

LICENSING REGULATORY COMMITTEE	(D) Agenda Item 7
Date of Meeting: 5th – 7th July 2016	
Reporting Officer: Principal Environmental Health Officer	
<p>Title:</p> <p>Zoo Licensing Act 1981 (as amended) Zoo Licence for South Lakes Safari Zoo Ltd</p> <p>Compliance Report Regarding Current Licensing Conditions</p> <p>Summary & Purpose of the Report</p> <p>Mr David Stanley Gill holds 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.</p> <p>At a meeting of this Committee on 23rd / 24th February and 2nd March 2016 Members placed a number of conditions on the premises' Zoo Licence.</p> <p>A special inspection was carried out at the Zoo on 23rd, 24th and 25th May 2016 to assess the Zoo's progress towards compliance with licence conditions. This report details the finding of that inspection and makes recommendations to Members in relation to conditions that have been complied with, and those where compliance hasn't been demonstrated.</p>	

Background Information

Mr David Stanley Gill holds 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.

A special inspection was undertaken at the Zoo on 23th/24th and 25th May 2016 to check compliance with a number of conditions placed on the zoo licence at a Committee Meeting held on 23/24th February and 2nd March 2016.

The inspectors undertaking the inspection were:-

The Secretary of State Inspectors:

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

The Local Authority representatives were:

Dr Matthew Brash; B.Vet.Med Cert Zoo Med MRCVS Council's professional veterinary advisor,
Richard Garnett. MCIEH
Simon O'Hara

The inspectors produced three reports following the inspection:

- **Report 1** Defra Inspection Report Form – see APPENDIX A
- **Report 2** Special Inspection Ancillary report – see APPENDIX B
- **Report 2** Assessment of ZLA Compliance during Special Inspection – 23rd to 25th May 2016 – see APPENDIX C

The Zoo received a copy of all three reports and were given the opportunity to make representations. Their representations are attached at APPENDIX D and include a letter from the management and staff at the Zoo to the Committee and Defra Zoo Inspectors.

The inspectors provided a further response to the Zoo's representations and this is attached at APPENDIX E.

General Comment About Compliance with Licence Conditions

In report 1 the Inspectors make a general comment about compliance as follows:-

“The inspectors were very disappointed that many conditions had not been complied with, and with the number of problems detected during the inspection, resulting in the zoo failing to comply with many of the SSSMZP. See ancillary report for further details”

The Zoo's response to this is as follows:-

We respectfully submit that the zoo was placed in an impossible situation by the deadlines placed on conditions in the February Meeting of the Licencing committee.

Criticisms placed as above do not take in account or acknowledge the vast amount of works done in the zoo between December and May where our team of 9 full time construction and maintenance staff worked every day and over time to try to achieve the requirements of the Local Authority not only the Conditions placed on the Licence but also further unexpected potential safety issues regarding the need to demolish walkways or modify them once the standard of construction was changed from the original design loadings placing Public safety as our utmost priority that took up all the staff time for 14 weeks . Not only did this engage all our staff fully it created an extra financial burden and cost to the zoo of over £60,400 in unexpected costs. Thus preventing other issues being address due to physical time constraints and zero cash availability at a time of negative cash flow in the zoo. As the Zoo has no ability to borrow money from any source

prioritisation of safety work had to be done at the expense of other equally important works as we unexpectedly had no funds to contract outside labour to assist.

- It is also of note that ALL the difficulties that have arisen with timescales for completion stemmed from our fencing and fabrication contractor being taken away from the zoos vital work for the whole summer in 2015 when he took on major contracts for Barrow Borough Council at much higher hourly rates than our contract. This placed all our projects behind by 6 months. Contractors from Preston, Chorley and a number of other places were contacted who had similar skills to complete our works and they all refused to work in the locality due to 3 hour drive times to and from work. There is a serious shortage of suitable contractors for fabrication and fencing in this region.

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.

Elevated to Direction Order 4th March 2016

Compliance Date 22nd May 2016

The Inspectors' Comments

In report 1, the Inspectors noted the following:

“The veterinary programme has been reviewed and improved. Veterinary visits are now more regular (2-3 times a week, total 3-4 hrs on average/week by Rick Browne; once a month by Andrew Greenwood) and documentation and record-keeping greatly improved and kept up to date. But also additional comments below re implementation and interventions for improvement of welfare.” (Question 3.9, page 5).

In report 2 the inspectors have stated that this condition is complied with.

Zoo Comments

- A full review of the programme was undertaken and presented to inspectors during inspection. Part of that review was to instigate a monthly review of vet “cases” the results of which would form the basis of a biannual review carried out by the Vet teams (Rick Browne, Andrew Greenwood, Frieda Rivera Schreiber). 4 months were presented to the inspection, those 4 months of discoveries outlined by our veterinary coordinator Frieda Rivera Schreiber have formed the basis of the claims in pages 4,5,6, of the inspectors report. Analysis as discussed by the inspectors is for veterinary review and a meeting of the veterinary team to review the veterinary situation of Safari Zoo for the period 1.1.16-30.4.16 has taken place.*
- The conclusion of that review resulted in 5 action points which the team thought essential to provide proper useful analysis of the zoos situation rather than rely on a snapshot of information.*

AP 1. It was decided the period under observation was too narrow, just a snapshot, that further investigation was essential to provide a clearer picture as to what was occurring and so a review of the annual inventories over a 5 year period (2011-2015) must take place. By 30th September for a special Veterinary meeting arranged to discuss the findings.

AP2. Contact Marsupial TAG/ vet advisor to the tag for further information/ help re wallaby mortality rates. Safari Zoo is the ESB coordinator for all Macropods except Parma and Bennetts Wallabies as they do not have programmes. It is therefor unlikely that information is collated. However, Parma Wallaby mortality rates at Safari Zoo have been very low over many years until the very wet difficult winter of 2015/6. It is suggested this could be the precursor of the deaths in this period as the animals' free range and are

not locked within dry housing. (suggestion of bringing them inside next winter with all the other macropods. The group was from wild caught stock ex New Zealand islands. It is apparent from the 15 years of managing the Macropod studbooks that we have now lost 3 species from Europe due to the necrobacillus infections taking more lives than births and we only have two self supporting species in Red Kangaroo that is stable and Western Grey Kangaroo that is now stable. All other species are in decline due to the same issue of non treatable infection as the main overriding cause.

AP 3: Squirrel Monkeys contact Colchester zoo or Edinburgh who keep large troops of squirrel monkeys for their experience of multi male multi female groups.

AP4: Lemurs - promotion of a research project to arrange students to come and study the groups year round. How they interact and what their ranges are, where the issues occur. AG IZVG have employed a new co-ordinator of research therefore they will write brief and coordinate to find students.

We funded a study on wild Ring Tailed Lemurs in Madagascar in 2002. Find this thesis and re appraise the conclusions in relation to our groups.

AP5: Ducks. Fencing has been installed separating duck from vehicles. Speed limits reinforced and training of drivers that anything in the road has right of way



Duck Fencing

Officer Comments

The Inspectors concluded after the May 2016 inspection that the work undertaken by the Zoo's Veterinary department provides compliance with the Direction Order and Condition 17

Officer Recommendation

- **Members note this information only**

Reason for recommendation

The Zoo have appealed the direction order dated 4th March 2016 and a hearing is scheduled to take place on 14th July 2016 in Barrow Magistrates' Court. As a result this matter cannot be considered further at this time. However it will be brought back to Committee after the appeal has been determined.

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 & recording of p.m. records & 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 & clear evidence of implementation provided within 6 months.

Elevated to Direction Order 4th March 2016

Compliance Date 22nd May 2016

Officer/Inspector Comments

The Veterinary System at any Zoo is a synergy of the procedures and paperwork married against the 'hands on' treatment of the animals, in either reactive or proactive scenarios. The Zoo Vet has further involvement on all aspects of animal care from enclosure design through to dietary review and should be instrumental in progressing the Zoo's Collection Plan.

In report 1 the Inspectors noted:

“New system: Monthly summary signed by all vets and veterinary summary produced Jan-April 2016 for review at vet meeting in June 2016.” (Q 3.10).

Regarding veterinary records – *“Improved since last inspection, but notes by consultant vet very brief, e.g. do not give anaesthetic drug dosages used.” (Q3.11).*

Regarding medicines – *“Room is too hot and, although locked away, antibiotics etc not kept in refrigerator.” (Q3.12).*

Regarding controlled drugs – *“Pentobarbitone kept in locked gun cupboard.” (Q3.13).*

In their ancillary report (report 2) inspectors noted:

“Complied with. However, the inspectors have ongoing concerns that the veterinary programme, although much improved recently in terms of process and regularity, still deals largely with preventive (non-infectious) morbidity, especially traumatic injuries due to fighting in primates, and foot and dental disease in macropods. At the admission of the vet (RB) this is essentially unchanged over the last 20 years. In addition there are

ongoing deaths due to exposure/hypothermia and emaciation. This is fundamentally due to management structure and practices.”

The inspectors provided more detail in Report 3 stating:

A. “Veterinary Records

More comprehensive veterinary records are now maintained for the animals. There is a monthly summary sheet of animals that have died, or been treated, and a four month summary had been prepared for the inspectors.

Mortality and causes of mortality

- 1. From examining the previous year’s stock list, the inspectors noted that the mortality rate is still high. Over the period of time January 2015 to December 2015 there have been 146 deaths. This is made up of approximately half mammals, half birds and some reptiles.*
- 2. During the first four months of 2016, i.e. from Jan 1st to April 31st, a further sixty one animals have died (50) or had to be euthanased (11).*

More detailed veterinary records are now being maintained and the causes of death during this period, for these animals were available.

From the records the inspectors noted that there were a significant number of deaths (19) from preventable causes.

The veterinary team had recorded that;

- 1. Two animals died from rat poison*
- 2. Five Inca terns died from exposure undetermined*
- 3. One Alpaca died from hypothermia*
- 4. Thirteen animals died from trauma*
- 5. One bird euthanased after having a beak broken by a Macaw*
- 6. Three from emaciation*
- 7. One lemur had drowned*
- 8. Three Ducks had been run over.*

A significant proportion of these are due to fighting amongst animals. At interview the vet for the collection RB agreed that there was a large number of injuries from fights but did not see how he could resolve this. He agreed that that a major cause of deaths was from injuries and trauma.

Furthermore, whilst there have been seventeen animal deaths from trauma related causes, during the period between 1 January and 30 April 2016, a further fifteen animals have been treated for traumatic injuries and wounds. (Other animals have been treated for other medical problems).

(The actual figure is likely to be higher, as not included in this figure are other animals that might have received injuries and not received treatment, and other animals that are

listed for having received treatment but not stated as having received treatment for trauma, e.g. a hand infection).

The inspectors noted that there is now an obvious increase in the number of visits and the veterinary involvement in the zoo, and this is to be commended. There is also a significantly improved recording system of veterinary matters, and it is partially because of that, that the inspectors now have the written evidence of the welfare issues that they are concerned about.

The veterinary department (FS and RB), were interviewed regarding this at length and accepted that the level of injuries and death were unacceptably high. However they did not have a plan as to how it could be reduced. FS was of the opinion that injury due to fighting is what would happen in the wild, and the risk of this should be balanced against their 6 freedom to range freely. They did inform us that they had planned a meeting in June, with the consulting vet Andrew Greenwood, to discuss the first four months of data.

The veterinary department, despite attending more regularly, seem to be largely reactive and 'firefighting'. Qu RB 'I spend most of my time stitching animals up' the management in preventing these problems.

The inspectors do acknowledge that they have implemented a program of vaccinations, contraception and worming in many areas, which is to be commended.

The inspectors would like to stress that their concern over the high level of trauma and mortality is not a criticism of the keepers themselves, of whom the inspectors were impressed with their keenness, and obvious passion about looking after the animals to the best of their ability. It is also acknowledged that a programme of training and CPD for keepers is now place that was not evident in November 2015.

There are likely to be many complex reasons for the high level of trauma and mortality, however it is the inspectors' belief that, to a large part, it is fundamentally the way the animals are kept; i.e. in large groups, in a large space, where it is difficult to manage the animals and to detect injuries or body condition, with uncontrolled breeding in some instances, (e.g. ring-tailed lemurs).

During interview, DA commented that he thought the collection was overstocked, and had too many animals, however DG informed the inspectors that the lemurs were allowed to breed as they liked. However there is a collection plan which does contain some more detail.

For example in the collection plan; for ring tailed Lemurs it states: 'Monitor breeding and surplus as numbers increase. Possible to stop breeding next year'.

It is a requirement under the Section 1A (vii) of the ZLA that a zoo must;

'accommodate their animals under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong, including providing each animal with an environment well adapted to meet the physical, psychological and social needs of the species to which it belongs; and providing a high standard

of animal husbandry with a developed program of preventative and curative veterinary care and nutrition.’

In the inspectors’ opinion the mortality rate is high and sadly, from the information supplied, the cause of many of these deaths are preventable. Whilst the inspectors accept that deaths from trauma can, and do, occur, and that other preventable accidents can occur, it is the consistently high number, plus the lack of any written or verbally produced action plan to remedy this, that is of concern.

These are problems that are preventable provided a suitable environment for the animals to live in has been provided, whilst demonstrating most normal behaviour, but not undergoing fear and distress.

There is little evidence that the present management team, with DG acting as a hands on manager, have made any significant attempts to reduce this problem. In fact there is no evidence that the management team have made any efforts to reduce this problem by putting together and implementing a plan to improve the current welfare of these animals. However, DA stated that, were he allowed to, he would implement such changes.”

Zoo’s Comments

- *We have consulted widely and had assistance with research into this issue and taken advice from numerous sources. It would seem from this exercise there is a wide variation in the way DEFRA Inspectors apply and set standards within the ZLA and SSSMZP. There is no defined standard or indeed is there legal obligation to comply to very specific criteria that some Inspectors may set as their personal standard. The SSSMZP gives broad parameters for compliance and this Zoo should not be subjected to the application of a standard that is not universally applied to the wider Zoo community under the ZLA in the UK.*
- *We have concerns over the way the Veterinary situation at the zoo was described and reported in the November Inspection report, our complaints and observations do not seem to have been considered valid however we should point out that numerous documents and procedural activities were not considered, inspected or acknowledged by the inspection team at that inspection in November 2015 and then the zoo was accused of major failings because the team did not see or acknowledge those issues that were totally available to them at the inspection or beforehand in submissions.*
- *Further the zoo questions the scientific factual basis that the inspectors have made their negative comments and opinions regarding management. We ask that the inspectors quantify and qualify their comments and opinions sticking to facts and not personal views and opinions. If a specific person is to be isolated and criticised it is essential that factual evidence is gained rather than personal comments or hearsay.*
- *In the inspectors’ opinion the mortality rate is high and sadly, from the information supplied, the cause of many of these deaths are preventable. Whilst the inspectors accept that deaths from trauma can, and do, occur, and that other preventable accidents can occur, it is the consistently high number, plus the lack of any written or verbally produced action plan to remedy this, that is of concern.*

We question this opinion based on facts.

The International Species Identification System or ISIS is a worldwide data base of each zoo that subscribes to the programme. It is generally seen as requirement of zoos to be members. This data base holds the detailed records of a huge number of zoos from around the world and in this instance from the UK under the ZLA and DEFRA inspection standards.

We have undertaken a limited but ongoing study into mortality rates in other UK zoos that are fully licenced and seen as “model” or established well managed zoos. We do not intend to name all the Zoos involved in this publicly available document but have all of the information available for any further appeals that may be needed.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

It is a requirement under the Section 1A (vii) of the ZLA that a zoo must;

‘accommodate their animals under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong, including providing each animal with an environment well adapted to meet the physical, psychological and social needs of the species to which it belongs; and providing a high standard of animal husbandry with a developed program of preventative and curative veterinary care and nutrition

[REDACTED]

Our Veterinary care programme and recording of such is at least equal to if not better than many zoos licenced under the Act. We have data from the largest zoo in the UK that shows that we compare extremely well and indeed few zoos of comparative size or collection have better mortality or trauma records.

[REDACTED]

It is our intention to prove that the standard and criteria demanded from this Zoo by inspectors in the last two years is not the standard actually maintained by others. At our DEFRA Balai Veterinary inspection that concentrated on Veterinary records, practices and procedures, we were inspected in great detail (far deeper and longer than the Special Inspection) and this gave us an excellent report and we passed the strict test with no issues . Whilst the DEFRA Zoo inspectors made verbal comment that the DEFRA officially employed Veterinary inspector was “not experienced in zoos or qualified” she did in fact spend far more time and went into far deeper detail about our practices and recording and health and welfare record and is directly employed by the government to uphold the strictest standards for animal health and welfare in Zoos under the European Directive.

The Veterinary review does identify some preventable deaths but once again all zoos looked at had similar numbers of preventable deaths. This has to be seen as the “learning curve” of working with exotic species. However some are down to practices that need to be changed or reviewed in all collections and this must be recognised and actioned.

We have identified issues that need addressing and we believe we have done this via re training and more responsive action orientated Animal Management . Instances of Rat poison being identified in a number of deaths has been reduced to zero by training and specialist courses on the subject.

[REDACTED]

It seems from the information on other holders of large groups of squirrel monkeys that they have exactly the same breakdown trauma deaths and injuries. It is impossible to predict when a breakdown will occur in a group of 5, 10 or 50.

- In 2016 a list of causes of death has been raised. There was specifically criticism made of a Night heron death where it is noted the Vet stated or suggested a possible attack from a Macaw. This cause is disputed greatly and was not the thoughts of the staff. It is far more likely that this injury causing death was caused by flying into the mesh at high speed during high winds. With regards to management causes, it is not tenable to suggest that a bird flying into mesh in high winds is management related or indeed if a Macaw indeed did bite the Heron how can this be prevented when this is such an abnormal occurrence? Macaws and Herons have been mixed for many years with great success and numerous breeding successes not least once again this spring when Night Herons have successfully reared outside in the aviary.*
- The Alpaca was and still is undetermined as the cause of its loss of condition as it was in the same group as 3 others and all the others had good condition. The PM simply described the physical condition at death and could not isolate a cause. Alpacas have extremely thick woolly coats and it was impossible to see this loss of condition in comparison to the others. It is not possible to simply feel their backs very easily without excessive stress in capture thus increasing trauma related injury, illness or death. This cannot be blamed on management as the illness did not reveal itself until it was dead.*
- The Inca terns was a one off freak event caused by the severe wet weather in January /February . We received a large new group of birds from Emmen in Holland . they were winter hardy and we kept them in for a few weeks before releasing them into the Illescas Aviary. We suffered serious rain storms and*

continued wet conditions that was unprecedented. Sadly 5 Inca Terns succumbed to the wet and wind outside when they refused to come inside the housing shelters. We have not lost any since that day and indeed they are breeding. We do not accept that this was a bad management decision but rather a freak weather situation and unavoidable if the birds chose to stay outside the shelter.

- Re emaciation this refers to Parma Wallabies that all were investigated fully. The conclusion was that possible toxoplasmosis was the cause. However further investigation revealed keeper failure to feed concentrated food everyday and check health status to prevent such issues, the specific keeper involved in the shortcutting of duty has now left the zoos employment due to continued failure to comply with duty of care. Resolved.*
- With reference to the Ducks being run over, prior to these events we had no record of this issue in the past. In response to the sudden change in incidents management placed a fence between the ponds and the road to prevent this occurrence again. Resolved.*

We would argue that using the facts recorded in ZIMS our style of management has advantages over more traditional approaches in welfare and death rates and the concerns voiced by inspectors are unfounded in fact. We acknowledge that preventable deaths are exactly that and more work has to be done to address this aspect and improve just as all zoos need to do the same.

We do not accept the criticism of management that has been submitted without any factual evidence as to comparative standards being submitted to qualify or prove the accusations made in the opinions.

The criticisms of the management are serious and make clear comment that the zoo is badly managed or “not to modern Zoo practice” and this has been used very widely in national press and the web domain doing great damage to the whole management and keeping staff credibility without any scientific evidence to back up the accusations aimed at DG alone and no evidence whatsoever to support this criticism in the factual statistical evidence available. It is simply a personal view based on no comparative evidence and we would request this accusation be immediately publicly removed from the record on the basis of the factual evidence that compares other zoos mortality and trauma records.

We do not intend to bring other zoos names or credibility into this situation if the report is to be in the public domain. However the full details and examples of other zoos failures to reach the standard demanded for Safari Zoo will be available for any litigation or appeal if it was found necessary in the future to clear this zoos name and reputation.

- The comments or criticisms are not balanced in reality or based on knowledge of historic interactions and behaviours and experience. 2106 so far is by far the best breeding season ever for birds in the Zoo. with tremendous success with exceptionally difficult species such as Roseate Spoonbills where 6 are now fully fledged.*

This Condition in our view is now Complied with in full and continuing development will take place

Officer Recommendation

That Members:

- **Note this information only**

Reason for recommendation

The Zoo have appealed the direction order and a hearing is scheduled to take place on 14th July 2016 in Barrow Magistrates' Court. Therefore this matter cannot be considered further at this time. However it will be brought back to Committee after the appeal has been determined.

Condition 20(b) Remove muck heap and relocate

b) In accordance with 2.9 of the SSSMZP the muck heap in the African exhibit must be removed and an alternative appropriate storage location for animal waste must be utilised, in order to reduce the risk of disease

[Timescale by 1st May 2016]

Officer Comments

The muck heap was situated in the African Paddock close to the old rhino house. The muck from the Rhino House and the Giraffe House was deposited on it. The inspectors stated this was contrary to paragraph 2.9 of the SSSMZP because of the risk of disease. However it was felt necessary to leave it in position in the short term due to the difficulty involved with transporting the muck around the site to a new facility.

On or around 14th May 2016 the Rhinos were moved to their new house by the main entrance. This allowed the muck to be taken from this house straight to a new storage facility that is secure and off show. Whilst some of the giraffe have moved from their old accommodation others do remain in the old giraffe house but their muck is now stored off show in the old car park.

Officer Recommendation

Although the Zoo missed the deadline by 2 weeks, they have taken the necessary steps to comply with Condition 20(b). Therefore this should be noted and the Condition removed from the licence.

Reason or Recommendation

The condition has been complied with and inspectors have confirmed this.

Options Available to Members

- **Accept** the Officer recommendation
- **Reject** the Officer recommendation and determine that the condition has not been complied with and should remain on the licence.

Condition 21 Keep public walkways safe

In accordance with 8.13 and 8.18 of the SSSMZP, the public wooden walkways and platforms must be designed to meet BS 6399-1: 1996 and be able to cope with the heavy duty loading and maintained in safe condition. The effect of any walkway or platform stanchions being submerged in water for prolonged periods should be assessed in terms of deterioration and structural stability. A programme of inspection, maintenance and structural repairs needs to be documented.

A report must be produced for the Licensing Authority addressing the following six issues:-

1. The Zoo must produce design calculations that demonstrate that all timber walkways and platforms are designed to carry the loads specified in Clause 10 and Table 4 of BS 6399-1: 1996 with structures considered to be carrying 'heavy duty' loading;
2. Design calculations must be produced to confirm that 'stability critical' longitudinal and lateral sway stiffness of the structures is confirmed for at least 10% of the 5kNm^{-2} vertical loading in the appropriate combinations with lateral loading on the parapets and the timber post supports;
3. The Zoo must demonstrate through design and calculations that the design incorporates protection against any accidental (impact) loading on the timber posts;
4. The Zoo must demonstrate through design and calculations that the design incorporates a suitable assessment for any disproportionate collapse (i.e. structural integrity under failure of one or possibly more timber posts);
5. That the Zoo provides an independent Structural Engineer's report on the condition of the timber walkways and platforms within the Zoo and carry out any works that will meet the design standard and specifications above; and
6. That the Zoo implements a regular recorded assessment, inspection and maintenance regime

Elevated to Direction Order 18th December 2015 Compliance Date 31st May 2016

The walkways have been a long standing issue at the Zoo with concerns being raised during Formal Inspections in 2009 and 2013 as well as Special Inspections in 2014 and most recently in November 2015. The condition was elevated to a Direction Order at a meeting of the Committee on 17th December 2015 because of non-compliance. The direction order required that all public wooden walkways and platforms be closed to the public until the direction order was revoked. At a meeting of the Committee on the 4th February 2016 Members:

- Accepted a report from the zoo compiled by RG Parkins and Partners Ltd that considered 2 out of an identified 7 elevated walkways and platforms

- Accepted that 5 out of the identified 7 elevated walkways had been or were to be demolished and either remodelled or replaced
- Required an addendum to the report that the Zoo had completed the works specified by Parkins to ensure the remaining walkways were strengthened as directed and that other wooden structures being remodelled were suitable for that purpose
- Extended the time limit for compliance to 31st May 2016; and
- Granted the Environmental Health Manager the delegated authority to authorise the walkways to open as and when the Zoo produced suitable evidence of the strengthening works being completed.

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 a number of low level wooden walkways that serve to level the pathway and make wheelchair access easier. It was said by Ms Brewer that these platforms were less than 300mm high and therefore R.G. Parkins had said they did not need to be surveyed.

On 11th February 2016 a telephone conversation took place between Adam Roberts of RG Parkins & Partners Ltd due to issues with 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. This was confirmed in an email exchange.

On 22nd/23rd February and 2nd March 2016, the Committee instructed the Zoo to close every public wooden walkway/platform, regardless of its height above the ground, until the full terms of the Direction Order had been met.

The following table provides Members with an update on compliance as seen during the May 2016 Special Inspection:

a) Tiger/aerial walkway	Removed and the framework retained to form a covered ground level walkway
b) Snow leopard/Wolf access ramp & viewing platform.	This still exists but is currently closed. The stated aim was to remodel the viewing platform and strengthen the access ramp which serves it.
c) Giraffe viewing platform	Totally removed
d) Anteater viewing platform	This still exists but is currently closed
e) Lemur walkway	All walkways and bridges have been replaced by compacted hard core
f) Andean Bear Walkway	Strengthened and reopened on 4 th March 2016 by the Environmental Health

g) Restaurant balcony	Totally removed
h) Worldwide Safari Walkway	Strengthened and reopened on 8 th March 2016 by the Environmental Health
l) All walkway/platforms less than 300mm in height	Removed and replaced by areas of compacted hard core EXCEPT the 'U' shaped walkway over the duck pond

The deadline for compliance with the Direction Order was 31st May 2016 therefore Council Officers contacted the Zoo for an update on the walkways/platforms. Ms Karen Brewer replied and her comments are detailed below.

Zoo's Comments

In response to your letter dated 16.6.16. I will answer your points in turn however want to clarify there is no aerial walkway/platform in use anywhere in the zoo, other than those I have produced a report for and had passed for the Bears/Disabled area in WWS/ and Central Station. We do not have any other walkways in use or being prepared for use and they are permanently cut off / closed from the public therefor no report is necessary and there is categorically no plan to open any walkway without application to the Environmental Manager for her delegated permission.

1. Tiger/Aerial Walkways:

There is no walkway at all now at tigers or any aerial walkway in use in the zoo. ALL apart from snow leopards, anteater, and duck platform (see below) have been removed totally.

2. Snow Leopard/ Wolf Access Ramp:

This platform is currently closed to members of the public. It is a possibility that rebuilding may happen in the future, this work would not take place until September/October at the earliest to avoid disruption for visitors. Any works will be done in full consultation with the engineers and a report will be submitted to Anne for her delegated permission to reopen. To reiterate the platform is closed and will remain closed until if and when works take place.



3. Anteater viewing platform:

This platform is closed to members of the public. The access points to this viewing platform have been removed preventing access. There are no plans to ever re open the anteaters and is now an outdoor weather shelter for the anteaters and shall remain as such.



4. Duck feeding platform:

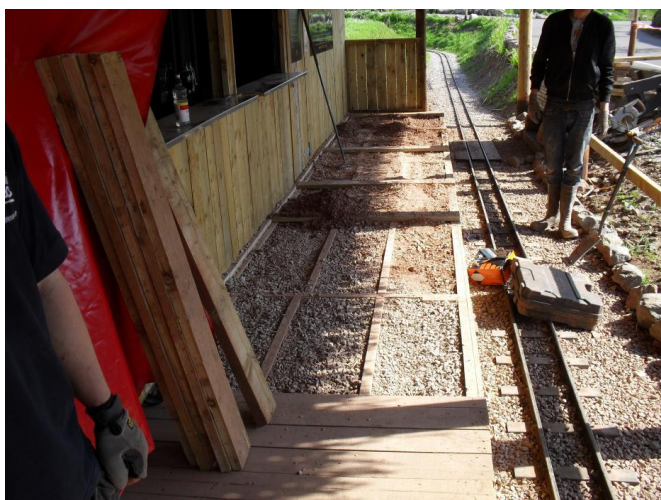
Again this is closed to members of the public and totally isolated from possible use. It has been retained, pending removal at a time which will mean minimal disruption for visitors, and at the present time it provides nesting shelter for ducks and geese.



5. Central Railway Station:

Following the onsite inspection by RG Parkins and their report the recommended works were carried out, RG Parkins provided their written approval of the works done that confirmation came in writing to EH dept for the first time on 27.4.16 after which time subsequent further assurances have been provided in writing all at huge expense to the Company. It became apparent by 12.5.16 that despite these professional assurances permission was not going to be forthcoming and taking into account the essential financial contribution the zone makes and not wanting to make staff redundant, it was decided after discussions with RG Parkins to create an area which is not a supported

floor/platform/walkway. (Similar to the works undertaken at the Adoption centres, picnic area)



I trust this answers the questions raised, please do not hesitate to contact me if there is anything you need clarifying further.

*Karen
Karen Brewer CEO*

Guidance

The SSSMZP states:-

8.13 Buildings, structures and areas to which the public have access must be maintained in safe condition.

8.18 Where a walkway passes over an animal enclosure it should be designed, constructed and maintained to ensure that it is safe. It should also be maintained, sited and protected so as to withstand contact by animals.

Legislation

Section 16B(4) of the ZLA states:

The authority may make a zoo closure direction in respect of a zoo licensed under this Act where:-

- (a) They have made a direction under section 16A(2) in respect of the zoo;
- (b) The period specified in the direction by virtue of section 16A(2)(c), including such a direction as varied under section 16A(4), has expired; and
- (c) They are satisfied after giving the licence holder an opportunity to be heard, that a condition specified in that direction, other than one which requires any conservation measure referred to in section 1A to be implemented at the zoo, is not met in relation to –
 - (i) If the zoo was specified in that direction, the zoo or any section of it; or
 - (ii) If a section of the zoo was specified in that direction, that section, any part of that section, any larger section which includes that section, or the whole zoo.

Officer Comments

Members will note from the above response that there are only 3 public wooden walkways/platforms left at the Zoo:

- 1) Snow Leopard/Wolf Access Ramp
- 2) Anteater Viewing Platform
- 3) Duck Feeding Platform

However they are all closed to the public. Furthermore there are only plans to reopen one of them (Snow leopard/wolf access ramp).

Officer's Recommendation

The Committee escalate Condition 21 and the Direction Order to a Zoo Closure Direction under Section 16B(4) of the ZLA closing the following wooden walkways/platforms until the full conditions of the Direction Order have been met.

- 1) Snow Leopard/Wolf Access Ramp
- 2) Anteater Viewing Platform
- 3) Duck Feeding Platform

This Zoo Closure Direction will be effective after the statutory appeal period (28 days).

It should be noted that the Zoo recognise the need to comply with the original direction order before opening platform 1 above.

Reason for Recommendation

The compliance deadline for the direction order has now ended and there are three wooden walkways/platforms still in existence. The most appropriate action is to issue a zoo closure direction in these circumstances as this has no expiry period.

Options Available to Members

- **Accept** the Officer recommendation
- **Accept** the Officer recommendation but amend the wording of the Zoo Closure Direction to close different walkways.
- **Reject** the Officer recommendation and extend the compliance time limit on the Direction Order.
- **Reject** the Officer recommendation and determine that that the Zoo have complied with the Direction Order and direct that the condition be removed from the licence.

Condition 23 Firearms Cover and Protocol regarding escapes

In accordance with 8.20 and 8.34 of the SSSMZP there must be an agreed and written protocol for liaison with the Cumbria Constabulary in response to the escape of an animal outside of the perimeter of the licensed premises and appropriate firearms cover for the premises. This must be reviewed on a yearly basis and be provided to the Licensing Authority upon review.

[Timescale by 1st April 2016 and annually by 1st April]

Officer/Inspector Comments

The inspectors requested to view the firearms during the May 2016 inspection and noted in Report 2 that the condition was complied with. However they stated:

“At the inspection, the door to the room containing the gun cupboard was wide open, despite the protocol being that it should always be locked with entrance via a keypad code.”

Council Officers reported this to Inspector Paul Telford of Cumbria Police who was due to revisit the zoo in early June 2016. He agreed to investigate the concern raised by the inspectors and advised Council Officers via email that both doors were secured at the time of his visit on 3rd June 2016. He added that *“I can only assume continued compliance with this practice. Agreement was reached to provide a proper gun cabinet for the dart gun and blowpipe in the Vet’s room, moving both back to the cabinets in the Curator’s building until this was completed.”*

Inspector Telford also provided an update on general compliance with this condition concluding:

“In summary – the Zoo’s approach to firearms provision has changed markedly from when I first became involved. It is my assessment that the Zoo is now compliant with Zoo Licence condition 23 (Annex Four). The relationship we have with the Zoo will continue.”

The complete letter is available for Members’ information in APPENDIX J.

Officer Recommendation

That Members note the Zoo’s compliance with the condition and that the condition should remain on the licence.

Reason for Recommendation

Inspector Telford has confirmed the Zoo’s compliance with the condition but because it has on-going requirements it should not be removed.

Options Available to Members

- **Accept** the Officer recommendation
- **Reject** the Officer recommendation and remove the condition

Condition 28 Perimeter Fence

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]

Officer/Inspector Comments

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

The inspectors stated after the May 2016 inspection in Report 1:

“Perimeter fence is primary barrier for free ranging species. Still has sections where vegetation not cut back or regrowing that could aid escape, and areas that need replacing.” (Q 2.3)

“..... the issue of the perimeter fence as a primary barrier for free-ranging species has not been fully complied with (C28), although progress has been made.” (Q 8.1)

In Report 3 they state:-

“During the February licensing committee hearing the zoo informed the LA that a start had been made, and gave assurances that it would be completed. During interview at the May inspection DA acknowledged that this had not been completed. He informed the inspectors that an area of the perimeter fence needed replacing. Some areas of the perimeter fence were viewed. Whilst it is apparent efforts have been made to carry out the required work, where this has been carried out, it is already growing back (See photographs). In other areas there is no evidence of work having been undertaken, e.g. it the small area where the perimeter fence cuts back in towards the food preparation area. The perimeter fence that needs replacing has not been replaced.



Perimeter fence 1, showing areas that still are to be cut back properly



Perimeter fence 2 Perimeter fence 3

Both showing how where the overgrowth has been cut back, it is already returning.

On interview DA reported that he was doing his best, but was short on man power. We gained the impression that he was doing much of this work himself. However DG informed us that he had put his full maintenance team onto the problem to resolve it. He was also of the opinion that it had been resolved.”

Guidance

8.7 and 8.29 of the SSSMZP states:

8.7 Barriers must be designed, constructed and maintained to contain animals within enclosures. Vegetation, climbing structures or other items should be maintained in such a way as to not aid escape.

8.29 The perimeter boundary, including access points, should be designed, constructed and maintained to discourage unauthorised entry and, so far as is reasonably practicable, as an aid to the confinement of all the animals within the zoo.

Zoo's Comment

This very important issue should have been addressed within the prescribed period it is acknowledged. That this was a very important need under the ZLA. However, our problem was that our specialist fencing contractor was totally tied up working 60 hour weeks on the construction and final fitting out of the African house from December until mid-May. There are no other specialist fencing contractors in this area, no other contractor was available or willing to travel to the area to work until July this year. The management instructed the maintenance team and keeping staff to cut back the offending areas of over grown trees and this was stated as being completed. It is acknowledged that a few small areas were not cut on the date of the inspection. The Animal Management team were given clear instruction to report any contamination of close growth by the perimeter and it was reported to Management that this exercise was completed. The management team acknowledge that in hindsight they should have personally checked the information supplied to them verbally by others as to the status of the clearance of contamination due to growth of trees.

- *The Licencing Committee may please note that we have completed all cutting back of the tree lines and **indeed have gone a step much further by installing and replacing 400m of totally new security fencing along a different line to prevent tree contamination occurring in the longer term.** This at a cost of £18,000 extra to our budget. This was done as soon as our fencing contractor was available and they started work on 25th May 2016. The management of the Zoo wish to make clear this condition was not breached intentionally but because our own internal staff were full time employed complying with walkway enforcement orders placed by the authority we had no other availability of a fencing contractor to do the work until the date described due to unavailability of contractors and an inability to pay contractors due to unforeseen extra expenses forced on the zoo by the council placing directions or enforcement orders on the zoo.*
- *This condition is now fully complied with.*
- *It is regrettable that this condition was not complied with in the prescribed timescale however we have set out our mitigation and the Condition is complied with in full. A written protocol of regular clearance is in place for the summer months when tree growth takes place.*

Condition complied with in full



Perimeter Fence cut back in progress

Officer Comments

The Zoo, in their submission of 17th June 2016 believes the condition to be complied with. The Zoo will be inspected on the 4th July 2016 to assess the work. The recommendation below is based on the Zoo's opinion that they have complied with the condition but it is subject to the outcome of the July inspection therefore it may be changed.

Recommendation

The Zoo have taken the necessary steps to comply with Condition 28, therefore this should be noted. However because the condition refers to on-going maintenance of the perimeter fence it should remain on the licence.

Reason for Recommendation

The condition has been complied with.

Options Available to Members

- **Accept** the Officer recommendation and retain the condition on the licence; or
- **Reject** the Officer recommendation and remove the condition from the licence.

Condition 30 Hamadryas Baboon Indoor Accommodation

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]

Officer/Inspector Comments

The baboons housed at the zoo have access to a large outdoor enclosure that they previously shared with the rhino and giraffe, before the rhino were moved. However the indoor accommodation is not suitable. It is a bare box with a sloping floor meaning that it is higher at the front than at the back. There are no furnishings other than a single small screen, there is no climbing equipment, no enrichment items, no bedding or any other items to keep the baboons engaged or exercised.

This matter had previously been before Committee in 2014 but a condition was not added to the licence on that occasion.

At meeting of the Licensing Regulatory Committee on 23rd/24th February and 4th March 2016, the Zoo's Animal Manager acknowledged that the accommodation was in need of enrichment in the shorter term and new accommodation in the longer term. The Committee asked Officers, the veterinary inspector and the zoo to meet during the adjournment to discuss what measures could be put in place immediately. They reached agreement, which was subsequently accepted by Members that the Rhinos' new enclosure would be completed by 1st April 2016 and they would be moved the 3rd week in April 2016, following that the breeze block wall can be built and the baboons transferred to this enclosure.

In Report 2 the Inspectors stated the following in relation to condition 30:

“Not complied with. Very preliminary work has started on developing part of the adjacent rhino house to provide larger indoor baboon accommodation, but there were no written plans/diagrams, lack of input into the design process by animal staff and vet, and the animal manager had no knowledge of the exact structure and working arrangements for the planned accommodation”.

In report 1 they noted:

“Baboon internal facilities have not been upgraded or replaced or a developed programme of enrichment instituted.” (Q 2.1)

The Licensee stated during the May 2016 inspection that there was ‘no way’ the baboon accommodation would have been completed as required but despite the Zoo's Management having agreed to the date no correspondence was ever received by the Council to inform Officers that there was to be a delay.

For Members' information, condition 34 on the Zoo's licence requires that plans for 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. No plans have been seen or submitted; indeed the Animal Manager was unaware of any plans actually existing. This will be discussed in more detail later in this report.

Zoo's Comments

In accordance with Condition 34 a notification sheet for any collection change process has been introduced and across the board consultation taken place with all departments (maintenance, keepers) as well as Vets the result is a completed facility which has been widely consulted in house. This process going forward will hopefully also avoid situations where individuals who were not involved in earlier decisions can be included such as the bird shelter on Africa due for build before autumn and provide the information to all staff.

- *The timescale given to management for altering **the Baboon indoor facility** was dramatically reduced by the Committee despite the Zoo Inspectors advising the Committee to allow far more time to complete. The welfare issues were certainly not compromised as the Baboons had access to the largest Zoo Baboon outdoor area in the UK. Their activity, enrichment and lifestyle is one of the best in any zoo and in the spring and summer months the time spent indoors is minimal for sleeping and they are never locked in (save for maintenance for short periods).*

All documented evidence shows that our baboon troop does not suffer for any negative welfare issues, nor stress or other detrimental behavioural problems indeed the opposite. It is a very well balanced settled group with excellent health record and no aggression issues whatsoever. The management of the group has been at the highest level and the need for extra housing was not an issue on two grounds, the numbers of baboons in the group was reduced and we were entering and in summer. However, one specific issue prevented the new construction and this information was available to the committee when they placed this very difficult condition to comply with despite the limitation being given. The plan was to use one of the old rhino house enclosures for the extra baboon internal den. It was clearly stated that the rhinos could not move until mid-May as we had no control over the animal transported availability to move the Rhinos. This in effect left the Zoo with 8 days to complete the Baboon facility and due to our construction teams being forced to address other issues in that specific 8 days that were suddenly brought upon us by the Council officers in May changing the "goalposts" for acceptance of the Engineers report criteria for wooden platforms being passed as safe they were forced to address public safety as a priority over the Baboon housing and this was agreed by management as the correct prioritisation of work load.

We can confirm that the Baboon facility has now been completed. The design and operations have had the involvement of the Vets, the staff and management.

It is regrettable that the facility was not completed in the timescale provided for however due to the pressures placed on the staff of the zoo by the local authority we did it in the fastest possible time respecting the need to prioritise public safety over animal housing taking into consideration all the parameters noted and in particular the summer weather that did not compromise animal welfare at all.

This Condition is fulfilled and completed



Baboon internal housing extension

Guidance

4.3 and 4.4 SSSMZP requires:-

“4.3 Accommodation must take account of the natural habitat of the species and seek to meet the physiological and psychological needs of the animal.

4.4. Enclosure must be equipped in accordance with the needs of the animals with bedding material, branch work, burrows, nesting boxes, pools, substrates and vegetation and other enrichment materials designed to aid and encourage normal behavior patterns and minimize any abnormal behavior. Facilities must take into account growth of animal and must be capable of satisfactorily providing for their needs at all stages of their growth and development.”

In addition 2.2 SSSMZP states:-

“Animals in outdoor enclosures must be provided with sufficient shelter for their comfort and well-being. Refuge areas must be provided for nervous animals to escape the

permanent gaze of the public. Enclosures must also be designed to allow for animals' normal defence reactions and appropriate "flight" or escape distances."

S.1A(c)(i) of ZLA requires "*providing each animal with an environment well adapted to meet the physical, psychological and social needs of the species to which it belongs.*"

Officer Comments

The Zoo, in their submission of 17th June 2016 (which is included above) believe the condition to be complied with. The Zoo will be inspected on the 4th July 2016 to assess the work. The recommendation below is subject to the outcome of the July inspection and therefore it may be changed

Recommendation

The Zoo have taken the necessary steps to comply with Condition 30, therefore this should be noted and the Condition removed from the licence.

Reason for Recommendation

The condition has been complied with.

Options Available to Members

- **Accept** the Officer recommendation
- **Reject** the Officer recommendation and determine that the condition should remain on the licence and Officers should continue to monitor the situation.

Condition 31 Shelters In Africa Field

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]

Officer/Inspector Comments

The African Field is a new enclosure at the northern end of the Zoo. It now houses the Rhino, Giraffe, Zebra, and other stock. During the November 2015 Inspection the Zoo were heavily criticised for not having sufficient shelter and especially after 5 of an imported 6 Nyala died. Two Nyala had died in the days leading to the November 2015 inspection in association with a period of extreme wet and cold weather. Although there is still no shelter in the field for the larger animals there are now procedures to make the Animal House available should the weather turn inclement but there is no written protocol.

On page 3 of Report 3, the inspectors have stated:

“During discussion with the staff, it came to light that a number of birds had recently been moved from other areas of the park into the Africa field. These birds included hornbills, storks, cattle egrets, ibis, and crown cranes. It was difficult to clarify when these had been moved, with a keeper informing us that it had been a few weeks ago, DA informing us that it had been after the winter. DG informed us that it had been a couple of years ago, then changing it to last year, then acknowledging that it must have been after the last inspection.

Whenever they were moved they still had not been provided with any shelter, or perching. Many of these species will find shelter from inclement weather in shrubs, or under canopies, and enjoy perching, and building nests in trees. It was confirmed that none of these were available to the birds.

DA informed us that they did have access to a mound which was surrounded in electric fencing to stop the hoof stock gaining access. On this mound was Qu ‘some long grass and weeds’. This is insufficient, and would certainly have been inadequate over the winter periods if the birds had been there as the DG had reported.

When interviewed the animal manager DA informed the inspectors that the moving of these animals had been undertaken without his knowledge, and had been undertaken by the DG. No one was able to explain satisfactorily why there was no suitable shelter or perching for these animals. DG said that he had the wood available, but had not had time to build it. The inspectors were informed on the second day of their inspection that shelters were now being built.

Of concern is that these birds have been relocated to an environment, at some point prior to the inspection, without suitable facilities, i.e. perching and shelter, being constructed prior to the move. This is an example of the poor management still ongoing at the zoo under the direction of DG.

It is also reminiscent of the problem that was identified by the inspectors at their inspection in November 2015 when, amongst other things, the death of five Nyala was noted in the same enclosure, with some of these being due to exposure.

This is of concern as;

- 1. The animals are not being provided with suitable shelter and perching as required by the SSSMZP*
- 2. The management team are not functioning as a communicating team in the interests of the animals' welfare."*

In report 1 they noted:

"Africa field mammals have house access for shelter." (Q 2.1)

"Shelters for birds in Afrca field being constructed on day 2 of inspection." (Q2.4)

In report 2 they noted:

"Mammals in Africa field have keeper-controlled access to the house for shelter (ie no built shelters in field) , which is acceptable, but there is no written protocol. It was noted on day 1 of the inspection that several species of bird (stork, crowned crane, sacred ibis, hornbill, cattle egret) had been moved to the African field (exact timescale and decision making process unclear) despite there being no perching or shelter available. On day 2, inspectors were informed that construction had commenced of shelters -but the design/structure of these was not evident."

Zoo's Comments

Shelter for Birds on African Field.

- The movement of Crowned Cranes, Hornbills, Cattle Egrets and Sacred Ibis to the African Field was written down in our collection management plan over 3 years ago in the draft of the African Exhibit planning. This plan was never changed and at all times staff and management were fully aware of this plan. The strategy was to construct a management area for birds within a new building to be attached to the Bear House building. This is shown an all plans throughout.*
- The specific day and time of movement was dictated by weather and temperatures. It was not a spontaneous event as is depicted in inspectors comment. We were suffering increased pressure from the volume and ferocity of the local seagull population stealing their food and were very concerned for their welfare and possible starvation if not remedied.*
- The bird staff were given numerous weeks notice of the need to move the birds and given adequate time to catch the birds and then have them all checked for*

identification and health. DA was involved in that process. It was decided by all that releasing them at the start of the summer was the best and most successful potential option to give all summer to settle in and learn the facility. Whilst DA was not present on the day of release he certainly was fully aware of the whole process and reasoning and the well-established collection plan for the African Region as it was all documented.

- It was not deemed an urgent need to provide a shelter at that specific time as the shelter was in the schedule and all the wood was bought and on site ready for construction before autumn. The Sacred Ibis have NEVER used a shelter in all the 15 years or so I have kept them. The cattle egrets have also never continuously used shelter we have encouraged shelter in winter for them and this was always the management plan. The storks were moved to that site in May 2014 two years previously and had been successful and content. Storks are extremely hardy, prefer open positions and normally would live exposed to all weathers sun, rain and wind. There is no requirement to provide shelter as they will not use it. The Crowned Cranes were brought into the housing at night.

A point of note that the managements experience in keeping and habits of these specific birds as opposed to making a generalisation about shelter is that if you provided shelter for these specific birds they would not use it until winter as they do not like enclosed areas and have a specific need to have good views all around for security. We built a shelter on the day of the inspection and it was completed but to date despite feeding the birds inside that shelter they refuse to use it in any weather or at night. Management of animals is understanding the needs and behaviours of the animals in day to day life. Observing their habits and needs over many years. We submit categorically there was no welfare issue arising from the decision to move the birds without a shelter present before Autumn /winter and indeed the welfare of those birds was improved markedly by allowing free natural feeding in the fields as they would behave exactly in the wild. There were no losses, illness or other issues due to the movement of the birds onto the African Area and no welfare issues for these birds. This was not a bad management decision and did not result in any welfare issue.

Condition/ issue Complied with



African Field Bird Shelter and Perching

Guidance

The SSSMZP states in section 2.2:

Animals in outdoor enclosures must be provided with sufficient shelter for their comfort and well-being. Refuge areas must be provided for nervous animals to escape the permanent gaze of the public. Enclosures must also be designed to allow for animals' normal defence reactions and appropriate "flight" or escape distances.

Legislation

Section 16A of ZLA states:

- (1) Subsection (2) applies where the local authority, after giving the licence holder an opportunity to be heard, are not satisfied that a condition attached to a licence granted by them under this Act is met in relation to the zoo or a section of it.
- (2) Unless subsection (3) applies, the authority shall make a direction specifying—
 - (a) the licence condition which they are not satisfied is met;
 - (b) whether they are not satisfied that that condition is met in relation to—
 - (i) the zoo; or
 - (ii) a section of the zoo, and if so, which section;
 - (d) steps to be taken by the licence holder to ensure that that condition is met in relation to the zoo (or, if a section of the zoo is specified under paragraph (b)(ii), in relation to that section) within a period specified in the direction, which may not exceed two years from the date of the direction; and
 - (e) whether the zoo or a section of it is required to be closed to the public during that period or any part of it specified in the direction.

Officer Comments

The Zoo, in their submission of 17th June 2016 believes the condition to be complied with however they do not mention that a written protocol has been produced and one has not been sent to the Council as required by the condition.

Officer Recommendation

The condition should be escalated to a Direction Order with a one week deadline.

This Direction Order will take effect immediately as the works specified in it should normally be carried out by the zoo (as stated in section 16A).

Reason for Recommendation

The zoo have failed to comply with the condition in that they do not have a written protocol and it has not been sent to the Licensing Authority. Section 16A of the ZLA states that non-compliance with a condition **shall** result in the service a direction order.

Options available to Members

- **Accept** the Officer recommendation
- **Accept** the Officer recommendation but place a different compliance timescale on the direction order
- **Reject** the Officer recommendation and note that the condition has been complied with

Condition 33 Review of Diets and Nutrition

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]

Officer/Inspector Comments

During the May 2016 inspection the inspectors found that the diet sheets had been reviewed with input from the Zoo' Veterinary Consultant Mr Greenwood. They stated in Report 1(Q 1.1):

“Complete review with veterinary input has been undertaken and amended diets are in place.”

Report 2 states *“Complied with.”*

Recommendation

The Zoo have taken the necessary steps to comply with Condition 33 therefore this should be noted and the condition removed from the licence.

Reason for Recommendation

The condition has been complied with and the inspectors have confirmed this.

Options Available to Members

- **Accept** the Officer recommendation
- **Reject** the Officer recommendation and determine that the zoo have not complied with the condition therefore it should remain on the licence and Officers should continue to monitor the situation.

Condition 34 **Future Design of Enclosures**

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 Licencing Authority before the accommodation is occupied.

[Timescale – Immediate]

Officer Comments

The purpose of the Condition was to ensure that when designing new enclosures for hazardous animals the keepers should not have to enter the enclosure with a Category 1 animal. The plans for any such accommodation should be sanctioned by a suitably qualified person.

Hamadryas Baboons are categorized as a Category 1 animal under Appendix 12 of the SSSMZP. At a meeting of the Licensing Regulatory Committee on 23rd/24th February and 2nd March 2016 the Zoo's Animal Manager acknowledged that the Baboon's accommodation was in need of enrichment in the shorter term and new accommodation in the longer term and agreement was reached that new accommodation would be completed by 22nd May 2016.

During the Inspection in May 2016, there had been very little work undertaken and the Animal Manager was unable to explain the design for the new baboon housing. The inspectors were not shown any plans for the new accommodation even though construction had already begun.

However, the Zoo did comply with this condition when building the new rhino/giraffe housing in the Africa House.

Guidance

Paragraphs 1.5 and 5.1 of SSSMZP state:

1.5 Feeding methods must be safe for animals and staff.

5.1 Animals must be handled and managed only by, or under the supervision of, appropriately qualified and experienced staff. Handling must be done with care, in order to protect the animals' well-being, and avoid unnecessary discomfort, stress or physical harm.

Legislation

Section 16A of ZLA states:

- (1) Subsection (2) applies where the local authority, after giving the licence holder an opportunity to be heard, are not satisfied that a condition attached to a licence granted by them under this Act is met in relation to the zoo or a section of it.
- (2) Unless subsection (3) applies, the authority shall make a direction specifying—
 - (a) the licence condition which they are not satisfied is met;
 - (b) whether they are not satisfied that that condition is met in relation to—
 - (iii) the zoo; or
 - (iv) a section of the zoo, and if so, which section;
 - (f) steps to be taken by the licence holder to ensure that that condition is met in relation to the zoo (or, if a section of the zoo is specified under paragraph (b)(ii), in relation to that section) within a period specified in the direction, which may not exceed two years from the date of the direction; and
 - (g) whether the zoo or a section of it is required to be closed to the public during that period or any part of it specified in the direction.

Officer's Recommendation

Condition 34 should be escalated to a Direction Order with an immediate compliance deadline.

This Direction Order will take effect immediately as the works specified in it should normally be carried out by the zoo (as stated in section 16A).

In addition the Zoo should be asked to provide the Licensing Authority, within 24 hours, professional design drawings of the baboon enclosure that are signed off by a suitable qualified person.

Reason for Recommendation

The zoo have failed to comply with the condition in relation to the baboon enclosure. Section 16A of the ZLA states that non-compliance with a condition **shall** result in the service a direction order.

24 hours is considered a reasonable timescale to produce the plans because the Zoo has stated in it's response to Condition 30 that:

["We can confirm that the Baboon facility has now been completed. The design and operations have had the involvement of the Vets, the staff and management."](#)

Options Available to Members

- **Accept** the Officer recommendation
- **Accept** the Officer recommendation but place a different compliance timescale on the direction order

- **Reject** the Officer recommendation and note that the condition has been complied with

Condition 35 Yellow Anaconda Exhibit

In accordance with 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

In accordance with 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]

Officer/Inspector Comments

This condition comprises of two parts.

Part 1 has been completed in that the Anaconda has been removed off show. In relation to the second part, this has not been complied with. The Inspectors were shown that the anaconda had been removed to an enclosed vivarium and the pool now houses some terrapins.

The pond therefore has not been filled in and has not been sealed off from the public. There area is however protected by a knee high bamboo barrier. In report 2 the inspectors noted the low fence barrier as “sufficient”.

Guidance

The SSSMZP states:-

Appendix 6 - 6.11 There must be adequate staff supervision in all contact areas. This should be commensurate with the type of animal and degree of risk, and to ensure the welfare of the animal. At all times whilst the public have access to the contact area there must be an appropriate number of staff on hand to ensure the welfare of the animals is not compromised by excessive handling.

Appendix 6 - 6.14 In walk-through exhibits with exotic herbivores/primates, the following points should be noted:

- *appropriate risk assessments, particularly regarding zoonotic diseases and direct or indirect contact with animals, should be undertaken and reviewed regularly by a suitably qualified person (this would usually be a veterinary surgeon). These will be dependent on animal species and exhibit design and should cover risks to both public and animal safety;*
- *numbers of people allowed in the exhibit at any time, and allowable visitor behaviour and activities, should be consistent with the animals’ welfare;*
- *appropriate staffing must be available, and protocols in place for staff to intervene in defence of either the visitor or animal if any conflict arises;*
- *staff and/or visitors should have a clearly indicated means of contacting assistance if required, including that of trained first-aiders;*
- *feeding of animals should only take place under supervision by staff*

3.6 Distance or barriers between animals and between enclosures and visitors must be sufficient to minimise transmission of disease or of potential pathogens

8.13 Buildings, structures and areas to which the public have access must be maintained in safe condition.

8.14 The visiting public must not be allowed to enter any buildings or other areas of the zoo premises which could present an unreasonable risk to their health and safety.

Officer Recommendation

Part 1 of the condition is complied with and this part of the condition can be removed from the licence.

Although the risk posed by the pond has been reduced, part 2 of the condition has not been complied with.

If Members are content with the assessment by the Inspectors it is recommended that the condition is re-worded so that the last sentence reads “..... the pond located in the current Anaconda facility must be separated from the public area by a barrier to deter public access.”

Reason for Recommendation

The condition has not been completely complied with but the inspectors have described the low fence barrier as “sufficient”.

Options Available to Members

- **Accept** the Officer recommendation and remove Part 1 of the condition from the licence and amend the wording of part 2 of the condition; or
- **Accept** the recommendation in relation to Part 1 but **Reject** the Officer recommendation in relation to Part 2 and instruct Officers to elevate this condition to a Direction Order requiring the pond to be sealed off to the public or filled in.

Condition 36 Review of Public Feeding

In accordance with paragraphs 1.5 and 1.10 of the SSSMZP, any organised sessions involving 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]

Officers/Inspector Comments

The Inspectors reviewed the Penguin Feeding and were satisfied that on the day of the inspection all participants were wearing gloves. However they have noted since the inspection that a recent image on the Zoo's Facebook page showed a member of the public feeding a penguin without gloves (see Report 2).

In report 1 they noted:

“Observed lemur and penguin feeds. Public wear gloves for feeding fish to penguins....” (Q1.6)

“Risk assessments have been carried out.....” (Q8.11)

A risk assessment for penguin feeding has been received.

With regard to the handling of raw meat by members of the public, this has been part of a paid for experience and is adequately controlled in terms of the use of gloves when handling the meat.

Guidance

The SSSMZP states:

1.5 Feeding methods must be safe for animals and staff.

1.10 Uncontrolled feeding of animals by visitors must not be permitted. Where controlled feeding occurs, it should be on a selective basis only, with suitable food sold, provided or approved by the operator. The quantity supplied per day must be managed to avoid over-feeding.

Officer Recommendation

The Zoo have taken the necessary steps to comply with Condition 36 therefore this should be noted. However, Officers recommend that the condition is retained on the licence until the zoo can demonstrate a sustained period of compliance.

Reason for Recommendation

The condition has been complied and the inspectors have confirmed this however concerns remain that compliance has only recently been demonstrated and the Council

needs evidence of sustained compliance due to the high risk of the transfer of zoonotic diseases.

Options Available to Members

- **Accept** the Officer recommendation
- **Reject** the Officer recommendation and remove the condition from the licence

Condition 38 Review of Animal Bites

In accordance with paragraph 6.14 of 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 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]

Officer/Inspector Comments

The inspectors stated in report 3 (page 8):-

“A condition was applied in November 2015 that a full written review of the risks of bites or injuries to members of the public by animals must be carried out and an action plan adopted to eliminate the bites and injuries. This review should have been reported to the Council together with an action plan by 22nd May 2016

Whilst a written review has carried out, it is inadequate and does not address the underlying issues.

Bite injuries to the public can be divided into two sections, those inflicted by primates and those by birds.

Primate bite injuries to the public have been recorded historically at higher than expected levels. These are of concern for a number of reasons. Firstly, by the very nature of the injury it is a traumatic experience, there is the potential for doing serious, possibly lasting, harm, and there is also the potential for the spread of zoonotic disease. Although the zoo has considerable signage in place warning the public about the potential of bites from primates, and requesting that the public do not feed or touch the animals, the very way the animals are managed means that conflict between the animals and the public is a high likelihood. Effectively there are free roaming primates, coming into contact with members of the public who have food. This food may or may not have been purchased at the zoo, however the primates are intelligent creatures, and cannot read the signs and attempt to steal the food. The resultant conflict is likely to lead to members of the public being bitten.

At interview the CEO said that ‘bites injuries are inevitable’. The Collection’s Vet also saw that bite injuries are likely to happen and an acceptable risk. He added that this was a risk that the public took when they visited this zoo.

In the review of bite injuries the zoo states that there had been no bite injuries reported so far that year. Whilst that may be true, the inspectors find it hard to believe that no bite injuries have occurred.

In fact on their own website, earlier in May, is a post from a member of the public, stating 'good day at the zoo, not keen on the little monkey that grabbed my hand and bit my finger'.

Furthermore whilst the inspectors were waiting for the lemur feeding experience, a Cotton Topped Tamarin was observed trying to steal food (popcorn bought on site) from a child in pram. (See Photograph) 9



Photographs showing Cotton topped Tamarin, which jumped onto the child in the pram, trying to steal popcorn that was being eaten by the child.

The monkey repeatedly came back to steal the food, and had to be 'shooed' away from the child by the Animal Manager. The child was obviously distressed by the experience. This occurred in an area that is close to the restaurant, where the public is able to buy food.

Later the inspectors noted a ring tail lemur on one of the outdoor eating tables adjacent to the restaurant. A man had to 'shoo' this monkey away from his son who was trying to eat something.

The inspectors observed a lemur feeding session. We were impressed with the knowledge of the keepers, and accept that the keepers did ask people to keep away from the rails, and gave them suitable advice about feeding only lemurs on the rail, and gave advice about how to avoid being bitten. The public were also asked to wash their hands after the experience.

Six keepers were observed at this feeding session, including one at the gate. There were approximately 70-100 people present at the experience. The Inspectors were informed that there were about three hundred people in the zoo on that day, and that on a busy

day, there could be two to three hundred people at the lemur feeding experience. In essence there could be two or three times the number of people witnessed present at a lemur feeding experience. However, crowd control with this number of people is difficult, and so although people were asked to keep a metre back from the rail, they quickly moved forwards again. This brought them within range of lemurs sitting on the rail.

Although people are meant to hold the food in their fingers and offer the food for the lemur to take, it is not adequately controlled and lemurs were observed grasping children's hands and arms, and grabbing food from the public. Lemurs were also observed jumping onto to keepers' backs, requiring the keepers to brush them off with their hands.(See Photographs)



Lemur feeding. Photograph shows the crowd, and Photograph 2 shows two lemurs grabbing a persons' arm.

Gloves are not given to the public, to protect them from potential zoonotic diseases.

Most zoos do now recommend that the public wear gloves when handling or touching primates. Whilst SLSZ says that the public must not touch the primates, it is obvious from our brief observation that there is considerable direct contact between the primates and the public.

During interview the Collection Vet agreed that gloves should be worn by the public when coming in contact with primates. It is also noted that the Zoo's own written SOP does state that gloves should be worn when working with primates.

Finally on the website, in May, there is a photograph of a young woman in a lemur house feeding a lemur. She is wearing no PPE and no gloves.

The zoo has a duty of care to the public to ensure that they are not bitten, and that it manages the risk of potential spread of zoonotic diseases, both the ZLA and under Public safety legislation. The present zoo management does not acknowledge this, and accepts that there is a likelihood of people being bitten.

The potential for the spread of zoonotic disease from a primate to a visitor has not been acknowledged, and no process is in place to prevent it. The potential for this risk was fully acknowledged by the vet RB, and then acceded by KB.”

In report 1 they note:

“..... Ongoing concerns over risk of bite injury from lemurs. Observed tamarin jumping onto child with popcorn.” (Q 1.6)

“Appropriate signage advising no feeding of animals (see Appendix 6 of SSSMZP) other than at designated feeding events are in place in the walk through areas, and feeding events (lemurs) are staffed (6 present at the observed event). However the public are still frequently disregarding instructions and direct contact remains such that there is a risk of injury or zoonosis”. (Q8.12)

Zoo's Comments

The initial condition requested an annual review, that review was delivered up to and including 31.12.15 a further snapshot review was delivered to inspectors prior to the May visit accounting for the period up to 30.4.16.

One of the action points as a result of that review was to extend the period under observation so the number of incidents between the years 2010-2014. That review has been completed and follows below in the hope it would provide a broader in depth realistic representation of the reported bite incidents. Specific attention has been paid to the free roaming animals of the world-wide safari.

A summary of findings can be seen below:

<i>YEAR</i>	
<i>2010</i>	<i>No reported incidents</i>
<i>2011</i>	<i>No Reported Incidents</i>
<i>2012</i>	<i>1 * squirrel monkey. 1*rabbit. 1*penguin</i>
<i>2013</i>	<i>No information available.</i>
<i>2014</i>	<i>1*monkey. 1*tamarin.</i>

Management observed the issues as reported by inspectors and actions were put in place, implemented and delivered.

We acknowledge the Inspectors comments but respond by stating that a full review was undertaken of feeding risks and that the resulting actions sadly were not taken seriously

enough by Zoo keepers in their application of managers instructions. It is a concern of the management that it is difficult to get staff to appreciate the gravity of issues and their role in prevention of problems occurring, whether this be general safety and cleanliness or critical issues such as potential bites. We have had meetings, put time into on site training and replaced signage. However it is conceded that keeping staff failed to implement the safety regime the management had in place for the past 20 years when feeding the lemurs at the inspection. We had not enforced the use of gloves as we had in previous investigations been informed there were no Zoonoses known to be prevalent in Lemurs and we are informed this is still the case. So the risk of infection was extremely low in comparison to other species.

Our investigations show historically we have an excellent record of safety and it has become apparent that new staff have not taken on board the vital importance of animal training and distance between visitors and lemurs.

Actions taken :

1. Retraining and clear defined criteria for feeding time. Disciplinary action to be taken for any breach of the protocol.
2. Gloves available to everyone at each feeding time.
3. A very distinct change involving investment in technology has been the introduction of automated warning messages developed by DG. Previously we employed staff or volunteers to man each entry gate into the world wide safari. This depended on the individual as the effectiveness of the messages given and warnings absorbed by the public.
4. **We have installed a repeating safety message that plays constantly from 10am until 5pm every day at each gate of entry.** The cost of this new technology was £5,000 . This message is clear, categorical and brings a serious warning to each person who enters the area. It states not to touch, stroke or feed any lemur or monkey and states that the risk of infections from bites or scratches are real and that hands must be washed on exit. We feel this will enforce a very much more effective message that is consistent and covers all necessary risks preventing people from taking that opportunistic stroke.
5. This new technology then releases more staff to be on guard within the region and this will assist with direct interaction with the public if necessary.
6. With regard to free ranging lemurs we have taken a very pro active approach to be able to continue with freedom for the animals whilst reducing or removing risk to the public.

Firstly the very major step of stopping all picnics within the Zoo was introduced recently by DG.

Investment in major signage and extra picnic areas around the playground and surrounds restricts all food to that area and no picnic food is now allowed to be carried around the Zoo.

- **We have removed ALL picnic tables and picnic areas from the whole active Zoo.**

- *The outside “Boma” Restaurant eating area has been lemur proofed by the addition of a new fence right around it that is electrified and access is by gates only. Cost £5,000*
- *Free ranging Tamarin s have been moved to an area of the zoo that does not sell or provide food to the public.*
- *We feel that all these very significant changes to the way food is allowed and available within the Zoo will reduce dramatically the potential for negative interactions with the public to the lowest possible level by taking all reasonable precautions to reduce the risks.*
- *DG and management have been very constructive in developing a way forward that preserves the uniqueness of the zoo and the clearly beneficial lifestyle of its animals.*

Condition complied with and major changes made to Zoo policy and procedures to reflect this need to address the potential risks.



An example of new sign in place restricting food into the zoo



fencing surrounding the “Boma” Restaurant eating area. Lemur proofed by the addition of a new fence right around it that is electrified and access is by gates only

Guidance

The SSSMZP states:-

Appendix 6 - 6.14 In walk-through exhibits with exotic herbivores/primates, the following points should be noted:

- *appropriate risk assessments, particularly regarding zoonotic diseases and direct or indirect contact with animals, should be undertaken and reviewed regularly by a suitably qualified person (this would usually be a veterinary surgeon). These will be dependent on animal species and exhibit design and should cover risks to both public and animal safety;*
- *numbers of people allowed in the exhibit at any time, and allowable visitor behaviour and activities, should be consistent with the animals’ welfare;*
- *appropriate staffing must be available, and protocols in place for staff to intervene in defence of either the visitor or animal if any conflict arises;*
- *staff and/or visitors should have a clearly indicated means of contacting assistance if required, including that of trained first-aiders;*
- *feeding of animals should only take place under supervision by staff*

8.14 The visiting public must not be allowed to enter any buildings or other areas of the zoo premises which could present an unreasonable risk to their health and safety.

Officer’s Recommendation

That Members review the wording of the condition in consultation with the Council's appointed veterinary advisor to enable non-compliance with the condition to be dealt with if an inadequate report or action plan is produced.

Reason for Recommendation

The Zoo has technically complied with the condition in that they have produced a written review and an action plan which has been forwarded to the Licensing Authority. However the inspectors have deemed the review as inadequate as it doesn't address the underlying issues concerning animal bites.

Options Available to Members

- **Accept** the Officer recommendation
- **Reject** the Officer recommendation and determine that the condition has been complied with and should be removed from the licence.

Condition 39 Management and Staffing Structure

In order to comply with section 10 of the Secretary of State's Standards, a robust management and staffing structure must be in place to the satisfaction of the licensing authority, 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 (Mr David Stanley Gill), 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.

[Timescale 22nd May 2016]

Officer/Inspector Comments

Members are already aware of the Inspectors' and the Zoo's comments regarding this condition from the previous report. It is necessary to consider it again now because decisions are being made regarding compliance with conditions on the Zoo's licence.

The inspectors stated in their report 3:

"As part of a Special Inspection carried out at South Lakes Safari Zoo Between May 23rd and May 25th 2016 by Professor A Meredith, Mr N Jackson and Dr M Brash, the inspectors were asked to evaluate the existing management structure of the zoo, and whether additional condition 32 in the November 2015 inspection report (condition 39 on the zoo license) had been met.

This condition stated;

In order to comply with section 10 of the Secretary of State's Standards, a robust management and staffing structure must be in place to the satisfaction of the licensing authority, 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 (Mr David Stanley Gill), 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.

[Timescale 22nd May 2016]

Furthermore, in recommending that this condition be applied to the licence, the inspection team had written in November 2015;

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 32 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 practices. 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. The new management structure must include a competent, suitably qualified and experience full-time Director (or Senior Manager). This individual will have day to day responsibility for the running of the Zoo, will be able to make decisions independent of the owner and will be fully responsible to the licensing authority for the conduct of the Zoo and all its on-site activities. This will be a full-time post and therefore cannot be someone who will spend large parts of the year absent from the site.

At the previous inspection in November 2015, the inspectors were informed that Mr D Gill was taking a step back from running the zoo, and had now put in place two new directors C Fischer, and F Schreiber. However whilst writing their November report, the inspectors were informed that C Fischer was no longer a director.

At the February 2016 licensing committee, where one of the inspectors, M Brash, was present, the LA were informed that the new management team was in place including Karen Brewer, David Armitage, John McIntosh, and Frieda Schrieber.

Special Inspection process

As part of the Special Inspection process, the inspectors examined in detail whether a new management team had been put in place by the required deadline of May 22nd 2016, as specified in the condition. The inspection team wanted to be satisfied that the new management structure was now effectively managing the zoo in such a way that it was now complying, or making concerted efforts and reasonable attempts to comply with, the Secretary of State's Standards of Modern Zoo Practice "SSSMZP" under the Zoo Licencing Act 1981 (as amended) "the Act".

In particular, the inspectors wanted to be satisfied that any management structure put in place had led to changes to the zoo such that the observed welfare issues and public safety issues (see November 2015 inspection report) had been resolved or minimised to a reasonable level.

Areas of the zoo were also viewed as part of the Special Inspection. This was to check and verify whether conditions applied had been complied with. Details of these findings can be found in the inspection report. It must be stressed that this was not a full inspection, and that therefore not all parts of the zoo were looked at.

During the Special Inspection, the inspection team interviewed staff, including:

- 1. Karen Brewer (CEO) (KB)*
- 2. David Armitage (Animal manager) (DA)*
- 3. Charlotte Drummond(keeper for approximately seven months)*
- 4. Tony Sayle (Keeper since January 2016) (TS)*
- 5. Kim Banks (keeper for five years) (KB)*
- 6. Rick Browne (Collection vet) (RB)*
- 7. Frieda Schreiber (Veterinary coordinator) (FS)*
- 8. David Gill (Owner and License Holder) (DG)*

(For the rest of this report names have been shortened to initials)

The initial conversation carried out was with KB who explained the existing management structure. Further information regarding the current management structure was provided by DA and DG during the process.

The management structure related directly to the animal collection (ie excluding retail and catering), as explained to the inspectors over the course of the inspection was as follows;

Karen Brewer CEO

David Armitage (Animal Manager)

Senior Keepers (e.g. Mark, Jaz and Kim)

Keepers etc.

However, KB also explained that, as DA was still relatively new, DG was still very much hands on managing the collection and DA was heavily reliant on him. DA further explained that DG was mentoring him, and training him. DA explained he was on a 6 month probation period.

DG later informed us that after the November inspection, the then animal manager had been removed from post as DG and KB felt that many of the negative results of that inspection were due to that animal manager's failings. DG felt that he had personally had to come back to help the zoo (Qu) 'get up and running' and 'back to where we should be'. He explained that he felt that DA, despite his long and broad experience, was (Qu) 'old school' and needed guidance.

Potential future management structures were also explained to the inspectors, although there was no written formalised evidence of the strengthening of any future management team for the zoo. A sketched diagram was produced explaining the potential future structure of the ownership of the site, and how a potential Charitable Company could run the zoo. However this appeared still to be in a development phase. A potential future Zoo curator was proposed, however he was unable to commit at this time. Other potential members of staff were still being interviewed.

However;

1. Although DA had been nominally appointed Animal Manager, he accepted that he was not empowered, and that DG was still making all the decisions.
2. The previous Animal Manager was now working as a cat keeper only, and held no responsible position. This was considered a retrograde step by the inspectors, as they had been impressed by her progress at the November inspection.
3. We were informed by KB that DA was to be made a director of SLSZ Ltd (along with KB, FS, DG), however DA seemed surprised by this news and had not seen or signed any agreement.
4. KB, DA and DG all accepted that the zoo was being run, at this time by DG. 4

During the process the inspectors did not have confidence that the animal manager, DA, was managing the collection. On a number of occasions he was obviously not 'in the loop' with regards to decisions being made for the animal collection.

For example;

1. He was unable to explain the design for the new baboon housing. He acknowledged that had it been up to him, he would 'not be making the new accommodation out of scrap'. He also acknowledged that the baboon house could have been completed on time for the inspection.
2. He informed the inspectors that the movement of birds to the Africa field, without the provision of adequate shelter, was carried out without his knowledge.

The zoo is clearly being managed directly by DG and the way that the collection is being managed still has a profoundly negative impact on the welfare of the animals kept in this collection, and continues to act as a potential danger to the public.

The above existing management structure of SLSZ is not, in the inspectors opinion, sufficiently robust to ensure that the SSSMZP are being delivered. Nor does it fulfil the requirements of the condition applied by the inspectors back in November 2015. Information supporting this statement comes from the interviews with the staff, from the records examined and observations made whilst walking around the zoo.

Conclusion

Condition 39 has not been complied with, and as it stands, unless circumstances change, the LA should not renew the license, as recommended in the report in November 2015."

The inspectors also state in Report 2:

"Not complied with.

It is the inspectors' findings and opinion that the ongoing serious concerns over animal welfare, public safety and potential escapes are due fundamentally to both the animal husbandry/management regimes and philosophy (ie free-ranging mixed exhibits), and/or the inability by staff, including current management and the vet, to effectively influence or challenge these. Only when a management structure is properly implemented that is able to review current practices independently of the owner, will there be the ability to bring about significant change that will address these issues effectively and enable this zoo to progress and realise its full potential."

They also note in report 1:

“The inspectors were impressed with, and grateful for, the co-operative approach of the staff team, and the evident progress that has been made in many areas since the last inspection, including the appointment of a new Animal Manager. They were particularly impressed with the highly motivated, dedicated and enthusiastic keeping staff, and the evident desire of the staff and management team to move forward to develop and progress the zoo following the previous inspection. The inspectors recognise the many very positive aspects of the zoo and the public's experience.

However, it was evident that the robust management and staffing structure and the specific requirements for this (condition 39) are not in place, ultimately leading to ongoing serious concerns over animal welfare, public safety and potential escapes. While recognising the very complex nature of events and situations, including future plans, leading to the current status of the zoo at the time of inspection, the inspectors' findings indicate that failure to comply with condition 39 is at the root of the majority of the ongoing issues. The inspectors were very disappointed that many conditions had not been complied with, and with the number of problems detected during the inspection, resulting in the zoo failing to comply with many of the SSSMZP. See ancillary report for further details.”

Zoo's Comments

Condition 39 has not been complied with, and as it stands, unless circumstances change, the LA should not renew the license, as recommended in the report in November 2015.

The report fails to recognise and acknowledge the intense work that has been ongoing to recruit and employ senior animal Management for the Zoo to comply with this condition since December 2015. The Zoo gave the inspection team clear detail of proposed new staff and it seemed to be well received and the quality in principal agreed as suitable. We also informed the inspectors categorically that we CANNOT comply unless the Licence is renewed in July simply because no sensible person who holds a senior position in any zoo would give up that position to find their employment terminated by a refused, deferred decision or re application of the Licence. The two new Senior Manager appointment terms are agreed and all that is now required to have these people in place to fully comply with Condition 39 is the renewal of the Licence. It seems we are in “catch 22” We cannot recruit because of the threat to take away the Licence and you will not give a licence until the staff are in place? We require fairness and common sense to prevail in this matter to allow the Zoo to employ these experienced managers by the renewal of the Licence or we shall be faced with a situation where the Condition placed and threat made of refusal by the Authority in November actually prevented us complying with it, thus being unjust and unfair.

- *The CEO (Karen Brewer) has a legally binding contract of employment that gives her full control over the company operations independent of shareholders but subject to the Board of Directors guidance.*
- *This is compliant with the condition as written.*

- **To conclude this matter, we confirm the agreement of terms with two senior animal management prospective employees subject to Licence renewal and the CEO who is in position at this time.**
- **The prospective Director of Animal Management is as previously revealed to inspectors , Andreas has confirmed that he is to begin contracted training and management input in July for 4 weeks. Then he is preparing a regular training and management input in his words:**

“What I can offer at this time, and this is what I told David, is that I, on a consultancy basis, could be at Safari Zoo for several consecutive weeks at certain dates in 2016 to assess current animal management, animal welfare, and work procedures, to eventually come up with a structured operation manual including clear responsibilities, as well as staff training schedule and training. During these times I would also be in a position to either identify a person already working for you or to find someone who may slip or grow into an animal manager position under my supervision. A strategy that I’d be happy to present to and discuss in detail with council as well as work along with you and them to bring things back on track”

He cannot make any full time commitment until the Zoo Licence is fully renewed for 6 years.

The proposed Curator can start early September if the Licence is renewed early July but will not resign until a Licence for 6 years is issued.

We therefor make the request that the Licence be renewed in July and if necessary a Condition applied as suggested by the Inspectors in their report that a Senior Animal Manager must be in place by the end of the year as after notice is given to previous employers and commitments honoured it is stated that they would be able to take up position within that time frame.

We have made other positive developments to strengthen the team and provide that robust structure. Kim Banks who is head keeper and been a senior keeper at Safari Zoo for 7 years has agreed to take the role of assistant to the animal manager along with Mark Conway anks who is senior keeper and been with the zoo for 6 years who has also agreed to the same position. This gives us clear levels and responsibilities moving forward. Until our new Curator starts we shall continue with DG as the external advisor, Kim and Mark will manage the day to day keeper operations as they have for the past 2 months under guidance. As soon as the Curator starts they will take the assistants role and back up the Curator in all aspects of zoo animal management. We have promoted 3 other staff to more prominent positions of responsibility to replace Mark and Kim as Head Keepers.

We shall rely upon Andreas to train, develop and grow all the new staff and promoted staff from his contracted role. DG wishes to be relieved of his role as advisor as soon as is practicable and legal liability issues are covered and signed for by others.

DA has not been able to take any lead role after his probation period due to a failure to immerse himself in the needs of a modern zoos H and S requirements and procedures.

He has failed to communicate with staff or management and his position is under review. Despite the Inspectors demands for the Zoo to give him full control it would have been irresponsible, illegal and dangerous for DG or the CEO to have given that control without a defined comprehension of legal requirements and standards. This illustrates further the issue of making major decisions about character and ability based on a few words and a few minutes of interviews. DA may have said what you wanted to hear but he could not match that with any level of acknowledgement of responsibility to staff and public. He remains employed with the zoo.

The new CEO, Directors and staff as a whole are very positive about the new structure along with continued security of the company and they are all looking forward to having a confident and productive future in the zoo.

Further to this comment we can confirm the position of the trading company operating the zoo business.

Whilst the Authority has had numerous possibilities placed in its domain in recent months this exercise has proven to be a long carefully researched and legally advised gathering of the information from Accountants, the Bank and legal counsel. We have had numerous meetings consultations with all affected parties from HMRC, the Bank, employees, overseas dependants and specialists in the industry.

Without going into detail of all the possible structures the only structure that can possibly provide the security and unchanged inherent business success to continue solvent operations into the future with full Bank consent as first charge holders on the property is to operate the Zoo as follows:

South Lakes Safari Zoo Limited will continue as the legal trading entity of Safari Zoo. This is to comply with the Banks arrangements and covenants agreed for very substantial bank loans made based on the structure and success of the company under its management. It also is to guarantee continuity and preserve confidence in the employees and our suppliers and customers. It has been agreed by the Auditing Accountants, Bank legal advisors our Legal advisors and the management that this is the only secure and responsible way forward for the zoo.

In further regard to Condition 39 it is confirmed that the operating company has appointed new Directors and a new CEO to take over the total management of the company. David Gill and his wife Frieda Rivera Schreiber resigned to allow the new Directors full and complete control over the management of the company. The 4 new Directors of the Zoo operating Company are Karen Brewer (CEO), Jayne Birkett (Accountant) Stewart Lambert (Chairman of the Board of Directors) and Claire Lambert (Retail Manager) The two new Senior Animal Management employees will be appointed Directors on completion of the probation periods.

This new company situation is typical of most UK companies and is the most common structure for a company whether private or public. Full legal advice on the companies trading position has been sought and we have taken our position on the matter from legal counsel in relation to the Zoo Licencing Act and the requirements of that Act

This company fulfils all the requirements under the law to operate a Zoo in that is has a proven track record, consistently positive accounts and constant investment. It employs the expertise to effectively manage and operate under the ZLA.

The Directors have made an application to have the Zoo Licence transferred into the company corporate name with Karen Brewer named as the responsible person to the Local authority in regard to the Zoo Licencing Act.

It is confirmed that the proposed transfer of Zoo operations to a Not for Profit Company is now on hold until financial security is assured by the issue of a new licence to operate. The proposed transfer is still going to happen but only when the bank and advisors give the financial position the green light to change. This is unlikely in the next two years due to unforeseen financial burdens.

Guidance

The SSSMZP states:

Section 10 - Staff and training (See also Appendix 9 – Staff & staff training)

10.1 Number of staff and their experience and training must be sufficient to ensure compliance with the Standards at all times, taking due allowance for holidays, sickness and other absences.

10.2 A list must be maintained of all staff authorised to work with the animals, together with lines of responsibility and levels of expertise, training, and qualifications.

10.3 A suitably competent member of staff must always be available and in charge.

10.4 All animal staff must be competent for their individual responsibilities and given the opportunity to undergo formal training to achieve appropriate qualifications.

10.5 Continuous in-house staff training must be a regular aspect of the zoo.

10.6 The zoo operator must make every effort to ensure that their staff do not have any convictions under the Zoo Licensing Act 1981 or under any other animal welfare or conservation legislation including that listed in Appendix 9.

Appendix 9 - Staff & staff training Training

9.1 Continuous in-house staff training and development (eg Investors in People) should be a standard feature of the zoo. Typical topics include:

- animal husbandry;*
- animal welfare;*
- health and safety and first aid;*
- action in emergencies, escape, illness;*
- safety procedures;*
- emergency euthanasia;*
- basic sampling for health monitoring and diagnosis;*
- food hygiene;*
- diseases especially emerging ones such as Bovine Spongiform Encephalopathy (BSE), Salmonella Enteritidis, Escherichia coli 157, Hantaan virus;*

- *diving hazards;*
- *management of species used in animal-contact areas;*
- *in-situ and ex-situ conservation;*
- *educational techniques*

Staff

9.2 *The zoo operator must make every effort to ensure that their staff do not have any convictions under the Zoo Licensing Act 1981 or a background of the ill-treatment of animals under any animal welfare or conservation legislation including:*

- *Animal Welfare Act 2006;*
- *Pet Animals Act 1951;*
- *Animal Boarding Establishments Act 1963;*
- *Riding Establishments Act 1964;*
- *Riding Establishments Act 1970;*
- *Breeding and Sale of Dogs (Welfare) Act 1999;*
- *Dangerous Wild Animals Act 1976;*
- *Wildlife and Countryside Act 1981;*
- *Control of Trade in Endangered Species (Enforcement) Regulations 1997;*
- *Conservation of Habitats and Species Regulations 2010.*

Officer Recommendation

Refer to Agenda item 6 recommendations.

Considerations

(i) Legal Implications

The Zoo requires a licence to be able to open to the public and the Zoo Licensing Act 1981 makes the local authority responsible for administering the Licence. Anyone running a Zoo without a licence is guilty of an offence.

The Local Authority's power to alter a licence is contained within Section 16 of the same Act

- (1) At any time after the grant of a licence under this Act, it may be altered by the local authority if in their opinion it is necessary or desirable to do so for ensuring the proper conduct of the zoo during the period of the licence (whether their opinion arises from an inspectors' report or an alteration of standards specified under section 9 or otherwise).

Section 16A Enforcement of licence conditions

- (1) Subsection (2) applies where the local authority, after giving the licence holder an opportunity to be heard, are not satisfied that a condition attached to a licence granted by them under this Act is met in relation to the zoo or a section of it.
- (2) Unless subsection (3) applies, the authority shall make a direction specifying—
- (a) the licence condition which they are not satisfied is met;
 - (b) whether they are not satisfied that that condition is met in relation to—
 - (i) the zoo; or
 - (ii) a section of the zoo, and if so, which section;
 - (c) steps to be taken by the licence holder to ensure that that condition is met in relation to the zoo (or, if a section of the zoo is specified under paragraph (b)(ii), in relation to that section) within a period specified in the direction, which may not exceed two years from the date of the direction; and
 - (d) whether the zoo or a section of it is required to be closed to the public during that period or any part of it specified in the direction.
- (3) This subsection applies if the authority have power to make a zoo closure direction under section 16B(5) and they exercise that power.

Section 18(9) A direction to which this subsection applies shall not have effect—
(a) during the period within which the holder is entitled to appeal against it;

Subsection (9) applies to the following directions—

- (a) a direction under section 16A(2)(d) which requires the zoo or a section of it to be closed to the public;
- (b) a direction under section 13(8)(c), 16A(2) or 16E(6) which imposes a requirement on the operator of the zoo to carry out works he would not otherwise be required to carry out; and

There is a right of appeal under Section 18 to the Magistrate's Court if the holder of the licence wishes to challenge the decisions of the Committee.

The Council have the power to prosecute for a failure to meet a licence condition under Section 19 of the Act.

(ii) Risk Assessment

Not Applicable

(iii) Financial Implications

The Council may be subject to an appeal against the Committee's decision in the Magistrates' Court under Section 18 of the Zoo Licensing Act 1981.

(iv) Key Priorities or Corporate Aims

None identified

(v) Equality and Diversity

Not applicable

(vi) Other Human Rights

All licence holders have a right to a fair hearing.

Any action taken by the Council must be taken having regard to the principle of proportionality. When determining what action is appropriate the Committee will balance the rights of the licence holder with the rights of the public at large.

(vii) Health and Well-being Implications

One of the purposes of the Zoo Licensing Act 1981 is to protect the safety of the public visiting premises licensed under the Act.

Background Papers

Current Zoo Licence held by South Lakes Safari Zoo Ltd

Licensing Regulatory Committee Report – 23rd/24th February and 2nd March 2016

