the effectiveness of the perimeter fence must be undertaken and the recommendations be implemented. Copies of these reports must be sent to the Local Authority.”

Councillor Sweeney moved that the above condition be added to the Zoo's licence with compliance within 6 months. The motion was duly seconded and voted upon and unanimously;

RESOLVED:- That the following condition be attached to the Zoo's licence:-

In accordance with 8.10 and 8.29 of the SSSMZP a suitable and sufficient written risk assessment carried out by the veterinary consultant on the effectiveness of the perimeter fence must be undertaken. The steps taken by the zoo to ensure that there will not be any escapes must be implemented. Copies of these reports must be sent to the Local Authority.

Timescale: 6 months.

52 – Condition A7 – Hamadryas Baboon Indoor Accommodation

The Principal Environmental Health Officer reported that baboons housed at the Zoo had access to a large outdoor enclosure that they currently shared with the rhino and giraffe. However the indoor accommodation was not suitable. It was a bare box with a sloping floor meaning that it was higher at the front than at the back. There were no furnishings other than a single small screen, there was no climbing equipment, no enrichment items, no bedding or any other items to keep the baboons engaged or exercised.

The Inspectors' described the current facility as “insufficient”. Point 7 of the “Additional Conditions” stated: -

“7. In accordance with 4.3 and 4.4 of the SSSMZP the indoor facilities for the group of baboons is insufficient and must be upgraded or replaced to provide increased space for the animals when they are indoors for prolonged periods, e.g. during the winter. The indoor quarters must also allow for a developed programme of enrichment, e.g. deep straw litter and scatter feeding. (1 Year)”.

All parties concerned were given the opportunity to make representations and ask questions.

It was moved by Councillor Maddox that the recommended condition be attached to the Zoo's Licence but that the timescale be reduced from 1 year to compliance by 22nd May, 2016. The motion was duly seconded, voted upon and unanimously;

RESOLVED:- That the following condition be attached to the Zoo's licence:-

In accordance with 2.2, 4.3 and 4.4 of the SSSMZP. The indoor facilities for the baboons must be upgraded or replaced to meet the current recognised husbandry guidance. The indoor quarters must also allow for a developed programme of enrichment, e.g. deep straw litter and scatter feeding

Timescale: 22nd May, 2016.

53 – Condition A14 –Protection of Electrics from Animals

The Principal Environmental Health Officer reported that free roaming Tamarin had access to the indoor area adjacent to the Tambopata Amazonia Aviary. Positioned on a high shelf within this area was electrical equipment, including a PA system. This equipment should be protected from the attention of primates by using a wire cage. However, it had open access points at the back. During the inspection on 17th and 18th November, the primates were observed sitting within the protective caging.

Primates were well known for chewing and exploring objects, and could injure themselves on the electrical equipment. Alternatively, they could damage the equipment, such that it becomes a danger to a person, when they try to use the equipment.

It was important that all electrical equipment was kept safe from animals so that they were unable to injure themselves.

All parties concerned were given the opportunity to make representations and ask questions.

RESOLVED:- That the Committee note that this matter has now been duly completed and witnessed as such by Council Officers and the Veterinary Inspector and therefore, no condition will be placed on the Licence.

54 – Condition A17 – Public Barrier at Top Lemur House

The Principal Environmental Health Officer reported that adjacent to the northern exit from the Amazonia Aviary and adjacent to Mr Gill's house was the indoor accommodation for the some of the lemurs. Whilst this area was an off show area, comprising the accommodation for primates and a keepers corridor, once access had been gained, there was the potential for direct public access to the animals.

At the time of the inspection on 17th and 18th November, 2015 the Inspectors noted that the doors were not locked, and there was no effective system in place to deter the public from gaining access to this area.

All parties concerned were given the opportunity to make representations and ask questions.

RESOLVED:- That the Committee note that this matter has now been duly completed and witnessed as such by Council Officers and the Veterinary Inspector and therefore, no condition will be placed on the Licence.

55 – Condition A19 – Shelters in Africa Field

The Principal Environmental Health Officer reported that the new Africa House and its adjacent Africa Field formed the Northern boundary to the Zoo.

When inspected on 23rd April, 2015 these were relatively new developments. At that time the Inspector was asked to look at the recent arrival of a single male nyala. The new building was not ready to receive animals however, the Zoo had taken collection of this nyala. On 13th August, 2015 it was reported to this Committee that the nyala arrived without the correct notification period being given. The Zoo argued that these animals were difficult to obtain.

Together with the zebra already present, the nyala had access to a shipping container that had been placed in the field to act as a shelter.

By the time of the inspection on 17th and 18th November, 2015, the number of animals in the African Field had increased and included animals new to the collection namely, two male Bactrian camels and wildebeest, as well as the incumbent zebra, donkeys and goats. The Zoo had also received 5 more nyala.

At the time of the inspection the indoor housing within the Africa House was still incomplete and on the two days of the inspection the animals were unable to enter the main building due to the continuing building work. The container provided for the animals was far too small to provide shelter for all these animals, and Inspectors noted aggression between the camels and the zebra over feeding stations.

It should be noted that at the time of the inspection the weather was heavy rain.

By the end of the inspection it had been revealed that the 5 out of 6 nyala that the Zoo had received earlier that year had died. This included two that had died the week of the inspection. The Zoo's Management Team explained to the Inspectors that these had probably died from exposure, as they had no access to the indoor housing whilst the building was being completed.

The Inspectors' had noted at Point 9 and 10 of their "Comments and Recommendations": -

9. The Inspectors were dismayed and shocked to see bales and pallets held together with baler twine used as temporary holding for mixed exhibit of Bactrian camels, wildebeest, nyala and zebra in the Africa House. Such inadequate and insecure holding arrangements should not be part of modern zoo practice.

10. From the information provided, it would appear that the recent nyala deaths were preventable and were the result of a poor decision-making process which the Inspectors hope will no longer occur under a new management structure".

Further, at point 19 of their recommended “Additional Conditions” they stated:-

“During the completion of the indoor accommodation of the Africa House the animals already present in the outside enclosure, occasionally, cannot or will not use the Africa House for shelter.”

The Committee were concerned about this issue and had asked the Officer’s along with the Veterinary Inspector to agree revised wording for the condition during an adjournment to alleviate the Committee’s concerns. The revised wording was submitted to Members as follows:-

In accordance with 2.2 of the SSSMZP shelter providing sufficient space for the accommodation of all of the animals having access to the African Field must be made available at all times. A written protocol detailing how this will be achieved must be made, adhered to, and a copy forwarded to the Licensing Authority (Timescale: 3 months).

All parties concerned were given the opportunity to make representations and ask questions.

It was moved by Councillor Sweeney that the above revised condition be attached to the Zoo’s licence and the timescale be amended from 3 months to compliance by 22nd May, 2016. This was duly seconded, voted upon and unanimously;

RESOLVED:- That the following condition be attached to the Zoo’s licence:-

In accordance with 2.2 of the SSSMZP shelter providing sufficient space for the accommodation of all the animals having access to the African Field must be made available at all times. A written protocol detailing how this will be achieved must be made, adhered to and a copy forwarded to the Licensing Authority.

Timescale: 22nd May, 2016.

56 – Condition A20 – Flooring in Caribbean Flamingo House

The Principal Environmental Health Officer reported that the flamingos had been relocated to a new enclosure adjacent to the Illescas Aviary. They had a grassed outdoor area with a pool and indoor accommodation. The indoor area had a formed concrete base with a foot pool.

During the inspection on 17th and 18th November 2015 the Inspectors noted that a number of the flamingos appeared to be lame:

“A number of lame flamingos were observed, and the flooring of the new Flamingo House is plain concrete.” (Point 20 Additional Conditions).

All parties concerned were given the opportunity to make representations and ask questions.

It was moved Councillor Sweeney that the Officer’s recommended condition be attached to the Zoo’s licence. The motion was duly seconded and voted upon and it was unanimously;

RESOLVED:- That the following condition be attached to the Zoo's licence:-

In accordance with 2.2, 4.3 and 4.4 of the SSSMZP the floor in the Flamingo House must be the subject of review by the veterinary consultants and suitable flooring/substrate put in place to improve the health of the Flamingos' feet.

Timescale: 6 months.

57 – Condition A21 – Review of Diets and Nutrition

The Principal Environmental Health Officer reported that at the inspection on 17th and 18th November, 2015, the Inspectors noted that diet sheets for the animals were kept on the wall in the kitchen/ food preparation area. The diets were made up from food that would otherwise have gone into a waste stream from a major supermarket, fresh supplies that were bought in, together with proprietary food from specialist suppliers. It was apparent that the diets had not been reviewed for some time and this was acknowledged by the Zoo's Management.

The Inspectors noted their concerns in Point 6 in the "Comments and Recommendations" section of their report: -

" 6. The inspectors were concerned that some animal diets e.g. psittacine birds, fennec fox and public feeding diets for macropods, capybara, mara, were nutritionally inadequate and do not reflect current knowledge and best practice. There should be a full documented dietary review for all species with veterinary input (including from Andrew Greenwood), to incorporate current nutritional guidelines for relevant species."

All parties concerned were given the opportunity to make representations and ask questions.

It was moved by Councillor Sweeney that the Officer's recommended condition be attached to the Zoo's licence but the timescale for compliance be amended from 6 months to compliance by 22nd May, 2016. The motion was duly seconded, voted upon and it was unanimously;

RESOLVED:- That the following condition be attached to the Zoo's licence:-

In accordance with 1.1, 1.12 and 1.13 of the SSSMZP a full review of diets and nutrition across all species, in consultation with the veterinary consultants, must be carried out. Records of all diets and the changes made must be documented and kept.

Timescale: 22nd May, 2016.

58 – Condition A22 – Andean Bear Enclosure – Remove Pinch Point

The Principal Environmental Health Officer reported that the Andean bears had been given a new enclosure in the North Western area of the park within the area known as the Worldwide Safari. In forming the boundary to the enclosure behind the bear house, the fencing tapered to a point. In the event of conflict between the bears, one could be trapped in this corner, potentially either leading to an escape, or the bear

becoming injured. In designing animal enclosures, it was not good practice to have corners where an animal could be 'cornered'.

This pinch point should be removed by remodelling the boundary or rounding off the point with the electric fence.

All parties concerned were given the opportunity to make representations and ask questions.

RESOLVED:- That the Committee note that this matter has now been duly completed and witnessed as such by Council Officers and the Veterinary Inspector and therefore, no condition will be placed on the licence.

59 – Condition A25 – Provision of a Wash hand Basin in Meat Preparation Area

The Principal Environmental Health Officer reported that raw meat for feeding to the Zoo's big cats and fish for feeding to the penguins was prepared in the meat kitchen which was adjacent to the lion house. These two processes were observed by the Inspectors on 17th and 18th November, 2015. In this kitchen there was no wash hand basin available for staff use.

The Zoo must provide a suitable wash hand basin which must be supplied with a source of hot and cold water, or warm water at a controlled temperature. It should be connected to a suitable foul water drainage system. It must be supplied with suitable soap and a method of hand drying.

All parties concerned were given the opportunity to make representations and ask questions.

RESOLVED:- That the Committee note that this matter has now been duly completed and witnessed as such by Council Officers and the Veterinary Inspector and therefore, no condition will be placed on the licence.

60 – Condition A26 – Avoidance of Cross Contamination in Meat Kitchen

The Principal Environmental Health Officer reported that raw fish for feeding to the penguins was prepared in the meat kitchen which was adjacent to the lion house. These two processes were observed by the Inspectors on 17th and 18th November, 2015 to be happening concurrently and therefore there was a risk that the penguin's fish could be contaminated with the meat being prepared for the cats.

Such cross contamination of feed was not desirable, the meat for the cats was unfit for human consumption and may introduce disease or ill health to which the penguins have no defence.

The Zoo must separate the meat kitchen to ensure that the same surfaces and equipment were not being used for preparing raw meat and raw fish as this created a risk of cross contamination.

All parties concerned were given the opportunity to make representations and ask questions.

RESOLVED:- That the Committee note that this matter has now been duly completed and witnessed as such by Council Officers and the Veterinary Inspector and therefore, no condition will be placed on the licence.

61 – Condition A30 – Future Design of Enclosures

During the inspection on 17th and 18th November, 2015 a keeper was observed by the Inspectors walking in with a White Rhino, whilst moving the animal. During a subsequent Special Inspection which took place on 3rd February, 2016 a member of staff was observed being in direct contact with 2 camels. Both these species were listed as Category 1 animals and non protected contact was deemed potentially high risk, as it put the keepers at risk should something go wrong. For example if the rhino had a 'bad day' the keeper may find themselves in a very dangerous position. This type of animal management, although not banned, was to be discouraged.

Furthermore when the Zoo were questioned [by the Inspectors] regarding the plans for the new giraffe enclosures within the Africa House the Inspectors noted that to close the gates in the Giraffe House the Keepers must enter the enclosure with the giraffe to carry out this task.

At point 30 of the Inspectors "Additional Conditions" they had noted:-

"The practice of designing brand new facilities for Category 1 animals, such as the rhino and giraffe, whereby the Keepers have no option but to be in direct contact with the animal, is not utilising up to date husbandry guidelines and can be a high risk to the keepers. In accordance with 1.5 and 5.1 and of the SSSMZP the design of the accommodation in the new Africa house must be such that keepers do not have to go into an enclosure with a Category 1 animal to be able to work gates, supply food or move them. It may be that with appropriate risk assessments and for certain specimens it may be possible to manage such Category 1 animals with contact, but a non-contact system must be available for new or proven aggressive animals or new staff."

As enclosures were redesigned, the staff would require training regarding the new arrangements for animal husbandry, welfare, and any safe systems of work.

The Committee were concerned about this issue and had asked the Officer's along with the Veterinary Inspector to agree revised wording for the condition during an adjournment to alleviate the Committee's concerns. The revised wording was submitted to Members as follows:-

"In accordance with 1.5 and 5.1 of the SSSMZP the design of any new or remodelled accommodation for Category 1 animals must be sanctioned by a suitably qualified person and submitted to the Licensing Authority prior to the accommodation being built. The design must ensure that keepers do not have to enter an enclosure with a Category 1 animal. A written document detailing the animal management practices, including risk assessments, must be forwarded to the Licensing Authority before the accommodation is occupied."

All parties concerned were given the opportunity to make representations and ask questions.

It was moved by Councillor Sweeney that the amended condition as detailed above be attached to the Zoo's licence and that the timescale be amended from 3 months to immediate. The motion was duly seconded, voted upon and unanimously;

RESOLVED:- That the following condition be attached to the Zoo's licence:-

In accordance with 1.5 and 5.1 of the SSSMZP the design of any new or remodelled accommodation for Category 1 animals must be sanctioned by a suitably qualified person and submitted to the Licensing Authority prior to the accommodation being built. The design must ensure that keepers do not have to enter an enclosure with a Category 1 animal. A written document detailing the animal management practices, including risk assessments, must be forwarded to the Licensing Authority before the accommodation is occupied.

Timescale: Immediate

62 – Condition A33 – Yellow Anaconda Exhibit

The Principal Environmental Health Officer reported that in the indoor area adjacent to the Tambopata Amazonia Aviary there was a Yellow Anaconda that lived in an open exhibit consisting of a pool with surrounding vegetation. There was no barrier that would prevent a member of the public from touching either this reptile or the pond water within which it was housed, to photograph it, or disturb it in the hope of provoking some response. This could act as a danger to the public. Equally there was nothing to prevent the snake having free roam of the whole enclosure should it wish to do so. The building also contained a number of rodent baiting stations which placed the snake in danger of ingesting a poisoned rodent.

This animal, being less than 3m in length, was currently classed as a Category 2 animal. It was noted that once the snake became 3m or more in length it would become an animal listed under Category 1.

The Committee were concerned about this issue and had asked the Officer's along with the Veterinary Inspector to agree revised wording for the condition during an adjournment to alleviate the Committee's concerns. The revised wording was submitted to Members as follows:-

“According to 5.1, 5.2, 6.11 and 6.14 of the SSSMZP the anaconda must be placed within a vivarium or the exhibit permanently manned by a member of staff whilst the public are present.”

All parties concerned were given the opportunity to make representations and ask questions.

The Committee discussed the amended condition but felt that it did not protect risks to the snake's welfare or risks to members of the public through contact with the snake or the pond water.

Councillor Sweeney moved that the following condition be attached to the Zoo's Licence:-

- (a) According to Paragraph 6.11 and 6.14 of Appendix 6 of the SSSMZP, the anaconda must be immediately removed off show and must only be returned on show in an enclosed unit; and
- (b) According to 3.6, 8.13 and 8.14 of the SSSMZP, the pond located in the current anaconda facility must be immediately sealed off to the public or filled in.

Timescale: Immediate.

The above motion was duly seconded, voted upon and unanimously;

RESOLVED:- That the following condition be attached to the Zoo's licence:-

- (a) According to Paragraph 6.11 and 6.14 of Appendix 6 of the SSSMZP, the anaconda must be immediately removed off show and must only be returned on show in an enclosed unit; and
- (b) According to 3.6, 8.13 and 8.14 of the SSSMZP, the pond located in the current anaconda facility must be immediately sealed off to the public or filled in.

Timescale: Immediate

63 – Condition A11 – Fly Killer in Vegetable Store/Kitchen

The Principal Environmental Health Officer reported that in the old part of the Zoo, close to the old entrance, the Zoo had a building that operated as a food store and a kitchen for many of the herbivores. Despite it being mid-November, the Inspectors noted a larger than expected number of flies in the building. There was no evidence of an effective fly control system in place and working. Flies acted as a pest, and would transmit disease.

All parties concerned were given the opportunity to make representations and ask questions.

RESOLVED:- That the Committee note that this matter has now been duly completed and witnessed as such by Council Officers and the Veterinary Inspector and therefore, no condition be placed on the Licence.

64 – Condition A9 – Removal of Photograph

The Principal Environmental Health Officer reported that the new Zoo entrance was lined with a number of large format photographs that were designed to give the visitor a sense of the attractions and experiences within the Zoo. One such photograph (approx. 2m long) was of a young girl feeding lemurs.

The young girl was not wearing gloves, and the lemur was clearly in direct contact with the child. This was in direct contradiction to the Zoo's own Zoonosis Policy, and the Inspectors were assured that the public were not allowed to touch the animals, just hand them the food.

The photograph at the main entrance clearly contradicted the Zoo's own Zoonosis Policy for managing potential spread of disease or zoonosis. It implicitly encouraged direct public/Lemur contact.

The Zoo had undertaken an assessment and had chosen to ban the feeding of lemurs and other animals within the Worldwide Safari and the photograph contradicted the Zoo's own policy.

All parties concerned were given the opportunity to make representations and ask questions.

RESOLVED:- That the Committee note that this matter has now been duly completed and witnessed as such by Council Officers and the Veterinary Inspector and therefore, no condition be placed on the Licence.

65 – Condition A8 – Review of Public Feeding

The Principal Environmental Health Officer reported that the Zoo offered an immersive experience for visitors with the opportunity to feed animals in an unsupervised manner by purchasing bags of food on the day. There were also supervised feeding sessions through the purchase of wristbands. In addition, the Zoo offered extra experiences such as the feeding the big cats. The Inspectors were generally supportive of this; however, there was no evidence that the Zoo had undertaken any suitable risk assessments regarding the individual elements of the feeding experiences and in particular, the risk to the public from zoonotic infections.

The feeding of the big cats was allowed under strict supervision as a “paid for experience”. This included the opportunity to prepare the meat to feed to the large carnivores. This was usually meat which was not fit for human consumption and therefore carried a high zoonotic risk. There was no advice that the public must wear gloves.

During the inspection on 17th and 18th November, 2015 the Inspectors observed the Keepers wearing gloves whilst preparing meat in the meat kitchen.

All parties concerned were given the opportunity to make representations and ask questions.

It was moved by Councillor Sweeney that the Officer's recommendation be amended and attached to the Licence as follows:-

“In accordance with paragraphs 1.5 and 1.10, any organised sessions of members of the public preparing food or feeding animals that involves raw meat and fish must be the subject of a written risk assessment and protective gloves must be worn by all participants (Timescale: Immediate).”

The above amendment was duly seconded, voted upon and it was unanimously;

RESOLVED:- That the following condition be attached to the Zoo's Licence:-

In accordance with paragraphs 1.5 and 1.10, any organised sessions of members of the public preparing food or feeding animals that involves raw meat and fish must be the subject of a written risk assessment and protective gloves must be worn by all participants.

Timescale: Immediate

66 – Condition A12 – Written Protocol for Quarantine of “rescue” Animals

The Principal Environmental Officer reported that whilst the Zoo did not have an official policy on the acceptance of animals from the general public, it did find itself having to deal with animals that the public may gift the Zoo or simply leave at the door.

There was no suggestion that the Zoo should not try and assist in these circumstances but the animals must be considered a potential high risk carrier of disease as they may not have undergone any levels of testing for infectious disease.

The Zoo also had animals coming in from other collections as part of its development which may or may not require quarantine periods.

As a result of observation during the inspection on 17th and 18th November, 2015, Mr Brash noted:-

“A Cockatoo, which had relatively recently arrived undergoing quarantine in a room where a number of other birds were sharing the same air space.”

The Inspectors’ noted at Point 12 of their recommended “Additional Conditions”

“The quarantining of, or housing of newly arrived birds within the same air space as birds already within the collection is poor practice and must cease.”

All parties concerned were given the opportunity to make representations and ask questions.

It was moved by Councillor Seward that the Officer’s recommended condition be amended to read as follows and attached to the Zoo’s licence:-

“In accordance with 3.19, 3.21 of the SSSMZP, written protocols must be reviewed with advice from the veterinary consultants, for the housing and quarantine of any animals introduced to the collection or accepted as rescue animals. Staff must receive training on the protocols and their implantation and this should be documented (Timescale: 6 months).”

The above amendment was duly seconded, voted upon and it was unanimously;

RESOLVED:- That the following condition be attached to the Zoo’s licence:-

In accordance with 3.19, 3.21 of the SSSMZP, written protocols must be reviewed with advice from the veterinary consultants, for the housing and quarantine of any animals introduced to the collection or accepted as rescue animals. Staff must receive training on the protocols and their implantation and this should be documented.

Timescale: 6 months.

67 – Condition A24 – Review of Animal Bites

The Principal Environmental Health Officer reported that the Zoo offered an immersive experience with the ability to walk through aviaries filled with free flying

birds, feed certain animals in an unsupervised manner, and take part in supervised feeds. Such close contact could result in the animals biting or pecking visitors. During the Inspection on 17th and 18th November, 2015 the accident book for the Zoo was studied by the Inspectors. They noted that there had been a number of bites reported. One of the Zoo Inspectors, Matt Brash reported: -

“... that there had been 9 incidents within the last year where a member of the public had been bitten by an animal. Some of these have occurred in the new Aviary, however the majority of these had been bites caused by primates, mainly squirrel monkeys or lemurs.

Of particular concern was a bite wound where a child was bitten by a Vulture on the ear. This injury could have been far more severe. This injury was caused by a Vulture that was already known to the Zoo as a difficult bird. The Directors of the Zoo informed the Inspectors that the bird had previously been removed from the aviary as it was imprinted, and thus not afraid of people. Despite this knowledge, the bird had then been mixed back into the aviary when the public were present. At the time of the Inspection, the bird was in the aviary, although a Keeper was present to observe it.”

During the Inspection it was observed, in several areas, including the Illescas Aviary, which housed the condor and vulture species, that some animals were not afraid to approach humans. One Inspector had a black vulture perched on their wellington boot and was seen pecking at areas of mud.

It was not submitted that contact should be prohibited but there may be certain individual animals, or certain practices, that placed the public at a greater risk of bites and possible infection. A review should be undertaken into the animal bites, and the animal contact opportunities, to ensure that sufficient safeguards have been introduced.

All parties concerned were given the opportunity to make representations and ask questions.

It was moved by Councillor Sweeney that the following condition be attached to the Zoo's licence:-

“In accordance with paragraph 6.14 (Appendix 6) of the SSSMZP, a full written review of the risk of bites or injury to members of the public by animals must be carried out and an action plan adopted to eliminate bites and injuries. A copy of the report and the action plan must be forwarded to the Licensing Authority, in accordance with 8.14 of the SSSMZP, all contact injuries to visitors from animals must be reported to the Local Authority within 14 days (Timescale: 22nd May, 2016).”

The above motion was duly seconded, voted upon and it was unanimously;

RESOLVED:- That the following condition be attached to the Zoo's licence:-

In accordance with paragraph 6.14 (Appendix 6) of the SSSMZP, a full written review of the risk of bites or injury to members of the public by animals must be carried out and an action plan adopted to eliminate bites and injuries. A copy of the report and the action plan must be forwarded to the Licensing Authority, in accordance with

8.14 of the SSSMZP, all contact injuries to visitors from animals must be reported to the Local Authority within 14 days.

Timescale: 22nd May, 2016.

68 – Condition A10 – Lifebelt and Sign

The Principal Environmental Health Officer reported that Committee would note that the Inspectors had recommended 33 “Additional Conditions” on the inspection form. Throughout the Inspection, Inspectors provided information and advice to the Zoo Management and this was summarised in a formal debrief session at the end of the second day (18th November, 2015), therefore the Zoo had known about many of the items under discussion at today’s meeting since that time.

Licensing Officers had been in contact with the Zoo since the inspection and visited the Zoo on 16th December, 2015. It had been confirmed with the Zoo that the following Condition A10 had been resolved and had been seen and approved by the Authority and Mr Brash, in his role as the Council’s advisor

RESOLVED:- Members note that Additional Condition A10 of the Inspectors’ Report has been complied with and that the completion has been approved by the Licensing Authority, therefore, does not require inclusion on the Zoo licence.

69 – Condition A15 – Enclosures Maintained to Protect Animal Safety

The Principal Environmental Health Officer reported that Committee would note that the Inspectors had recommended 33 “Additional Conditions” on the inspection form. Throughout the Inspection, Inspectors provided information and advice to the Zoo Management and this was summarised in a formal debrief session at the end of the second day (18th November, 2015), therefore the Zoo had known about many of the items under discussion at today’s meeting since that time.

Licensing Officers had been in contact with the Zoo since the Inspection and visited the Zoo on 16th December, 2015. It had been confirmed with the Zoo that the following Condition A15 had been resolved and had been seen and approved by the Authority and Mr Brash, in his role as the Council’s advisor

RESOLVED:- Members note that Additional Condition A15 of the Inspectors’ Report has been complied with and that the completion has been approved by the Licensing Authority, therefore, does not require inclusion on the Zoo licence.

70 – Condition A16 – Andean Bear Fencing

The Principal Environmental Health Officer reported that Committee would note that the Inspectors had recommended 33 “Additional Conditions” on the inspection form. Throughout the Inspection, Inspectors provided information and advice to the Zoo Management and this was summarised in a formal debrief session at the end of the second day (18th November, 2015), therefore the Zoo had known about many of the items under discussion at today’s meeting since that time.

Licensing Officers had been in contact with the Zoo since the Inspection and visited the Zoo on 16th December, 2015. It had been confirmed with the Zoo that the

following Condition A16 had been resolved and had been seen and approved by the Authority and Mr Brash, in his role as the Council's advisor

RESOLVED:- Members note that Additional Condition A16 of the Inspectors' Report has been complied with and that the completion has been approved by the Licensing Authority, therefore, does not require inclusion on the Zoo licence.

71 – Condition A18 – Temporary Enclosures in Africa House

The Principal Environmental Health Officer reported that Committee would note that the Inspectors had recommended 33 "Additional Conditions" on the inspection form. Throughout the Inspection, Inspectors provided information and advice to the Zoo Management and this was summarised in a formal debrief session at the end of the second day (18th November, 2015), therefore the Zoo had known about many of the items under discussion at today's meeting since that time.

Licensing Officers had been in contact with the Zoo since the Inspection and visited the Zoo on 16th December, 2015. It had been confirmed with the Zoo that the following Condition A18 had been resolved and had been seen and approved by the Authority and Mr Brash, in his role as the Council's advisor

RESOLVED:- Members note that Additional Condition A18 of the Inspectors' Report has been complied with and that the completion has been approved by the Licensing Authority, therefore, does not require inclusion on the Zoo licence.

72 – Condition A2 – Walkways

The Principal Environmental Health Officer reported that Additional Condition A2 was already being dealt with via a Direction Order and was subject to a separate report before Members at today's meeting.

RESOLVED:- Members note that Additional Condition A2 was currently being dealt with separately and therefore does not require further consideration in this report.

73 – Condition A4 – Zoonotic Infection/PPE

The Principal Environmental Health Officer reported that Additional Condition A4 was one that only affected Staff Health and Safety and was therefore being dealt with under the Health and Safety at Work etc. Act 1974.

RESOLVED:- Members note that Additional Condition A4 was currently being dealt with separately and therefore does not require further consideration in this report.

74 – Condition A28 – Wire Mesh/Walkways

The Principal Environmental Health Officer reported that Additional Condition A28 was the subject of an Improvement Notice served under the Health and Safety at Work etc. Act 1974.

RESOLVED:- Members note that Additional Condition A28 was currently being dealt with separately and therefore does not require further consideration in this report.

75 – Condition A6 – Redrafting of Existing Condition 14 (Hazardous Animals)

The Principal Environmental Health Officer reported that it was the opinion of the Zoo Inspectors that the condition currently on the licence could be simplified and the emphasis placed back on to the Zoo's Management. As currently worded, the existing condition only referred to staff managing the animals, as opposed to all the Keepers involved in the animal's care. It also stated that the training shall be agreed with the Licensing Authority which did not recognise that expertise may be held in-house by Keepers with knowledge of similar animals.

The existing condition did not specify that the training endorsement should be received before the animals arrived.

All parties concerned were given the opportunity to make representations and ask questions.

Members had specifically asked the Zoo whether Keepers would be expected to pay for their own training. The Zoo's response was that the Zoo would pay for all training.

RESOLVED:- That existing Condition 14 of the Zoo's licence be replaced with:-

In accordance with Paragraphs 5.1 and 10.1 of the SSSMZP all staff who work with newly arrived hazardous species [any animal listed in Category 1 of the Hazardous Animal categorisation (see Appendix 12 of the Secretary of State's Standards of Modern Zoo Practice)] not previously held in the collection (or not within other staff's past experience) must undergo a period of recorded training at a collection already holding the species. Evidence of this training must be forwarded to the Licensing Authority prior to the hazardous animal arriving on site. If staff have previous experience then that experience must be detailed including dates and establishments where the training was received and forwarded to the Licensing Authority 4 weeks prior to the animal arriving.

Timescale: Immediate.

76 – Condition A13 – Re-drafting of Existing Condition 19 (Safe and Effective Control of Rodents)

The Principal Environmental Health reported that during the Special Inspection on 28th/29th January, 2014 the Inspection Team saw and photographed evidence of a rodent infestation problem. However, during the Special Inspection on 11th November, 2014, a limited inspection of mainly the Giraffe House did not reveal evidence of similar levels of rodent activity. An external company had been brought in to assist in developing a pest control plan. The control of pests was being maintained in-house, by the Keepers.

Whilst accepting that the problem of rodent pests was a perennial problem in all zoos, by nature of the zoos' activity, it was essential that a comprehensive and effective process of rodent control was maintained consistently. Rodents could transmit and spread a number of diseases that can both adversely affect the animal's health but also be potentially zoonotic.

During the Inspection on 17th and 18th November, 2015 the Inspection Team noted and photographed considerable evidence of rodent infestation throughout many areas of the Zoo. Mr Brash had confirmed:-

1. There was evidence of rodent droppings in the Keeper's kitchen and grain storage areas. There was also a bag of grain that had been chewed by rodents and was now leaking mixed cereals onto the floor. This area would be relatively easy to make rodent proof.
2. In many other areas of the park there was evidence of large numbers of rodents, evidenced by the presence of tracks both through and adjacent to exhibits and holes under buildings.

Although the Inspectors recognised that some work had been undertaken by the Zoo to control vermin, from the large scale evidence of the rodent problem, it was still a major concern and the current program run by the Keepers was not effective.

The Inspectors had recommended the following "Additional Condition":-

"13. There is evidence that the vermin control in the dry food storage area specifically, and more generally throughout the park is still inadequate. In accordance with 1.3a and 3.35 of the Secretary of State's Standard of Modern Zoo Practice (SSSMZP) a report must be produced for the Licensing Authority by an independent, professional Pest Control Company on the safe and effective control of rodent vermin (within 3 months). The Zoo must then implement the recommendations of that report (within 6 months).

There was an existing condition attached to the licence with regard to rodent control; Condition 19. Officer's therefore recommended that Condition 19 be amended.

All parties concerned were given the opportunity to make representations and ask questions.

It was moved by Councillor Sweeney that the Officer's recommended condition be amended to read as follows and replace existing Condition 19 of the Zoo's licence:-

"In accordance with 1.3a and 3.25 of the SSSMZP, a report covering the safe and effective control of rodent vermin and including recommendations is produced and submitted to the Local Authority by an independent professional Pest Control Company and an Annual Inspection to be carried out by the independent Pest Control Company during each month of September and such reports to be submitted to the Local Authority by no later than 31st October each year (Timescale 6 months)".

The above amendment was duly seconded, voted upon and it was unanimously;

RESOLVED:- That existing Condition 19 of the Zoo's Licence be amended to:-

In accordance with 1.3a and 3.25 of the SSSMZP, a report covering the safe and effective control of rodent vermin and including recommendations is produced and submitted to the Local Authority by an independent professional Pest Control Company and an Annual Inspection to be carried out by the independent Pest

Control Company during each month of September and such reports to be submitted to the Local Authority by no later than 31st October each year.

Timescale: 6 months.

77 - Condition 20(a) – Remove Muck Heap and Relocate

The Principal Environmental Health Officer reported that this matter had been brought to Committee on 17th December, 2015. Officers reported to the Committee that the Zoo had not complied with the licence condition within the specified period. The Committee resolved to escalate the Condition to a Direction Order with a compliance time of 28 days. The Direction Order required the Zoo to undertake works they wouldn't normally have been required to and therefore the Effective Date of the Direction Order was 19th January, 2016.

On 14th January, 2016 the Zoo emailed a photograph to Officers that clearly showed a gap between the muck heap and the ditch wide enough to ensure that no material from the muck heap could end up in the ditch, and further could not aid the escape of the baboons.

During an inspection of the Zoo on 20th January, 2016 Officers confirmed, from ground level, that the muck heap had been moved as required by the Order.

RESOLVED:- The Committee record that the Direction Order is complied with and that Condition 20(a) be removed from the Licence.

78 - Condition 25 – Clinical Waste Disposal Contract

The Principal Environmental Health Officer report that this matter was brought to Committee on 13th August, 2015. Officers reported that the Zoo had not complied with the licence condition within the specified compliance period. The Committee resolved to escalate Condition 25 to a Direction Order with a compliance date of 16th November, 2015. The Direction Order did not require the Zoo to undertake works and therefore was effective immediately.

On 17th September, 2015 the Zoo emailed a Waste Transfer Document dated 16th September, 2015 from Direct 365 to the Officers that showed a waste contract was in place for the removal of clinical waste.

RESOLVED:- The Committee record that the Direction Order is complied with and that Condition 25 be removed from the Licence.

79 - Condition 29 – Pygmy Hippo Pool

The Principal Environmental Health Officer reported that this matter was brought to Committee on 13th August, 2015. Officers reported that the Zoo had not complied with the licence condition in the specified compliance period. The Committee resolved to escalate Condition 29 to a Direction Order with a compliance date of 30th September, 2015. The Direction Order did not require the Zoo to undertake works they wouldn't normally have been required to and therefore was effective immediately.

On 29th September, 2015 the Zoo sent through a series of photographs that showed the Hippo Pool was complete and full of water.

During the Inspection of the Zoo on 17th and 18th November, 2015 the Inspectors and Officers confirmed that the work had been completed in compliance with the Direction Order.

RESOLVED:- The Committee record that the Direction Order is complied with and that Condition 29 be removed from the licence.

80 – Condition A5 – Rebuild of Andean Bear Enclosure

The Principal Environmental Health Officer reported that Andean bears were moved to a new enclosure, with a purpose built indoor house built for them, and an expanded outdoor area. The shed housing their new dens, was multi-functional and also acted as the indoor enclosure and viewing area for mixed species such as kangaroos and capybara.

The bear accommodation was made up of three separate bear dens, each with its own entrance from the outside. There was a further access point from inside the house, into each den. The inside of dens was viewed using cameras. For Keepers to gain access to the inside of the den, they must first check that there were no bears present in the den, then ensure all gates were fastened closed. They would then have to crawl in via the bear doors.

If however a bear was ill in the den, then it would be difficult to manage as there was no practical way of treating the animals, without physically removing the roof. If the bear had to be anaesthetised, then this procedure would be complicated by the need for the Keeper, or Vet, to crawl into the den to ensure that the bear was asleep after being darted.

During the Inspection, plans were produced that showed an indoor passageway (2m by 6m) that would allow inspection of the animals, allow for treatment or darting for anaesthesia if required. A further indoor accommodation area was included in the plans, to be used when they might be unable to go outside.

The bear accommodation was not however built to this specification, hampering the management of the animals, and thus potentially their welfare.

The current situation was that the Andean Bear enclosure did not benefit from planning permission.

The Zoo had been informed that they were required to apply for retrospective planning permission for consideration by the Planning Committee.

RESOLVED:-

- (a) The Committee note that having brought this to the Zoo's attention, modifications have been carried out which satisfy the requirements of the condition and have been confirmed during a visit to the Zoo on 16th December by Mr Brash and Mr Garnett;
- (b) Members note this condition has been complied with therefore, it does not need to be added to the Zoo licence; and

- (c) Members note however, that currently the Andean Bear Enclosure has been built without planning permission so a retrospective application is required.

81 – Condition A3 – Firearms

The Principal Environmental Health Officer reported that the Committee would be aware that the Zoo wished to transfer the Zoo Licence to a charity at some point in the future. It was unclear at this time if those who hold the appropriate licences for the Zoo's firearms would remain employees.

The Zoo had committed to work with Cumbria Police and Inspector Paul Telford and therefore, it would be incumbent of the existing Firearms Licence Holders to liaise fully with any new management and the Police, to ensure continuity of cover.

RESOLVED:- That the Committee note this matter.

82 – Condition A27 – Ethics Committee

The Principal Environmental Health Officer reported that the Inspectors were not shown minutes of the Ethics Committee during the Inspection. There was no evidence that there had been any ethical input into the wider animal welfare issues.

There was already an existing condition on the licence concerning the Ethics Committee which stated that it should meet regularly and minutes of the business of that Committee be kept on record.

RESOLVED:- That Members note this issue as there is already an existing condition on the licence relating to the Ethics Committee.

83 – David Stanley Gill, South Lakes Safari Zoo Ltd - Zoo Licensing Act 1981 (as amended) - Compliance with Conditions 17 and 18 - Direction Order

The Principal Environmental Health Officer reported that Mr David Stanley Gill was the holder of a Zoo licence issued on 8th June, 2010 to operate a Zoo at premises known as South Lakes Safari Zoo Ltd ("the Zoo"), Crossgates, Dalton-in-Furness, Cumbria, LA15 8JR.

On 17th and 18th November, 2015 a Periodical and Renewal Inspection was undertaken at the Zoo under the provisions of ss.6, 9A and 10 of the Zoo Licensing Act 1981 (as amended).

The Inspection was undertaken by 3 Secretary of State appointed Zoo Inspectors, which included the current head of the Zoo Expert Committee. An Officer from the Licensing Authority also attended.

At the time of the Inspection, the Zoo licence had 6 "statutory conditions", 5 "other conditions" and 18 "additional conditions" attached to its licence.

The Inspection Report concluded that the current six year Zoo licence which was due to expire on 6th June, 2016 should not be renewed unless certain actions were implemented by the Zoo prior to this date.

Those actions were included in a list of 33 proposed additional conditions which had been recommended by the Inspection Team to sit alongside the existing 18 additional conditions. There were also 11 recommendations in the report.

Members were asked to consider compliance with Conditions 17 and 18 of the current Zoo licence and the Inspectors findings in this regard.

The current conditions were as follows:-

Condition 17 - Review of Veterinary Programme – A review of the Veterinary programme must be undertaken in conjunction with the consulting Veterinarian and a resulting written programme of care (to include parasite control, vaccination, p.m. routine etc.) be agreed, recorded and maintained accordingly.

Condition 18 - Delivery of Veterinary Services – The delivery of veterinary services to and in the Zoo, is still unclear and in some areas appears uncoordinated.

The Operator must, in conjunction with the Zoo's Veterinary Advisor and/or other such professional advice as deemed necessary, develop to the modern standards of good zoo practice and implement, an improved and clearly defined programme, for the delivery of veterinary services to the collection. (This must include the additional and extended collection). This programme must detail: the frequency of routine visits, duties expected of the Vet, routine prophylaxis (vaccination etc.), agreed surveillance policy – to include screening, post mortem protocols, transmission and recording of p.m. records and pathological results. All relevant information must be integrated into the animal records system, such that, information on any individual animal is quickly and easily retrieved. Agreed protocols for relevant veterinary cover when the Principal Vet is unavailable, must be clear. A written copy of the final procedures must be lodged with the Licensing Authority within 3 months and clear evidence of implementation provided within 6 months.

The two conditions had been discussed in detail and each of the parties concerned had been given the opportunity to make representations and ask questions.

All parties with the exception of the Committee Members, Paul O'Donnell (Solicitor), Jane Holden (Acting Principal Legal Officer), Keely Fisher (Democratic Services) and Sharron Rushton (Democratic Services) withdrew and were re-admitted to the meeting following the Committee's deliberations.

It was moved by Councillor Proffitt, duly seconded and voted upon that Condition Nos. 17 and 18 be escalated to two Direction Orders as recommended by the Inspectors with compliance by 22nd May, 2016 and it was;

RESOLVED:- That the Committee escalate Condition No. 17 (Review of Veterinary Services) and Condition No. 18 (Delivery of Veterinary Services) to two Direction Orders as recommended by the Inspectors. This is not a Direction Order requiring the Zoo to undertake works they would not normally be undertaking and therefore

the Direction Order will be effective immediately. The compliance date is 22nd May, 2016 for both Orders.

The meeting closed at 12.45 p.m. on 2nd March, 2016.

BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Meeting: Thursday 10th March, 2016
at 2.00 p.m. (Committee Room No. 4)

PRESENT:- Councillors Callister (Chairman), Seward (Vice-Chairman), Biggins, Derbyshire, Heath, Maddox, Proffitt and Wall.

Also Present:-

Barrow Borough Council

Graham Barker (Principal Environmental Protection and Licensing Officer) (Minute No's 88 – 90 only)

Liam Casson (Trainee Environmental Health Officer)

Jennifer Curtis (Senior Licensing Officer)

Jane Holden (Acting Principal Legal Officer) (Minute No's. 88 – 91 only)

Anne Pearson (Environmental Health Manager) (Minute No's 88 – 90 only)

Paula Westwood (Democratic Services Officer – Member Support)

Others

PC Caroline Kendall (Police Representative) (Minute No's. 84 – 87 and 91 only)

Paul O'Donnell (Local Authority Retained Solicitor)

84 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006 – Urgent Item

RESOLVED:- That by reason of the special circumstances outlined below the Chairman is of the opinion that the following item of business not specified on the agenda should be considered at the meeting as a matter of urgency in accordance with Section 100(B)(4)(b) of the Local Government Act 1972.

<u>Item</u>	<u>Reason</u>
Hackney Carriage Vehicle Licence Condition Amendment (Minute No. 90)	The next Licensing Regulatory Committee would take place on 12 th May, 2016. The amendment to the condition at an earlier date would therefore allow for the Applicant's vehicle to be licensed without unnecessary delay.

85 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act, 1972 the public and press be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 2 (Minute No. 91) of Part One of Schedule 12A of the said Act.

86 – Apologies for Absence/Attendance of Substitute Members

An apology for absence was received from Councillor Opie.

87 – Minutes

The Minutes of the Licensing Regulatory Committee meeting held on 4th February, 2016 were taken as read and confirmed.

88 – Licensing Fees Setting

The Principal Environmental Protection and Licensing Officer reported that the majority of the locally set licensing fees had undergone an extensive review in the latter half of 2015, with the exception of Zoo licensing (which was the subject of its own review) and also those locally set fees under the Gambling Act 2005.

The Licensing Regulatory Committee had delegated authority to set the Council's licensing fees. The proposed fees were based on the out-turn budget for the previous year (2014/15) and full cost recovery.

The total cost of delivering the licensing functions in 2014/15 was £255,330. From this figure, Officers had deducted the cost of the licensing functions whose fees were prescribed by statute (for example the Licensing Act 2003). This left a base figure of £117,962 to be recovered through the licence fees for Hackney Carriage and Private Hire, Street Trading, Sex Establishments, Pleasure Boats and Boatmen, Animal Licensing (excluding Zoo Licensing), Scrap Metal Dealers and Skin Treatments.

Members noted that the income for the same period was £104,713, leaving a deficit of £13,249 for the year. It was proposed that the deficit against individual licence types would be recovered in one year, with the exception of Animal Welfare/Pet Shops/Dog Breeders (recovered over 2 years) and Pleasure Boats/Boatmen (recovered over 3 years), to ease the burden on the small number of licence holders.

The projected income from the licensing fees detailed below for 2016/17 was £118,447.

Proposed Fees effective from 1st April, 2016

Local Government (Miscellaneous Provisions) Act 1976, Sections 53(2) & 70(3) - Taxi & Private Hire Licensing	£
Private Hire / Hackney Carriage Driver (1 Year)	124
Private Hire / Hackney Carriage Driver (3 Year)	201
Private Hire / Hackney Carriage Driver - Renewal (1 Year)	118
Private Hire / Hackney Carriage Driver - Renewal (3 Year)	195
Hackney Carriage Vehicle	156
Private Hire Vehicle (New & Renewal)	85
Private Hire Operator - New & Renewal (1 Year)	110
Private Hire Operator - New & Renewal (5 Year)	190
Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 Section 9 - Street Trading	
Annual (New & Renewal)	393
Annual (Trading up to 4 days a week) (New & Renewal)	344
3 Month (New & Renewal)	279
Annual Peripatetic (New & Renewal) e.g. Ice Cream vans	240
Town Centre (Promotional)	189
Town Centre (Events)	228
Town Centre (Markets)	1,613
Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 - Sex Shops / Sex Establishments	
New Application	291
Renewal Application	260
Public Health Acts (Amendment Act) 1907. Section 94(1) - Pleasure Boats and Boatmen	
Pleasure Boats	182
Boatmen	151
Pet Animals Act 1951, Section 1(2) - Pet Shops	
New & Renewal	181
Riding Establishments Act 1964, Section 1(2)	
New & Renewal	257
Breeding of Dogs Act 1973, Section 3 and 1991 Act.	
New & Renewal	244
Dangerous Wild Animals Act 1976, Section 1(2)	
New & Renewal	186
Animal Boarding Establishments Act 1963, Section 1(2)	
Commercial (New & Renewal)	211
Domestic (New & Renewal)	152
Scrap Metal Dealers Act 2013 (Sched 1 para 6 (1))	
Premises	237
Collector	198
Local Government (Miscellaneous Provisions) Act 1982, Sections 14 & 15. Acupuncture, Tattooing, semi-permanent skin colouring, cosmetic piercing or electrolysis	
Personal Registration	122
Premises Registration	146

The methodology used to calculate the fees was summarised below and was based on actual time spent by Officers and associated costs of administering and operating the Licensing regime at full cost recovery. The fees took account of:

- Administration costs associated with the initial application and fee handling;
- Officer costs;
- Direct costs such as the cost of identification badges, plates and DVLA checks;
- Support Services costs including overheads, IT maintenance, external legal advice and advertising;
- Compliance and monitoring costs; and
- Adjustments to take into account any surplus or deficit from the 2014/15 out-turn budget.

Full details of the Fee Setting Methodology had been appended to the report.

The proposed fees had been advertised in the North West Evening Mail on 15th January 2016, giving members of the public 28 days to make representations. A public notice had also been on display at the Town Hall. Furthermore, in relation to Taxi and Private Hire licensing a copy of the notice had been sent direct to the Representative of the Furness Taxi Trade Association and Private Hire Operators.

Members noted the response which had been received on 17th January, 2016 from the Furness Taxi Trade Association.

RESOLVED:- That the fees detailed in the report be approved to achieve full cost recovery with effect from 1st April, 2016.

89 – Application for Removal of Condition on a Street Trading Consent

The Senior Licensing Officer reported that the Licensing Authority had received an application for a Street Trading Consent from Miss Jenny Ireland.

Miss Ireland's application was for a stationary catering van to be sited at St. Andrews Way on Furness Business Park. It was her intention to sell fast food. Such stationary trading contravened a condition attached to Street Trading Consents; therefore the removal of this condition was required if Members decided to grant the Consent.

Barrow Borough Council operated a consent scheme for street trading. Trading within the Borough was prohibited without obtaining the consent of the Council.

Consents were issued subject to a set of standard conditions and could be granted for a period not exceeding 12 months. Miss Ireland had applied for a 12 month Street Trading Consent.

Consents were renewable on the expiry of the licence period, unless a Trader ceased to exist trading.

Upon application in writing to the Council, as required by Paragraph 7 of Schedule 4 of The Local Government (Miscellaneous Provisions) Act 1982, the Council may grant consent if they think fit, and may attach such conditions to it as they consider reasonably necessary. These conditions had been appended to the report.

Condition number 12 stated that:

“The Trader must operate his/her business on a mobile basis and can therefore stop for only 10 minutes in any section of a street and thereafter must move into a different street and must not then return to the same section of that street that day.”

Therefore Members’ approval was needed to remove this condition from the Street Trading Consent if they decided to grant one in this case.

As part of the application procedure the Licensing Authority had consulted with the Planning Department, Trading Standards, Cumbria Constabulary and Cumbria Highways.

At the time of writing the report no representations had been received from consultees.

Miss Ireland, along with her representative attended the Licensing Regulatory Committee to make representations in support of her application.

Members noted that consent would not be subjected to any planning restrictions, as long as the catering unit was removed from the site at the end of each day.

It was moved by Councillor Seward and seconded by Councillor Proffitt that a restriction be placed on the consent prohibiting advertising boards on the highway.

RESOLVED:-

- (i) That the Street Trading Consent be granted for a period of 12 months (subject to restrictions) and the removal of Condition No. 12 be approved;

Restrictions:

- (ii) That the vehicle be removed from the site at the end of each day; and
- (iii) That advertising boards on the highway be prohibited.

90 – Hackney Carriage Vehicle Licence Condition Amendment

The Principal Environmental Protection and Licensing Officer reported that the Licensing Authority had received an application to transfer an existing Hackney Carriage Vehicle Licence to a ‘London Cab’ type vehicle.

The Council’s current Hackney Carriage Vehicle Licence conditions erroneously restricted these types of vehicles from being licensed.

The Local Government (Miscellaneous Provisions) Act 1976, Section 47, stated that a District Council may attach to the grant of a Licence of a Hackney Carriage under the Act of 1847 such conditions as the District Council may consider reasonably necessary.

Condition 4(f) of the Barrow Borough Council Hackney Carriage Vehicle Licence conditions states:

4. All vehicles must comply with the following requirements:-

(f) The RMC.P4 (London Cab) type of vehicle shall not to used.

Upon receiving an application to licence such a vehicle, Officers had discovered the error in the Licence conditions and had therefore been unable to process the application under delegated authority, without the matter coming before Members.

RESOLVED:- That Condition 4 (f) be removed from the current Hackney Carriage Vehicle Licence conditions, therefore allowing 'London Cab' type vehicles to be licensed as Hackney Carriages.

91 – Licensed Private Hire Driver

The Senior Licensing Officer reported on information which had been brought to her attention regarding a licensed Private Hire Driver and set out details of the Committee's policy regarding such matters.

The applicant, together with their representatives attended the meeting and addressed the Committee.

It was moved by Councillor Biggins and seconded by Councillor Derbyshire that no further action be taken as the applicant had already completed a DVSA Taxi Driving Test on 8th March, 2016.

RESOLVED:- That no further action be taken.

The meeting closed at 2.55 p.m.

LICENSING REGULATORY COMMITTEE		Part One (D) Agenda Item 7
Date of Meeting:	12th May, 2016	
Reporting Officer:	Executive Director	
<p>Title: Appointments on Outside Panels, Working Groups etc.</p> <p>Summary and Conclusions:</p> <p>The Council on 10th May, 2016 gave delegated authority to Committees to make appointments to Outside Bodies, Forums (excluding Housing Management Forum) Panels, Working Groups etc. in accordance with the number and allocation of seats to political groups agreed at the Meeting.</p> <p>In the case of the Licensing Regulatory Committee this involved appointments to the Taxi/Private Hire Liaison Group and Taxi Licensing Working Party.</p> <p>Recommendation:</p> <p>To agree the appointments to the Taxi/Private Hire Liaison Group and Taxi Licensing Working Party.</p>		

Report

At the Annual Council meeting on 10th May, 2016 the allocation of seats in respect of Forums, Panels, Working Groups etc. were agreed. Delegated authority was given to the appropriate Committees to make the necessary appointments.

In the case of the Licensing Regulatory Committee this involves the appointment of Members to:-

Taxi/Private Hire Liaison Group

(Membership for 2015/2016 was Councillors Callister and Maddox plus one Conservative vacancy).

Taxi Licensing Working Party

(Membership for 2015/2016 was Councillors Callister, Derbyshire and Seward plus one Conservative vacancy).

In accordance with proportionality rules, the notional seat allocations for 2016/2017 are as follows:-

- Taxi/Private Hire Liaison Group – Three Seats (2 Labour: 1 Conservative).
- Taxi Licensing Working Party – Four Seats (3 Labour: 1 Conservative).

Background Papers

Nil

Licensing Regulatory Committee	(D) Agenda Item 8
Date of Meeting: 12th May, 2016	
Reporting Officer: Principal Environmental Health Officer	

**Title: Zoo Licensing Act 1981 (as amended)
Zoo Recharging Policy
Setting of a Maintenance Fee for South Lakes Safari Zoo Ltd
- 2016/17**

Summary and Conclusions:

S.15(1) Zoo Licensing Act 1981 (as amended) (“the Act”) enables the Council to set fees to recover the reasonable expenditure incurred in carrying out its functions under the Act.

On 3rd September 2015, following a 14 day consultation period, the Licensing Regulatory Committee approved the referral of the Zoo Recharging Policy to the Executive Committee for adoption. (Appendix 1 Version 150730.2) This was agreed on the 21st October 2015 and Full Council approved the Policy on 19th January 2016.

This Policy contained the methodology for setting an application fee for all zoos and also an annual maintenance fee which would be specific to individual zoos and charged on the anniversary of the Licence’s issue. A calculation for a Maintenance Fee for South Lakes Safari Zoo Ltd was attached to the Policy.

It must be noted that the Executive Committee and Full Council approved the Policy only. The maintenance fee is to be set by the Licensing Regulatory Committee in accordance with the Council’s Constitution Part 3(1).

The application fee for all zoos was set by the Licensing Regulatory Committee on 3rd September 2015, the figure being £500.

This report asks Members to:

- a) Consider South Lakes Safari Zoo Ltd.’s comments on the proposed Maintenance Fee; and
- b) set the maintenance fee for South Lakes Safari Zoo Ltd for the year 2016/17.

1. Background

Barrow Borough Council is responsible for administering a range of licences, permits and registrations resulting from both national legislation and discretionary functions that allow the Council to set fees locally. Locally set fees are an important means of

ensuring that costs can be recovered by Councils, rather than relying on local tax payers subsidising licence holders.

The Licensing Regulatory Committee have delegated authority to set the Council's licensing fees and this report outlines a proposal to set the annual Maintenance Fee for the year 2016/17 for South Lakes Safari Zoo Ltd in line with the Zoo Recharging Policy adopted by Council on 19th January 2016. In considering setting this fee, Members are requested to take account of comments made by South Lakes Safari Zoo Ltd following a consultation exercise on the proposed fee. Both the Policy and Zoo's comments are outlined below and attached at **Appendix 1 and 2** respectively.

It should be noted that the fee is based on full cost recovery of the Council's reasonable costs.

2. Legislation and Guidance

Zoo Licensing Act 1981

The Council is enabled by Section 15 of the Zoo Licensing Act 1981 to charge fees to recover the reasonable expenditure incurred whilst carrying out its functions under the Act.

Open for business – LGA guidance on locally set fees

The Local Government Association has produced guidance for Councils on locally set fees with the most recent addition being published in November 2015.

3. The Zoo Recharging Policy

This policy adopted by Council on 19th January 2016 states that it is the Council's intention to recover the cost of enforcing the Act from those premises that are required to hold such a licence.

It adds that the owner of a zoo will be charged:

- A) An application fee which is payable when an application is lodged with the Council. This will be the administrative costs of processing an application for an initial licence, renewal, and the alteration or transfer of a licence
- B) A Maintenance Fee which will become payable before the grant of the licence and will then be charged annually on the anniversary of the grant. The Maintenance Fee will be kept under review and set annually based on the work undertaken by the Council in the previous year. NB This fee will specific to each individual zoo licensed by the Council.

The Maintenance Fee will include the following costs:-

- Third party costs not limited to
 - seeking expert veterinary advice
 - obtaining legal guidance
- Liaison with interested parties

- Liaison with Central Government
- Management costs
- Local democracy costs – committee hearings
- On costs
- Advice and guidance
- Training of staff and members

4. South Lakes Safari Zoo Ltd - Maintenance Fee for 2016/17

The calculated maintenance fee based on figures from the year 2014/15 is;

Officer	Hours**		Rate		Total
Acting Principal Legal Officer [from July 2014]	23.5		£23.84 hr ⁻¹		£560.24
Environmental Health Manager	68.8		£31.33 hr ⁻¹		£2,155.50
Principal Environmental Health Officer [from August 2014]	35		£25.37 hr ⁻¹		£887.95
Senior Environmental Health Officer	5		£22.24 hr ⁻¹		£111.20
Acting Senior Environmental Health Officer	3		£35 hr ⁻¹		£105.00
External Legal Advisor*	50		£140 hr ⁻¹		£7,000.00
					£10,819.89
Support Costs					
Office General Running Costs (15-16 Budget) Proportion attributed to Zoo Licensing 0.015%***			£4,450		£66.75
Support Staff Costs (15-16 Budget) Proportion attributed to Zoo Licensing 0.015%***			£39920		£598.80
Cost of Licensing Regulatory Committee Zoo is 1 of 991 licences			£1,886.28		£1.90
Total in 2014 - 2015					£11,487.34****

* The Council's external Legal advisor has invoice 78 hours for Zoo work during the financial year 2014/15. However his advice has been on a range of topics that surround the Council's ability to enforce the Zoo Licensing Act 1981 and to interpret guidance. Therefore 50 hours will be recharged

** The time attributed to each officer is the time spent in meetings as the Council do not operate a full cost allocation policy. Therefore time spent in preparation for meetings, and for writing letters, etc. is not accounted for.

*** Departments man hours to deal with all Licencing 8,878.08 hrs.

Officer time spent on Zoo Licencing = 135.3 hrs.

Office Costs and Support Costs = 0.015%

**** The costs of formal and special inspections, including preparation and report writing is chargeable separately

5. Public Consultation

The calculated maintenance fee shown above was subject to a 14 day consultation period. An advert was placed in the North West Evening Mail and full consultation details were made available on the Council's website.

South Lakes Safari Zoo Ltd provided the only comment on the calculated maintenance fee as follows:

"Making the zoo pay for the cost of legal advice relating to issues with the zoo is outwith the permitted framework."

The full consultation response from South Lakes Safari Zoo Ltd on the Zoo Recharging Policy and the application and maintenance fees is attached at Appendix 2 for Members' information.

Officers disagree with the Zoo's comment and are of the opinion that the cost of legal advice is within the remit of section 15 of the ZLA, specifically sub sections 1 and 5 which are detailed below:

15 (1) Subject to this section, the local authority may charge such reasonable fees as they may determine in respect of—

(a) applications for the grant, renewal or transfer of licences;

(b) the grant, renewal, alteration or transfer of licences;

15 (5) The local authority shall secure that the amount of all the fees and other sums charged by them under this section in a year is sufficient to cover the reasonable expenditure incurred by the authority in the year by virtue of this Act.

6. Variation in Maintenance Costs

A Zoo Licence runs for a 6 year period. The Council has considered the fairness and reasonableness of setting a fee which covers a 6 year period.

Fees must not exceed the cost of administering the licensing regime and should be cost neutral so that over the lifespan of the licence the budget should balance.

On this basis it is under the policy it is not considered reasonable to charge a full 6 year maintenance fee at the start of the licence period. Therefore the maintenance fee will be calculated on an annual basis and charged on the anniversary of the licence being granted.

The annual maintenance fee will be based on cost recovery for the time spent in the previous 12 months if those figures are available. Therefore, if the level of compliance of a zoo is high then the corresponding reduction in the maintenance fee will reflect this, as per section 6 of the policy

7. Recommendation

That Members:

- (i) reject the zoo's assertion that the cost of legal advice is outwith the framework for re-charging stated in the Zoo Licensing Act 1981 and include these costs ; and
- (ii) set the 2016/17 Maintenance Fee for South Lakes Safari Zoo Ltd at £11,487.

8. Reason for Recommendation

It is the Council's stated policy to aim for full cost recovery in order that the General Fund does not subsidise licence holders. All the costs stated in the calculation have been reasonably incurred by the Council in carrying out the functions under the Zoo Licensing Act 1981.

9. Options for Members

- **Accept** the Officer recommendation.
- **Reject** the Officer recommendation and set a different Maintenance Fee to achieve partial cost recovery. NB A further public consultation exercise would be required before a revised fee could be set.

Considerations

(i) Legal Implications

The fee setting method has been reviewed by the Council's Legal Services Department.

The Licensing Authority can set its own fee for the zoo licensing regime. The fee must be reasonable and cover the Council's costs in the administration and the processing of the licence and further costs to ensure compliance.

The above regime is covered by the European Union Services Directive. Regulation 18 of the Provision of Services Regulations 2009 which implements the EU Services Directive into UK law requires that fees charged must be proportionate to the effective cost of the process. The proposed fees must only recover the Council's costs in relation to the licensing process and cannot be used as an economic deterrent or to raise funds.

The fee as proposed should enable to Council to recover its reasonable costs.

The Zoo Licensing Act 1981 (as amended) fee setting power is outlined below:

Section 15-Fees and other charges.

- (1) *Subject to this section, the local authority may charge such reasonable fees as they may determine in respect of—*
 - (a) *applications for the grant, renewal or transfer of licences;*
 - (b) *the grant, renewal, alteration or transfer of licences;*

- (2) *Any fee charged under paragraph (a) of subsection (1) in respect of an application shall be treated as paid on account of the fee charged under paragraph (b) on the grant, renewal or transfer applied for.*
- (2A) *Subject to this section, the authority may charge to the operator of the zoo such sums as they may determine in respect of reasonable expenses incurred by them—*
- (a) *in connection with inspections in accordance with section 9A and under sections 10 to 12;*
 - (b) *in connection with the exercise of their powers to make directions under this Act;*
 - (c) *in the exercise of their function under section 16E(4) of supervising the implementation of plans prepared under section 16E(2); and*
 - (d) *in connection with the exercise of their function under section 16E(7) or (8).*
- (2B) *The authority's charge under subsection (2A)(d) shall take into account any sums that have been, or will fall to be, deducted by them from a payment under section 16F(7) in respect of their costs.*
- (3) *In respect of any fee or other sum charged under this section, the local authority may, if so requested by the operator, accept payment by instalments.*
- (4) *Any fee or other charge payable under this section by any person shall be recoverable by the local authority as a debt due from him to them.*
- (5) *The local authority shall secure that the amount of all the fees and other sums charged by them under this section in a year is sufficient to cover the reasonable expenditure incurred by the authority in the year by virtue of this Act.*

The Council have also taken into account guidance issued by the Local Government Association [LGA] entitled "Open for business – LGA guidance on locally set fees" [LGA, 2015]

(ii) Risk Assessment

None applicable.

(iii) Financial Implications

If licensing fees are set without having regard to the core principles of the European Union Services Directive: non-discriminatory; justified; proportionate; clear; objective; made public in advance; and transparent and accessible, they can be challenged and the Council could be ordered to refund fees and any legal costs.

(iv) Key Priorities or Corporate Aims

Service Delivery – the Council strives to provide good quality, efficient and effective services while reducing overall expenditure.

(v) Equality and Diversity

Not applicable

(vi) Other Human Rights

Any action undertaken by the Council, that could have an effect upon another person's human rights, must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole.

Any action taken by the Council which affect another's' rights must be no more onerous than is necessary in a democratic society.

The matter set out in this report must be considered in light of those obligations.

(vii) Health and Well-being Implications

Non applicable

Background papers

Licensing Committee Meeting 3rd September 2015 – Minutes

Executive Committee Meeting – 21st October 2015 – Minutes

Full Council – 19th January 2016 – Minutes

Local Government Association [LGA] entitled “Open for business – LGA guidance on locally set fees” [LGA, 2015]



**POLICY FOR RECHARGING ZOO LICENSING
FEES WITHIN BARROW BOROUGH COUNCIL**

Version Control:	
Document Name:	Zoo Recharging Policy
Version:	150730.2
Author:	Principal Environmental Health Officer (Commercial)
Review Date:	July 2016

Preamble

Barrow Borough Council is responsible for administering a range of licences and approvals resulting from both national legislation and discretionary functions that are agreed locally. For the majority of these regimes the costs are recovered through fees set by each council and paid by the licence applicant. Locally set fees are a vital means of ensuring that costs can be recovered by each and every council, rather than relying on subsidy from local tax payers

The intention of this policy is to set out how the Council will recover the cost of enforcing the Zoo Licensing Act 1981 from those premises that are required to hold a licence. The presence of this policy is in order to promote transparency, fairness and consistency.

The owner of a Zoo will be charged:

- An Application Fee which is payable when an application is lodged with the Council. This will be the administrative costs of processing an application for an initial licence renewal, alteration or transfer.
- A Maintenance Fee which will become payable before the grant of the licence and will then be charged annually on the anniversary of the grant. The Maintenance Fee will be kept under review and set annually based on the work undertaken in the previous year to ensure that fees set remain reasonable and proportionate.

Charges must be reasonable and proportionate to the cost of the processes associated with the licensing scheme. This policy will set out the process adopted by Barrow Borough Council to ensure will achieve this.

1 Introduction

This 'Statement of Policy' sets out Barrow Borough Council's (hereafter referred to as the "Council") position in regards to the setting of the licence fee, both in terms of application and maintenance elements. The policy is based on the relevant sections of the primary legislation which is the Zoo Licensing Act 1981 (as amended) ("the Act"), in particular Section 15 and The European Services Directive.

The policy will also consider any associated statutory guidance.

2 Purpose

The purpose of this policy is to clearly set out how the Council will set fees it may charge in relation to any application, renewal, alteration or transfer under the Act.

It is intended to provide a proportionate, fair and transparent approach to the recovery of costs from those persons or companies who are required to hold a licence under the Act, and remove the burden from Council's finances and ultimately local taxpayers.

3 Scope

Section 1 of the Zoo Licensing Act 1981 defines those premises that are required to hold a licence.

Section 1(2) In this Act "zoo" means an establishment where wild animals ... are kept for exhibition to the public otherwise than for purposes of a circus (as so defined) and otherwise than in a pet shop (as so defined); and this Act applies to any zoo to which members of the public have access, with or without charge for admission, on more than seven days in any period of 12 consecutive months

Section 1(2B) This Act also applies in accordance with its terms to any zoo to which members of the public do not have such access if a licence is in force in respect of it or as otherwise provided (in particular, in sections 13 and 16C to 16G).

This policy will be applied to any premises that are required to hold a licence under this Act.

4 Legislative Background

The Council is enabled by the Zoo Licensing Act 1981 to charge fees in respect of a zoo licence. The relevant section is Section 15 and this is reproduced in Annex 1.

This policy establishes two charges:

- An **Application Fee** will be charged upon the initial application for a zoo licence, an application for the renewal of an existing licence, or the transfer of a zoo licence.
- A **Maintenance Fee** will be charged on the application being successful and will be payable before the grant of the licence. Whilst the zoo licence runs for a 6 year period the Maintenance Fee will be calculated annually and charged on the anniversary of the licence being issued.

The Government have published statutory guidance entitled “Zoo Licensing Act 1981, Guide to the Act’s Provisions” [DEFRA 2012]. Section 19 of this guidance requires the Council to limit the cost burden to the Zoo and to ensure that the costs are reasonable.

The Council have also taken into account guidance issued by the Local Government Association [LGA] entitled “Open for business - LGA guidance on locally set fees” [LGA, 2014] and The European Services Directive.

5 The Policy

As with other licences the Council incurs expense through the application process and subsequently monitoring for compliance.

The Zoo Licensing Act allows the Council to recoup the expenses of inspections but costs of preparing for Committee hearings, seeking legal advice on compliance issues, and training staff to administer the various aspects of the licence, etc. creates an expense that is currently born by general funds.

In the case *R (on the application of Hemmings and Others) v Westminster City Council* [2015] UKSC 25 the judgement made it clear that local authorities should not be subsidising licensed trades and should be attempting to recover costs of management and enforcement. Put simply, the Council has a duty to it’s’ citizens not to be using general funds to subsidise the business activities of a licensed business.

The recovery of the costs incurred by the Council for the administration of zoo licensing works shall:

- (a) Where possible, be sought from the applicant or licence holder.
- (b) Be recovered in full where reasonable.
- (c) Be as fair and equitable as possible to all who may otherwise have to meet the costs of including national and local taxpayers.

6 Cost Setting

Initial application costs will include: -

- Basic office administration to process the licence application, including specialist software.
- Initial visit(s) – Officer time
- Third party costs, for example veterinary attendance during licensing inspections
- Liaison with interested parties – engaging with responsible authorities
- Management costs
- Local democracy costs – committee hearings
- On costs
- Development, determination and production of licensing policies
- Web material
- Advice and guidance
- Setting and reviewing fees

The Maintenance Fee will include:-

- Third party costs, for example seeking expert veterinary attendance other than during formal, informal, or special inspections
- Liaison with interested parties
- Liaison with Central Government
- Management costs
- Local democracy costs – committee hearings
- On costs
- Advice and guidance relating to those matters which may properly be charged to Zoo businesses pursuant to legislation
- Relevant training of staff and members

7 Variation in Maintenance Costs

The Zoo Licence runs for a 6 year period. The Council has considered the fairness and reasonableness of setting a fee which covers the 6 year period.

Fees must not exceed the cost of administering the licensing regime and should be cost neutral so that over the lifespan of the licence the budget should balance.

Reviewing the on-going running and compliance costs annually allows the Council to avoid a surplus or deficit in future years. If a licence fee was payable for the licence period of 6 years, current licence holders would not benefit from a review showing a surplus. Similarly a review highlighting a deficit could financially harm an otherwise viable business if on renewal the fee increased significantly.

An annual review would allow the fee to be adjusted more appropriately and fairly throughout the duration of the licence.

On this basis it is not considered reasonable to charge a full 6 year maintenance fee at the start of the licence period. It has been decided that the maintenance fee will be calculated on an annual basis and charged on the anniversary of the licence being granted.

The annual maintenance fee will be based on cost recovery for the time spent in the previous 12 months if those figures are available. Therefore, if the level of compliance of a zoo is high then the corresponding reduction in the maintenance fee will reflect this.

Both the application and the maintenance fee will be set only after consultation with Zoo businesses.

8 Review of Licencing Costs

Both the application fee and the maintenance fee will be reviewed on an annual basis.

Zoo Licensing Act 1981

Section 15 Fees and other charges.

- (1) Subject to this section, the local authority may charge such reasonable fees as they may determine in respect of—
 - (a) applications for the grant, renewal or transfer of licences;
 - (b) the grant, renewal, alteration or transfer of licences;
- (2) Any fee charged under paragraph (a) of subsection (1) in respect of an application shall be treated as paid on account of the fee charged under paragraph (b) on the grant, renewal or transfer applied for.
- (2A) Subject to this section, the authority may charge to the operator of the zoo such sums as they may determine in respect of reasonable expenses incurred by them—
 - (a) in connection with inspections in accordance with section 9A and under sections 10 to 12;
 - (b) in connection with the exercise of their powers to make directions under this Act;
 - (c) in the exercise of their function under section 16E(4) of supervising the implementation of plans prepared under section 16E(2); and
 - (d) in connection with the exercise of their function under section 16E(7) or (8).
- (3) In respect of any fee or other sum charged under this section, the local authority may, if so requested by the operator, accept payment by installments.
- (4) Any fee or other charge payable under this section by any person shall be recoverable by the local authority as a debt due from him to them.
- (5) The local authority shall secure that the amount of all the fees and other sums charged by them under this section in a year is sufficient to cover the reasonable expenditure incurred by the authority in the year by virtue of this Act.

NB The South Lakes Safari Zoo's comments are in bold type and underlined



**POLICY FOR RECHARGING ZOO LICENSING
FEES WITHIN BARROW BOROUGH COUNCIL**

Version Control:	
Document Name:	Zoo Recharging Policy
Version:	150730.1
Author:	Principal Environmental Health Officer (Commercial)
Review Date:	July 2016

Preamble

Barrow Borough Council is responsible for administering a range of licences and approvals resulting from both national legislation and discretionary functions that are agreed locally. For the majority of these regimes the costs are recovered through fees set by each council and paid by the licence applicant. Locally set fees are a vital means of ensuring that costs can be recovered by each and every council, rather than relying on subsidy from local tax payers

The intention of this policy is to set out how the Council will recover the cost of enforcing the Zoo Licensing Act 1981 from those premises that are required to hold a licence. The presence of this policy is in order to promote transparency, fairness and consistency. **It is acknowledged that there is only one Zoo business operating in the Council's area of authority and it is further recognised that relations between the owner of that business and the Council have not always been harmonious. The Council is committed to ensuring that its application of this policy is fair and proportionate and free of any taint of bias and that the Council acts in a manner consistent with other local authorities who administer licences and approvals for Zoo businesses.**

The owner of a Zoo will be charged:

- An **reasonable and proportionate** application fee which is payable when an application is lodged with the Council. This will be the administrative costs of processing an application for an initial licence renewal, alteration or transfer.
- A **reasonable and proportionate** Maintenance fee which will become payable before the grant of the licence and will then be charged annually on the anniversary of the grant. The Maintenance fee will be kept under review and set annually based on the work undertaken in the previous year to ensure that fees set remain reasonable and proportionate.

Charges must be reasonable and proportionate to the cost of the processes associated with the licensing scheme **and having regard to the provisions of the second paragraph, above.** This policy will set out the process adopted by Barrow Borough Council to ensure will achieve this.

1 Introduction

This 'Statement of Policy' sets out Barrow Borough Council's (hereafter referred to as the "Council") position in regards to the setting of the licence fee, both in terms of application and maintenance elements. The policy is based on the relevant sections of the primary legislation which is the Zoo Licensing Act 1981 (as amended) ("the Act"), in particular Section 15 and The European Services Directive.

The policy will also consider any associated statutory guidance.

2 Purpose

The purpose of this policy is to clearly set out how the Council will set fees it may charge in relation to any application, renewal, alteration or transfer under the Act.

It is intended to provide a proportionate, fair and transparent approach to the recovery of costs from those persons or companies who are required to hold a licence under the Act, and remove the burden from Council's finances and ultimately local taxpayers **whilst not penalising Zoo businesses**.

3 Scope

Section 1 of the Zoo Licensing Act 1981 defines those premises that are required to hold a licence.

Section 1(2) In this Act "zoo" means an establishment where wild animals ... are kept for exhibition to the public otherwise than for purposes of a circus (as so defined) and otherwise than in a pet shop (as so defined); and this Act applies to any zoo to which members of the public have access, with or without charge for admission, on more than seven days in any period of 12 consecutive months

Section 1(2B) This Act also applies in accordance with its terms to any zoo to which members of the public do not have such access if a licence is in force in respect of it or as otherwise provided (in particular, in sections 13 and 16C to 16G).

This policy will be applied to any premises that are required to hold a licence under this Act.

4 Legislative Background

The Council is enabled by the Zoo Licensing Act 1981 to charge fees in respect of a zoo licence. The relevant section is Section 15 and this is reproduced in Appendix 3.

This policy establishes two charges:

- An **reasonable and proportionate Application Fee** will be charged upon the initial application for a zoo licence, an application for the renewal of an existing licence, or the transfer of a zoo licence.
- A **reasonable and proportionate Maintenance Fee** will be charged on the application being successful and will be payable before the grant of the licence. Whilst the zoo licence runs for a 6 year period the Maintenance Fee will be calculated annually and charged on the anniversary of the licence being issued.

The Government have published statutory guidance entitled “Zoo Licensing Act 1981, Guide to the Act’s Provisions” [DEFRA 2012]. Section 19 of this guidance requires the Council to limit the cost burden to the Zoo and to ensure that the costs are reasonable.

The Council have also taken into account guidance issued by the Local Government Association [LGA] entitled “Open for business - LGA guidance on locally set fees” [LGA, 2014] and The European Services Directive.

5 The Policy

As with other licences the Council incurs expense through the application process and subsequently monitoring for compliance.

The Zoo Licensing Act allows the Council to recoup the expenses of inspections but costs of preparing for Committee hearings, seeking legal advice on compliance issues, and training staff to administer the various aspects of the licence, etc. creates an expense that is currently born by general funds.

In the case *R (on the application of Hemmings and Others) v Westminster City Council* [2015] UKSC 25 the judgement made it clear that local authorities should not be subsidising licensed trades and should be attempting to recover costs of management and enforcement. Put simply, the Council has a duty to it’s’ citizens not to be using general funds to subsidise the business activities of a licensed business.

The recovery of the costs incurred by the Council for the administration of zoo licensing works shall:

- (a) Where possible, be sought from the applicant or licence holder.
- (b) Be recovered in full where reasonable.
- (c) Be as fair and equitable as possible to all who may otherwise have to meet the costs including national and local taxpayers **but also the Zoo businesses, which the Council recognises provide a very significant source of tourist and other income for the Furness area.**

6 Cost Setting

Initial application costs will include: -

- Basic office administration to process the licence application, including specialist software.
- Initial visit(s) – Officer time
- Third party costs, for example veterinary attendance during licensing inspections
- Liaison with interested parties – engaging with responsible authorities
- Management costs
- Local democracy costs – committee hearings
- On costs
- Development, determination and production of licensing policies
- Web material
- Advice and guidance
- Setting and reviewing fees

The current application fee is presented in Appendix 1

The Maintenance Fee will include:-

- Third party costs, for example seeking expert veterinary attendance other than during formal, informal, or special inspections
- Liaison with interested parties
- Liaison with Central Government
- Management costs
- Local democracy costs – committee hearings
- On costs
- Advice and guidance **relating to those matters which may properly be charged to Zoo businesses pursuant to legislation**
- **Relevant** training of staff and members

The calculated maintenance fee for 2015/16 is presented in Appendix 2

7 Variation in Maintenance Costs

The Zoo Licence runs for a 6 year period. The Council has considered the fairness and reasonableness of setting a fee which covers the 6 year period.

Fees must not exceed the cost of administering the licensing regime and should be cost neutral so that over the lifespan of the licence the budget should balance.

Reviewing the on-going running and compliance costs annually allows the Council to avoid a surplus or deficit in future years. If a licence fee was payable for the licence period of 6 years, current licence holders would not benefit from a review showing a surplus. Similarly a review highlighting a deficit, could financially harm an otherwise viable business if on renewal the fee increased significantly. An annual review would allow the fee to be adjusted more appropriately and fairly throughout the duration of the licence.

On this basis it is not considered reasonable to charge a full 6 year maintenance fee at the start of the licence period. It has been decided that the maintenance fee will be calculated on an annual basis and charged on the anniversary of the licence being granted.

The annual maintenance fee will be based on cost recovery for the time spent in the previous 12 months if those figures are available. Therefore, if the level of compliance of a zoo is high then the corresponding reduction in the maintenance fee will reflect this.

Both the application and the maintenance fee will be set only after consultation with Zoo businesses. The Council will give due regard to any representations made by Zoo businesses and shall afford Zoo businesses a means of appeal or redress if there are any disputes over the level of fees charged.

8 Review of Licencing Costs

Both the application fee and the maintenance fee will be reviewed on an annual basis.

As with the initial fee, annual reviews of both the application and the maintenance fee will involve consultation with Zoo businesses. The Council will give due regard to any representations made by Zoo businesses and shall afford Zoo businesses a means of appeal or redress if there are any disputes over the level of fees charged.

Appendix 1

Application Fee

Type of Licence	Est. yearly average no. of licences issues last 3 years (2010-2013)	Activity Log ** base price per licence	Support services costs per licence	Support Services Authority Costs	Direct staff costs per licence general - Training - Meetings - Compliance and monitoring	Total licence fee per unit	Licence Fee Rounded to nearest £
New/renewal of Zoo Licence	1	£469.55*	£11.35	£19.54	£24.62	£525.06	£525.00

* Direct staff costs take account of recent departmental reorganisation.

** Activity log shown overleaf

Activity Log

No.	Task and type of activity	Officer time spent	Officer duty	Hourly Rate	Cost
	Pre-application process and general queries				
1	Queries from applicant	1 hour	Principal EHO	25.37	25.37
	Application received				
2	Receive application/renewal, and fee handling. Send invoice and/or receipt.	30 mins	Admin Assistant	15.57	7.79
3	Consider application/renewal. Updated premises database, scanning documents and preparing inspection documents. Checking history/compliance.	5 hours	Principal EHO	25.37	126.85
4	Travel to establishment (return)	40 mins	Principal EHO	25.37	16.91
5	Assessment: on-site inspection	5 hours	Principal EHO	25.37	126.85
	Consultation and dealing with representation				
6	Dealing with representations	4 hours	Principal EHO	25.37	101.48
	Post-Committee process				
7	Advise applicant of outcome	30 mins	Principal EHO	25.37	12.69
8	Advise objectors/representatives of decision	30 mins	Principal EHO	25.37	12.69
9	Press and elected Member enquiries	20 mins	Principal EHO	25.37	8.46
10	Update database	20 mins	Admin Assistant	15.57	5.19
11	Follow-up letter to applicant with licence and conditions	1 hour	Principal EHO	25.37	25.37
Total		18hrs 50mins			£469.55

Appendix 2

Annual Maintenance Fee (based on 2014/2015)

This is a draft and shall be subject to consultation in accordance with this policy.

Officer	Hours**		Rate		Total
Acting Principal Legal Officer [from July 2014]	23.5		23.84		£560.24
Environmental Health Manager	68.8		31.33		£2,155.50
Principal Environmental Health Officer [from August 2014]	35		25.37		£887.95
Senior Environmental Health Officer	5		22.24		£111.20
Acting Senior Environmental Health Officer	3		35		£105.00
External Legal Advisor*	50		140		£see comment
					£
Support Costs					
Office General Running Costs (15-16 Budget) Proportion attributed to Zoo Licensing £0.50hr ⁻¹ ***			£4,450		£67.65
Support Staff Costs (15-16 Budget) Proportion attributed to Zoo Licensing £4.27hr ⁻¹ ***			£39920		£577.73
Cost of Licensing Committees Zoo is 1 of 991 licences			£1,886.28		£1.90
Total in 2014 - 2015					£****

* The Council's external Legal advisor has invoice 78 hours for Zoo work during the financial year 2014/15. However he has provided advice on a range of topics that surround the Council's ability to enforce the Zoo Licensing Act 1981 and to interpret guidance. Therefore 50 hours will be recharged^^

** The time attributed to each officer is the time spent in meetings because the Council do not operate a full cost allocation policy. Therefore time spent in preparation for meetings, and for writing letters, etc. is not accounted for.

*** Departments man hours to deal with all Licencing 8,878.08 hrs.

Officer time spent on Zoo Licensing = 135.3 hrs.

Office Costs = £0.50hr⁻¹ Support Costs = £4.27hr⁻¹

**** The costs of formal and special inspections, including preparation and report writing is chargeable separately

^^Making the zoo pay for the cost of legal advice relating to issues with the zoo is outwith the permitted framework. 50 hours is excessive.

Appendix 3

Zoo Licensing Act 1981

Section 15 Fees and other charges.

- (1) Subject to this section, the local authority may charge such reasonable fees as they may determine in respect of—
- (a) applications for the grant, renewal or transfer of licences;
 - (b) the grant, renewal, alteration or transfer of licences;
- (2A) Subject to this section, the authority may charge to the operator of the zoo such sums as they may determine in respect of reasonable expenses incurred by them—
- (a) in connection with inspections in accordance with section 9A and under sections 10 to 12;
 - (b) in connection with the exercise of their powers to make directions under this Act;
 - (c) in the exercise of their function under section 16E(4) of supervising the implementation of plans prepared under section 16E(2); and
 - (d) in connection with the exercise of their function under section 16E(7) or (8).
- (3) In respect of any fee or other sum charged under this section, the local authority may, if so requested by the operator, accept payment by installments.
- (5) The local authority shall secure that the amount of all the fees and other sums charged by them under this section in a year is sufficient to cover the reasonable expenditure incurred by the authority in the year by virtue of this Act.

LICENSING REGULATORY COMMITTEE	(D) Agenda Item 9
Date of Meeting: 12th May 2016	
Reporting Officer: Principal Environmental Protection & Licensing Officer	

Title: Safeguarding and Hackney Carriage/Private Hire Licensing

Report Summary:

Officers have considered the findings of the Independent Inquiry into Child Sexual Exploitation in Rotherham commissioned by Rotherham Metropolitan Borough Council in October 2013. Professor Alexis Jay produced an independent report, known as the “Jay Report”, into child sexual exploitation in Rotherham. It revealed that at least 1,400 children in Rotherham had been raped and sexually abused. During this time the Rotherham Metropolitan Borough Council had been found ‘suppressing’ the issue within Rotherham and over a third of the victims were known to social services.

The report considers the impact of the Jay Report specifically in the context of the controls Councils can impose for the licensing of private hire and hackney carriage drivers.

The report asks Members, following a consultation, to consider making amendments to the driver licence criteria to include mandatory safeguarding training and the introduction of a knowledge test. It also contains proposals to train all existing drivers and require them to pass the knowledge test within one year of its introduction.

Members are asked to consider these requested amendments that will make the licensing process which assesses if an applicant is a ‘fit and proper person’ to hold a drivers licence, more robust.

1. Introduction

The Jay Report into historic child sexual exploitation in Rotherham identified that more than 1,400 children were abused in Rotherham from 1997-2013. Alexis Jay stated that:

It is hard to describe the appalling nature of the abuse that child victims suffered. They were raped by multiple perpetrators, trafficked to other towns and cities in the north of England, abducted, beaten, and intimidated. There were examples of children who had been doused in petrol and threatened with being set alight, threatened with guns, made to witness brutally violent rapes and threatened they would be next if they told anyone. Girls as young as 11 were raped by large numbers of male perpetrators. (Alexis Jay, 2014)

Furthermore, this issue is of particular importance in the context of taxi and private hire licensing because the Jay Report stated:

‘One of the common threads running through child sexual exploitation across England has been the prominent role of taxi drivers in being directly linked to children who were abused.’

Following the publication of the Jay report the Department for Communities and Local Government issued a joint letter with the Department of Education and asked all Principal Councils in England to consider whether they had adequate measures in place to ensure they could not be accused of similar failings. As a result there has been increased scrutiny across the country with regard to the checks that are undertaken during the hackney carriage and private hire licensing process and the conditions attached to licences relating to safeguarding.

‘Safeguarding’ means protecting people’s health, wellbeing and human rights with appropriate measures, enabling them to live free from harm, abuse and neglect.

The Council should have ‘Safeguarding’ policies and procedures to ensure the public are protected. This includes policies and procedures the Council uses to vet licence holders and also a hackney carriage and private hire drivers ability to identify those at risk, protect those who may be vulnerable or being exploited, ensure that their actions do not negatively contribute to such persons becoming victims and responsibility to report any concerns.

Members may be aware that over the past few years the Law Commission has been examining the law relating to the taxi regime and has made a number of recommendations to Government. However, there appears to be no immediate likelihood of this moving forward into new legislation. Furthermore, a comprehensive taxi and private hire licensing policy is being developed by Officers, which will be placed before members later this year.

2. Current Driver Application Procedure

Currently, before an applicant can be granted a Hackney Carriage/Private Hire Vehicle Driver’s Licence they are required to prove that they are a ‘fit and proper person’. The Local Government (Miscellaneous Provisions) Act 1976 Sections 51

(1a) and 59 (1a) provides that a district council shall not grant a licence — unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence. The Act does not specify the criteria to be used by the Licensing Authority.

Before being licensed by Barrow Borough Council and applicant has to undertake the following tests: -

- An Enhanced Disclosure and Barring Service Check (DBS) which highlights any history of criminality. Hackney Carriage and Private Hire drivers are exempt from the Rehabilitation of Offenders Act 1974 (as amended). Consequently, the Council is able to consider the applicant's full history and note any patterns of behaviour/concern. The Council's Guidelines on the relevance of convictions are then applied to any past criminality. This may prevent applicants from becoming licensed, if deemed appropriate by Members.
- A check with the Driver and Vehicle Licensing Agency (DVLA) to ensure that they are able to drive and what offences (if any) they may have.
- A DVLA Group Two Medical - this is the same level as that required to be a Heavy Goods Vehicle (HGV) Driver.
- Present a Certificate of Good Conduct from the Country where they have resided, if they have lived out of the UK for a period of six months or longer since the age of ten (the age of criminal responsibility) to prove their previous good character.

3. Proposed Actions

a) Initial Awareness Campaign

In order to ensure that safeguarding issues are adequately addressed within the hackney carriage / private hire licensing regime, a driver will need to be aware of what to do if they have safeguarding concerns. It is proposed to carry out an initial awareness campaign over the next 12 months.

This will involve publishing an information booklet that provides licence holders with the contact details and process that they need to follow if they have safeguarding concerns. This is to be produced in conjunction with the South Cumbria Safety Partnership (CSP), Cumbria Police and South Lakeland District Council. The other District Councils within Cumbria are developing similar booklets, tailored for their areas. The booklet will be given to every licensed driver, vehicle proprietor and operator. The cost of publication is being met from CSP funding.

b) Safeguarding Awareness Training

In addition to the above, it is recommended that training sessions be delivered to all licensed drivers, that it be a mandatory condition of their licence and that drivers are given up to one year, from the date of their licence being issued, to complete the training. Failure to do so will result in a requirement to attend the Licensing Regulatory Committee, where Members will consider whether or not the applicant meets the criteria of the Councils 'Fit and Proper person' test.

Training will also be made available for all Licensing Regulatory Committee Members, Substitute Members and all Officers involved in the taxi licensing regime.

Cumbria Police have offered to deliver safeguarding training to taxi drivers across the County, free of charge.

c) Knowledge Test

Barrow Borough Council currently do not have a requirement for drivers to undertake a 'knowledge test' before being issued with a licence, unlike drivers within the other Cumbrian authorities. In addition to the above safeguarding training, it is proposed to develop a 'knowledge test' which will include safeguarding, disability awareness, local area knowledge and driver responsibility issues.

The knowledge test will be delivered 'in-house' to all existing licensed drivers. It is suggested that existing drivers will be given up to one year to complete the test and failure to do so will result in a requirement to attend the Licensing Regulatory Committee where Members will consider whether or not the applicant meets the criteria of the Councils 'Fit and Proper person' test.

It also proposed that passing the knowledge test becomes a mandatory part of the driver licence application process to prove that the applicant is a fit and proper person.

4. Public Consultation

When the Licensing Authority proposes to make significant changes which will affect licence holders it is appropriate to undertake a public consultation. A consultation regarding the above proposals took place between 10th March 2016 and 7th April 2016, via the Council's Website and directly via Email with:

- Current licence holders (where we hold email details),
- Private Hire Operators,
- Furness Taxi Association,

- National Taxi Association,
- Cumbria Police and
- Cumbria County Council (Safeguarding).

Copies of the consultation email and information are attached **at Appendices 3 and 4**. Only one response was received. Response.

Hi, I did an nvq in customer service some years ago with A1 but would be more than happy to receive some training on how to assist disabled and elderly less mobile people in and out of the cab as there are too many grey areas as to the correct methods, also you want to help but are aware of claim culture and liability might backfire on you, the same with transporting under 18s without adult accompaniment, so it would be helpful to know where we stand on such issues, Also a knowledge test would be a good thing as I feel the trade needs more regulation and the cowboy type image of taxi drivers needs dispelling. Too many new drivers take the long way round and overcharge as a consequence resulting in loss of custom and their inability to find places also results in loss of custom for the rest of us, and I think it should be compulsory. Hope this helps.

5. Options

The options available to Members are;

- a) Approve an amendment to the Hackney Carriage and Private Hire Drivers' 'fit and proper person' criteria (new and renewal) to include mandatory safeguarding training and that the training should be completed within one year of receiving the licence;
- b) Approve an amendment to the Hackney Carriage and Private Hire Drivers' 'fit and proper person' criteria (new and renewal) to include a mandatory knowledge test;
- c) Require all existing licensed drivers to complete the safeguarding awareness training and the knowledge test within one year. Any drivers failing to do so will be required to attend the Licensing Regulatory Committee for Members to consider whether or not the applicant meets the criteria of the Councils 'Fit and Proper person' test.
- d) Reject either a) or b) or both changes to the Hackney Carriage and Private Hire Drivers' 'fit and proper person' criteria.
- e) Do not require existing licensed drivers to complete the safeguarding awareness training or the knowledge test.

6. Recommendation

I recommend that Members:-

- a) Approve the amendment of the Hackney Carriage and Private Hire Drivers' 'fit and proper person' criteria, to include the requirement for applicants to attend a safeguarding course within the first year of being licensed and also pass a knowledge test; and
- b) Require all existing licensed drivers to attend the safeguarding course and pass the knowledge test within one year of this criteria being introduced and if this is not complied with, to attend the Licensing Regulatory Committee for Members to consider whether or not the applicant meets the criteria of the Councils 'Fit and Proper person' test; and

7. Reasons for Recommendation

Implementing the recommendation should ensure that:

- 1) The Licensing Authority is promoting its primary objective: the protection of the public;
- 2) Safeguarding issues are adequately addressed within the taxi licensing regime;
- 3) The Licensing Authority is making it clear, that actions to promote the welfare of children and to protect them from harm is everyone's responsibility, in particular it is important that prospective and licenced drivers understand that they have a duty to tackle child sexual exploitation and trafficking;
- 4) The risk to the public is minimised by making the licensing process for assessing whether a person is a 'fit and proper person' to drive a hackney carriage or private hire vehicle, more robust; and additionally
- 4) No adverse comments or objections were received as part of the public consultation.

8. Considerations

(i) Legal Implications

Local Government (Miscellaneous Provisions) Act 1976

Section 51 - *Licensing of drivers of private hire vehicles.*

(1) Subject to the provisions of this Part of this Act, a district council shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:

Provided that a district council shall not grant a licence—

(a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence;

Section 59 - *Qualifications for drivers of hackney carriages.*

(1) Notwithstanding anything in the Act of 1847, a district council shall not grant a licence to drive a hackney carriage—

(a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence;

In respect of Sections 51 and 59, the Local Government (Miscellaneous Provisions) Act 1976 provides that any applicant aggrieved by the refusal of the District Council to grant a driving licence on the ground that the applicant is not a fit and proper person to hold such a licence, may appeal to a magistrates court.

(ii) Risk Assessment

Not applicable.

(iii) Financial Implications

Training courses and the knowledge test are to be delivered in-house and / or with partner agencies such as Cumbria Police.

(iv) Key Priorities or Corporate Aims

Not applicable.

(v) Equality and Diversity

There are no issues relating to equality or diversity.

(vi) Other Human Rights

Any action undertaken by the Council, that could have an effect upon another person's human rights, must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole.

Any action taken by the Council which affect others' rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of those obligations.

The recommendations support the protection of the human rights of the public who use hackney carriage and private hire vehicles, particularly children, young people and vulnerable adults. They also aim to ensure the Council is protecting the public.

The recommendations will ensure the Council provides a fair evaluation of applications/existing licences and maintains respect for private and family life when making decision on whether to grant, renew, suspend or revoke a licence.

(vii) Health and Well-being Implications

The purpose of the Private Hire and Hackney Carriage licensing system is to protect the safety and welfare of the public who use this transport.

Background Papers

Jay Report: Independent Inquiry into Child Sexual Exploitation in Rotherham (1997 – 2013)

http://www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cse_in_rotherham

Tackling CSE – LGA Handbook

<http://www.local.gov.uk/documents/10180/6869714/Tackling+Child+Sexual+Exploitation+Resource+for+Councils+20+01+2015.pdf/336aee0a-22fc-4a88-bd92-b26a6118241c>

LICENSING REGULATORY COMMITTEE	(D) Agenda Item 10
Date of Meeting: 12th May, 2016	
Reporting Officer: Principal Environmental Protection & Licensing Officer	
Title: Annual Review of the Licensing Authority 2015/16	
Report Summary:	
This report is for information only and summarises the work done by the Licensing Authority in the previous financial year.	

Summary

Policies and Policy Reviews

During the last financial year the Licensing Authority have undertaken the statutory reviews of the Statement of Licensing Policy and the Statement of Gambling Policy. Officers carried out local and national consultations and collaborated with Officers from neighbouring Authorities to develop similar policies across Cumbria.

Members appointed Vector Transport Consultancy to carry out the Unmet Demand Survey, on our behalf, as required every 3 years. The Hackney Carriage trade, local interested parties and the disability association were consulted as part of the survey. Following their findings the Hackney Carriage Vehicle Restriction Policy was adopted by Council.

A new policy has been prepared that brings together all the offences which, if held, would be a bar to holding an Animal Licence (boarding, breeding, pet shops, and zoos). This Convictions Policy was subsequently adopted by Council.

Fees & Charges

Changes in the taxi licensing laws required Officers to set new fees, for drivers and operators, in the middle of the financial year, these interim fees were approved by Members before Christmas. At the same time Officers had already started monitoring their time spent on all licensing areas and designing a fee setting methodology that is robust and will ensure that in future years, the fee setting process should be less onerous. A comprehensive Fee Setting review was then undertaken, resulting in the Licensing Authority being able to operate at full cost recovery across the majority of licence types, where the Local Authority can set its' own fees and charges. Additionally, a separate Zoo Recharging policy was considered by Members and adopted by Council.

Enforcement

Proactively, Officers have visited and inspected a number of pubs and clubs and all Off-Licences, ensuring compliance with licence conditions and 'coaching' licence holders, especially those where police intelligence suggests higher crime or disorder. Furthermore, random private hire and hackney carriage vehicle checks have been undertaken throughout the year. Working with VOSA, a joint enforcement initiative was carried out, following an accident involving a licensed vehicle. Vehicles were selected to undergo a 'Taxi Test' carried out by the VOSA Inspector, at one of our approved testing stations.

Stakeholder Involvement

The Taxi Liaison meetings have been re-established, providing a good link between Officers and private hire operators, drivers and the hackney carriage trade. Similarly, a Multi Agency Licensing Team (MALT) continue to meet to discuss problematic licensed premises. MALT is made up from Officers from Cumbria Constabulary, Cumbria Fire & Rescue Service, Trading Standards, Environmental Protection, Private Sector Housing and Health & Safety.

Delegated Decisions

A number of licensing functions are delegated down to Officers. In the financial year 2015/16 the following licences have been issued / renewed under these powers:

Alcohol Licensing

- 58 Temporary Event Notices
- 17 Premises Licences (New and Variations)
- 38 Personal Licences

Taxi & Private Hire Licensing

- 333 Vehicle Licences
- 363 Driver Licences
- 19 Operator Licences

Miscellaneous Licenses

- 28 Animal Welfare Licences
- 26 Street Trading
- 7 Skin Treatment Registrations
- 12 Pleasure Boats and Boatmen

Ongoing Training and Workload

Officers have continued to attend training courses ensuring their competence is kept up-to-date through 'Continuous Professional Development'. Furthermore, two Officers have completed the Professional Licensing Practitioners Qualification. Officers continue to work on a new Taxi and Private Hire Licensing Policy and are currently reviewing the Street Trading and Charitable Collections Policies, along with the day-to-day management and administration of the Licensing regime.

Options

Not Applicable

Recommendation

Not Applicable

Reason for Recommendation

Not Applicable

Considerations

(i) Legal Implications

Not Applicable

(ii) Risk Assessment

Not applicable.

(iii) Financial Implications

Not Applicable

(iv) Key Priorities or Corporate Aims

Service Delivery – the Council strives to provide good quality, efficient and effective services while reducing overall expenditure.

(v) Equality and Diversity

(vi) Other Human Rights

(vii) Health and Well-being Implications

Background Papers

Nil

Graham Barker

From: Commercial Services
Sent: 10 March 2016 10:50
To: Env Health
Subject: Safeguarding Awareness Consultation - Taxi Trades

Have your say on how we can increase awareness in the safeguarding of children and adults to the taxi trade

We are committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all of our licensed drivers, proprietors and operators to share this commitment.

We want to increase safeguarding awareness across the board and give the taxi trade information and skills to know their responsibilities and what to do if they have any concerns about the safety or welfare of an individual. At the same time we want to introduce a 'knowledge test' that will include safeguarding, disability awareness, local area knowledge and driver responsibilities. Knowledge tests are required by the other taxi and private hire licensing authorities within Cumbria.

Consultation information

We welcome your comments and ask you to consider the following:

- What are the issues or concerns which may arise when transporting children or adults at risk?
- Do you know how to deal with any issues or concerns?
- Have you previously undertaken any safeguarding training? If yes, what did it include?
- Would training, information or awareness on safeguarding be helpful for you?
- Should safeguarding training be compulsory or voluntary? Why?
- How could training be delivered, and in what format, to meet your needs?
- How can the important area of safeguarding be shared with the taxi trade?

Full details of the consultation can be found at: <http://www.barrowbc.gov.uk/news/taxi-trade-safeguarding-awareness-consultation/>

Consultation runs from 10th March 2016 to 7th April 2016

Please send any comments to:

Graham Barker
Principal Environmental Protection & Licensing Officer,
Barrow Borough Council,
Town Hall,
Duke Street,
Barrow-in-Furness,
Cumbria. LA14 2LD

Email: commercial@barrowbc.gov.uk

Have your say on how we can increase awareness in the safeguarding of children and adults to the taxi trade

Consultation runs from 10th March 2016 to 7th April 2016

Introduction and background

We are committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all of our licensed drivers, proprietors and operators to share this commitment.

Safeguarding is the process of protecting children and adults at risk of harm, preventing impairment to their health and development, which includes keeping them safe from neglect, physical, emotional and sexual abuse.

Taxi drivers spend their time travelling around our borough and are in a unique position to see and report anything they feel concerned about, whether it's a child in the wrong company or an adult who seems vulnerable. We appreciate to be able to do this taxi drivers need to be able to spot the signs and know how to report concerns and they need to be supported by their managers.

We are responsible for licensing the hackney carriage and private hire trades in order to protect the public. The procedures that exist, and the process for obtaining a drivers licence, are therefore targeted at various aspects to ensure that we can be satisfied an individual is 'fit and proper' to hold a licence.

We have rigorous procedures and checks in place for all to adhere to. As the licensing authority we have a duty to ensure that all licence holders are 'fit and proper'.

The independent inquiry into child sexual exploitation in Rotherham (1997-2013) highlighted significant concerns regarding safeguarding controls for taxi and private hire licensing. As a result of the issues raised in the report, we are reviewing the current arrangements within licensing to ensure controls and procedures regarding safeguarding are robust.

Furthermore, changes to the Care Act in 2015 introduced a general duty on local authorities to promote an individual's wellbeing and has put adult safeguarding on a legal footing.

Current process within licensing

All new and renewal driver applicants are subject to a Disclosure & Barring Service (DBS) Enhanced Disclosure upon initial application and every three years thereafter.

If a new or renewal driver applicant has lived out of the UK for a period of 6 months or more within the last 5 years they must provide a Certificate of Good Conduct from either their own Embassy or the Embassies of the countries where they have been resident. (The certificate must be produced with a translation and bear the official seal of the Embassy).

Under the Rehabilitation of Offenders Act (Exceptions) (Amendments) Order 2002, there are listed exceptions in recognition of certain activities for which a fuller disclosure of a person's criminal record history is relevant. Inclusions on the Exceptions Order are made following careful consideration of the risks associated with a particular job or activity. DBS guidance indicates inclusions being 'for taxi driver and private hire vehicle licensing

purposes'. Therefore we require this of drivers and our application forms appropriately reflect this.

- Hackney carriage, private hire drivers are required to disclose any 'spent' or 'unspent' convictions, cautions, reprimands and final warnings which appear on the DBS certificate.

This information, along with the application process will be used to determine whether an individual is 'fit and proper' to hold a Hackney Carriage or Private Hire Drivers licence. The disclosure of a criminal record or other relevant information will not necessarily disbar a person from obtaining or holding a licence unless we consider the nature of the information to render an individual unfit.

All licence holders must inform us of any changes in circumstances, such as pending court cases, cautions and convictions as soon possible after any such change.

Whilst each application is considered on its own merit, a person who is found to have (at the time of application for the grant or renewal of a licence or during the period of a licence being valid) convictions detailed within our 'Guidelines Relating to the Relevance of Convictions', will not normally be granted a licence, and in the case of an existing licence holder, may have their licence revoked. If an individual falls within the 'Guidelines', the application will be referred for consideration by our Licensing Regulatory Committee.

Changes

Safeguarding of children, young people and adults at risk is 'everyone's business' and we want to strengthen safeguarding practice and raise awareness and standards in this high profile area. Licensed trades are the critical 'eyes and ears' of the community and often come into contact with people who may be vulnerable.

We want to increase safeguarding awareness across the board and give the taxi trade information and skills to know their responsibilities and what to do if they have any concerns about the safety or welfare of an individual.

At the same time we want to introduce a 'knowledge test' that will include safeguarding, disability awareness, local area knowledge and driver responsibilities. Knowledge tests are required by the other taxi and private hire licensing authorities within Cumbria.

Consultation information

We welcome your comments and ask you to consider the following:

- What are the issues or concerns which may arise when transporting children or adults at risk?
- Do you know how to deal with any issues or concerns?

- Have you previously undertaken any safeguarding training? If yes, what did it include?
- Would training, information or awareness on safeguarding be helpful for you?
- Should safeguarding training be compulsory or voluntary? Why?
- How could training be delivered, and in what format, to meet your needs?
- How can the important area of safeguarding be shared with the taxi trade?

Please provide any further comments or information (see contact details below).

Any comments sent should clearly state your name and any organisation or persons you may be responding on behalf of. It would be helpful if you could give a brief description of any specific interest you have in safeguarding matters (for example you may be involved in children's groups or with adults at risk in some capacity).

Contact Details

Please send your comments to the above by post or email
If you have any questions about this consultation please contact:

Graham Barker
Principal Environmental Protection & Licensing Officer,
Barrow Borough Council,
Town Hall,
Duke Street,
Barrow-in-Furness,
Cumbria. LA14 2LD

Tel No: 01229 876543

Email: commercial@barrowbc.gov.uk

What happens next

We will review and consider all the comments we receive in order to present a report to the Licensing Regulatory Committee on 12th May 2016 with our recommendations.

Additional information

Research

The importance of the role of licensing in safeguarding children, young people and adults at risk has been highlighted by recent events in Rotherham, Rochdale and Oxford. Many local authorities are reviewing their policies to ensure they can make best use of the powers they have to protect the public. Examples include:

- Lancaster City Council have implemented mandatory safeguarding presentations for all new and existing drivers, free of charge.
- Hackney Carriages and private hire vehicles and private hire operators licensed by Gateshead Council must undertake compulsory safeguarding training.
- Oxford City Council have taken a practical approach by introducing guidance on safeguarding given to drivers along with (for new drivers) questions within the compulsory Knowledge Test on safeguarding.
- Scarborough Borough Council renewed their licensing policy and introduced mandatory safeguarding training for drivers wishing to obtain or renew their licences.
- Peterborough City Council have changed their driver licence conditions and have made completion of a safeguarding course a requirement for all new drivers, prior to submitting an application.