

BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Special Meeting, Monday 6th March, 2017
at 9.00 a.m. (Drawing Room)

A G E N D A

PART ONE

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

3. Admission of Public and Press

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

4. Declarations of Interest.

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

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

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

5. Apologies for Absence/Attendance of Substitute Members.

FOR DECISION

- (D) 6. Zoo Licensing Act 1981 (as amended) – Zoo Licence for South Lakes Safari Zoo Ltd - Fresh Licence from Mr David S. Gill.
- (D) 7. Zoo Licensing Act 1981 (as amended) – Zoo Licence for South Lakes Safari Zoo Ltd - Compliance Report Regarding Current Licence Conditions.

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

Membership of Committee

Councillors Callister (Chairman)
Seward (Vice-Chairman)
Biggins
Cassells
Derbyshire
Gill
Heath
W. McClure
Maddox
Proffitt
L. Roberts
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LICENSING REGULATORY COMMITTEE	Part One (D) Agenda Item 6
Date of Meeting: 6th March 2017	
Reporting Officer: Principal Environmental Protection & Licensing Officer	

**Title: Zoo Licensing Act 1981 (as amended)
Zoo Licence for South Lakes Safari Zoo Ltd**

Fresh Licence Application - Mr David S Gill

Summary & Purpose of the Report

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.

Under the Zoo Licencing Act 1981("the Act") a Zoo Licence which is not an original licence is issued for a period of 6 years. On receipt of an application for the renewal of an existing licence the Council must make a determination on whether to extend the current licence for a further period of 6 years, or require the licence holder to submit a fresh application. Members refused to grant Mr Gills renewal application on 7th July 2016. Mr Gill was directed to apply for a Fresh Licence in accordance with s.6(1)(b) of the Act, within 6 months.

On 6th January 2017 the Council received an application from Mr David S Gill for a Fresh Licence to operate South Lakes Safari Zoo.

The purpose of this report is for Members to determine this application.

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1. Background

- 1.1. The original zoo licence was granted to Mr David S Gill to operate South Lakes Safari Zoo Ltd (“the Zoo”) (formerly named South Lakes Wild Animal Park) on 23rd May 1994. The original licence was granted for a period of 4 years as required by s.5(1) Zoo Licensing Act 1981 (“the Act”).

At the time of the application Mr Gill submitted that the Zoo held 290 animals in 12 acres and anticipated visitor numbers of 200 per day.

Over the last 23 years the park has significantly increased in size to its current position of occupying nearly 50 acres and housing over 1000 animals. In 2014 the Zoo recorded over 250,000 visitors which is a fourfold increase in the expectations when the zoo first opened. It generates an income of £3M per year.

The current licence was granted on 8th June 2010 for a period of 6 years.

- 1.2. On the 11th January 2016 the Council received an application from Mr Gill for the renewal of the existing licence for a further period of 6 years. Members refused to grant Mr Gill’s renewal application on 7th July 2016.

Attached at **APPENDIX A** is the Licensing Regulatory Committee Report (Item 6) of the 5th - 7th July 2016, and at **APPENDIX B** the Record of Decision from that Committee.

Mr Gill was directed to apply for a Fresh Licence in accordance with s.6(1)(b) of the Act, within 6 months.

The existing licence remains in force until the application for a Fresh Licence is disposed of or withdrawn. This is dependent on the Fresh Licence being sought by the existing licence holder, in accordance with s.6(2) of the Act.

2. Fresh Licence Application Process

2.1. Section 2(1) of the Act states that an application shall not be entertained unless at least two months before making it, the applicant has:-

- (i) Given notice in writing to the Local Authority;
- (ii) Published notice of that intention [in the required newspapers];
- (iii) Exhibited a copy on site; and
- (iv) Stated that the notice to the local authority may be inspected.

On the 28th October 2016, Mr David S Gill gave the Council notice of his intention to apply and this was deemed valid on the 4th November 2016. As a result, the earliest date on which an fresh application for a zoo licence could be made, was 5th January 2017.

On the 6th January 2017 the Council received a valid application for a Fresh Licence, from Mr David S Gill, a copy of which is attached at **APPENDIX C**.

2.2. Section 3(1) of the Act states that the local authority shall take into account any representations made by or on behalf of any of the persons mentioned in subsection (2). The relevant persons in subsection (2) are:-

- (a) the applicant;
- (b) the chief officer of police (or in Scotland the chief constable) for any area in which the whole or any part of the zoo is situated;
- (c) the relevant fire and rescue authority;
- (d) the governing body of any national institution concerned with the operation of zoos;
- (f) any person alleging that the establishment or continuance of the zoo would injuriously affect the health or safety of persons living in the neighbourhood of the zoo;
- (g) any other person whose representations might, in the opinion of the local authority, show grounds on which the authority has a power or duty to refuse to grant a licence.

A public consultation has taken place between the 13th January 2017 and 10th February 2017.

2.3. Ss.4(1) and(1A) of the Act requires that before granting or refusing to grant a licence for a zoo, the local authority shall:

- (1) Consider inspectors' reports made in pursuance of inspections of the zoo under this Act.
- (2) Consult the applicant about the conditions they propose would be attached to the licence, if one were granted, under section 5(2A) and (if applicable) section 5(3); and
- (3) Make arrangements for an inspection to be carried out in accordance with section 9A.

2.4. Section.9A(7) requires the inspectors to be nominated, after consultation with the local authority, by the Secretary of State from the list of 25 approved inspectors. The Secretary of State nominated inspectors were:

- 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 Veterinary Advisor,
- Anne Chapman; MCIEH Environmental Health Manager,
- Graham Barker; MSc AMCIEH Principal Environmental Protection & Licensing Officer.

An inspection of the Zoo was undertaken following the required 28 day notice period having previously been given to Mr Gill, from Monday 16th – Wednesday 18th January 2017.

2.5. Upon refusal of the application for a Fresh Licence, the Zoo loses its licence and must close to the public, subject to the right of appeal contained in s.18(1).

Where the local authority resolves to grant the Fresh Licence under s.4 they may alter the licence, by varying, attaching or cancelling conditions, to ensure the proper conduct of the zoo during the period of the licence under s.16 of the Act after giving the licence holder the opportunity to make representations.

2.6. S.18 of the Act contains the right of appeal against decisions made by the Council. An appeal must be brought within 28 days from the date on which the licence holder receives the written notification of the local authority's decision.

The Court may confirm, vary or reverse the local authority's decision.

3. Inspectors' Report – 16th - 18th January 2017

- 3.1. On the 18th January 2017, the inspection team met with Mr Gill's legal representative to discuss their initial findings of the inspection. At that meeting Mr Gill's legal representative was informed that they would be recommending refusal of Mr Gill's application. The Inspectors have produced the DEFRA Inspection Report Form of their findings, which confirms the recommendation, that the Fresh Licence application from Mr David S Gill is refused.
- 3.2. A full copy of the report is attached at **APPENDIX D and is subsequently referred to as Report 1**
- 3.3. A summary of **Report 1** is given below:

"This zoo has been open since 1994 and currently runs under the name of Safari Zoo with a licence held by its owner, David Gill, operating as South Lakes Safari Zoo Ltd (SLSZ). At a SLSZ renewal inspection in November 2015 and subsequently at a special licence inspection in May 2016 the inspection team recommended that the SLSZ licence renewal (at its due date) was refused. Despite this the zoo can remain open under the ZLA until the current fresh licence application, which can only be made by the existing licence holder, is considered and disposed of.

The current inspection team is the same as has performed the previous SLSZ inspections, so is familiar with the very complex history of this zoo leading to the current situation."

3.4. Additional Comments

"Whilst progress has been made in a number of areas, e.g. improved perimeter fencing in many areas, restriction of free-ranging species, reduction of numbers of specimens, provision of an efficient veterinary nurse, enlarged baboon housing etc, the inspectors have identified a number of ongoing issues which must be addressed.

A number of these issues would have been addressed already if the member of the senior management team required by Condition 34 had been in place. This lack of senior supervision is very evident throughout the Zoo despite the hard work and dedication of the keeping staff. Notable among the current failures has been that of the local veterinary service. This is another issue that would not have been tolerated by an experienced senior Curator or Zoological Director.

It is the case that where progress is being made across the Zoo as a whole it has been seriously undermined by the deplorable standards in the Tambopata

Aviary, Tropical House and old lemur house area and the compromised welfare caused by the transfer of animals, e.g. parma wallabies, to this area. This led to a number of deaths as a result of conditions after this move and the stress/conflict caused by putting them all together inside. It must be emphasised that the problems in the Tambopata Aviary area are not the responsibility of South Lakes Safari Zoo keeping staff, nor of the part-time person employed by David Gill to look after animals in this area.

Mr Gill was incorrectly under the impression that this part of the Zoo was no longer under the control of South Lakes Safari Zoo (SLSZ) and he had taken over full and complete responsibility for this area and its animals. Indeed, he prevented any access by SLSZ staff for the normal management of the animals. Any animals moved to the area in circumstances that compromised welfare were moved on his explicit instruction.

Mr Gill thought that the Tambopata Aviary area was outside the perimeter of SLSZ following the signing of agreements with Cumbria Zoo Co Ltd (CZCL) because in those agreements it was drawn outside the new perimeter. The separate inspection to assess CZCL's application for a New Licence did not include the Tambopata Aviary/Tropical House area. However, Mr Gill failed to realise that the Tambopata Aviary area is still inside the perimeter of SLSZ for the purposes of the Periodical Renewal inspection for a fresh licence in Mr Gill's name and to which this report relates. As a result, zoo licensing inspectors had full access to the Tambopata Aviary area of SLSZ on January 16th and 17th 2017 to carry out the Periodical Inspection of SLSZ.

Whilst there have been significant improvements in many areas of the Zoo, these are mainly attributable to the new operator CZCL, who have only recently taken over the management of this Zoo. Progress must have been complicated during the hand-over process by the intrusive managing style of the owner and the considerable building work that has been going on as he tries to split the Zoo. The more serious welfare issues encountered during this inspection were seen in the area directly under his control. For this reason, and for reasons too complex to fit within the physical constraints of this document, an ancillary report has been prepared by the inspection team detailing their reasons for recommending the licence is refused."

4. Inspectors' Ancillary Report – January 2017

- 4.1. An additional report has been submitted by the appointed inspectors is attached at **APPENDIX E**, and is subsequently referred to as **Report 3**.
- 4.2. This report is structured so as to relate to the s.1A Conservation Measures which are required to be implemented in zoos in accordance with the Act.

S.1A(c) requires the Zoo's animals to be accommodated under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong, including:

- (i) providing each animal with an environment well adapted to meet the physical, psychological and social needs of the species to which it belongs; and
- (ii) providing a high standard of animal husbandry with a developed programme of preventative and curative veterinary care and nutrition.

A summary of the inspectors findings in relation to the requirements of s.1A(c) are below:

"The provision of Veterinary care

The provision of veterinary care, with compliance in developing a program of curative and preventative veterinary care, has historically been poor. Despite frequent comments made by inspectors, the application of conditions, some of which have had to be elevated to direction orders, DG has made little genuine attempts to rectify this, and put in place a genuine program of curative and preventative veterinary care.

It is apparent from this historical record and the findings at this inspection that, for whatever reasons, DG has never truly tried to comply and develop a proper program of veterinary care for the animals within this collection.

For example: In 2016 A recent review of the post mortems undertaken by a consultant has revealed the poor level of ongoing preventative and curative veterinary medicine within the zoo; and

2017. The veterinary team had no involvement in the routine care of the animals in the Tambopata aviary, the Tropical house or the old Lemur houses.

Even now the animals that are directly under his management are being managed in such a poor manner that a large number of emergency conditions have had to be recommended by the inspectors to the LA, to ensure that ongoing suffering is minimised.

Animal Records

The keeping of animal records at the zoo has been poor ever since the zoo first started to operate. To ensure compliance, Conditions that have had to be elevated to Direction orders have had to be applied to the Zoo Licence.

Animal Welfare

In a review undertaken by the zoo consultant, Dr J Cracknell MRCVS he noted that;

- Three animals in 2016 have been run over the train. But nothing was done by the owner or the zoo management to prevent this, until the LA enforced action.*
- 16 animals have died from conspecific trauma in the first ¾ of 2016. This includes for example ten primates, mainly lemurs, including one red ruffed lemur being eaten by a tiger. Similarly nothing was done to prevent this.*
- Four Inca terns died soon after arrival, in January, from exposure. The inspectors understand that this was because DG insisted that they were let out into the aviary.*
- Since early 2015 six Nyala have arrived at the zoo, and five of these are now dead. Three of these occurred within a week of arrival, and a further two died in the week of the inspection, notably one on Sunday 15th and one on Monday 16th November 2015. When the directors were asked whether these two had undergone a post-mortem they were informed that they had been. Although a post mortem report had not been written up yet, the directors thought the cause was probably exposure. There was no evidence of any veterinary input into the treatment or post mortems of any of these animals. When the vets were questioned, neither knew of the death of the latest animal.*
- January 2017 welfare issues noted, particularly with the Parma Wallabies, and other animals in the Tambopata aviary and adjacent buildings noted during the inspection.*
- See animal welfare audit notes drawn up by Dr J Cracknell MRCVS on the last day of the zoo inspection January 2017.*

The chief concern here is not the deaths, or even the causes themselves, (although they are indicative of poor management), but the fact that DG accepts these losses, and does not see a problem with it. A keeper informed the Inspection team that they had been informed to just dispose of any dead bodies and not tell anyone about them.

The post mortem database shows a clear picture of poor management, with uncontrolled breeding, lack of any program of preventative and curative veterinary medicine, with resultant on going welfare issues for the animals.

At the inspection in January 2017, the same three inspectors have noted consistent failings in the management of the zoo, and in particular the small

part of the zoo that is now off show, where there were are considerable number of welfare issues.

The inspectors were dismayed by the obvious deficiencies in the accommodation, the overcrowding, and the lack of proper welfare and husbandry. It is the inspector's opinion that these deficiencies are directly attributable to DG, and have led to these animals suffering, apart from the housing fall well below that standards required by the SSSMZP.

Tambopata Aviary & Tropical House Welfare Audit

The Welfare Audit, conducted on the 18th January 2017, by the Zoo's Consultant Vet, Jon Cracknell is attached at **APPENDIX F**, and is summarised below:

"Mixed species of too high stocking density, ... exacerbated by large number of non-compatible species Relatively high level of trauma related mortalities in this aviary prior to increased stocking

Level of cleanliness poor with piles of faeces that were considered excessive in certain areas, waste food considerable and source of food for vermin and enclosure design, including food presentation not considered acceptable.

Many perches rotten or failing wood and in need of repair. Minimal sheltered perching and many birds soaking wet, particularly the smaller parrots. Old broken posts long, snare-like wiring in places – risk of injury, similar number of bolts and nails rusted and sticking out.



large number of shelters in enclosure but most are not suitable for the species.

Food – presentation appalling, split bamboo cane as main food trough – easy access from wild birds, considerable spillage and rat access, difficult/impossible to clean effectively, poorly protected from the elements.

Pest control poor to non-existent – small number of bait boxes present, rat activity excessive with huge number of active burrow entrances.

Large water fowl flight massively overstocked, ... Insufficient space for this number of birds and considerable intraspecific aggression for perching space. Floor concrete with limited scattering of straw covering the floor – bumblefoot common, with some birds e.g. African crowned crane with fresh pressure sores on feet (see picture).



... ability to adequately clean and maintain is challenging, roof of indoor storage shed caked in faeces and in poor condition.

Number of lame birds in the house, cranes particularly but chronic severe foot pathology

Wallaby / tortoise long enclosure - Concrete substrate with minimal straw or other bedding – uneven wear on major digits present on some of the parmas assessed.

Metal structural trim gap on west aspect of the building – risk of trauma, head stuck underneath for wallabies, especially if running or spooked (please note large number of cranial trauma cases in parma reported)

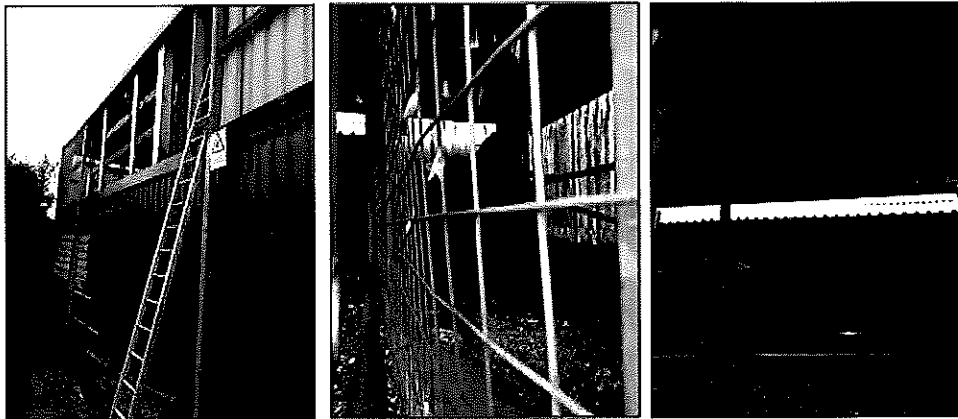
Insufficient shelter in the enclosure or site lines for wallabies – male woylie harassing a female during assessment and she had no where to hide, go or move away from the male. Joeys only place to hide was small bed of straw in SE corner. Unacceptable on several levels.

Sulcata tortoises always under the heat lamps – suggestive that temperatures insufficient. Food and diet inadequate for the tortoises.

Tamarins climbing on and eating tortoise food - disease risk; climbing and using electrical wires as climbing structures, access for potential biting; No obvious housing for the tamarins.

FREE FLIGHT MACAW AVIARY Two cages and one open to the elements to free fly in and out. Poor shelter from the elements; Food and faeces spilt on floor; Heavy rat burden and considerable detritus on the floor and surrounding area; Substandard accommodation in the two closed areas; Ladder access unsafe and difficult to manage the area for the birds due to the access method. Considerable food spillage in adjacent area and private house decking. No electric – no heating nor light.

Action: this area is not suitable for animals on welfare and staff health and safety due to access – recommend condemn for animals.”



Post Mortem Data – Palma Wallabies

Data from the Zoo's records on the post-mortem (PM) reports of the Palma Wallabies is attached at **APPENDIX G**, and was submitted by the Inspectors in support of Report 3. The following table provides extracts from the PM data.

On or around the 2nd December 2016, a number Palma Wallabies were moved to the Tambopata Aviary and Tropical house on Mr Gill's instruction. Between the 6th December 2017 and 15th January 2017, 7 Palma Wallabies have died.”

Date of death	Species	Hx	Gross findings	Diagnosis
06/12/2016	Parma wallaby	Been aggressively mated over the weekend, taken to vet room Monday unable to stand given supportive care and analgesia until vet visit	Euthanased fracture to distal femur lots of soft tissue damage and haemorrhage around fracture site. Abdominal abscess.	Trauma
16/12/2016	Parma wallaby	Found dead at morning checks	Fractured maxilla, missing 4 incisors and hole in soft palate that communicates with nasal cavity. puss on surface of liver, small amount blood stained fluid in abdominal cavity	
24/12/2016	Parma wallaby	Found dead in spoonbill end of Avairy	The animal was in reasonable body condition but had an empty stomach and very little gut content indicating a lack of food intake for at least 2 days. there were no signs of injury. There was a little free fluid in the abdomen and congested liver and kidneys. There was a small 1.5cm abscess on the edge of a liver lode. There was some free fluid in both thoracic cavities. both left and right submandibular lymph nodes were very swollen and firm. They both contained lobulated areas of green pus.	septicaemia with the source of the infection being the submandibular lymph nodes
25/12/2016	Parma wallaby	Paralysed R.H leg, unable to stand given 120 ml s/c fluids and 1ml Dexadrosson	there were no signs of injury.	

01/06/2017	Parma wallaby	Found at morning checks no previous history	R maxilla fractured, missing incisor teeth on left side, some bruising on upper left lip. and a hole in the hard palate. Small amount of hard puss in abdomen. Stomach empty, s.i brown liqued. Faecal matter L.I. Some fur missing on ventral tail, slight swelling at dorsal tail base. Hind feet keratinised. smal unfured Joey in pouch Euthanased.	Trauma
01/07/2017	Parma wallaby	Been treated for an infected toe, had lost weight		
15/01/2017	Parma wallaby	Found this morning, unusually QAR, given s/c fluid, superficial wound on dorsal tail cleaned and flamazine cream applied. Keepers to monitpr	Diphtheritic hepatitis with associated local peritonitis 2. Serosanguinous peritoneal effusion 3. Mesenteric lymphadenopathy 4. Intercostal and abdominal musculature petechiae 5. Dorsal superficial wounds to the tail consistent with suspected rodent injuries suspicious of yersiniosis. Tissues have been retained for culture for confirmation and infectious	

Poor design of facilities

Many of the facilities are designed by DG himself, and do not take into account modern thinking in designing new enclosures for the wellbeing and comfort of the animals they are designed to keep. Furthermore these animals' houses could and probably would act as both a potential danger to the staff and the animals.

For example, at the November 2015 inspection the inspectors were particularly concerned about two of the new buildings that had been designed and overseen by DG; the new Africa House, and the new Bear house.

The Africa House

- *The Africa house, was placed at the bottom of the hill so that run off water would run directly into the house.*
- *The doors are scroll doors that move up and down, making it harder to maintain temperature in the building during cold spells. The hard yard is not flat, but at a steep slope. This means that in very cold, icy or snowy weather, it would be potentially dangerous for the animals.*
- *The flooring had been finished with smooth concrete, rather than rough concrete to prevent animals slipping (Nb. one giraffe did die after slipping in the new house after the animals had been moved over to it).*
- *The original design was such that Keepers had to physically enter the animal's enclosure to be able to work and move the animals, putting them in potential danger. A condition had to be applied by the inspectors to prevent this.*
- *There were no plans for heating the enclosure available*
- *Animals were already being housed in the building, even though it was not complete. They were retained using walls made of large bales of straw, then held together with baler band. A gate into this enclosure was made with wooden boards, again held together with baler band. This is an unsafe way to house category 1 animals and the daily diary records a number of instances when the animals have escaped from this enclosure. A condition had to be applied to the Licence to stop this unsafe practice and ensure the safety of both the keepers and the animals.*
- *Approximately one year later, November 2016, there was still no provision of heating in this house, despite the house having now been occupied by Giraffe and Rhino since the spring. A further condition had to be applied to ensure that adequate heating was put in, to ensure the animals comfort and wellbeing over the winter. This involved two extra inspections by the LA, and the inspector was informed by the keepers, that DG did not believe in heating the house, and that we were wrong.*

This despite to plethora of well written documentation available regarding the construction of houses for Giraffe and Rhino.

The New Andean Bear house

- *At the November 2015 inspection a new house constructed for the Andean bears was inspected. This building is multi-functional and also acts as the indoor enclosure and viewing area for mixed species such as Kangaroos and capybara.*
- *This house had been constructed without any advice from other members of staff, as confirmed by the other personal present on the day of the inspection. A written sketch/plan was produced, however the construction was not built to the original plan.*
- *Indoor access tunnels and an indoor enclosure area had not been constructed, which would have allowed safer management of the animals.*
- *The bear accommodation design and construction was such that it would hamper the management of these animals, and thus potentially their welfare.*
- *The accommodation for the bears was unsuitable, as it allowed limited visibility of the bears, was difficult to clean and did not provide a house that would allow safe management of the animals.*
- *Access to the inside of the enclosure was so limited that if a bear was ill, and needed treatment, then DG informed the inspectors he could 'just remove the roof, to dart the animal'.*
- *For keepers to gain access to the inside of the den, they would need to first check that there are no bears present in the den, then ensure all gates are fastened closed and then crawl in via the bear doors.*
- *No consideration had been given to the housing of mixed species within sight and within the same air space and the negative effects this might have on each other, particularly the prey species.*

Of particular concern is the fact that DG fails to consult with any relevant zoo experts, EAZA or similar guidelines, or even his staff or the veterinary consultants. The enclosures are poorly designed, often unfinished and fail to properly supply the requirements for the animals that are designed to house. As a result a considerable number of conditions have had to be applied to ensure compliance. There are many other examples that should be given including the Pigmy hippo housing, the flamingo housing, the baboon enclosure, the anaconda enclosure.

The inspectors were so concerned about the lack of progressive implementation of modern design that they imposed a condition specifically about the development of new houses. This was escalated to Direction Order on the 19th July 2016 for a period of 2 years.

4.3. Running the Zoo in a disorderly manner.

It seems logical to the inspectors that if the LA have the discretionary power to close a zoo should they consider that it is being managed in a disorderly manner, then a LA must not grant a Licence if it is likely that the zoo is to be managed in a disorderly manner.

In determining whether the inspectors feel that the zoo will be managed in a disorderly manner, the inspectors must take into consideration the historical management of this zoo particularly over the last couple of years.

Many of the other examples cited elsewhere, fall within this bracket as well, for example the large number of escapes historically, or the convictions are clear examples of a Licence holder contributing to a breakdown of peaceful and law abiding behaviour. However it is not the failures themselves that are the true concern here, but DG attitude to them, and the LA and the Law that is of concern.

Throughout the history of this zoo DG has repeatedly shown little regard for the Licensing Authority, has denied or ridiculed the conditions imposed, only finally complying when the LA have undertaken escalated enforcement action and refused to renew his existing licence.

Examples of this are highlighted clearly more recently;

Conditions

This zoo, from its first inception has had a considerable number of conditions applied to the Licence at many of the inspections. It is important not to just look at the number of conditions applied, or recommendations made, but the fact that they are often relate to major failings in meeting the SSSMZP, such as the requirement to have a veterinary program of curative and preventative care, perimeter fencing, escapes, diet, rodent control etc.

The poor management of the zoo

There have been repeated changes in the management structure put forward to the inspectors and LA since the inspection of 2015. Between November and July nine different management teams have been proposed to the LA to manage the zoo, but there has always been a single common denominator behind all these changes; DG continued to run this zoo, either directly or indirectly with KB being presented as the manager, or CEO. That this was happening was apparent despite DG and the presented management team denying it. This was evidenced by the many comments made by staff during interview, that DG would block changes, or that they were unable to put in place change until he left.

What is clear from the process over the last year, is that DG is desperate to keep the zoo open, and is also desperate to continue to maintain control over

the zoo is some form or another. Whilst he might deny this, whenever he feels a proposed management structure is unlikely to fail he puts forward a different version. This, in the inspector's opinion is not managing a zoo in an orderly manner.

Membership of Zoo groups within Europe

DG was asked to leave the British and Irish Association of Zoo and Aquaria (BIAZA) council for bringing the organisation into disrepute via negative publicity and more recently SLSZ has been downgraded in its membership of European Association of Zoo and Aquaria (EAZA) to temporary after an inspection in December 2015. (The report of this inspection is not available). These two groups lie at the heart of cooperation between zoos, sharing information and animals. It is also particularly important as it oversees the sensible genetic breeding of rare animals in captivity, the EEP breeding schemes, which forms an important part of a zoos conservation role.

Planning permission

Whilst this does not normally fall within the bounds of a zoo inspection, the Act does state that if the LA are not satisfied that planning permission has been granted for the zoo the Licence should be refused or granted with its operation suspended until the Local planning authority confirm that permission has been granted. Whilst the zoo itself has planning permission, the inspectors are aware that there are a number of other on-going issues with planning, some of which have not been resolved.

- 4.4.** S.4(2) of the Act states that the Local Authority shall refuse to grant a license for a zoo if they are satisfied that the establishment or continuance of the zoo would injuriously affect the health or safety of persons living in the neighbourhood of the zoo, or seriously affect the preservation of law and order.

"In practical terms this means that the zoo and its management, must put in place safe working practices and processes; build enclosures, suitable fencing etc. that will ensure that the animals are unlikely to escape either from their enclosure or, in the case of free ranging animals, leave the zoo perimeter.

The animals must also be managed, particularly in walk through exhibits, in such a way that they are unlikely to cause harm to the visiting public.

DG believes strongly in allowing the animals to roam as freely as possible, virtually uncontrolled, and breeding in an uncontrolled manner. His collection plan even stated that he would like to breed as many lemurs as possible. The result has led to uncontrolled population increases, conspecific and intraspecific fighting with secondary animal welfare issues, and an increase in the number of potential incidents between animals and the public.

DG does not see this as a potential issue, informing the inspectors that animals in the wild get injured when fighting each other, and people are bound to get bitten occasionally. As far back as 2004, during an inspection when this issued was raised (a lemur came through the dining room during lunch) he did not see it as a problem.

It is only when conditions were applied, then elevated into a direction order (October 2016) did the zoo finally comply and begin to look at this problem seriously.

Duty of care for his staff

DG and SLSZ has a duty of care for his staff. Examples being:

- *A keeper was observed power hosing the floor, without wearing any personal protective equipment (PPE). I.e. no gloves, no eye protection and no face mask.*
- *A keeper was observed cleaning out a primate cage, with primates were still present in the house. One primate was sat on a branch directly above the keeper.*
- *The keeper wore no PPE, i.e. no gloves, eye protection glasses, overcoat or face mask.*
- *A keeper was observed walking in with a white rhino, whilst moving the animal. Non protected contact is potentially high risk, as it puts the keepers at risk should something go wrong.*
- *It was noted to that to close the gates in the giraffe house the keepers must enter the enclosure with the giraffe to carry out this task. This sort of non-protected management has inherent risks. It was therefore particularly disappointing to note that in the new designs for the Africa house, the keepers would still be required to go in with the giraffe to close certain gates.*
- *Andean Bear House design – keepers had to crawl through animal door to enter building.*
- *Prosecutions under health and safety legislation regarding the Sumatran tiger and a keeper falling from height.”*

4.5. The report concludes with the following statements:

“Conclusion

The Secretary of State inspectors will only recommend that a license is issued if they are satisfied that a zoo is likely to meet the Secretary of States Standards for Modern Zoo Practice (SSSMZP). In determining this, whilst writing their report the inspectors have particularly looked at, and take into consideration;

- i. What are the accommodation standards?*
- ii. Are they adequate for the proper care of the animals?*
- iii. Are they adequate for the proper conduct of the zoo?*

- iv. *What are the staffing standards?*
- v. *Are they adequate for the proper care of the animals?*
- vi. *Are they adequate for the proper conduct of the zoo?*
- vii. *What are the management standards?*
- viii. *Are they adequate for the proper care of the animals?*
- ix. *Are they adequate for the proper conduct of the zoo?*

In considering these nine points all three inspectors feel that the standards maintained by DG fall far below the standards required in a Modern zoo, and are unlikely to be met. In fact the answer to all nine of these questions must be either poor, inadequate or a resounding NO.

In recommending a refusal of the Fresh Licence application we have not only taken into consideration how we found the zoo on the day of the inspection, but have also considered the past performance of the applicant. It is from these that we feel that we can therefore determine the likelihood of future compliance. Furthermore, it is the inspectors' opinion that if a license were to be granted to DG, that there is a reasonable likelihood that animals may continue to escape, and that if escaped they might injuriously affect the health or safety of persons living in the neighbourhood.

The inspection team also note that DG has a previous conviction under the CWA 1981.

In the inspector's opinion, DG seems to have little regard, bordering on contempt for the ZLA, and the zoo licensing process as a whole. This is clearly demonstrated by the repeated large number of conditions, direction orders and late and often partial compliance on his Licence over the history of this zoo. There is a clear refusal to take responsibility for the failings in this zoo.

In the inspectors opinion the Fresh License application must be rejected."

- 4.6.** For Members information, the experience of the Secretary of States' Appointed inspectors and the Councils Veterinary Advisor is attached at **APPENDIX H**.

5. Zoo Licence holder Response to January 2017 Inspection Reports

- 5.1. The Inspector's Report and Ancillary Reports were sent to Mr Gill and his legal representative on the 27th January 2017 with a request that any representation be made by 4pm on the 10th February 2017.

Mr Gill's representation was received on the 3rd February 2017, via an email from his legal representative. A copy of Mr Gill's representation is attached at **APPENDIX I**, and is reproduced in full, below.

"Dear Anne

I write further to your email of the 27th January and confirm safe receipt of the Inspection Report, the Additional Report and the Conditions Report.

I would be grateful if you could treat this email as Mr Gill's representations on those reports. Mr Gill is not proposing to make any substantive representations on the opinions and comments expressed in the reports, save in respect of those comments which relate to corporate governance and the transfer of the Zoo to a new operating company. However, this should not be taken as his admission that he accepts the validity of those other comments. His decision not to make such representations should be seen in the context of his previously expressed wish to step back from the running of the Zoo.

Mr Gill has been desirous of handing over the management of the Zoo for some time. However, he has always been aware of the need to keep the Zoo open and trading whilst new operators could be found.

It is true that over the last 12 months or so, a number of potential models for the future operation of the Zoo have been identified and explored. The inspectors seek to characterise these explorations as representative of poor management or of an underlying desire on Mr Gill's part to remain in control at the Zoo. This is not the case. There have been numerous meetings between Mr Gill, his bankers and professional advisors regarding the best way to achieve Mr Gill's objectives of exiting the Zoo whilst keeping the Zoo open so that any new operator is able to take the Zoo over as a going concern. These discussions led to consideration of a number of potential options, but each option had to be considered against the commercial benefit to the respective parties, the requirements of inspectors and regulators and the requirements of bankers.

The current arrangement sees the entire Zoo site leased to Cumbria Zoo Company Limited (CZCL) under a six month lease. CZCL has taken over the operation of the entire attraction, including animal management but also ancillary activities such as restaurant and gift shops. Mr Gill remains the licence holder, but otherwise has stepped away from all trading and management activities connected with the Zoo. He will continue in the capacity of landlord only (both directly and through South Lakes Safari Zoo Limited (SLSZ)).

If or when CZCL's application for a Zoo Licence is granted, an eight year lease will immediately come into force. You should have copies of the relevant Agreement for lease and the lease itself.

Mr Gill is also in discussions with CZCL for them to buy the land on which the Zoo is sited and/or for CZCL to buy the entire issued share capital in SLSZ. If this deal is concluded, Mr Gill would not even have a relationship with CZCL as a landlord and his ties with the Zoo would be completely severed. It is hoped that this final severing of all ties can be achieved in the coming months.

Mr Gill has no involvement in CZCL whether as an officer, shareholder, employee, consultant or contractor. He has moved to a new property around thirty miles from the Zoo and has only returned to his property at the Zoo on three occasions since Christmas. He therefore has no means by which he can oblige CZCL or its officers, employees or agents to follow his wishes. He has noted that the inspectors have commended CZCL for making certain changes to the Zoo which they regard as beneficial and this demonstrates that CZCL is acting independently from Mr Gill and is not subject to his direct or indirect influence.

In summary, although there appears to be some suspicion on the part of the inspectors, Mr Gill is absolutely committed to exiting the Zoo and to transferring full responsibility for the Zoo to CZCL.

I would be grateful if you could acknowledge safe receipt of this email.

Yours sincerely

Livingstons Solicitors Limited"

5.2. Mr Gill and his legal representative have been invited to attend this hearing.

6. Representations

- 6.1. The Notice of Intention and Application has been published on the Council's website. A 28 day public consultation took place between the 13th January 2017 and the 10th February 2017.
- 6.2. In accordance with Section 3(1) of the Act, representations have been received from Cumbria Constabulary, Cumbria Fire and Rescue, Captive Animals' Protection Society, Zoo / Exotic Animal Husbandry and Welfare Advisory Service and two members of the public.
- 6.3. **Cumbria Constabulary** – The representation submitted relates only to an existing and proposed condition on the licence and is therefore dealt with in Conditions Report, Agenda Item 7.
- 6.4. **Cumbria Fire & Rescue Authority** – A full copy of the representation attached at **APPENDIX J1**

In a letter dated 2nd February 2017 [REDACTED] Watch Manager states:

"The plans submitted do not show the scale of the access roads to the site/buildings or water provision.

Vehicle access road should comply with ADB section 16.8, Table 20 and Diagram 50 and water provision as in ADB section 16.1 & 16.2.

This is subject to the premises having a suitable and sufficient fire safety risk assessment as required by the Regulatory Reform (Fire Safety) Order 2005. Under this legislation, every 'responsible person' is required to carry out a fire safety risk assessment, of which both the significant findings and the identity of any group of persons especially at risk should be recorded.

Additionally, a record must be kept of appropriate fire safety arrangements for the effective planning, organisation, control monitoring and review of the preventative and protective measures.


[REDACTED]
*Watch Manager
Fire Protection for the Chief Fire Officer"*

- 6.5. **Local Planning Authority** – [REDACTED] Development Services, Barrow Borough Council responded on behalf of the Local Planning Authority – The full representation is attached at **APPENDIX J2**

In an email dated 22nd February 2017 [REDACTED] wrote:

"On Tuesday 21st Feb the Planning Authority (PA) received notification from the Planning Portal that a minor material amendment application for the repositioned buildings (visitor reception, Africa House and associated store) has been submitted. This application will be subject to checking for completeness including the correct fee and sufficient information upon which a decision can be made. Once registered a minimum of 21 days will be required for consultee and neighbour consideration. No application has yet been received for the Bear House.

Over the recent half term including the weekend 18/19th Feb the PA received complaints from Melton Terrace residents relating to queueing traffic on the hill outside their homes. It was alleged that this was due to poor staff supervision of the car park. The borough enforcement officer has visited and spoke to the zoo duty manager about the need to maintain a robust approach to managing visitor vehicles. He will make further inspections over the coming days"


*BA (Hons) Dip UD MRTPI
Development Services Manager*

6.6. Captive Animals' Protection Society – the full representation is attached at **APPENDIX J3**

In a letter, dated 7th February 2017, , Campaigns Director writes:

"I am writing to submit our concerns regarding the South Lakes Safari Zoo. As part of our charity work we monitor and investigate UK zoos and have been in operation since 1957. Due to the issues with non-compliance of the Zoo Licence by South Lakes Safari Zoo and the subsequent decision to not renew their licence, our investigators visited the zoo on 19th July 2016 and I would like to share our findings with you. We were primarily focussed on animal welfare issues, as that is the nature of our work.

We would also like to present our opinion on the possible future licensing of this zoo to be able to continue to operate. Working in the field of animal protection with years of work on the zoo industry, we would hope our presentations would be taken into account when making a decision.

We are aware the council has received two applications to operate South Lakes Safari Zoo from two parties:

- 1. Mr David Gill*
- 2. Karen Brewer of the Cumbria Zoo Company Ltd*

We wish to formally oppose both applications to continue the operation of the zoo and would encourage the council to use its powers under the Zoo

Licensing Act 1981 to close this zoo down. Below we outline our main areas for concern at the zoo, many of which the council have already identified, which relate directly to the applications.

CAPS visit 19th July 2016

Our investigators visited South Lakes Zoo on 19th July 2016. They witnessed various animals with varying degrees of ill health including a meerkat with visible skin issues (Image 1), a lemur with a sore (image 2), and a kangaroo which looked incredibly emaciated and unwell (image 3).

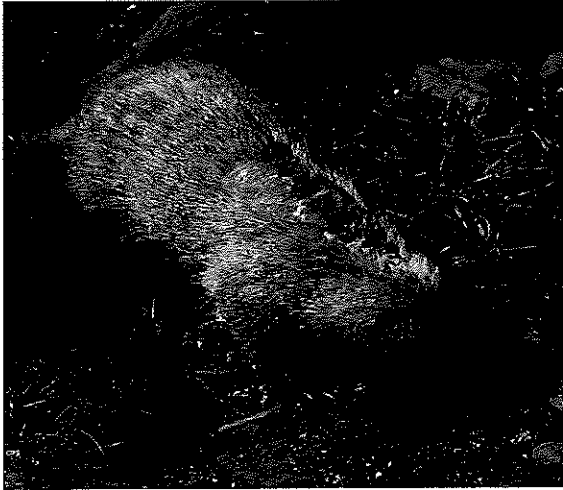


Image 1. Meerkat with skin condition



Image 2. Lemur



Image 3. Kangaroo

Despite this day being one of the hottest of the year (reportedly up to 29 degrees Celsius in Barrow-in-Furness), the Humboldt penguins had no water

at all (image 4 and 5). The investigators were in that enclosure for around 10 minutes and they could not see any keepers to speak with about their concerns.

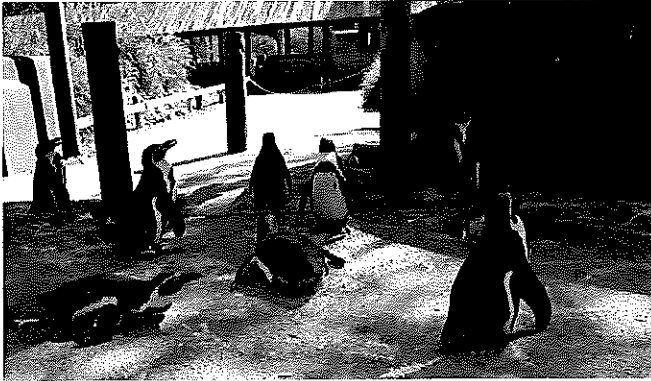


Image 4. Empty penguin pool



Image 5. Penguins in puddle of water

Alongside these findings, our investigators witnessed birds nesting on the outside of the zoo (image 6). These birds appeared to be European White Stork, a bird species which lives at the zoo and are not native to the UK. We can only presume that these birds had escaped from the zoo and taken nest outside the enclosures. Given the many previous documented escapes of animals from the zoo over the years, it is of concern to us that non-native species appear to still be escaping to the zoo, with seemingly little being done to rectify the problem.



Image 6. Stork nesting on top of zoo enclosure

With regard to previous issues surrounding animal bites and particularly the public feeding lemurs, our investigators observed lemurs in direct contact with the public, with many wearing just one glove and some with none (images 7 and 8).



Image 7. Lemurs interacting with public



Image 8. No gloves on person interacting with lemurs

Council Inspections

On top of what our investigators have witnessed at the zoo, we have been closely following the inspections of South Lakes Safari Zoo and subsequent issues raised by inspectors. We are particularly concerned by the following highlighted in inspection reports:

[REDACTED] refers to the following Inspections: November 2015, 23rd-25th May 2016 and 3rd November 2016

Licence conditions and compliance

We note that over the years the zoo has had an unprecedented number of conditions added to its license, as outlined in inspections and also as covered in the council meeting held on May 13th 2016. Some conditions have not been complied with at all whilst other conditions were not complied with in the specified timescale, showing how they do not seem to be taking the law seriously. This gives us serious reasons for doubt that the zoo will perform better in future.

Conclusion

Due to all of the issues we have found during our investigation and by inspectors, the Zoo's non-compliance with the Zoo Licensing Act, not to mention the disregard for animal welfare, we feel that the Zoo licence

applications submitted by Mr David Gill and Ms Karen Brewer should be rejected. It is clear that both Mr Gill and Ms Brewer have held major responsibilities for the running of this zoo and have failed to carry out what was required of them to comply with the law and to protect the welfare of the animals in their care.

The conduct of this Zoo has been some of the worst we have seen in many years and we feel that a cause for closure is strong. We urge the council to take the opportunity to prevent more animal suffering at this Zoo and also set an example to the entire industry that inadequate care and management will not be tolerated.

Regards,

[REDACTED]

Campaigns Director"

6.7. Zoo / Exotic Animal Husbandry and Welfare Advisory Service – The full representation is attached at APPENDIX J4.

In a letter received on the 13th February 2017, [REDACTED] writes:

"In July 2016, inspectors recommended the zoo's licence should not be reissued until new management was in place. The council agreed and David Gill's zoo licence was revoked. Inspectors and the council said Mr Gill, 55, had refused to "implement modern zoo practices" resulting in significant concerns over the safety of staff, the visiting public and the animals. A number of new management teams had been forward to inspectors to comply with the conditions, but Dr Brash was critical of them all, which included the CEO of the zoo and the management under her control.

As per Condition 39 Direction Notice Order; the only future for this zoo [South Lakes Safari Zoo] is to be free and disassociated with the current owner [David S. Gill], the management and the staff, to have no link whatsoever. However, this is not the case and as such David Gill's zoo licence application fail to meet and comply with such an order which was placed on David Gill's / South Lakes Safari Zoo's zoo licence and as such the zoo cannot continue.

David Gill's Zoo Licence Application contains false information and as such is seen as a Criminal Offence. Such as: (a) David Gill has posted his convictions against him but has forgot to add those taken against his zoo, this must be put down as it is his zoo and he owns it and is in charge of the licence when occurred; he is the owner and must comply with the said declaration; (b) The offences are not spent, the law states five years and even so, they remain on your criminal record and cannot be expunged. David Gill is seen under law as not being a fit person to hold a zoo licence.

Time and time again, the cat and mouse chase has run its course between David Gill and the council, who in all purposes have given David Gill more

bites at the cherry than any other zoological collection known in the UK. I have given numerous amounts of evidence against David Gill and the South Lakes Safari Zoo, this is credible and tangible.

David Gill has not dissolved or liquidated any of the three known companies that he has, aside from the fourth known as Cumbria Zoo Ltd, as they are all under the control of David Gill as per Companies House and Charities Commission charity check [evidence has been given to show this]; all are active and all have David Gill, his wife Frieda and the Management and or Staff of the Zoo are involved. Therefore, all of these companies are just another front and or phoenix companies that are set up so that David Gill can gain in principle a Zoo Licence, but using these four companies.

There is some confusion regarding as to who is running the zoo currently, as the zoo is still owned by David Gill [see [https://beta.companieshouse.gov.uk/company/03561692/officers-South Lakes Safari Zoo Ltd](https://beta.companieshouse.gov.uk/company/03561692/officers-South%20Lakes%20Safari%20Zoo%20Ltd)]

Currently you have David Gill but you also have the zoos CEO also under the second zoo licence application, the staff do not own the zoo, David Gill does; who pays the staff and why does David Gill still have his name as Director and owner?

David Gill / South Lakes Safari Zoo, is under court investigation by HMRC for EBT scheme which is being chased for to the tune of £1.1 million and rising daily. It is understood that the Minister for DEFRA, the Minister for Local Government and other national bodies are also investigating David Gill and the zoo.

Under David Gill as the owner, Director and person who financially runs the zoo, the zoo and he have ignored many times legal requirements, direction and notice orders, court action and orders, failing to play by the rules and regulations and in whole, he has basically stuck his nose up to all authority. The management and the staff are ultimately under the control of David Gill, the buck stops with him.

Due to the past and current chronic history of the zoo, with itself being in and out of court, the press and breaching so many laws and regulations etc. this making it a hot potato and far too risky to be associated with, then it would be advisable by not allowing David Gill in obtaining a new and fresh zoo licence. It is seen that David Gill will continue with his games between those in authority, this is costly, it is also foolish and dangerous, after all, the zoo owned by David Gill has had a keeper death, staff injuries, employment tribunals, the highest number of animal escapes, animal deaths, animal bites to public, highest number of poor animal welfare history known in any UK zoo. This is not forgetting the Mareeba Zoo in Australia where David Gill found himself in court, animal escapes, animal deaths, owing monies, leaving the animals to fend for themselves, and his business in tatters which was raised in a Government Hansard report, where David Gill had to leave Australia, likewise for his business ventures in the USA, this is well documented.

Please take note of the new attached information conferring what I was saying about David Gill. He writes using his wife's FB page and has said that he is no longer in charge of the zoo and he is going off to do other things but we have heard this before. It is noted that David Gill has not dissolved South Lakes Safari Zoo or any other of the three companies that I have given evidence of. David Gill is taking the council and the zoo inspectors for mugs, nothing has changed, he is still playing his games.

Interesting, as they [the zoo] are using the email address and name "Cumbria Zoo"; David Gill has NOT dissolved or liquidated any of the three known companies aside from the fourth known as Cumbria Zoo Ltd, as they are all owned by David Gill as per Companies House, all are active and all have David Gill, his wife Frieda and the Management and or Staff of the Zoo all named and involved, therefore Cumbria Zoo is just another front and phoenix company set up so that David Gill can gain in principle a Zoo Licence but using Karen Brewer who is employed by David Gill under the companies named below as the zoo CEO and Director:

<https://beta.companieshouse.gov.uk/company/10423947/officers> - Cumbria Zoo Ltd

<https://beta.companieshouse.gov.uk/company/03561692/officers> - South Lakes Safari Zoo Ltd

<https://beta.companieshouse.gov.uk/company/10059261/officers> - Safari Zoo Trading Ltd

<https://beta.companieshouse.gov.uk/company/10143744/officers> - Safari Zoo Nature Ltd

*[REDACTED] BSc (Hons)
Zoo / Exotic Animal Husbandry and Welfare Advisory Service"*

6.8. Representation from a member of the public is attached at APPENDIX J5

In an email to the Prime Minister, Leader of the Labour Party and the Mayor of Barrow, received on the 3rd February 2017:

"It has been reported that David Gill, owner of South Lakes Safari Zoo in Cumbria, is re-applying for a licence to operate the zoo, despite having been refused an extension to a previous licence purportedly over animal welfare and safety fears.

In July 2016, the Barrow Borough Council unanimously rejected renewal of the licence, agreeing with inspectors' concerns about "out of date practices".

Over recent years, the zoo has been the subject of investigations over apparent failings to ensure the safety and welfare of animals and visitors:

· The zoo was recently fined £255,000 for health and safety breaches which resulted in the death of a young zoo keeper, Sarah McClay, who was tragically killed by a Sumatran tiger in 2013

· Recent reports from Government-appointed zoo inspectors have raised a number of concerns over the risks to animals from inadequate housing and out of date drugs, and a failure to notify the Council of injuries to visitors from vultures at the zoo

· In 2014 Mr Gill was found guilty of three counts of allowing an invasive species to escape from the zoo and was prosecuted under Section 14 of the Wildlife and Countryside Act. After being challenged about the release of sacred ibis into the wild from the zoo, Mr. Gill reportedly shot 13 of the birds at the zoo

In light of the previous allegations, I am deeply concerned to discover that Mr Gill is reapplying for a new licence; I feel that this case further highlights the ongoing failures of the zoo licensing and inspection processes in the UK, and believe that animal welfare and public safety should be at the forefront of the licensing authority's decision.

Thank you for the opportunity to bring these remarks to your attention.

Yours sincerely."

6.9. Representation from a member of the public is attached at APPENDIX J6

In an email, dated 7th February 2017:

"I have heard through the Born Free Foundation that David Gill is re-applying for a licence for this zoo.

Please deny him this licence.

· The zoo was recently fined £255,000 for health and safety breaches which resulted in the death of a young zoo keeper, Sarah McClay, who was tragically killed by a Sumatran tiger in 2013

· Recent reports from Government-appointed zoo inspectors have raised a number of concerns over the risks to animals from inadequate housing and out of date drugs, and a failure to notify the Council of injuries to visitors from vultures at the zoo

· In 2014 Mr Gill was found guilty of three counts of allowing an invasive species to escape from the zoo and was prosecuted under Section 14 of the Wildlife and Countryside Act. After being challenged about the release of

sacred ibis into the wild from the zoo, Mr. Gill reportedly shot 13 of the birds at the zoo

History shows that this man is unfit and uneducated in looking after animals. He does not show compassion or knowledge and these animals deserve better.

Please show the public that Barrow Council is modern thinking and leads the way in conservation and animal management.

Kind regards

7. Officer Report on Conduct and Compliance.

7.1. I refer Members back to **APPENDIX A** (Licensing Regulatory Committee Report (Item 6) of the 5th & 7th July 2016), and **APPENDIX B** (Record of Decision from that Committee.)

7.2. I draw Members attention to the following summary of the Reason for Decision

“The Inspectors were not satisfied that under the current management structure, and with Mr Gill still having full operational and financial control over the day to day running of the Zoo, that the conditions would be complied with should the licence be extended, in particular Condition 39. The Inspectors were unable to make a recommendation to the Committee to extend the licence.

Members considered whether imposing additional conditions would allow the licence to be renewed and were mindful if that the standards required for a fresh licence, contained in s.4 needed to be met.

Members took the view that Mr Gill and the Operator had failed in their submissions to demonstrate that they have a robust Management structure in place. The key Senior Animal Manager posts, remained unfilled and the Directors, by their own admittance could not recruit a full time manager despite trying for the last 6 months.

The Inspection team could not place any reliability on the future structure.

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 (i.e. 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 [the licence holder Mr Gill], 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.

The Inspectors stated “The zoo is clearly being managed directly by Mr Gill 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.”

There has been insufficient evidence from Mr Gill and/or the management of the Zoo, to provide the reassurances and guarantees needed, that the level of

change required can and will be implemented on renewal of the licence with appropriate conditions.

The conduct of the licence holder and the management of the Zoo since the last licence renewal (8th June 2010) was questionable. Officers spent a significant amount of time monitoring and enforcing compliance which is reflected in the level of the annual maintenance fee payable by the Zoo. Based on 2014/15 "activity", the figure that would be payable on renewal of the licence, if Members were so minded, would be in excess of £11,000 (£11,487.34). The figure for next year (2017) will be significantly higher based on the numbers of officer hours already worked.

Members had concerns in relation to escapes and public safety. The Zoo and Mr David Gill were found guilty of offences under the Wildlife and Countryside Act 1981.

On 10th June 2016 South Lakes Safari Zoo Ltd were found guilty of offences under the Health and Safety at Work etc. Act 1974. In relation to Count 3 the company accepted that its risk assessments did not sufficiently address the risks arising from the escape of a big cat from the keepers' enclosure to the public area is directly linked to the Zoo Licensing Act 1981 because of the public safety provisions contained within it (s.4(2)).

Both Mr Gill and the Zoo Management continue to deny the extent of the role they played in the death of Sarah McClay despite pleading guilty.

The Committee have heard of a number of failings since the licence was renewed in June 2010. Other than the mandatory and standard conditions required by the DEFRA guidance the Zoo has had 37 separate conditions applied to the licence in the last 6 years and a number being escalated to Direction Orders. It should not be lost on the Committee that failure to meet any condition is a criminal offence under section 19 of the ZLA and it is the Council who have chosen to try and work with the Zoo at each and every stage.

The Management fail to take responsibility for any failings at the Zoo choosing instead to single out employees upon whom they lay blame. This is not accepted. The Zoo is responsible and liable for the actions of its employees.

Except for the introduction of a new Animal Manager albeit on a self-declared 6 month probation period, the management team in place is the same management team that have overseen the running of the Zoo for the last 6 years and therefore responsibility for any recurrent failings must also borne by the same individuals.

There is an inordinate amount of uncertainty regarding the management, structure, financial stability and day to day operational responsibility of the Zoo and in the absence of sufficient evidence being provided by the Zoo or Mr Gill, despite repeated attempts by Officers to obtain such evidence, Officers

are unable to assure Members that the conditions of the licence will be complied or that considerations contained in s.4 relating to

- Accommodation and staffing standards;*
- Proper care of the animals; and*
- Proper conduct of the zoo.*

can be satisfied.

At the hearing in February/March 2016 the Chief Executive Officer, Ms Brewer submitted that changes in the Management Structure were underway and requested a deferral on the renewal decision. This request was granted by the Committee to give the Zoo a reasonable opportunity to correct the inadequacies.

Directing Mr Gill to apply for a fresh licence within the next 6 months would provide Mr Gill and the Operator with a fixed window of opportunity to implement meaningful and lasting change to the Zoo's systems of operation in order to meet the necessary standards required for a zoo to be licensed in England and Wales. The consequence of failing to respond adequately would be that the Zoo would have to close to the public until a point when the Zoo was deemed fully compliant.

Having regard to all the information before the Committee including the Inspectors' Reports and representations from interest parties Members were not satisfied that the staffing and management standards were not adequate for the proper care of the animals and conduct of the zoo.

Members were not satisfied that the imposition of additional conditions and direction orders would be implemented in a satisfactory manner should the licence be extended, in particular Condition 39.

That Committee concluded that based on evidence before them that there is good and sufficient reason not to renew Mr Gill's licence. The Committee were satisfied that this decision is proportionate in all the circumstances.

- 7.3.** Having been directed by this Committee, Mr David S Gill applied for a Fresh Licence within the prescribed timescales. S.6(2) of the Act provides that the Zoo may continue to operate until this application has been disposed of.
- 7.4.** Compliance history was reported in detail in July 2016. Members will be aware that informal inspections have been undertaken at South Lakes Safari Zoo, during this intermediary period. These inspections have resulted in additional conditions being placed on Mr Gill's licence and existing conditions being escalated to Direction Orders, a summary is tabulated below. Additionally Item 7 of this meeting deals with compliance with conditions in detail.

7.5. Compliance Hearings Summary

Special Licensing Regulatory Committee. 13th October 2016 - Compliance with Conditions & Directions	
Condition 18 – Delivery of Veterinary Services (Direction Order)	The non-compliance of the Direction Order be noted; The existing Direction Order varied to reflect the work undertaken with compliance period of 10 weeks (31 st December. 2016)
Condition 33– Review of Animal Bites	Non-compliance with Condition No.33 be noted; Condition No.33 escalated to a Direction Order
Special Licensing Committee. 10th November 2016 – Africa House	
The Africa House – Issues Concerning Animal Welfare	Condition added with immediate effect: The Zoo has failed to provide a suitable environment to meet the welfare needs of the animals in the Africa House, as required by the Secretary of State’s Standards of Modern Zoo Practice.

7.6. Zoo Licensing Act 1981 (as amended) - Section 1A Conservation measures for zoos

Under s.1A requires certain conservation measures to be implemented in zoos in accordance with this Act. Reproduced below are the requirements of ss.1A(c) to (f)-

(c) accommodating their animals under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong, including--

(i) providing each animal with an environment well adapted to meet the physical, psychological and social needs of the species to which it belongs; and

(ii) providing a high standard of animal husbandry with a developed programme of preventative and curative veterinary care and nutrition;

(d) preventing the escape of animals and putting in place measures to be taken in the event of any escape or unauthorised release of animals;

(e) preventing the intrusion of pests and vermin into the zoo premises; and

(f) keeping up-to-date records of the zoo's collection, including records of--

(i) the numbers of different animals;

(ii) acquisitions, births, deaths, disposals and escapes of animals;

(iii) the causes of any such deaths; and

(iv) the health of the animals.

7.7. Chronology of compliance with Section 1A Conservation measures since July 2016.

7.8. Section 1A(d) Conservation measure - Preventing the escape of animals and putting in place measures to be taken in the event of any escape or unauthorised release of animals.

7.9. At its Committee on the 13th October 2016, Members noted the Zoos non-compliance with Condition No. 33 – Review of Animal Bites and elevated this condition to a Direction Order. Attached at **APPENDIX K** is the Record of Decision from this hearing.

7.10. The inspectors concluded:

“This condition has still not been complied with, and it is therefore necessary to reissue it, albeit with more precise wording so that the zoo is clear on what is required. A more precise timeline must be added to the condition.

Whilst the zoo continues to have food outlets in areas where free ranging primates have access, then there is a high likelihood that bites or other injuries to the public will occur.

The inspector also noted, but did not observe, that the lemur feeding experience has not been altered, and feels that this is also an area where there is insufficient control over primate/ visitor contact.”

The following reason for decision was stated:

The Zoo failed to fully comply with the condition and whilst they had produced a review of bites/injuries to members of the public, they had failed to eliminate such injuries. Indeed the latest evidence revealed that injuries due to animal contact continue. In addition, the August, 2016 Inspection revealed details of three animal contact injuries that had not been reported to the Council within the 14 days specified in the condition.

7.11. Sections 1A(c)(ii) Conservation measure - providing a high standard of animal husbandry with a developed programme of preventative and curative veterinary care and nutrition; and 1A(f) Conservation measure - keeping up-to-date records of the zoo's collection, including records of--

- (i) the numbers of different animals;**
- (ii) acquisitions, births, deaths, disposals and escapes of animals;**
- (iii) the causes of any such deaths; and**
- (iv) the health of the animals.**

Also at that same Committee (13th October 2016), Members noted the Zoo's non-compliance with the Condition No. 18 – Delivery of Veterinary Services (Direction Order).

The non-compliance of the Direction Order was noted and the existing Direction Order varied to reflect the work undertaken with compliance period of 10 weeks (31st December 2016); and that the Direction Order shall relate to the whole Zoo.

The Zoo had not complied with the full requirements of the Direction Order and there had been a limited period during which the improved record keeping had been witnessed.

The following reason for decision was stated:

By their own admittance the Zoo had agreed that the recorded keeping was poor at the time compliance was assessed and that the improvements are a "huge cultural shift for both the veterinary team and the animal keeping staff and is a progressive, ongoing effort to ensure accurate and reflective animal records are maintained on site".

7.12. Sections 1A(c)(i) and (ii) Conservation measure - 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 programme of preventative and curative veterinary care and nutrition.

7.13. At its Committee on the 10th November 2016, Members resolved to add an additional Condition to the licence in relation to the Africa House. This condition was effective immediately.

Attached at **APPENDIX L** is the Record of Decision from this hearing.

The following reason for decision was stated:

The Zoo had failed to provide a suitable environment to meet the welfare needs of the animals in the Africa House, as required by the Secretary of State's Standards of Modern Zoo Practice. The lack of provision was highlighted by Inspectors in November 2015, and August 2016, reassurances were given by Mr Gill that the work would be undertaken in August 2016, however no progress had been made by 3rd November 2016. The colder winter months were imminent, and inadequate temperatures were already being experienced within the Africa House.

7.14. Inspection 16th – 18th January 2017.

During the walk round of the whole Zoo the following husbandry, animal welfare, health & safety and maintenance issues were found.

- No heating on in the old Giraffe House – despite low temperatures.
- Evidence of Rodent activity; Poor / lack of bedding; nail sticking out of bed in the Anteater House.

- High ammonia levels and a lack ventilation in some houses.
- Chemical storage behind Penguin pump/filter, - accessible by the public
- Electric fence in the Meerkat area - accessible by the public
- Steep drop off alongside the pathway in the World Wide Safari
- Freezer, completely iced up on the lid, preventing correct temperature to be sustained.
- Underfloor heating not working correctly.
- Lack of heating in Baboon house
- Electric fence posts deteriorating in the old giraffe paddock
- Ringtails enclosure boarded up with little enrichment
- Heat-lamp fitting grill was falling off in the keepers room
- Low level Electric Fencing around 'the arc'
- Big Cat feeding (pole) large nail to hold meat on – (could this cause injury).
- Non slip meshing incomplete on wooden walkway.
- Tambopata Aviary and Tropical House

The following issues were rectified on the day by staff members of the operating company Cumbria Zoo Company Limited.

- Chemical storage behind Penguin pump/filter, - accessible by the public
- Electric fence in the Meerkat area - accessible by the public
- Ringtails enclosure boarded up with little enrichment

7.15. Tambopata Aviary and Tropical House were described to us, by a keeper, as diabolical. The animal manager Mr David Armitage confirmed to the inspection team, in an interview on the 16th January 2017, that *“the Palma Wallabies were rounded up on David Gills orders and moved into his aviary”* When asked about the standards of animal welfare and the accommodation in this area, during an interview on the 17th January 2017, David Gill replied: *‘Of course the standards should be kept.’*

7.16. The week before the inspection, the Council had received a complaint from a member of the public, regarding the death of a jaguar (named Saka) that died on the 28th January 2017. This was investigated during the inspection.

7.17. CZCL provided a copy of the post-mortem (PM) report regarding this death and is attached at **APPENDIX M**, the post-mortem was undertaken by Consultant Vet, Dr Jon Cracknell.

7.18. The veterinary provision at the time, did not adequately provide the necessary care. Section 3.9 of the Inspectors **Report 1**, it stated:

“..the current routine local vet service is not adequate and inspectors detected several cases that raised welfare concerns, e.g. the jaguar injury and lack of suitable treatment and subsequent euthanasia.”

The following paragraphs and images are taken from the PM report.

7.19. SAKA Post Mortem Report

Saka noted on 26/12/16 to have a very severe bite wound to the right fore paw, possible degloved. Started on antibiotics and analgesia, following day metacarpals visible, 28/12/16 leg swollen, missing digits due to self trauma, wound severe and non-salvageable, opted for euthanasia.



Conservation Medicine Services
Wildlife Conservation Research

Species: Jaguar
Panthera onca
ID ARKS: PG0001
Date of death: 28/12/2016 Date of PM: 13/01/2017



Fig 1:
Jaguar presented for PME



Fig 2:
28/12/16 ventral view of the right fore



Fig 3:
28/12/16 ventral view of the right fore



Fig 4:
28/12/16 Extent of the right fore limb swelling



Fig 5:
13/01/17 Frozen comparison of the variation between the right and left fore

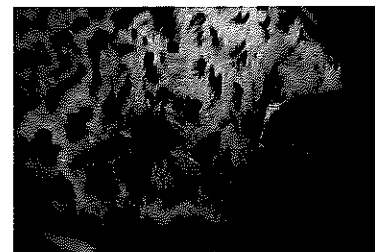


Fig 6:
Small suppurative wound caudal to the left ear

The instigating cause is not clear from the frozen cursory examination of the lesions. However the distribution of the loss of digits, skin and associated structures is suggestive of a chronic, ongoing self traumatisation as the natural position of the limb to sit in sternal recumbency is medial aspect dorsally and lateral down, the lateral aspect being the only part of the foot to have survived relatively intact. The clinical notes mention a severe bite wound on the first day and this would fit with the lesion to the left of the neck, however it is impossible to rule out other causes of injury or underlying pathology.

Also recommend early intervention on any similar lesions with assessment under GA and surgical repair or partial, distal amputation to salvage rest of

limb and prevent self trauma, although this does not always guarantee success.

7.20. Section 1A(f) Conservation measure - keeping up-to-date records of the zoo's collection, including records of - (i) the numbers of different animals; (ii) acquisitions, births, deaths, disposals and escapes of animals; (iii) the causes of any such deaths; and (iv) the health of the animals.

7.21. Record Keeping at the Zoo has historically been inaccurate and unreliable. For a long time, David Gill has not reported on deaths of animals that have died within the first 30 days. Last year, Consultant vet Dr J Cracknell, who is employed by CZCL and formerly SLSZ undertook a comprehensive review of all deaths at the Zoo since 2013, and produced a database of all the available data.

7.22. The Post Mortem Database was received by the Council in October 2016. It demonstrates a poor standard of animal husbandry, preventative and curative veterinary care and nutrition. It is accepted that deaths do occur in zoos, however the Inspectors stated in their **Report 3** that it: *"shows a clear picture of poor management, with uncontrolled breeding, lack of any program of preventative and curative veterinary medicine, with resultant on going welfare issues for the animals."*

7.23. The full post mortem database is attached at **APPENDIX N**. Detailed below, are summaries from the 2016 data, supplied by the Inspectors, in relation to:-

1. Deaths from Exposure;
2. Death from Conspecific Trauma; and
3. Deaths from Trauma / RTA.

7.24. Deaths from Exposure in 2016

Date of Death	Species	ID	Age	HX	Gross Findings	Diagnosis
06/01/16	Inca tern	LT1020	Adult	Let out to aviary for the first time, adverse climate conditions. One of five birds found dead overnight. Unable to perform PME as eaten by the vultures.	NA	Exposure
06/01/16	Inca tern	LT1015	Adult	Let out to aviary for the first time, adverse climate conditions. One of five birds found dead overnight. Unable to perform PME as eaten by the vultures.	NA	Exposure
06/01/16	Inca tern	LT1009	Adult	Let out to aviary for the first time, adverse climate conditions. One of five birds found dead overnight. Unable to perform PME as eaten by the vultures.	NA	Exposure
06/01/16	Inca tern	LT1031	Adult	Let out to aviary for the first time, adverse climate conditions. One of five birds found dead overnight. Unable to perform PME as eaten by the vultures.	NA	Exposure
25/01/16	Alpaca	LP0003	6y9m	This alpaca was outside with the group in wet, cold weather. Was losing weight and not feeding enough, noted keepers unable to notice due to the wool.	Externally animal was in very poor BCS, no muscle or body fat, no signs of wounds or injuries. Coat was totally wet and cold, water had gone through wool There was a total lack of gross PME pathology, all organs appeared normal. No food content in GIT.	Cause of death due to hypothermia due to exposure to extreme weather conditions, emaciation, trichostrongylus infection. Exposure

01/02/16	Eurasian spoonbill	PL0053	19y	Found in pond in aviary	Parasite positive for Trichostrongylus spp. No diagnosis could be reached on the evidence of this PM.	Very old bird - couldn't cope with the extreme weather conditions and storm, no PM performed.
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7.25. Deaths from Conspecific Trauma in 2016.

Date of death	Species	ID	Age	Hx	Gross findings	Diagnosis
24/02/16	Common squirrel monkey	SS0037	4y	Aggression within the group, multiple injuries occurred.	Multiple fatal wounds - no PM performed.	Conspecific trauma
25/01/16	Common squirrel monkey	SS0032	4y	Fighting amongst the group, several injuries obtained. Animal was attacked by other males, causing him serious injuries and wounds in chest, legs and abdomen. Was very weak, thin and exhausted. Kept in vet room and given meloxicam. Died overnight.		Conspecific trauma
29/02/16	Swinhoe's pheasant	LS0003	3y	Attacked by white eared pheasant, with visible injuries on head, neck and legs. Not clear if killed or died in aftercare.	Good BCS, normal body muscle, injuries and wounds on head, neck and legs. Big puncture wound on neck with visible internal haematoma. Signs of internal local bleeding caused by fighting with other bird.	Cause of death due to severe injuries caused by fighting with white eared pheasant. No need for further investigation
18/03/16	Turkey vulture	CAU011	NR	Pecked by black vultures, enrofloxacin and meloxicam, severe injuries caused by the black vultures. Multiple similar incidents with this bird but most recent just prior to death damaged legs and parts of the body. Not able to stand up nor use the right leg. Died. Injuries were serious and deep, bird will not take any food and became very weak. No need for further		Conspecific injury (black vultures)

23/04/16	White-belted ruffed lemur	VVS017	1y21d	investigation. "Karaina"; drowned in pond - fighting with other lemurs the night prior to death. Was found dead in the pond next day.	Body completely soaking wet, fine white froth at the mouth and nose. No signs of injuries or wounds, bloody watery fluid in sinuses. Thoracic cavity voluminous water logged lungs, pleural fluid accumulation, sub pleural haemorrhage. Water in stomach and intestines.	Drowned
26/04/16	Black crowned night heron	NNX005	4y	Amputated maxilla just rostral to the eye, euthanased by RB	Amputated top half of beak, either caught or done by a macaw.	Euthanased - loss of maxilla
04/05/16	Brown spider monkey	AH0001	NR	"Pablo" euthanased due to gangrenous infection and loss of circulation in arm following severe bite wounds, treated week previously. Severe wounds to right arm and face - had surgery - stitches to face, arm and head. Had to reconstruct nose. After 4 days he had chewed on his arms, ripping the stitches and was unable to use arm. Euth. Meloxicam and alamyacin LA.	No PM report - images	Conspecific injuries - euthanased
20/05/16	Capybara	NR	20 days	No toes - lost toes in front legs, euthanased, one of two	No PM report	Dam(or congenital) loss of toes - euthanased
20/05/16	Capybara	NR	20 days	No toes - lost toes in front legs, euthanased, two of two	No PM report	Dam(or congenital) loss of toes - euthanased
15/06/16	Ring tailed lemur	LC0220	1m20d	Two puncture wounds on neck, found dead overnight	No PM report	Conspecific trauma

03/07/16	Western cattle egret	BI0002	NR	Euthanased, broken top beak	Piece of top beak broken, either caught or done by another animal. (JC - fractured maxilla, approx 1/3 length from rostral point, no obvious injuries to mandible)	Fractured maxilla
04/07/16	Sacred ibis	TA0033	NR	Found dead in African field, broken beak	Beak broken in several places, either caught or done by another animal, no other signs of injury or PM findings. (JC: mandible fractured left just rostral to eye, right 1/3 from rostral end fracture but genu intact, possible fracture of maxilla where attaches to skull as angle looks odd).	Fractured maxilla and mandible
02/08/16	Ring tailed lemur	NA	NR	Severe bite injury to right elbow, forearm degloved, euthanased by AG	No PM report	Conspecific injury
03/08/16	Capybara	HH0018	NR	Attacked by other capybaras - kicked out of group. Clean and flush wounds - tribissen dart.	Septicaemia from abscess and toe wound	Conspecific injury
10/08/16	Yellow-naped Amazon	AA0060	7y	09/08/16 found in aviary and taken to the vet room where assessed by FRS and identified broken wing, RB coming in following day. FRS later that day provided analgesia (meloxicam 0.2ml - ?20mg/ml) and left in cage over night. Found dead the next morning on AM checks. No coaptation or other support. Initial PM assessment and record made at time of death, body discovered in fridge on 19/08/16 and full PME carried out prior to disposal.	FRS: Died of shock - result of traumatic injury to left wing. JC: 1. Compound fractured left radius and ulna close to the carpus 2. Considerable haemorrhage from the fracture site - covering the body and wing 3. Loss of primaries and secondaries close to the right carpus 4. Right hind multiple bite wounds and trauma to all digits 5. Autolysed 6. Otherwise no abnormalities detected	Compound fracture of left radius and ulna

20/08/16	Ring tailed lemur	LC0211	4m	Sneezing, coughing and retching, does have a wound on inside of right leg. Found dead. Multiple other lemurs similar clinical signs. Found partially eaten in the Tayra enclosure	Penetrating bite wound to the left thorax with pneumothorax and haemothorax, severe pneumonia, especially the right with pleurisy	Bite wound to chest with concurrent terminal pneumonia
21/08/16	Red ruffed lemur	VVR039	13y		Covered in mud, severe damage to ventral cervical musculature and trachea, right scapula fracture, lungs and heart eaten, perineum and hindlimb muscles eaten, NAD	Predated
29/08/16	Ring tailed lemur	LC0182	NR	Bite wounds euthanased - large wound top inner left thigh, no use of leg. Euthanased by vet.	No PM report	Massive trauma from bites
12/09/16	Red ruffed lemur	VVR005	13y	No PM done - found remains in tiger enclosure (pelt in faeces)	No PM report - image of fur in faeces	Eaten by tiger

7.26. Deaths from Trauma / RTA in 2016.

Date of death	Species	ID	Age	Hx	Gross findings	Diagnosis
01/01/16	Stork	CCC021	5y8m	Free flying bird, found in the front field with several injuries on wings, especially left wing. Kept in vet room and tube fed for two days. Died 2 days later.	Animal very thin, severe lacerations under the wings, lost a lot of blood and possible wing fracture. Haematomas in pectoral muscle, wings and legs. GIT empty, critical care found in the ventriculus.	Inanition and not feeding properly due to severe injuries and loss of blood.
20/01/16	Rodrigues fruit bat	PR021	2 years	Found on floor, cold, no grip.	BCS good, moderate SC and intrabdominal fat. GIT unremarkable, respiratory system small blood clots between left and right lung, heart NAD, renal NAD	1. Focally extensive moderate acute SC and IM haemorrhage skull; 2. Presumed marginal moderate acute haemorrhage, lung; 3. Mild haemothorax. Comment: Suggestive of acute trauma.
17/02/16	Rosette spoonbill	NA	Chick	Fell from nest	No PM report	Fell from nest
14/03/16	Chilean flamingo	PCC019		Broken wing, looked like old injury, exposed bones. Sudden death with no previous signs of illness or injury.	Bird looked thin, with little body muscle. Obvious open fracture of the right radius bone, fracture looked at least a week old, the wing was swollen in the area and had formed a scab around the wound. The area around the open fracture was infected. The bird did not show any signs of pain and was together with the group until found dead in the morning. No need for further investigation - note image on file of fracture - appears close to the carpus.	Old, open fracture of the right radial aspect of the carpus, cause of death not reported but assumed related.

26/03/16	North American wood duck	AS0033	NR	Run over by road train	No PME carried out	Run over by train
26/03/16	Rodrigues fruit bat	PR0073	10y	Caught both wings in between mesh, both wings with opened fractures. Bone exposed. Died a few minutes later due to shock.	No PM report except images of the fractures of the wing (appears to be the right wing).	Open, fractured wings
08/04/16	Rodrigues fruit bat	PR0209	NR	Broken leg, euthanased by RB		Broken leg
08/04/16	North American wood duck	AS0026	NR	Run over by road train, no PME performed	No PM report	Run over
10/04/16	Lady Amherst's pheasant	CAM009	NR	Run over by ranger, no PME performed	No PM report	Run over
02/05/16	Little egret	EG0042	11m	Right hind caught in mesh, femur broken, bone exposed (JC note images shows tibiotarsal fracture), lost blood, hypovolaemic shock.	Shock due to broken femur with open fracture, femur broken in two, exposed bone and tissue damage. JC note - image shows tibiotarsus fracture	Fractured tibiotarsus
11/05/16	EA Grey crowned crane	BRG003	16y	Left foot broken - trauma, euth. Euth by AG due to left foot fracture, will not be able to walk properly again, fracture occurred overnight reasons for trauma are undetermined.	No PM report - images	Euthanased - left foot fracture
25/05/16	Red kangaroo	MR0088	>3y	"Abby"	Severe head trauma, fractured maxilla and brain damage	Head trauma
30/05/16	Ring tailed lemur	LC0179	3y	Run over by road train	No PM report	Run over by road train

02/08/16	European eider	SMM004	3y	Foot caught in door in aviary, bones exposed in tarsus(JC!). Kept inside for few days with bandage, euthanased by AG.	No PM report	TT injury
09/07/16	Western cattle egret	BI0019	NR		Multifocal internal bleeding, airsacs, lungs bruised in back and legs, head, neck.	No diagnosis (JC presume crashed)
24/08/16	Chilean flamingo	PC0016	NR	Quiet last night and away from the group, checked first thing this morning and found dead. Presented and underwent PME immediately. No microchip and left darvic Red PCN.	Massive SC oedema and free fluid, right pectoral pale tan with haemorrhage overlying the infraspinatus muscle, left normal. NAD on coelomic examination.	Trauma and subsequent ischaemia of the right pectoral
24/08/16	Black-crowned night heron	NNX001	5y	Fractured right hind approx 6 months previously, unable to catch during that time. Went into house last night and caught up for assessment. Eating well. Malunion of the right femur with lateral deviation of limb but functional, unfortunately the left distal limb had severe bumblefoot and euthanased. IV pentobarbitone.	Dislocated right stifle with relatively firm pseudoarthrosis of TT with mid third distal femur laterally, very little movement. Left hind lateral digit (IV) large swollen bumblefoot lesion, lesser so digit III and II.	Euthanased for bumblefoot as a result of malunion right stifle - likely traumatic

7.27. Section 1A(e) Conservation measure - preventing the intrusion of pests and vermin into the zoo premises.

7.28. There was evidence in the Anteater House and Illescas Aviary of rodent activity, with a severe infestation around the Tambopata Aviary and Tropical House areas.

7.29. In section 3.17 of the DEFRA Inspection Report form the Inspectors commented "*There is a pest control problem in place, but there are high numbers of rats in many areas.*"

7.30. Management Structure

Compliance with Condition 34.

Compliance with this existing licence condition (previously Condition 39) is detailed in Agenda Item 7 of today's meeting. However, for the purposes of this report, there is still no evidence that Mr Gill has a robust management structure in place, that would ensure that the S.1A conditions could be complied with to the satisfaction of the Licensing Authority. A competent, suitably qualified and experienced full time director or senior manager with day to day control and responsibility for the Zoo had yet to be employed.

7.31. On the 10th November 2016, Karen Brewer attended this Committee, as representative of South Lakes Safari Zoo. She addressed Members questions and made the following comments regarding the Africa House:-

- The lack of bedding was not due to the lack of knowledge or passion from the Keeper's, it was due to the fact that they were knocked back by Management (Mr Gill's decisions were overriding);
- When questioned why Mr Gill's decisions were overriding when she has previously categorically stated at Committee meetings that Mr Gill was not making any decision, Ms Brewer denied ever saying such a thing [Members noted records held by the Council officers from previous hearings that Ms Brewer had previously stated / confirmed that Mr Gill was not making any decisions];
- She understands how the Committee feel about there being no stability at the Zoo but they know that they have to make the changes.
- She stated "*We know what needs to be done. We know it changes from one week to the next. David Gill makes the final decision.*"

7.32. Following that Committee, the Council wrote, via email, to Mr Gill regarding the comments made by his Chief Executive Officer, Karen Brewer. In response, Mr Gill's legal representative wrote, in an email, dated 24th November 2016, [timed at 16:09]:

“The Zoo Licence is, of course, in Mr Gill’s name and he is aware of the responsibilities which follow from that. He has traditionally had the final say in matters within the Zoo. However, he is aware that the governance of the Zoo must change and in response to concerns raised, he has taken the decision to hand over the reins. We are therefore in something of a transitional period, in that Mr Gill remains licence holder but has empowered the proposed new management team. As of the end of last week he has passed all day to day decision-making responsibility to Karen Brewer and her team in anticipation of Cumbria Zoo Company Limited becoming the tenant of the Zoo site and becoming the licensee in due course.

As such, the evidence given to the Committee in November was correct.”

The EMAIL from Livingstons Solicitors is attached at **APPENDIX O**

7.33. During the inspection staff members of South Lakes Safari Zoo and operating company (CZCL) were interviewed separately, each confirming that Mr Gill ordered the Palma Wallabies to be moved in December 2016. It appeared that Mr Gill was interfering with the running of the Zoo, up until the 12th January 2017, when the lease agreements were signed with Cumbria Zoo Company Limited.

7.34. Cost of compliance monitoring and enforcement at the Zoo

Officers have spent a significant amount of time, monitoring and enforcing compliance of the Zoo Licence conditions, which is reflected in the level of the annual maintenance fee. The Council is able to operate at full cost recovery, for those licences where it is able to set its own fees and charges. The proposed Maintenance fee for 2017/18 is £111,000. Proposed Application, Transfer and Renewal fees have also increased to £7,900.

8. Recommendation

- 8.1. That the Licencing Regulatory Committee **REFUSE** to grant a Fresh Licence to Mr David S Gill.

9. Reasons for Recommendation

- 9.1. That the Licencing Regulatory Committee **REFUSE** to grant a Fresh Licence to Mr David S Gill, for the following reasons:

1. **Section 4(2A) of the Act** – The Council are not satisfied that the conservation measures referred to in section 1A will be implemented in a satisfactory manner at the zoo. Section 4(2A) of the Act requires that the local authority **shall** refuse to grant a licence if they are not satisfied that the conservation measure will not be satisfactorily implemented.
 - 1.1. The lack of Senior Supervision and Management is evident throughout the Zoo, including the failures of the local veterinary service, leading to deplorable standards, compromised welfare and deaths.
 - 1.2. The more serious welfare issues encountered during the inspection were seen in the area directly under the control of Mr David S Gill.
 - 1.3. Despite frequent comments made by Inspectors, the application of conditions, some of which have had to be elevated to direction orders, Mr David S Gill has not been able to demonstrate that an effective program of curative and preventative veterinary care has been put in place. It is acknowledged that procedures and protocols are in place however the standard of the veterinary care does not comply with the requirements contained in the SSSMZP.
 - 1.4. The animals that are directly under Mr David S Gill's management are being managed in such a poor manner that a large number of emergency conditions have been recommended by the Inspectors to the Local Authority, to ensure that ongoing suffering is minimised.
 - 1.5. The keeping of animal records at the zoo has been poor ever since the zoo first started to operate. To ensure compliance, Conditions, that have had to be elevated to Direction orders, have had to be applied to the Zoo Licence.
 - 1.6. The post mortem database shows a clear picture of poor management, with uncontrolled breeding, lack of any program of preventative and curative veterinary medicine, with resultant on going welfare issues for the animals.

1.7. The standards maintained by Mr David S Gill fall far below the standards required in a Modern zoo, and are unlikely to be met, therefore the Secretary of State inspectors are not satisfied that the zoo is likely to meet the Secretary of States Standards for Modern Zoo Practice (SSSMZP).

1.8. Continuing failure to comply with Conditions and Direction Orders in respect of Section 1A Conservation Measures – preventing escapes; providing a high standard of husbandry with a developed programme of preventative and curative veterinary care and nutrition; providing an environment well adapted to meet the physical, psychological and social needs of the species to which it belongs; keeping up-to-date records; and the preventing the intrusion of pests and vermin.

2. **Section 4(3) of the Act** – The Council are not satisfied that the standards of accommodation, staffing or management are adequate for the proper care and wellbeing of the animals or any of them or otherwise for the proper conduct of the zoo. Section 4(3) of the Act requires that the local authority **may** refuse to grant a licence for a zoo if they are not satisfied that the standards of accommodation, staffing or management are adequate for the proper care and wellbeing of the animals or any of them or otherwise for the proper conduct of the zoo.

2.1. The lack of a robust senior management team has resulted in a number of on-going issues.

2.2. A recent review of the post mortems undertaken by a consultant has revealed the poor level of ongoing preventative and curative veterinary medicine within the zoo.

2.3. The deficiencies in the accommodation, the overcrowding, and the lack of proper welfare and husbandry, directly attributable to Mr David S Gill, apart from the housing fall well below that standards required by the SSSMZP, have led to animals suffering.

2.4. The enclosures are poorly designed, often unfinished and fail to properly supply the requirements for the animals that are designed to house.

2.5. The lack of progressive implementation of modern design has resulted in the imposition of a condition, which was escalated to a Direction Order, specifically about the development of new houses.

2.6. Mr David S Gill believes strongly in allowing the animals to roam as freely as possible, virtually uncontrolled, and breeding in an uncontrolled manner. The result has led to uncontrolled population increases, conspecific and intraspecific fighting with secondary animal welfare issues, and an increase in the number of potential incidents between

animals and the public. Contrary to the requirements of the Secretary of State's Standards of Modern Zoo Practice.

2.7. The significant amount of time spent monitoring and enforcing compliance of the licence conditions has resulted in a substantially increased proposed maintenance fee of £111,000 for 2017/18.

3. **Section 4(4(a)) of the Act** – The applicant has been convicted of an offence under this Act. Section 4(4(a)) of the Act requires that the local authority **may** refuse to grant a licence for a zoo, if the applicant has been convicted of a relevant offence.

3.1. On the 19th November 2014 both Mr David S Gill and South Lakes Wild Animal Park Ltd were convicted of offences under Section 14 of the Wildlife & Countryside Act 1981 regarding the escape into the wild of a number of Sacred Ibis from South Lakes Wild Animal Park. This conviction under Part 1 of the Wildlife & Countryside Act 1981 is a qualifying offence under this Section.

4. **Section 4(6) of the Act** – The Council are not satisfied that any planning permission required, for the continuance of the zoo during the period for which the licence would be in force, has been, or is deemed to be, granted. Section 4(6) of the Act requires the local authority **shall** either refuse to grant the licence or grant the licence but suspend its operation until the local planning authority have notified the local authority that any such planning permission has been or is deemed to be granted.

4.1. The Planning Authority have stated: "*a minor material amendment application for the repositioned buildings (visitor reception, Africa House and associated store) has been submitted. This application will be subject to checking for completeness including the correct fee and sufficient information upon which a decision can be made.*" "No application has yet been received for the Bear House".

10. Options Available to Committee

- a) To REFUSE to grant a Fresh Licence to Mr David S Gill.
- b) To GRANT a Fresh Licence to Mr David S Gill, for a period of 6 years.

(i) Legal Implications

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

Section 4 Grant or refusal of licence

(1) Before granting or refusing to grant a licence for a zoo, the local authority shall--

- (a) consider inspectors' reports made in pursuance of inspections of the zoo under this Act. . .
- (b)

(1A) Before granting or refusing to grant a licence for a zoo, the local authority shall also--

- (a) consult the applicant about the conditions they propose would be attached to the licence, if one were granted, under section 5(2A) and (if applicable) section 5(3); and
- (b) make arrangements for an inspection to be carried out in accordance with section 9A (subject to subsection (2) of that section).

(2) The local authority shall refuse to grant a licence for a zoo if they are satisfied that the establishment or continuance of the zoo would injuriously affect the health or safety of persons living in the neighbourhood of the zoo, or seriously affect the preservation of law and order.

(2A) The local authority shall also refuse to grant a licence for a zoo if they are not satisfied that the conservation measures referred to in section 1A will be implemented in a satisfactory manner at the zoo.

(3) The local authority may refuse to grant a licence for a zoo if [subsection (2A) does not apply but] they are not satisfied that the standards of accommodation, staffing or management are adequate for the proper care and wellbeing of the animals or any of them or otherwise for the proper conduct of the zoo.

(4) The local authority may also refuse to grant a licence if--

- (a) the applicant, or
- (b) (where the applicant is a body corporate) the body or any director, manager, secretary or other similar officer of the body, or
- (c) any person employed as a keeper in the zoo,

has been convicted of an offence under this Act or under any of the enactments mentioned in subsection (5)[, subsection (5A)] or of any other offence involving the ill-treatment of animals.

(5) The enactments are--

the Protection of Animals Acts 1911 to 1964 [the Protection of Animals Act 1911];
the Protection of Animals (Scotland) Acts 1912 to 1964;
[the Performing Animals (Regulation) Act 1925;]
the Pet Animals Act 1951;
[the Animals (Cruel Poisons) Act 1962;]
the Animal Boarding Establishments Act 1963;
the Riding Establishments Acts 1964 and 1970;
the Breeding of Dogs Act 1973;
the Dangerous Wild Animals Act 1976;
the Endangered Species (Import and Export) Act 1976;
[Part I of the Wildlife and Countryside Act 1981];
[sections 4, 5, 6(1) and (2), 7 to 9 and 11 of the Animal Welfare Act 2006];
section 13(6) of the Animal Welfare Act 2006, so far as the offence arises from the contravention of section 13(1) of that Act in relation to dog breeding in Wales;
the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014].

(5A) sections 28C or 28F(16) of the Animal Health Act 1981 (c 22);
sections 19 to 24, 25(7), 29 or 40(11) of the Animal Health and Welfare (Scotland) Act 2006 (asp 11).]

(6) If the local authority are not satisfied that any planning permission required under Part III of [the Town and Country Planning Act 1990] or under [the Town and Country Planning (Scotland) Act 1997], for the establishment of the zoo or for the continuance of the zoo during the period for which the licence would be in force, has been, or is deemed to be, granted, they shall either refuse to grant the licence or grant the licence but suspend its operation until the local planning authority within the meaning of [the said Act of 1990] or, as the case may be, [1997] have notified the local authority that any such planning permission has been or is deemed to be granted.

(7) Except as provided by this section the local authority shall not refuse to grant a licence pursuant to an application and if they do refuse to grant it they shall send to the applicant by post a written statement of the grounds of their refusal.

(8) When a licence is granted the local authority shall send it to the applicant by post and the licence or a copy of it shall be publicly displayed at each public entrance to the zoo.

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.

(1) *A person aggrieved by*

- (a) *the refusal to grant a licence;*
- (b) *any condition attached to a licence;*

- (c) any variation or cancellation of a condition;
- (d) the refusal to approve the transfer of a licence;
- (e) a direction under section 13(8)(c) or 16A(2) or any variation of such a direction;
- (f) a zoo closure direction;
- (g) the refusal to approve a plan prepared under section 16E(2);
- (h) a direction under section 16E(6) or any variation of such a direction; or
- (i) any arrangements under section 16E(7) or (8),

may appeal to a magistrates' court acting for the petty sessions area in which the zoo is situated.

(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 and public hearing

(vii) Health and Well-being Implications

The ZLA contains requirements to ensure the public who visit zoos can do so in a safely and to ensure that the wider public are not put at risk by the Zoo's operation.

Background Papers

Current Zoo Licence held by South Lakes Safari Zoo Limited.

Table of Decision from Licensing Regulatory Committee	23 rd June 2014
	1 st July 2014.
	13 th August 2015.
	15 th October 2015.
	17 th December 2015.
	22 nd February 2016
	10 th March 2016
	12 th May 2016

LICENSING REGULATORY COMMITTEE	(D) Agenda Item 7
Date of Meeting: 6th March 2017	
Reporting Officer: Principal Environmental Protection & Licensing Officer	
<p>Title: Zoo Licensing Act 1981 (as amended) Zoo Licence for South Lakes Safari Zoo Ltd</p> <p>Compliance Report Regarding Current Licence 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, Crossgates, Dalton-in-Furness, Cumbria, LA15 8JR (hereafter known as ‘the Zoo’).</p> <p>Following an application from Mr Gill to renew his licence, at a Hearing held on 5th, 6th & 7th July 2016, Members decided not to renew Mr Gill’s licence and directed him to apply for a fresh licence. In accordance with the Zoo Licensing Act 1981 (as amended) Mr Gill’s licence remained in force for another 6 months.</p> <p>Mr Gill made a valid application for a fresh licence on 6th January 2017 which is within the 6 month period previously mentioned. As a result his zoo licence remains in force until his application is determined by the Licensing Authority. This allows the Zoo to remain open.</p> <p>As the Zoo licence remains in force, the conditions and any direction orders need to be reviewed and compliance assessed.</p> <p>The purpose of this report is to provide Members with an update on compliance with conditions and direction orders and it makes reference to a Periodical Inspection carried out at the Zoo from 16th to 18th January 2017. This was undertaken to assess Mr Gill’s application for a fresh licence and also Cumbria Zoo Company Ltd’s (“CZCL”) application for an original licence which was made on 12th January 2017 and later withdrawn. Reference is also made to an Informal Inspection carried out at the Zoo on 9th February 2017 and also additional information provided by the Zoo.</p> <p>On 12th January 2017 a service agreement and lease agreements were signed between Mr Gill, South Lakes Safari Zoo Ltd and CZCL. From this date CZCL became the operator of the Zoo under Mr Gill’s licence.</p>	

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1. Background Information

- 1.1. 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.

Following an application from Mr Gill to renew his licence, at a Hearing held on 5th, 6th & 7th July 2016, Members decided not to renew Mr Gill's licence and directed him to apply for a fresh licence. In accordance with the Zoo Licensing Act 1981 (as amended) ("ZLA") Mr Gill's licence remained in force for another 6 months.

- 1.2. Mr Gill made a valid Notification of Intention to Apply for a zoo licence on 4th November 2016. He then made a valid application for a fresh zoo licence on 6th January 2017 in accordance with section 2(1) of the ZLA which states that an application shall not be entertained unless at least two months before making it the applicant has made a valid notification of intention to apply.

As a result of Mr Gill making a valid application for a fresh licence, within the 6 month period after being instructed he had to apply, his zoo licence remains in force until his application is determined by the Licensing Authority. This allows the Zoo to remain open.

- 1.3. As the Zoo licence remains in force the conditions and any direction orders need to be reviewed and compliance assessed which is the purpose of this report. Assessment will involve making reference to inspections and information provided by the Zoo

Members should note at this point that a change in operating arrangements has taken place at the Zoo from 12th January 2017. On this date, leases and other agreements were signed between Mr Gill, South Lakes Safari Zoo Ltd and Cumbria Zoo Company Limited (CZCL). This means that CZCL (headed by CEO Karen Brewer) now operates the Zoo under Mr Gill's licence.

Members should also note that CZCL has also submitted a valid Notice of intention to Apply for a Zoo Licence (10th November 2016) and then submitted a valid application for an original licence (23rd January 2017) after withdrawing a previous application dated 12th January 2017. However this will not be considered further in this report and will be dealt with at a future Committee meeting.

1.4. Periodical Inspection – 16th to 18th January 2017

A periodical inspection was undertaken at the Zoo on 16th to 18th January 2017 to assess the application for a fresh zoo licence from Mr David Gill and also the application for an original zoo licence from Cumbria Zoo Company Ltd (CZCL) which was submitted on 12th January 2017 and then withdrawn.

- 1.5. This inspection was also used to check compliance with a number of conditions placed on Mr Gill's zoo licence and also direction orders.

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,
Anne Chapman MCIEH
Graham Barker AMCIEH

The inspectors produced three reports following the inspection:

- **Report 1** Defra Inspection Report Form (Appendix 11) – see **APPENDIX D**
- **Report 2** Report regarding the Inspectors' decision to refuse the fresh application for South Lakes safari Zoo Ltd following the inspection on 16th and 17th January 2017 – see **APPENDIX P**
- **Report 3** Report from the Secretary of States Inspectors regarding whether the Fresh Licence application of David Gill should be granted or rejected – see **APPENDIX E**

Karen Brewer of CZCL, the company now operating the Zoo, confirmed that she had sight of the reports on 9th February 2017.

1.6. Representations

These reports were sent to Mr Gill and his legal representative on the 27th January 2017 with a request that any representation be made by 4pm on the 10th February 2017.

- 1.7. Mr Gill's representation was received on the 3rd February 2017, via an email from his legal representative. A copy of Mr Gill's representation is attached at **APPENDIX I**, and is reproduced in full, below.

"Dear Anne

I write further to your email of the 27th January and confirm safe receipt of the Inspection Report, the Additional Report and the Conditions Report.

I would be grateful if you could treat this email as Mr Gill's representations on those reports. Mr Gill is not proposing to make any substantive representations on the opinions and comments expressed in the reports, save in respect of those comments which relate to corporate governance and the transfer of the Zoo to a new operating company. However, this should not be taken as his admission that he accepts the validity of those other comments. His decision not to make such representations should be seen in the context of his previously expressed wish to step back from the running of the Zoo.

Mr Gill has been desirous of handing over the management of the Zoo for some time. However, he has always been aware of the need to keep the Zoo open and trading whilst new operators could be found.

It is true that over the last 12 months or so, a number of potential models for the future operation of the Zoo have been identified and explored. The inspectors seek to characterise these explorations as representative of poor management or of an underlying desire on Mr Gill's part to remain in control at the Zoo. This is not the case. There have been numerous meetings between Mr Gill, his bankers and professional advisors regarding the best way to achieve Mr Gill's objectives of exiting the Zoo whilst keeping the Zoo open so that any new operator is able to take the Zoo over as a going concern. These discussions led to consideration of a number of potential options, but each option had to be considered against the commercial benefit to the respective parties, the requirements of inspectors and regulators and the requirements of bankers.

The current arrangement sees the entire Zoo site leased to Cumbria Zoo Company Limited (CZCL) under a six month lease. CZCL has taken over the operation of the entire attraction, including animal management but also ancillary activities such as restaurant and gift shops. Mr Gill remains the licence holder, but otherwise has stepped away from all trading and management activities connected with the Zoo. He will continue in the capacity of landlord only (both directly and through South Lakes Safari Zoo Limited (SLSZ)).

If or when CZCL's application for a Zoo Licence is granted, an eight year lease will immediately come into force. You should have copies of the relevant Agreement for lease and the lease itself.

Mr Gill is also in discussions with CZCL for them to buy the land on which the Zoo is sited and/or for CZCL to buy the entire issued share capital in SLSZ. If this deal is concluded, Mr Gill would not even have a relationship with CZCL as a landlord and his ties with the Zoo would be completely severed. It is hoped that this final severing of all ties can be achieved in the coming months.

Mr Gill has no involvement in CZCL whether as an officer, shareholder, employee, consultant or contractor. He has moved to a new property around thirty miles from the Zoo and has only returned to his property at the Zoo on three occasions since Christmas. He therefore has no means by which he can oblige CZCL or its officers, employees or agents to follow his wishes. He has noted that the inspectors have commended CZCL for making certain changes to the Zoo which they regard as beneficial and this demonstrates that CZCL is acting independently from Mr Gill and is not subject to his direct or indirect influence.

In summary, although there appears to be some suspicion on the part of the inspectors, Mr Gill is absolutely committed to exiting the Zoo and to transferring full responsibility for the Zoo to CZCL.

I would be grateful if you could acknowledge safe receipt of this email.

*Yours sincerely
Livingstons Solicitors Limited"*

1.8. Informal Inspection – 9th February 2017

This was carried out to ensure that the Zoo continues to be run in an orderly manner, whilst the complex process of the determination of the Fresh Licence application from Mr Gill and the Original Licence application from Cumbria Zoo Company Ltd is under way.

The Local Authority representatives were:

- Dr Matthew Brash; B.Vet.Med Cert Zoo Med MRCVS and the Council's professional veterinary advisor,
- Anne Chapman MCIEH
- Graham Barker

The representatives of CZCL (the Zoo operators) were:

- Karen Brewer (CEO)
- Stewart Lambert (Chairman of the Board of Directors)
- Kim Banks (Deputy Animal Manager)
- David Armitage (Animal Manager)

During the visit CZCL advised the LA about progress they had made with staffing, veterinary input and managing the business.

During the site visit many improvements in relation to the issues noted by the Inspectors in the January 2017 inspection were noted.

A report of this inspection outlining these improvements can be found in **APPENDIX Q**

1.9. Assessment of Compliance with Conditions and Direction Orders

This will be based on the findings in the Inspectors' reports from the January 2017 and February 2017 inspections and also additional information provided by the Zoo.

2. Condition 18 - Delivery of Veterinary Services

The requirements of condition 18 and the two associated Direction Orders can be seen in the table below:

	Requirements	Compliance Dates
<p>Condition 18- Delivery of Veterinary Services</p> <p>Added to licence on 5.9.13</p>	<p>The delivery of veterinary services to and in the Zoo, is still unclear and in some areas appears uncoordinated.</p> <p>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.</p>	<p>5.9.13</p>
<p>Direction Order</p> <p>Elevated on 4.3.16</p>	<ol style="list-style-type: none"> 1. 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). 2. 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. 3. All relevant information must be integrated into the animal records system, such that, information on any individual animal is quickly and easily retrieved. 4. Agreed protocols for relevant veterinary cover when the principal vet is unavailable, must be clear. 5. A written copy of the final procedures must be lodged with the licensing authority and clear evidence of implementation provided. 	<p>22.5.16</p>
<p>Direction Order</p> <p>Varied on 24.10.16</p>	<ol style="list-style-type: none"> 1. Provide a final written version of the Veterinary Procedures to the Local Authority. 2. Provide a copy of the protocols in place for relevant veterinary cover when the principal vet is unavailable to the Local Authority. 3. Ensure that all Animal Treatment and other veterinary information is suitably recorded and integrated into the Zoo's Animal Record System so as to be quickly and easily retrieved. 4. Provide clear evidence of implementation of points 1 to 3 to the Local Authority by 31st December 2016 	<p>31.12.16</p>

2.1. 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.

Internal policy and procedures are required to provide an effective veterinary service within a Zoo. **Condition 18** relates to the practice defined in those policies.

2.2. History of Concerns

Concern has been raised about the level of veterinary care over a number of years. It was raised at the following inspections:-

- Periodical Inspection on **9th November 2009**,
- Periodical Inspection on **20th May 2013**,
- Special Inspection on **28th and 29th January 2014**; and
- Special Inspection on **17th and 18th November 2015**.

Condition 18 was attached to the licence on **5th September 2013** (previously condition 25) and was first elevated to a **Direction Order** on **1st July 2014**.

On **13th August 2015** it was reported to Members that the Direction Order had been complied with however the condition was retained on the licence.

2.3. Chronology of Inspections, Committee Hearings & Decisions – November 2015 to date.

2.4. Special Inspection 17th/18th November 2015

Compliance was assessed at this inspection. It was reported to Members, at the hearing held on 23rd, 24th February and 2nd March 2016, that the Inspectors had described the veterinary programme as "*inadequate*" and "*needs to be radically revised*" to bring it in line with the requirements of the Secretary of State's Standards of Modern Zoo Practice ("SSSMZP").

Members also heard that the Inspectors expressed their dissatisfaction with the current arrangements of veterinary services, in particular the lack of routine attendance.

Members resolved that the whole system, from the keepers identifying a sick or injured animal, the treatment of the animals, and gross post mortem needed to be reviewed to ensure compliance with the requirements of the SSSMZP and the Veterinary Surgeons Act 1996 (as amended).

Members therefore elevated Condition 18 to a Direction Order with a compliance date of 22nd May 2016. The wording of the Direction Order can be viewed in the above table.

2.5. Special Inspection 23 to 25th May 2016

Compliance with the Direction Order was initially assessed during this inspection and commented upon in detail. A report was prepared for the meeting of this Committee in July 2016 however Members could not consider compliance at this time due to the Direction Orders being appealed by the Zoo to the Magistrates' Court. The findings have not been reproduced as part of this report as a further inspection to assess compliance was undertaken on 15th August 2016 and the initial information superseded. A copy of Pages 4-15 of the July 2016 Committee report Agenda Item 7 entitled Compliance Report Regarding Current Licence Conditions is attached at **APPENDIX R** for Members' information.

2.6. Special Inspection 15th August 2016

As stated above, compliance with the direction order was assessed again during this Inspection. It was reported to Members on 13th October 2016 that the Zoo had not complied with all the requirements of the direction order, and there were still some concerns about veterinary care e.g. record keeping. However it was acknowledged that some work had been undertaken by the Zoo and that there were improvements.

Members noted the areas of non-compliance at the meeting and that the improvements had only recently been implemented so the Zoo must demonstrate continued compliance for a longer period of time given the history of concerns regarding veterinary care.

Members therefore decided to vary the direction order to reflect the work already undertaken and set a compliance period of ten weeks (31st December 2016). The varied requirements are stated in the above table.

2.7. Periodical Inspection for Fresh Licence 16th to 18th January 2017

Following Mr Gill's application for a fresh zoo licence on 6th January 2017, an inspection was undertaken by zoo inspectors and LA representatives on 16th to 18th January 2017.

The inspectors' comments regarding veterinary care were as follows:

In **Report 1** they noted:

(Section 3.4):

"There is a culture of not always seeking appropriate veterinary advice despite requests from the keepers. Veterinary advice is sometimes ignored or

overridden. There are also examples of inappropriate responses from the local vet (see 3.9 below)."

(Section 3.9)

"There are very good vet facilities, but the current routine local vet service is not adequate and inspectors detected several cases that raised welfare concerns, e.g. the jaguar injury and lack of suitable treatment and subsequent euthanasia."

For detailed information on the incident involving the Jaguar see attached Post Mortem Report at **APPENDIX M**.

(Section 12.3)

"Conditions 17 and 18 have been met, but the Tambopata Aviary/Tropical House has no formal veterinary cover."

(Additional Comments)

"Whilst progress has been made in a number of areas, e.g. improved perimeter fencing in many areas, restriction of free-ranging species, reduction of numbers of specimens, **provision of an efficient veterinary nurse**, enlarged baboon housing etc, the inspectors have identified a number of ongoing issues which must be addressed.

A number of these issues would have been addressed already if the member of the senior management team required by Condition 34 had been in place. This lack of senior supervision is very evident throughout the Zoo despite the hard work and dedication of the keeping staff. **Notable among the current failures has been that of the local veterinary service.** This is another issue that would not have been tolerated by an experienced senior Curator or Zoological Director."

It should be noted that the Inspectors confirmed there were no issues regarding the veterinary records and that the Zoo were compliant in this respect (sections 3.9 to 3.11)

In **Report 2** the Inspectors made a recommendation for a condition regarding veterinary care to be added to the licence:

"Veterinary care

In accordance with 3.7 to 3.18 of the SSSMZP (and following guidance in Appendix 5 of the SSSMZP) the current local veterinary service must be replaced or upgraded by consultant input to ensure a level of service in line with modern zoo veterinary standards. This process must be supervised by and to the satisfaction of consulting specialist veterinary advisors and the Local Authority. (1 month)".

2.8. Informal Inspection 9th February 2017

At this inspection, Karen Brewer stated that the Zoo was progressing with the proposed condition in the Inspectors' Report 2 and they were currently advertising for a full time vet and discussing additional support from veterinary practices in North West England.

2.9. Guidance – Secretary of States Standards of Modern Zoo Practice (SSSMZP)

“Section 3 Veterinary care

3.7 *A comprehensive programme of care must be established and maintained under the supervision of a veterinary surgeon who is familiar with current practice in the care of zoo animals, particularly in the types maintained in the collection. He or she must make arrangements to meet the ethical responsibilities of veterinary cover, set out in the Guide to Professional Conduct of the Royal College of Veterinary Surgeons.*

3.9 *The veterinary surgeon should be responsible for, or actively involved in, the following:*

- a) routine inspections of the collection;*
- b) directing or carrying out treatment of all sick animals;*
- c) administration of vaccines, worming and other aspects of preventive medicine;*
- d) health monitoring of animals including submission of blood and other samples for laboratory examination;*
- e) safe and proper collection, preparation and dispatch of diagnostic and other samples. (Where these tasks are to be carried out by someone other than the veterinary surgeon, a suitably qualified or appropriately trained member of zoo staff should be nominated to carry out the task e.g. a laboratory technician or veterinary nurse);*
- f) training of zoo personnel in health and hygiene;*
- g) ensuring that post-mortem examinations of animals are carried out where necessary;*
- h) supervision of quarantine premises and other such tasks required by law or as part of good zoo veterinary practice;*
- i) the nutrition and the design of diets;*
- j) planning and exhibit design;*
- k) the establishment of written procedures to be followed in the event of the accidental use of dangerous drugs.*

3.10 *The level of veterinary facilities must be consistent with the welfare needs of the animals.*

- 3.11 *Comprehensive records must be kept – where possible on computer – and be made available to inspectors covering the following:*
- a) *preventive medicine;*
 - b) *clinical medicine and surgery;*
 - c) *pathological findings from ante-mortem testing; and*
 - d) *results of post-mortem examination and testing.*
- 3.12 *There must be systems for regular review, by the relevant veterinary and curatorial staff, of clinical, behavioural and pathological records and mortality. Husbandry and preventive medical practices must be reviewed where problems become apparent.”*

2.10. Officer Recommendations

- 1) The Zoo has **COMPLIED WITH THE DIRECTION ORDER** therefore it should be revoked and the condition removed from the licence ; and
- 2) **CONDITION 2 OF THE LICENCE SHALL BE ELEVATED TO A DIRECTION ORDER UNDER SECTION 16A(2)** of the ZLA with a compliance time of one month. The direction order shall relate to the whole Zoo and the steps required to comply with the direction order shall be:

“In accordance with 3.7 to 3.18 of the SSSMZP (and following guidance in Appendix 5 of the SSSMZP) the current local veterinary service must be:

- a) *replaced or*
- b) *upgraded by consultant input,*

to ensure a level of service in line with modern zoo veterinary standards. This process must be supervised by and to the satisfaction of consulting specialist veterinary advisors and evidence provided to the Local Authority. (1 month).”

The Direction order shall take effect immediately as the work should already be being undertaken by the Zoo.

2.11. Reasons for Recommendation No.1

- 1) The varied direction order detailed four steps the Zoo was required to take to achieve compliance with condition 18. The Reporting Officer's comments (in bold print) detail how the Zoo has complied:
 - a) Provide a final written version of the Veterinary Procedures to the Local Authority.

The Zoo emailed the Preventative Health and Medicine Programme 2016 Version 2.1 (see APPENDIX S) to the LA on 26th October 2016. This was assessed by Dr Brash as achieving compliance.

- b) Provide a copy of the protocols in place for relevant veterinary cover when the principal vet is unavailable to the Local Authority.

The details of cover can be found on pages 7 – 8 of the above document.

- c) Ensure that all Animal Treatment and other veterinary information is suitably recorded and integrated into the Zoo's Animal Record System so as to be quickly and easily retrieved.

The employment of the veterinary nurse has greatly improved record keeping and this has been demonstrated during the inspection in January 2017 and a subsequent informal inspection on 9th February 2017.

- d) Provide clear evidence of implementation of points 1 to 3 to the Local Authority by 31st December 2016

This was demonstrated at the inspection in January 2017.

2.12. Reasons for Recommendation No.2

- 1) Condition 2 of the zoo licence relates to a Section 1A condition under the ZLA, section 1A(c) to be precise. Section 1A conditions are mandatory conditions that are applied to all zoo licences and cannot be removed.

Section 1A(c) states that the following shall be implemented in zoos:

"c) accommodating their animals under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong, including—

(i) providing each animal with an environment well adapted to meet the physical, psychological and social needs of the species to which it belongs; and

(ii) providing a high standard of animal husbandry with a developed programme of preventative and curative veterinary care and nutrition;"

Condition 2 is an existing condition on the licence and relates to the requirements contained in S.1A(c). It states that the Zoo must:

"Accommodate and keep the animals in a manner consistent with the standards set out in the Secretary of State's Standards of Modern Zoo Practice".

In can be concluded from the inspectors' findings and concerns about the local veterinary service that this condition is not being complied with and

therefore escalation of the existing condition on the zoo licence to a direction order is warranted., as opposed to adding an additional condition.

- 2) The Council acknowledges that the Zoo have put in place veterinary protocols and procedures as required by condition 18 of the licence, however the standard of the veterinary care delivered through those protocols and practices is insufficient and well below the standard required to satisfy s.1A(c) of the ZLA and condition 2 on the licence.

2.13. Options Available to Members

Recommendation 1 – Condition 18

- **Accept** Officer recommendation 1, confirm the Direction Order is complied, revoke it and remove condition 18 from the licence.
- **Reject** Officer recommendation 1 and require that the Direction Order remains in place, setting a new compliance date.

Recommendation 2 – Condition 2

- **Accept** Officer recommendation 2 and escalate condition 2 to a direction order with the recommended wording and a compliance time of one month.
- **Reject** Officer recommendation 2 and escalate condition 2 to a direction order with alternative wording and/or compliance timescale.
- **Reject** Officer recommendation 2 and add an additional condition to the zoo licence
- **Reject** Officer recommendation 2 and take no further action.

3. Condition 22 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]

3.1. Officer Comments

On the 23rd December 2016, Inspector Telford of the Firearms Unit at Cumbria Police wrote to the Council to provide an update on compliance with this condition.

Inspector Telford wrote:

"I last visited the Zoo on 14th November 2016, having previously attended on 3rd June and also at one of their external Firearms Training days on 20th April 2016. Present with me was [REDACTED], Constabulary Firearms Licensing Enquiry Officer.

Training

The 'range days' instigated in October 2015 with the initial training provided by independent external provider Wildlife Management Services (WMS) have continued monthly at REDACTED, with shooting accuracy and role-relevant range practices delivered objectively and independently by Club Treasurer and experienced member REDACTED.

I was shown credible training records for these days, and attendance is good. I was invited to attend the most recent range day on 14th December but unfortunately was unable.

Firearms users have been involved in recent 'walk through' safety exercises to inform the scheduled review of the escape protocols.

Consideration is being given to arranging an external independent training provider to refresh and benchmark practices and deliver initial training to five new potential firearms users. In any case this will happen before October 2017.

There is evidence of a proactive approach to firearms training and user CPD."

Staffing

This visit was made in part due to information received about staff resignation. In fact only one resignation affects the firearms users, that of the firearms 'lead' REDACTED. REDACTED will be replaced in this capacity by existing user and experienced keeper REDACTED, who I spoke to at length on the day and who showed us the Zoo weapons and access procedures. There are now four

established firearms users in Zoo employment, plus the Zoo vet, REDACTED. All now have firearms certificates issued by this Constabulary that allow possession of the Zoo weapons.

A further two keepers commenced firearms training in October and have completed Firearms Certificate applications. In addition, a maintenance worker employed full-time by the Zoo is expected to take up a role, and they are already personally licensed and familiar with firearms.

Coincidentally, the Zoo has also employed a former curator and firearms user from other Zoos, who will apply for a Firearms Certificate and become an immediate and significant asset to the firearms capability.

This should give a net increase of five, to a total of nine 'users'.

The four established firearms users are attached to three key areas of the Zoo which require minimum staffing in their own right, resulting in a majority of days when at least two of these operatives are present.

The users expected at work are identified on the published staffing list. Following a no-notice request for this list for November and December, I saw that there were between 2 and 5 users on per day, on 57 of the 61 days of these months, with at least one established user and one 'in-training' user shown on each of the other four days.

This is evidence of a good level of coverage, which will improve still in the short term. See 'recommendations' below.

Animal Escape Procedures

The Zoo maintains an Escape Procedure document, shared with Police and underpinning a Cumbria Constabulary Civil Contingencies Unit (CCCCU) Action Card. This is to the satisfaction of CCCCCU and scheduled for review at the time of writing.

Conclusion

In summary – it is my assessment that the Zoo remains compliant with Zoo Licence condition 23 (Annex Four) and improving. Engagement is good, and the relationship we have with the Zoo will continue.

Recommendation

In order to focus management on keeping firearms-user numbers sufficient, consideration should be given to formalising a requirement of the Zoo Licence for a MINIMUM of two firearms 'users' to be on-duty. This requirement appears to be specific, measurable, achievable for the Zoo, relevant to public safety and is already being achieved. At least one of these should be an established user with at least the initial training plus one year/six 'range days' experience in role,

or as agreed between the Zoo and myself case-by-case based on previous/other experience.”

Superintendent O'Connor has also provided a letter dated 2nd January 2017. A section states:

“In his no notice inspection of 14 November 2016, Inspector Telford found that when reviewing the staff rotas for November and December 2016 that on 57 of the 61 days there were between two and five fully trained and accredited users, and on the other 4 days at least one fully trained and accredited staff member with one other being ‘in training’.

Within the Constabulary we operate minimum staffing cover at various times of the day across a number of disciplines to ensure we have the capacity and capability to respond to demand.

What concerns me is if the Zoo were ever to be in a position with only one person on duty as part of the firearms capability, what if that person became indisposed? They may suffer a medical episode, or may find themselves under attack from an animal and therefore cannot respond in the desired fashion.”

3.2. Guidance

“8.20 Where a zoo holds any primate, carnivore, elephant, or hoofed mammal, listed in category 1 of Appendix 12, appropriate firearms must be available, unless a risk assessment has shown that a firearm would not provide the most appropriate means of protection to the public from that animal, and other arrangements have been made. Firearms, ammunition and darting equipment, where provided, must be:

- a) available for immediate use by licensed and trained operators;*
- b) cleaned and maintained as recommended by the manufacturer; and*
- c) kept securely when not in use or under maintenance.*

8.34 Procedures relating to escapes of animals should be established and include the following:

- the reporting of every escape by the quickest possible means to the most senior member of staff available;*
- the response to an escape in all situations; for example, whether daytime staff are on duty, whether visitors are present, and whether more than one animal has escaped;*
- what needs to be done in the event of an escape; including recapturing the animal, protecting visitors, alerting the police and, where necessary, the licensing authority;*
- the control of visitors, including reassurance, ushering into buildings, closing doors and windows, evacuating the zoo;*

- *the security of the perimeter barrier, involving the closure of all points of access to, and exit from, the zoo;*
- *the provision of firearms and darting equipment to tranquillise or kill escaped animals, precise details of which are to be discussed and agreed by the zoo operator and the local police (regular training with firearms and darting equipment should be conducted and documented);*
- *provision of adequate equipment for members of any recapture party, including, where necessary, vehicle protection”.*

3.3. Officer Recommendation

That condition 22 be varied to include Inspector Telford's and Superintendent [REDACTED] recommendation. The revised wording and timescale being:

“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.

A MINIMUM of two firearms ‘users’ shall be on-duty at all times during opening hours. At least one of these should be an established user with at least the initial training and the other user shall have at least one year/six ‘range days’ experience in the role, or as agreed between the Zoo and the Firearms Operation Unit at Cumbria Police.”

Timescale – immediate and annually on 1st April

3.4. Reason for the Recommendation

Although the Zoo is complying with this condition, Inspector Telford and Superintendent Rob O'Connor have requested, for the reasons stated above, that the condition is varied to include a requirement for a sufficient/minimum number of firearms users. Inspector Telford adds that the requirement appears to be specific, measurable and achievable for the Zoo, relevant to public safety and is already being achieved.

3.5. Options available to Members

- **Accept** the Officer recommendation and vary the condition as stated above
- **Reject** the Officer recommendation and vary the condition using alternative wording and timescales
- **Reject** the Officer recommendation and take no further action.

4. Condition 28 - Black Tailed Prairie Dogs – Escape Assessment

In accordance with 8.10 and 8.29 of the SSSMZP a suitable and sufficient written risk assessment carried out by a suitably qualified professional on the effectiveness of the perimeter fence must be undertaken and the recommendations be implemented.

Copies of these reports must be sent to the Local Authority.

[Timescale 6 months]

Compliance date – 2nd September 2016

4.1. Inspector / Officer Comments

Chronology of Inspections, Committee Hearings and Decisions

4.2. Renewal Inspection 17th/18th November 2015

Along the western perimeter fence of the Zoo there is a colony of free roaming prairie dogs. These animals live in extensive burrows and warrens. During the November 2015 renewal inspection, the Inspectors were concerned that the prairie dogs may reach and burrow under the perimeter fence because the Zoo's management had said it was only set into the ground at a depth of 30cm in that area. The Inspectors therefore recommended this condition be placed on the licence.

At a meeting of this Committee on 23rd/24th February and 2nd March 2016, Members decided to place the above condition on the licence.

4.3. Periodical Inspection 16th to 18th January 2017

During the inspection in January 2017, the Inspectors noted that this condition had not been complied with. In section 12.3 of report 1 they stated:

“Condition 28 has not been met. The new perimeter fence, where it borders the prairie dog enclosure, is buried approximately 5cm. This is inadequate.”

In section 8.4 (relating to the perimeter fence) of the same report they state:

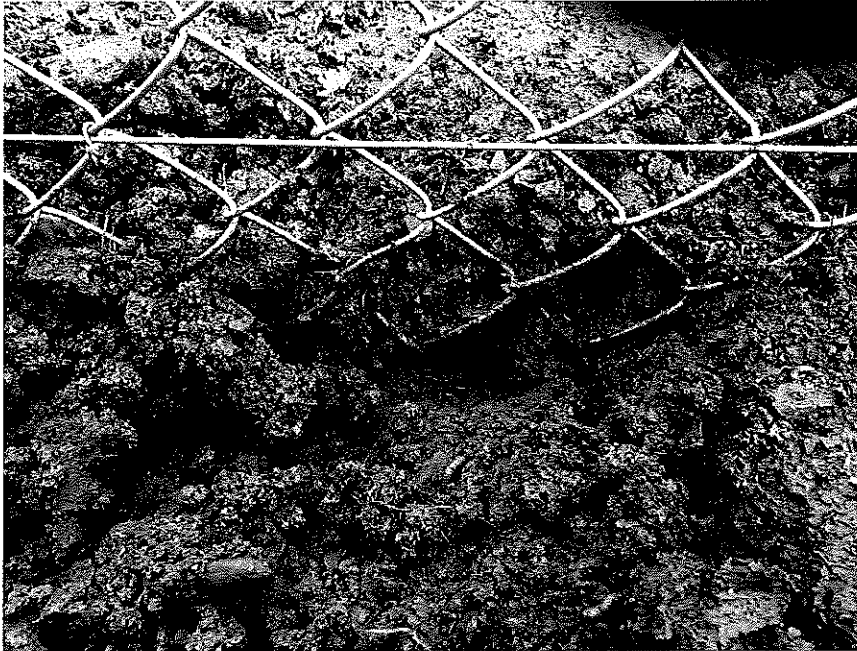
“Greatly improved in most areas but where it encloses the prairie dogs it will need burying to an adequate depth.”

In **Report 2** the Inspectors state:

“Perimeter fence

A new perimeter fence has recently been erected between the WWS and DG's private house, by DG. This fence separates the land being retained privately by DG, although still on the ground plan for SLSZ, from the rest of the zoo, now being managed by CZCL.

The WWS has a mixed species exhibit including prairie dogs. The new fence is a metal chain link fence, and is not under wired. In fact it only goes into the ground by a couple of inches.



This is completely inappropriate as a perimeter fence for an area that includes animals such as Prairie dogs, an animal that burrows underground.

Whilst the inspectors accept that, at present, the Prairie dogs have not developed burrows in this direction, they have already expanded across the pathway and down the bank in other areas of the WWS. If they were to decide to move in this direction, this perimeter fence would not keep them within the zoo confines.

The perimeter fence was of concern at previous inspections, regarding its depth and whether it was sufficient to prevent the escape of the animals contained. A condition was recommended and then applied to the license that has still not been complied with.

The insertion of this fence, despite previous concerns expressed by the inspectors regarding the possibility of escape by these animals, is a further example of how DG has ignored the SSSMZP, and the conditions applied to his license.”

The Inspectors therefore recommended that the following condition be applied to the licence:

“Condition

9. *If the recently installed fencing is to remain as the perimeter fence of South Lakes Safari Zoo and if sections of it are to act as the primary barrier holding animals in the World Wide Safari, then remedial work must be undertaken to ensure that the fence has been buried under ground to a suitable depth to*

ensure that animals capable of burrowing, e.g. prairie dogs, are unable to burrow under the fence and escape from the Zoo site. (3 months)”.

4.4. Additional Information Provided by the Zoo

On 21st February 2017 the Zoo provided a Prairie Dog Management and Risk Assessment to the LA which was created on 10th February 2017 (attached at **APPENDIX T**). This had been produced by Dr Jon Cracknell, their consultant veterinarian. The section on risk assessment states:

“RISK ASSESSMENT FOR ESCAPE

The risk of perimeter breach by the current coterie of the west perimeter fence is considered low to none, and the risk is acceptable with some steps recommended to further mitigate and minimise the risk. The rationale is based on the following:

1. Natural coterie boundaries: the dug in fence provides a natural boundary to prevent surface migration of a prairie dog into the surrounding land, this is compounded by the dense and high vegetation that is not favoured by the prairie dogs as an area that they would naturally expand into. This position is backed up by the suggested models and experiments of Milne-Laux et al (2006) and Northcott et al (2008). The hypothesis being: the likelihood is that the prairie dog’s behaviour is to avoid the high vegetation found on the external perimeter fence through lack of innate ability to assess for predators or the rough rock environment found to the west, external to the perimeter, combined with the thick vegetation being consistent with areas prairie dogs would avoid. This technique is similar to other collections and has been used to great effect.

SITE REVIEW: expansion of the colony has been into the short mown areas of land to the north and to the south of the existing coterie. There is plenty of space to both the south and especially the north and expansion is most likely in that direction with evidence to support this being present with the new rim mounds formed in both those directions. This is entirely consistent with the wild expected behaviour of this species.

2. No evidence of perimeter breach: aerial images (as above) and on ground assessments of perimeter vegetation and surrounding land demonstrate no evidence of perimeter breach nor activity of rim or dome craters forming on the external perimeter.

SITE REVIEW: as stated no evidence to suggest it has occurred nor risk of occurrence will occur – activity is moving away in a preferential direction to the south and the north, with some movement to the east. All three directions providing more suitable and preferred habitat.

3. Perimeter fence dig in depth: the primary focus for effective prairie dog management is either to have a completely breach proof enclosure (not always possible, even when thought to be escapes have occurred) or manipulate the coterie with land management to drive the colony growth into controlled areas,

combined with population management if required (often mortality rates can be as high as 29% annually in the wild, with similar or higher numbers seen in UK collections). Coterie will naturally move away from rock or heavily planted areas (see point 1 above) and animal will not actively seek to enter heavily planted areas except in exceptional circumstances. Through adequate land management, abundant food access, and monitored population control with reduction in peripheral coterie as and when required the main concern would be the displaced or inquisitive animal. These are considered unlikely to dig out under a fence when there are easier access routes available and as such a fence line needs to be robust enough to prevent casual chewing or superficial access underneath. A depth of 50cm is therefore considered suitable to contain animals where there is not high population density or lack of 'real estate'.

SITE REVIEW – the existing perimeter fence is dug in and supported by a thick vegetation boundary with high solid visual barriers. The new perimeter fence however is not consistent with the existing perimeter fence and is surface mounted. See actions below.

4. Natural history: the prairie dogs are highly territorial and defend an area within the social unit of the coterie. The current population is thought to be a single coterie and no conspecific fighting has occurred. This means that there are less likely to be inter-coterie aggression which is a significant factor in the social drivers for migrant prairie dogs.

SITE REVIEW: expansive coterie with no evidence of social disharmony at present. The new rim mounds to the north may represent a new territory being formed but even then it is a related animal and as such social pressures are likely to be less.

In reviewing the natural history, the current coterie environment and the history of the collection I believe that this is a reflective summary of the current situation. That is not to say that the situation cannot change and as such the following recommendations have been made to further mitigate the risk of a potential escape."

The actions identified in the report are:

"ACTIONS

To ensure the continued success of the Black-tailed prairie dog exhibit at SLSZ the following recommendations are made:

1. Coterie mound surveillance

Daily checks of the west perimeter must be made for sign of damage, breaches, attempts or evidence of burrow extension to the perimeter or outside of the perimeter. Weekly internal combined with external assessments of the west perimeter must be undertaken on foot and these must be documented in the daily diary. On a quarterly basis these should be summarised and the information collated and made available for subsequent zoo inspections to demonstrate that effective surveillance is being undertaken.

Aerial photography using drones can be useful to assess the extent of the coterie expansion but this can also be achieved with on the ground assessment and documentation. It is recommended that the number of holes are counted and assessed for activity. Possibly consider a map of the holes be generated and assessed on a quarterly basis.

In the unlikely event of any evidence of burrows external to the perimeter these must be reported immediately to the local authority as per the escape policy and steps taken to prevent further escape:

A. If a single mound is located external to the perimeter fence this should be assessed for orientation. It is unlikely that a mound will be a single entrance on the external and more likely that this is a second exit to an existing burrow.

The external burrow exit should be temporarily blocked and a member of staff stationed at the exit outside the perimeter, assessing for movement of prairie dogs exiting from within the perimeter in a location that is close to the blocked hole.

B. Using a powerful torch a quick assessment should be made to try and assess whether it is linked to another hole internal to the perimeter – this is unlikely to be effective but may allow animals to move out into the zoo area. It is possible that this is a secondary exit to a nursing hole but in most cases dams block the holes to limit it to a single entry/exit. External holes should be blocked with mesh to allow ventilation but not exit on the peripheral hole, these should be pegged in and secured.

C. Suspected internal holes that maybe linked to the external hole should be blocked using a design similar to cat flaps or badger gates to allow animals to exit but not re-enter the hole. These can be built as needed as there is no immediate rush once the external hole is blocked and pegged with mesh.

D. If not considered breeding/nursing season (April – July) then smoke bombs can be used to identify the exit holes – this must be discussed with the veterinarian at the time and any concerns that there maybe youngsters or nursing dams present then this must not be used. Smoke bombs can be dropped into the hole and the external to the perimeter exit sealed with mesh – one 13g smoke pellet typically produces 18cm³ of smoke and should fill most burrows, if not then additional smoke pellets should be used until smoke is noted leaving a burrow hole inside the perimeter fence. If not noticed then the external hole should be blocked to prevent any smoke escaping to force it back out into the zoo grounds, however it is preferable to leave the external hole unblocked as it will allow the Bernouilli effect to facilitate smoke passage.

E. Once the internal hole is identified the burrow should be dug out and collapsed from the external aspect working back to the perimeter and any

breach sealed. Then the internal aspect dug back and searched to ensure no prairie dog is in the burrow – the hole must be slowly and carefully dug back to ensure no injury occurs to any potential prairie dog still remaining. Once a dead end has been reached and no side tunnels confirmed then the hole can be back filled and the ground made level. The veterinarian should be present for this to attend immediately any animal that maybe recovered (however unlikely).

F. Following any such breach the entire coterie must be assessed and the reason as to why a change in behaviour had occurred, taking into account current population and density within the park. Any elements identified must be managed appropriately.

Please note: to not follow this procedure or one similar if updated may result in an animal's death or severely compromised welfare which could lead to prosecution under the Animal Welfare Act (2006). Burrow removal is not to be taken lightly and must be under the guidance of senior management and the veterinarian. In addition appropriate risk assessments must be undertaken if using smoke pellets.

2. Perimeter fence consistency

All of the perimeter fence must be dug in and not surface mounted, this includes the new area adjacent to the top lemur house/meerkats. Whilst 50cm is deemed sufficient (see above for rationale) it is recommended that if new fence is being installed or retrofitted then 1m depth should be attempted.

A. For retro-fitting fence lines a trench should be dug on the inside of the existing perimeter fence approximately 30-50cm away from the fence to prevent undermining of the existing fence line. The mesh must be placed vertically down into the trench and then run along (or close to the surface) horizontally to join the existing perimeter where it is run vertically and attached to the existing fence line. This dug in step perimeter will provide additional security as the perimeter is effectively moved into the zoo underground.

B. For new fences the above can be installed or the fence can be dug in directly to 1m and carried on vertically to form the above ground perimeter.

3. Population surveys

Historically the number counts for prairie dogs have been questionable. This is a challenge found in many collections. Using the technique of maximal counts, either 2 hours after sunrise or 2 hours prior to sunset when the majority of prairie dogs are out the animals should be counted. This should be done at least weekly and documented alongside the fence checks, with daily assessments as per usual. It is expected that numbers will fluctuate and counts will not be 100% accurate but they will give an effective marker for assessment to ascertain population size (increase or decrease), number of young born, possible sexes, and expansion of the coterie.

It would be prudent for designated keepers to confirm whether this is a single large coterie (most likely) or a number of small territories. Whilst the later is not considered likely it is possible that the new mounds appearing close to the bears is a new territory.

Population management techniques need to be discussed at the next ethical review management and include surgical contraception, translocation of coterie units, or culling. All have advantages or disadvantages and the decision needs to be robust.

4. Annual review of policy

The prairie dog colony is dynamic and the situation can change. Whilst daily and weekly checks are made and recorded it is recommended that an annual meeting, possibly within the ethics committee is undertaken to review the prairie dog population, management strategy and legal compliance as the situation changes with the NNS and the potential listing in 2017/2018.

It is possible that the collection can be maintained where it is but equally may require relocation within the zoo grounds with specific population management steps taken as required by any legislative changes.

5. Perimeter encroachment policy

The ethics committee must review the policy for terminating the appearance of burrows or mounds within a set distance of the perimeter fence. The cut off of 4m is reasonable but will require active management and likely considerable disruption for increased burrows. The benefits of 2m over 4m is more apparent and requires less proactive and aggressive management but has the risk that they are closer to the fence, albeit this is considered a low risk due to unfavourable environment external to the perimeter. This must be decided by the keeping staff and the ethics committee as either option has risks of animal welfare v risk of escape. The management and collapse of risk burrows must be implemented as in point 1 above."

4.5. Guidance

the SSSMZP states:

"8.10 Animals that can climb or jump must be kept in enclosures secure enough to prevent them from escaping. The minimum recommended height of enclosures/barriers as stated in national or international industry standards (BIAZA, EAZA or AZA) such as those associations" Husbandry Guidelines should be taken into consideration. Digging or burrowing animals must be kept in enclosures so constructed as to avoid escape underneath barriers.

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."

4.6. Officer Recommendation

- 1) That Members note the Zoo's **PARTIAL COMPLIANCE WITH CONDITION 28** albeit after the compliance date of 6th September 2016.
- 2) **CONDITION 3 OF THE LICENCE BE ELEVATED TO A DIRECTION ORDER** under section 16A(2) of the ZLA with a compliance time of three months. The direction order shall relate to the World Wide Safari area and the steps required to comply with the direction order shall be:
 - a) The actions stated in the Prairie Dog Management and Risk Assessment shall be implemented.
 - b) Evidence of implementation shall be provided to the Licensing Authority.
- 3) Condition 28 on the licence shall be removed.

4.7. Reasons for Recommendations

- 1) The Zoo has partially complied with condition 28 in that a risk assessment has been carried out by a suitable qualified professional on the effectiveness of the perimeter fence but the resulting actions have not been yet been implemented.
- 2) Condition 3 of the zoo licence relates to a section 1A condition under the ZLA, section 1A(d) to be precise. Section 1A conditions are mandatory conditions that are applied to all zoo licences and cannot be removed.

Section 1A(d) states that the following shall be implemented in zoos:

"(d) preventing the escape of animals and putting in place measures to be taken in the event of any escape or unauthorised release of animals;"

Correspondingly, condition 3 on the Zoo's licence states:

"3. Prevent escapes and put in place measures to be taken in the event of an escape or unauthorised release of animals."

- 3) The Inspectors noted in January 2017 that a section of the proposed perimeter fence near the prairie dogs was not buried to an adequate depth to prevent their escape.
- 4) The inspectors concerns about escapes can be dealt with more effectively by escalating a section 1A condition on the zoo licence to a direction order, as opposed to adding an additional condition. Therefore there is no need to have an additional condition 28 regarding escapes.

4.8. Options Available to Members

- **Accept the** Officer recommendation, remove condition 28 and escalate condition 3 to a direction order with the recommended wording and a compliance time of three months.
- **Reject** the Officer recommendation, remove condition 28 and escalate condition 3 to a direction order with alternative wording and/or compliance timescale.
- **Reject** the Officer recommendation, keep condition 28 on the licence and escalate it to a direction order under section 16A(2) of the ZLA.
- **Reject** the Officer recommendation and add an additional condition to the licence.
- **Reject** the Officer recommendation and take no further action.

5. Condition 29 - Flooring in the Caribbean Flamingo House

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

[Timescale 6 months]

Compliance date – 2nd September 2016

5.1. Inspector/Officer Comments

This condition was placed on the licence at a meeting of this Committee on 24/25th February and 2nd March 2016 following concerns about the health of the flamingos' feet noted in the November 2015 Renewal Inspection.

The Zoo stated in their response to a Special Inspection carried out on 15th August 2016 and sent to the Council on 26th September 2016:

“Response – during the special inspection a discussion was undertaken about the flamingo foot health and the substrate. In response to this a complete foot care review was undertaken of the flamingos and the foot scores compared against published criteria. As a result an action plan has been suggested based on the review and this will be discussed in detail at the next Ethics Committee meeting. In summary the foot health was comparable to other collections in EAZA and areas were highlighted where improvements could be made, however the literature is conflicting as to what actually is the best substrate and an evidence based review is recommended, hence the need for an ethical review.

See appendix 6 – Chilean Flamingo Foot Health Review.”

The Recommendations and Condition Response contained within the abovementioned foot health review are set out below for Members' information.

“RECOMMENDATIONS

- Review substrate choice and enclosure design to facilitate current best practice in welfare management of flamingos – considering flooring substrate, water management, and areas 'off show' or 'limited viewing opportunities' to facilitate opportunities for natural behaviour, including reproduction.*
- Recommend experiment with various substrates rather than commit to one type e.g. trial fine sand and astro-turf areas verses concrete in the house and assess behavioural responses to preferred substrates.*
- Review enclosure design for potential sources of injury e.g. door handle design, catch up areas, reduction of birds being spooked, etc*
- Implement a plan of annual or biennial review, health check and foot care scoring to document foot care changes balanced against reproductive stresses and enclosure catch up and assess responses to change in environment*
- Review temperature delivery indoor areas as well as ventilation during the winter – it is noted that flamingos are hardy and can cope with low temperatures*
- Ensure all birds are microchipped and records up-dated on ZIMS to ensure no*

bird identifications are lost over time – note two of the four birds have been identified but two are outstanding at the time of write up (this was not amended in the data set)

CONDITION RESPONSE

One of the reasons for this review was in response to the condition provided in a previous zoo inspection, namely:

“A number of lame flamingos were observed, and the flooring of the new flamingo house is plain concrete. In accordance with 2.2, 4.3 and 4.4 of the SSSMZP the floor in the Flamingo House must be the subject of review by the veterinary consultants and suitable flooring/substrate put in place to improve the health of the flamingo’s feet, Condition 20, December 2015”

SSSMZP section 2.2 refers to the requirement for an enclosure to have sufficient shelter and refuge areas that allow an animal to escape the permanent gaze of the public.

The first aspect of this section is complied with the current facility in that the birds have access to the indoor house area if they wish. Flamingos will often stay out in bad weather and are extremely hardy birds, however they do have free access into the house at all but exceptional times. The second part is considered a concern, albeit a minor one following assessment of behaviour. As part of master planning it is recommended that the enclosure have the planting and visual barriers reviewed as outlined above.

SSSMZP section 4.3 is similar in some respects to 2.2 and builds on the concept that accommodation must take account of the natural habitat of the species and seek to meet the physiological and psychological needs of the animals. To some degree the current enclosure meets this when considering the current husbandry guidelines, however there are failings in certain areas that are outlined in the recommendations above that could facilitate welfare improvements for these birds.

SSSMZP section 4.4 states that enclosures must be equipped in accordance with the needs of the animals...and goes on to outline what this must consider. Again these areas are highlighted in the report and the recommendations.

The specific condition is that “the floor in the Flamingo House must be the subject of review by the veterinary consultants and suitable flooring/substrate put in place to improve the health of the flamingo’s feet”. This report builds on previous assessments of the floor and recommendations with regards to its suitability. This report fully documents the foot care health and highlights that the foot health demonstrates environment related lesions, particularly hyperkeratosis and fissures, that are comparable or in some cases better than many European collections. In addition these are not, at least during the review period or in discussion with keeping staff, related to any clinical signs of lameness in these birds.

With respect to the condition, the question of a suitable flooring/ substrate is a challenging one in that recent published research into suitable flamingo flooring

raises problems with most floor types. As such, considering the results of this report, it is the author's recommendation to undertake a review of substrate options, using best current practice and allow the birds to choose a suitable flooring type and review the bird's selection choices rather than install a substrate that may meet the requirement of the condition but not meet the welfare needs of the birds.

This could simply be the installation of two or possibly three temporary substrate types and document the preferences of the birds with permanent installation of the preferred substrate occurring following review of foot scores and behavioural data i.e. evidence based substrate selection. This resolving the current poor floor choice indoors on a temporary basis, allowing an informed choice in 2017. This research project must undergo ethical review at the next ethics meeting and the current report sent to the zoo inspectors to ascertain their thoughts on the proposal to meet this condition, albeit overdue on the original time lines, with substrates installed prior to the winter period when the birds are shut in."

This full Review is attached at **APPENDIX U** for Members' information.

- 5.2. On 21st February 2017, Karen Brewer provided an update on compliance with this condition from Dr Jon Cracknell. This states:

"Caribbean Flamingo Position

21.2.17

History: Following the foot review it was evidenced the feet did not have major problems with the previous concrete only substrate and were comparable to the many other zoos and published literature, in many cases being better in safari zoo than many other eaza collections (see original report).

Although the review of the feet identified that concrete was not posing a problem per se wanted to look at alternatives as discussed at last zoo inspection.

Therefore concrete could be concluded to be adequate. However to ensure best possible husbandry we are trialling the different substrates for period of six months, planned to end May and review to ensure the decision reflects colorectal choice based on seasonal variation.

Currently there does not appear to be any preferred substrate choice as birds equally prefer each if the three chosen, however anecdotal reports appear that they have preferred indoor pool with sand verses concrete only in the water with no preference for dry areas. Once recatch up and assess feet in may then will review condition. Most likely outcome with present thoughts is to slightly increase the layers of rubber matting to 1/3, sand in pool and rest concrete. However we don't want to jump the gun on this and will reconsider once foot scores are in."

5.3. Guidance

SSSMZP sections 4.3 and 4.4 require:

“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, branchwork, 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 section 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.”

5.4. Officer Recommendation

The Zoo has **complied with Condition 29** therefore it should be removed from the licence.

5.5. Reason for Recommendation

The Zoo has completed a foot health review of the Chilean Flamingos and a suitable flooring/substrate has been put in place to improve the health of the Flamingos’ feet. The Council’s veterinary advisor has advised that either substrate being trialled will be suitable for the flamingos.

5.6. Options for Members

- **Accept** the Officer recommendation, note the Zoo has complied with condition 29 and remove it from the licence.
- **Reject** the Officer recommendation and escalate condition 29 to a direction order
- **Reject** the Officer recommendation and keep condition 29 on the licence extending the timescale.
- **Reject** the Officer recommendation and escalate condition 29 to a Direction Order.

6. Condition 33 – Review of Animal Bites

The requirements of the condition and Direction Order are as follows:

	Requirements	Compliance Dates
<p>Condition 33 – Review of Animal Bites</p> <p>Added to licence on 2nd March 2016</p>	<p>In accordance with Appendix 6 paragraph 6.14 of the SSSMZP, a suitable and effective action plan to eliminate bites and injuries must be put in place, and a copy of this plan forwarded to the Licensing Authority. The action plan must then be implemented fully and its effectiveness monitored.</p> <p>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.</p>	<p>22nd May 2016</p>
<p>Direction Order</p> <p>Elevated on 24th October 2016</p> <p>Effective Date – 21st November 2016</p>	<ol style="list-style-type: none"> 1. In accordance with paragraph 6.14 of Appendix 6 and paragraph 1.10 of the SSSMZP an appropriate and comprehensive written review of the risk of bites or injury to members of the public caused by animals must be carried out and submitted to the Licensing Authority within 2 weeks. 2. An appropriate written action plan, implementation times and all further changes that will be put in place to eliminate the risks of bites or injuries by animals to members of the public, must be submitted to the Local Authority within 2 weeks after compliance with (a) above. 3. Implementation of this action plan must be made immediately following its submission to the Licensing Authority and demonstrably active progress should be visible by 19th December 2016. 4. Full completion of implementation of the action plan must be achieved within six months 	<p>2 weeks</p> <p>2 weeks following point 1.</p> <p>19th December 2016</p> <p>6 months (21st May 2017)</p>

6.1. Chronology of Inspections, Committee Hearings and Decisions – November 2015 to date

The Zoo offers an immersive experience with the ability to walk through aviaries filled with free flying birds and areas where there are free roaming primates and other animals. Visitors can also feed certain animals at supervised sessions but there are also opportunities to feed animals unsupervised.

6.2. Renewal Inspection 17th/18th November 2015

During the Renewal Inspection which took place on 17th and 18th November 2015, the Inspectors expressed concern about the number of bites and injuries to the public which were recorded in the accident book. The Inspectors recommended that a condition be placed on the licence.

At a meeting of this Committee on 23rd, 24th February and 2nd March 2016, Members added this condition to the Zoo's licence.

6.3. Special Inspection 23rd to 25th May 2016

A review of bite injuries was undertaken by the Zoo and an action plan was produced which was reviewed during the Special Inspection of May 2016. However there was concern that only the bites that had been noted by the Inspectors at their inspection in November 2015 were covered in the review and it stated that there had been no further bites reported.

The inspectors also noted interference from primates with visitors during their visit, for example a Tamarin was seen trying to remove popcorn from a child in a pram, and a ring tailed lemur trying to steal food from a family eating at an outdoor table.

The Inspectors concluded that the review was *"inadequate and does not address the underlying issues"* and rejected it. They were also of the opinion that it was likely that bites and other injuries caused by animals were *"still likely to be occurring but were not being reported and/or recorded"*.

The Zoo had technically complied with the condition in that they had produced a written review and action plan however; the Inspectors deemed the resulting report and action plan inadequate.

At a meeting of this Committee from 5th to 7th July 2016, Members decided to amend the wording of the condition and that it should remain on the licence. A compliance date was not attached.

6.4. Special Inspection 15th August 2016

The Inspector concluded that the condition had still not been complied with and he recommended that it be reissued with more precise wording with a new compliance date. He stated that whilst the Zoo continues to have food outlets in areas where free ranging primates have access, then there is a high likelihood that bites or other injuries to the public will occur. The Inspector also noted but did not observe, that the lemur feeding experience had not been altered, and that this was also an area where there was insufficient control over primate/visitor contact.

In response to the Inspector's findings, the Zoo undertook a complete review of the bite situation and expanded it to include all animal-guest interaction injuries as well as reviewing the potential risk of zoonotic disease presence within the collection, calling it an Animal-Guest Interaction Audit. To improve accuracy of the overall picture this included accident records, Trip Advisor reports of bites or similar, staff interviews, clinicopathological testing and post mortem data. The review was included in the Officer's report that was considered by Members at a hearing of this Committee on 13th October 2016.

The second part of this condition was a requirement that all contact injuries must be reported to the LA within 14 days. Members noted at the hearing in October 2016, that there were a number of inconsistencies in the 'Animal-Guest Interaction Audit' (provided by the Zoo) compared to the figures given by the Zoo to the Committee at a previous meeting in July 2016.

Ms Brewer attended the Committee meeting in October 2016 and advised the Committee about a number of measures the Zoo were implementing to comply with the Condition. Dr Matthew Brash (the Council's Veterinary Advisor) was also in attendance and he thoroughly commended the audit prepared by the Zoo, however he still had concerns regarding insufficiently manned areas and primates accessing the picnic area until the fencing had been put in place.

At the meeting on 13th October 2016, Members agreed to escalate Condition 33 to a Direction Order containing the requirements and compliance dates set out in the above table

In response to this the Zoo produced an updated version of the Animal-Guest Interaction Review, dated 28th October 2016 (version 1.2) sending it to the LA on 5th December 2016. A copy of this review is attached at **APPENDIX V** for Members' information.

A Summary of animal-guest incidents and recommendations from the review is set out below for Members' information.

***"REVIEW OF ANIMAL GUEST-INCIDENTS AT SAFARI ZOO
PERIOD 2014 to 2016 – SUMMARY***

This comprehensive review of the available data is suggestive that the incidence of animal-guest interaction resulting in an animal-guest injury is low to negligible with an approximated incident rate of 1 in 57,000. In the majority of these cases the animal injury was considered minor using HSE classification

with none of the reported injuries to the public requiring hospital visit nor RIDDOR reporting (major injuries).

The general consensus of the staff is that the reported incident rate is perceived to be accurate, however this could not be validated due to a lack of robust recording systems of near misses or animal-guest negative interactions at the location they occurred, only actual accidents being reported. A small 30 day near miss data set was available and does provide initial data that would support that the level of incidents is reflective of the known incidents, however a full year, if not longer, would be required to consider the data validated.

The review of the clinicopathology and post mortem records indicated a very low level of potentially infectious disease that had potential to be zoonotic (7% of all deaths and 3% of all clinicopathology results). However, the documents available did not comply with the stated Veterinary Protocol of 6 monthly testing and as such this may represent under reporting, again this being unable to be validated due to a lack of robustness in the processes on site.

Out of the potential zoonotic diseases only a single clinical case of Chlamydiosis was considered to pose a significant concern (2014) with all others risk assessed at the time of identification and deemed low to negligible risk due to the species or location and potential contact routes with the public.

In summary, despite the lack of robust documenting systems, the general consensus of the assessed documentation is that the risk of animal related injury or disease is relatively low due to low levels of reported negative animal-guest interactions and low levels of reported zoonotic disease. Confidence can be improved with the development of improved robustness in observation, reporting and recording of animal related injuries or diseases.

PART 1. RECOMMENDATIONS

The following recommendations are made based on perceived gaps in the processes reviewed as part of this audit. The aim being to improve reporting and increase robustness in the process of documenting animal-guest interactions and disease surveillance at Safari Zoo:

1. Robust record keeping

Manning all walk through areas with trained staff during opening times is useful in monitoring, preventing and responding to animal-guest incidents. However, to give the low incident reporting credibility a process of near miss and incident reporting should be instigated. A daily pocket book that accompanies the staff when manning a walk through should be used to document the following:

- (i) times exhibit manned,*
- (ii) member of staff manning the exhibit and any changes in personnel,*
- (iii) the documentation of near misses where an animal had the potential to cause an accident with a member of staff but did not or staff intervened, including species, time, nature of incident, and*
- (iv) actual incident reporting if it occurs. These are then compiled on a spreadsheet for each day documenting no, near miss and incidents for each year to form the basis of annual audits.*

2. Annual audit of processes and documentation

Documented quarterly and annual audits to review the frequency, trends and nature of any animal-guest incidents should be undertaken. Reviewing the data produced through point 1 as well as that of the Accident Record, ensuring the zoo knows the actual incidence of animal-guest incidents. This will validate the current documented levels or demonstrate under-reporting allowing management to instigate steps to review and mitigate further incidents. The development and summarisation of the data as an Accident Triangle will be useful to demonstrate known models of near miss verses minor or major incidents will be a useful monitoring tool.

3. Ethical and Health and Safety Review of the Free Roaming Lemurs

Undertake an ethical review with regards to the free roaming primates, primarily the ring tailed lemur group. Not only are there the welfare implications of annual predation verses the benefits of free ranging to be considered but also the zoonotic potential and management systems needed to mitigate the risks posed by the animals across the park for both visitor and potentially other animals. This is an area that should be reviewed and if continued a robust system to ensure compliance and welfare is maintained, balanced verses potential zoonoses management and strict adherence to disease surveillance.

4. Internal audits and spot checks for policy compliance

It is recommended that middle and senior management undertake documented spot checks to ensure compliance at animal experiences, including feeding events. These can augment the annual audits to demonstrate compliance with the processes and policy and if not, instigate management systems to ensure they are. It is noted that compliance was high by staff during the review period.

5. Quarterly clinicopathology records review including zoonoses assessment It is recommended that a documented review of all of the clinicopathological records are undertaken on a quarterly basis with a specific focus on zoonotic disease trends in the collection. It is noted that the last documented review, independent of this audit, was May 2016 and did not consider reviews of the zoonotic elements or walk through animals but focused on mortality issues within the collection.

6. Documented 6 monthly bacteriology and parasitology for all significant groups in walk through or animal experience areas of the zoo It is recommended that the collection adhere to its surveillance programme of 6 monthly testing for bacterial and parasite pathogens in the walk-through enclosures. It is recommended that specific groups are tested due to the nature of the species and walk through nature of the exhibits, which are exacerbated by feeding opportunities which may increase risk of contact and therefore zoonoses spread where present. The recommended groups are: Illescas vulture aviary, Tampopata aviary, RT lemurs free ranging group, Lemur middle house, Lemur feeding area, Squirrel monkeys, Capybara, Macropods, Peacocks, and Emus as a minimum.

For a full summary of the mitigation strategies deployed with regard to animal-guest activities see Appendix 03 which was previously sent as an addendum to the first version and is included here for completeness.”

In relation to the requirement to eliminate bites, the Zoo states in the report:

“Taking the reported incidents and the near misses as an accurate reflection of the risk of animal-contact injury the relative risk of an animal-guest contact injury is very low, but it is not completely eliminated and as such it is an area of health and safety where steps can be taken to understand the cause of incidents and implement mitigation strategies. These steps will be discussed in the second part of the report.”

A second report entitled Animal Guest Interaction Audit – Part 2 (prepared on 4th December 2016) was sent to the LA on 23rd February 2017. This provides an update on the first report and details a very comprehensive mitigation strategy. Karen Brewer also provided an update on the mitigation strategy as of 23rd February 2017. Both these documents are attached to Appendix V.

The second part of the Condition requires that all contact injuries must be reported to the LA within 14 days. Since the Committee meeting on 15th October 2016 therefore have been two incidents reported to the LA by Karen Brewer as follows :-

Date of Incident	Date Reported	Location	Details
22.10.16	27.10.16	Madagascar Area	Lemur feeding – visitor holding a grape. Lemur jumped off the fence towards his hand, scratching his thumb. Scratch has been cleaned.
Not recorded in email	8.11.16	World Wide Safari Area	Visitor contact incident with Prairie Marmot. Reported by visitor 1 hour after contact. No broken skin or signs of any injury.

The ‘Animal Guest Interaction Audit’ dated 28th October 2016 states that there have been two incidents since the same Committee and before the report was completed (28.10.16), as follows :-

Date	Species	Incident	Source
19.10.16	Turkey	Playground area, not witnessed but young child bruise under eye and said hurt by a bird	AR
22.10.16	RT lemur	Holding on to grape to feed lemurs, lemur jumped off fence and grabbed the child on	AR

		both wrists and bit the child on the right thumb.	
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6.5. Periodical Inspection 16 to 18th January 2017

During this inspection the Inspectors noted in report 1 that:

Feeding by visitors was permitted *“only in walk-through World Wide Safari or animal experiences. Reduced in winter and not witnessed at this inspection.”*(section 1.6)

“There is a greatly improved perimeter fence and the restriction of free ranging species has reduced the pressure to escape..... (section 2.3)

“Extra double security gates were being installed at the World Wide safari Area.” (section 8.12). This will keep the lemurs contained within this area.

They also noted:

“There is also now greater staff supervision in walkthrough areas.” (section 8.12).

The inspectors acknowledged the following at this inspection:

- The lemurs were no longer free-ranging over the Zoo and were contained within the World Wide Safari Area
- The permanent manning of the Illescas aviary when members of the public are present
- Planned positive changes to the way public lemur feeds are carried out
- The improved security at the entrance to the World Wide Safari to prevent lemurs entering other parts of the Zoo
- The increase in warning signs about food and animals, etc.

Members should note however that all three inspectors agree that it is likely to be impossible to guarantee to 'eliminate bites' when there are animals and the public in the same enclosure.

6.6. Informal Inspection – 9th February 2017

The inspector noted in the report:

“5. Much of the fencing around the Boma feeding area has been removed. This was originally put up to prevent the free roaming primates having access to the public when they were eating. As the free ranging primates have all been relocated, there is no requirement for this fencing.”

6.7. Guidance – the SSSMZP states:

"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.

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.

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."*

6.8. Officer Recommendation

- 1) The Committee to note that points 1, 2 and 3 of the direction order have been complied with and that the direction order shall remain in force because the compliance date for point 4 has not yet been reached.
- 2) The Zoo shall be reminded to comply with the requirement to report all contact injuries to the LA within 14 days and this shall be re-assessed when the final compliance deadline is reached.

Reason for the Recommendation

- 1) The Zoo has produced an animal-guest interaction audit which has reviewed the risk of bites or injury to the public in compliance with point 1.
- 2) The Zoo has also produced a written action plan and implementation times following on from the review, in compliance with point 2.
- 3) The Inspectors have stated that it is likely to be impossible to guarantee to 'eliminate bites' when there are animals and the public in the same enclosure.

- 4) It was noted in the January 2017 inspection that the Zoo had implemented the action plan, although lemur feeding could not be assessed as this does not take place during the winter months.
- 5) The incident involving the turkey does not appear to have been reported to the LA.

Options for Members

Recommendation 1

- **Accept** the Officer recommendation and note compliance with points 1 to 3 in the direction order and that it shall remain in force to allow for further compliance checks to be undertaken covering all points covered by the Direction Order within the stated timescale which has not yet been reached.
- **Reject** the Officer recommendation and determine points 1, 2 or 3 in the direction order haven't been complied with and extend the compliance deadlines
- **Reject** the Officer recommendation and take no further action

Recommendation 2

- **Accept** the Officer recommendation and remind the Zoo to comply with the requirement to report all contact injuries to the LA within 14 days and that this requirement shall be re-assessed when the final compliance deadline is reached.
- **Reject** the Officer recommendation and escalate this requirement to a direction order via a variation to the existing one
- **Reject** the Officer recommendation and take no further action.

7. Condition 34 – 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.

Elevated to a Direction Order – 19th July 2016

[Compliance date - 4th November 2016]

NB Members should note the Direction Order requirements are exactly the same as the condition.

7.1. Inspector/Officer Comments

Chronology of Inspections, Committee Hearings and Decisions

7.2. Periodical/Renewal Inspection – 17/18th November 2015

Condition 34 was first placed on the licence by Members at a meeting of this Committee on 23rd/24th February and 2nd March 2016. This decision was taken because of concerns found by the Inspectors during a periodical and renewal inspection on 17th/18th November 2015. The original compliance date for the condition (which was condition 32 at the time) was 22nd May 2016. The concerns centred around the management and staffing structure at the Zoo and the influence Mr Gill had on decision making. The Inspectors noted:

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

7.3. Special Inspection – 23rd, 24th and 25th May, 2016

The Inspectors assessed compliance with this condition (now Condition 39) again during this inspection. The Inspectors concluded:

“The zoo is clearly being managed directly by David Gill 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."

At the subsequent hearing on 5th to 7th July 2016, Members decided to elevate this condition to a direction order with a compliance date of 4th November 2016.

7.4. Periodical Inspection 16th to 18th January 2017

Compliance with the direction order was assessed during this inspection with the Inspectors concluding it had not been complied with.

In **Report 1** Inspectors stated the following:

"The lack of a senior curator or Zoological Director with responsibility for running the animal collection means there is a continuing failure to comply with condition 34. This failure is evident from a number of issues found at inspection (see Conditions)." (section 10.2).

"Condition 34 has not been met." (section 12.3).

Additional Notes in Report 1

"Whilst progress has been made in a number of areas, e.g. improved perimeter fencing in many areas, restriction of free-ranging species, reduction of numbers of specimens, provision of an efficient veterinary nurse, enlarged baboon housing etc, the inspectors have identified a number of ongoing issues which must be addressed.

A number of these issues would have been addressed already if the member of the senior management team required by Condition 34 had been in place. This lack of senior supervision is very evident throughout the Zoo despite the hard work and dedication of the keeping staff. Notable among the current failures has been that of the local veterinary service. This is another issue that would not have been tolerated by an experienced senior Curator or Zoological Director."

In Report 1 the Inspectors recommended an additional condition be placed on the licence as follows:-

"In accordance with condition 34, currently applicable to this licence, an experienced senior animal manager with Curator or Zoological Director status must be employed to have overall responsibility for all aspects of the animal collection. (3 months)."

This is also mentioned on page 15 of Report 2.

In **Report 2**, the Inspectors stated:

"Old Giraffe house

The old giraffe house houses a number of hybrid giraffe. At the time of the inspection the main doors to the outside were open, the heating was not on, and the ambient temperature in the room measured 9 degrees Celsius.

These finding are particularly disappointing, as they highlight the need for an animal manager that is up to date with current modern zoo thinking. It is further disappointing to have discovered after the concerns over the lack of heating in the new Africa house that had to be addressed by the LA with application of a condition last autumn.”

7.5. Informal Inspection 9th February 2017

During this inspection, Karen Brewer advised the Inspectors that the Zoo were progressing this proposed condition and that an advert for a Senior Animal Manager/Curator/Zoological Director had been placed.

7.6. 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.”

7.7. Officer Recommendation

The Zoo has failed to comply with Condition 34 and the associated direction order. It is therefore **RECOMMENDED THAT MEMBERS ISSUE A ZOO CLOSURE DIRECTION** under section 16B(1) of the ZLA which applies to the whole Zoo.

7.8. Reasons for the Recommendation

1) The Inspectors have stated condition 34 has not been complied with and they added this failure is evident from a number of issues found at the inspection.

2) Section 16B of the ZLA states [emphasis added]:

*(1)The local authority **shall** 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—

(i) specified in that direction and in respect of which the zoo was specified under section 16A(2)(b)(i); and

(ii) which requires any conservation measure referred to in section 1A to be implemented at the zoo, is not met in relation to the zoo.”

With reference to the above legislation and condition 34:

a) A direction has been made under section 16A(2);

b) The period specified in the direction has expired (4th November 2016); and

c) (i) Condition 34 was specified in the direction and the Zoo were advised that the direction order covered the whole Zoo.

(ii) Condition 34 is an overarching condition which is fundamental to the conservation measures specified in section 1A being implemented. This report contains a number of recommendations that highlight some section 1A conditions are not being met.

NB Members should note that issuing a Zoo Closure direction in relation to a section 1A condition is not discretionary. Legislation states the Local Authority SHALL make such a direction (s.16B(1)).

7.9. Options for Members

- **Accept** the Officer recommendation and issue a zoo closure direction which applies to the whole Zoo

- **Reject** the Officer recommendation and extend the period of compliance on the existing direction order
- **Reject** the Officer recommendation and state the direction order is complied with, revoking it and remove condition 34 from the licence
- **Reject** the Officer recommendation and add an additional condition to the licence as stated by the Inspectors

NB If Members decide to issue a Zoo Closure Direction it would not take effect during the 28 day appeal period therefore the Zoo would remain open during this time.

If the Zoo did appeal to the Magistrates' Court during the 28 day appeal period, the Zoo Closure Direction would not take effect until the appeal had been determined by the courts. Therefore the Zoo would stay open during this time.

Condition 35 - Africa House – Animal Welfare

- a) In accordance with Section 2 of the SSSMZP an appropriate written action plan must be developed that demonstrates clearly how the Africa House will be heated, how suitable bedding and substrate will be provided, such that the welfare needs of all the animals housed within this building are met at all times, thus ensuring their well-being and comfort. A copy of this action plan must be submitted to the Local Authority. **[Timescale: 1 week]**;
- b) The action plan must be implemented within 4 weeks from today's meeting. **[Compliance Date: 8th December 2016]**; and
- c) The Africa House must be permanently monitored to ensure a suitable environment of the building including the temperatures and bedding being maintained. **[Timescale: Ongoing]**.

Officer/Inspector Comments

Heating in the Africa House was raised with the Zoo during a special inspection that was carried out on 15th August 2016. At that time the Inspectors were told by the Zoo that the heating for the building had still not been installed but that it would be soon, and would definitely be in place before winter.

The informal inspection which took place on 3rd November 2016 involved assessing the Zoo's progress towards installing heating and to confirm that suitable provisions had been made for the animals in the Africa house in preparation for winter.

Dr Brash, in his report (which is attached at **APPENDIX W**), stated that three areas of concern relating to animal welfare have been identified at the November 2016 inspection:-

- a) Flooring and substrate;
- b) Drainage; and
- c) Heating.

Guidance - The SSSMZP state that;

Provision of a suitable environment for the animals is essential;

SECTION 2.1 States;

- *The temperature, ventilation, lighting and noise levels of enclosures must be suitable for the comfort and wellbeing of the particular species of animals at all times.*

It also says;

- *Consideration must be given to the special needs of pregnant and newly born animals.*

- *Indoor housing must protect against extremes of sunlight, heat, draughts and cold and provide appropriate humidity.*

Dr Brash concluded his report by recommending that a condition be immediately attached to Mr Gills licence.

Conclusion

The species housed within the Africa house are African continental species, and whilst some are relatively hardy, such as the Zebra, others are more susceptible to temperature fluctuations. With the location of the zoo being so far North, Giraffe and White rhino require a house that is heated.

The smooth concrete flooring is not ideal, and adaptations are needed in the short term, such as deep littering, to provide a suitable substrate. In the long term changes to provide a better surface and improve drainage are likely to be necessary.

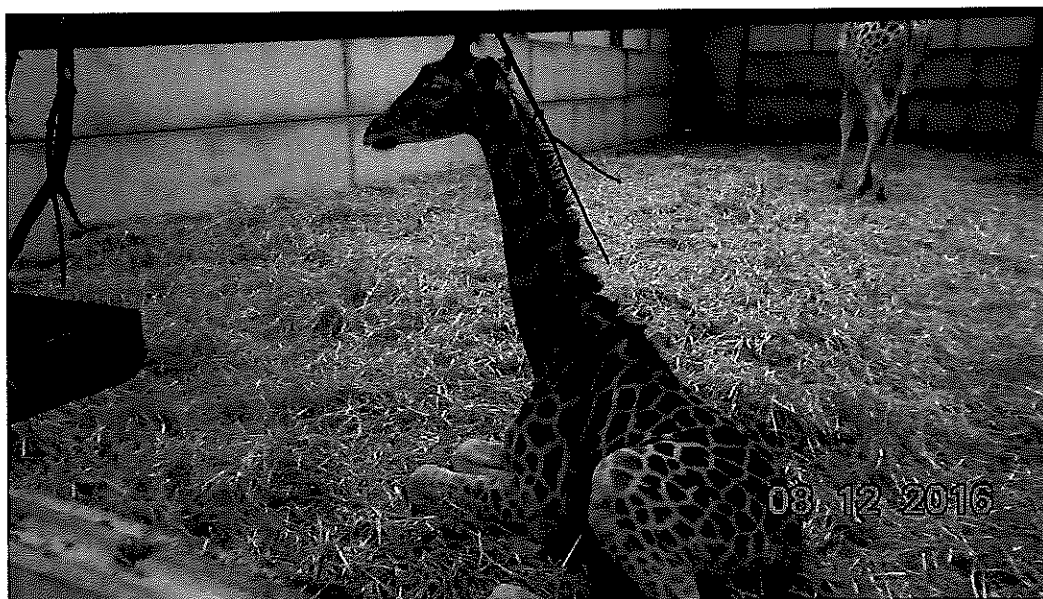
As such it is important that a condition is applied to SLSZ to ensure that suitable heating systems are put in place immediately, or as soon as possible, before colder weather arrives with winter.

This issue was of such concern that the Environmental Health Manager called a Special Licensing Regulatory Committee for the 10th November 2016. Members approved the additional condition (Condition 35).

Informal Inspection 8th December 2016

As part of the on-going compliance monitoring and Informal Inspection was undertaken on the 8th December 2016.

There was a noticeable increase in the ambient temperature in the house, reading 17.5 degrees centigrade at the time of the inspection. However the ambient temperature outside was 13.5. It was also noted that there was a high ammonia smell, (although the keepers were mucking out), and this will need monitoring.



Officers noted:

- A heater had now been installed, and was working.
- Two Infra-red heaters had been placed above the Giraffe to supply radiant heat.
- The giraffe had more bedding, and this was slowly being built up to provide a hot bed.
- The rhino's all had bedding

Dr Brash concluded that:

To date the zoo is complying with this condition. However ongoing monitoring will need to continue to ensure that the measures put in place are sufficient to ensure that the house is suitably heated when the weather outside is much colder.

The condition should not be lifted until there has been a longer period of monitoring and the remaining electrical appliances have been put in place and are functioning.

Informal Inspection 9th February 2017

As part of the on-going compliance monitoring and Informal Inspection was undertaken on the 9th February 2017. Although the majority of time during this visit was concentrated on the animal welfare issues in the Tambopata Aviary and Tropical House, the inspection team noted:

- The Africa House continues to maintain a suitable temperature, even during this cold snap.
- The rhino have now also been supplied with bark chipping as bedding as well as straw.

Officer Recommendation

That Members note the Zoo is complying with all the requirements of the condition and that it should be kept on the licence to ensure continued compliance over a period of time with regard to heating and bedding and to ensure any issues with drainage are addressed..

Reason for the Recommendation

- 1) The required plan, detailing the changes that would be put in place for the comfort and wellbeing of these animals was received on the 18th November 2016.
- 2) Inspectors have noted during inspections that there is suitable heating and bedding in the Africa House.
- 3) The Zoo has records to show the temperature is being permanently monitored by keepers in the house.
- 4) There are possible long term actions regarding drainage that still require the operator to review during the warmer months.

8. Proposed Conditions recommended by the Inspectors in their report:

In reports 1 and 2, the Inspectors recommended that a number of conditions be added to the Zoo's licence. These will now be considered:

8.1. Proposed Condition 1

In accordance with Condition 34, currently applicable to this licence, an experienced senior animal manager with Curator or Zoological Director status must be employed to have overall responsibility for all aspects of the animal collection. **(3 months)**

Officer Comments

This proposed condition has been addressed at point 8 of this report which covered non-compliance with condition 34 and the associated direction order.

8.2. Proposed Condition 2

In accordance with 3.7 to 3.18 of the SSSMZP (and following guidance in Appendix 5 of the SSSMZP) the current local veterinary service must be replaced or upgraded by consultant input to ensure a level of service in line with modern zoo veterinary standards. This process must be supervised by and to the satisfaction of consulting specialist veterinary advisors and the Local Authority. **(1 month)**

Officer Comments

This condition has been addressed at point 2 of this report which dealt with existing Condition 18 and the associated Direction Order relating to veterinary care.

8.3. Proposed Condition 3

There is evidence that the vermin control is inadequate in the Tambopata Aviary, Tropical House and old lemur houses and in many other areas, e.g. rat droppings in the pigmy hippo house and rat runs in the vulture aviary. In accordance with 1.3a and 3.35 of the Secretary of State's Standard of Modern Zoo Practice (SSSMZP) a report must be produced for the Licensing Authority by an independent professional pest control company on the safe and effective control of rodent vermin **(within 1 month)**. The Zoo must then implement the recommendations of that report **(within 3 months)**.

8.4. Inspector/Officer Comments

Periodical Inspection 16th to 18th January 2017

In **Report 1** the Inspectors stated:

“Bones not removed from the vulture aviary are attracting vermin.” (section 2.7)

“There is a pest control programme in place, but there are high numbers of rats in many areas.” (section 3.17)

“The rat control programme does not appear to be effective.” (section 3.18)

In **Report 2** the Inspectors state:

“1. Rodent control

Rodent control has been an ongoing problem at this zoo for a number of years, and problems with rodents have been noted and reported at numerous inspections. Conditions have had to be applied to the license to deal with these issues.

Since the last inspection, pest control specialists have been brought in to advise the CZCL, and a copy of this report was supplied to the inspectors. Much of the zoo has little evidence of ongoing rodent issues, or where there are issues, they are known and being dealt with.

However in the TA and the surrounding buildings there is a significant rodent problem.

- *A rat was observed running down a rat hole adjacent to the buildings known as the old monkey houses.*
- *There are a large number of rodent tracks visible in and around the buildings.*
- *Rodent droppings were noted in the building.*
- *The keeper AB reported that she had seen rodents during the day time on a couple of occasions.*
- *Injuries likely to have been caused by rats were identified and noted on a Palma wallaby at post mortem.*
- *Injuries likely to have been caused by a rat were noted on a Pheasant at post mortem.*
- *With the high stocking density of animals present in this area, there is a significant amount of spilled food, thus attracting rodents.*
- *The poor hygiene is further attracting rodents.*



Rat hole adjacent to old lemur house.



Rat tracks by the old lemur house.

The operator of SLSZ, DG did not attend for most of the zoo inspection process and was not present when the inspection team walked around this area. When he was asked during an interview with the inspectors (with his lawyer present), whether he had anything to add to his application he replied that he did not. Furthermore he did not attend the wash- up meeting to discuss the findings of the inspectors, and so they were unable to gather any further information regarding what attempts might have been made to deal with the ongoing rodent issue.

Rat droppings were also noted in the pigmy hippo house, and evidence of rodents were noted in the Illescas aviary. CZCI were aware of these, and ongoing rodent work was being carried out to deal with the problem.

However in the TA, there is an obvious and serious rodent infestation and no evidence of attempts to manage this problem."

The Inspectors therefore recommended the following condition be placed on the licence:

“Recommended condition

There is evidence that the vermin control in the Tambopata Aviary, Tropical House and old lemur houses is inadequate. In accordance with 1.3a and 3.35 of the Secretary of State’s Standard of Modern Zoo Practice (SSSMZP) a report must be produced for the Licensing Authority by an independent professional pest control company on the safe and effective control of rodent vermin (within 1 month). The Zoo must then implement the recommendations of that report (within 3 months).”

8.5. Informal Inspection 9th February 2017

The Inspector noted in his report:

“13. Apart from a single sick rat observed in the Tambopata aviary, there was little evidence of rodents.”

Officer Comments

Members should note that there are two conditions on the licence relating to vermin control; condition 4 and condition 19.

Condition 4 is a section 1A condition in the ZLA and states that the Zoo shall:

“Introduce practical measures designed to prevent the intrusion of pests and vermin into the premises of the zoo.”

Condition 19 states:

“19. Safe and Effective Control of Vermin

In accordance with 1.3a and 3.25 of the SSSMZP a report covering the safe and effective control of rodent vermin and including recommendations is produced and submitted to the Local Authority by an independent, professional pest control company during each month of September and such report to be submitted to the Local Authority by no later than 31st October each year.

[Timescale – 6 months and then annually by 31st October]”

In relation to condition 19, the Zoo provided a copy of a pest control report produced in September 2016 by an independent pest control company to the LA.

The summary of this report states:

“I am informed that the site’s pest management is carried out by a member of staff trained and qualified in the use of rodenticides, which is now a legal requirement, though I did not see any documentation today.

No active pest infestations were noted or reported during my site inspection.

Any pest activity reported by staff appears to be carried out in an efficient manner, with the rodenticide being lifted when an infestation is being controlled.

Some precautionary baiting in the food prep & serverly areas may be considered for early detection of pest activity in such sensitive spaces.

The electronic fly control units on site are serviced by their own maintenance team who advise that new UV tubes are installed annually."

A copy of this report is attached at **APPENDIX X**

8.6. Guidance – the SSSMZP states:

"Section 1.3 - Supplies of food and drink must be kept and prepared under hygienic conditions, in particular:

a) food and drink must be protected against dampness, deterioration, mould or from contamination by insects, birds, vermin or other pests;

Section 3.25 - A safe and effective programme for the control or deterrence of pests and vermin and where necessary predators, must be established and maintained throughout the zoo."

8.7. Officer Recommendations

- 1) **TO ELEVATE CONDITION 4 OF THE ZOO'S LICENCE TO A DIRECTION ORDER** under section 16A(2) of the ZLA with compliance times as stated below. The direction order shall relate to the whole Zoo and the steps required to comply with the direction order shall be:

In accordance with 1.3a and 3.25 of the Secretary of State's Standard of Modern Zoo Practice (SSSMZP):

- a) report must be produced for the Licensing Authority by an independent professional pest control company on the safe and effective control of rodent vermin (compliance period within 1 month); and

- b) the recommendations of the report shall be implemented (compliance period within 3 months).

The Direction Order shall take effect immediately because this is work the Zoo should already be undertaking.

- 2) The existing licence condition regarding vermin (condition 19) should remain on the licence as this requires the Zoo to produce an independent

professional pest control report every September and submit it to the LA annually by 31st October.

8.8. Reasons for the Recommendations

- 1) Evidence of rodent activity was seen in many areas of the Zoo during the inspection. Although an improvement was seen on 9th February 2017 continued compliance needs to be ensured.
- 2) Condition 4 of the zoo licence relates to a section 1A condition under the ZLA, section 1A(e) to be precise. Section 1A conditions are mandatory conditions that are applied to all zoo licences and cannot be removed.

Section 1A(e) states that the following shall be implemented in zoos:

"(e) Preventing the intrusion of pests of pests and vermin into the zoo premises;"

- 3) Condition 4 is not complied with and the inspectors views and concerns about the vermin can be addressed by escalating this section 1A condition to a direction order as opposed to escalating an additional condition.

8.9. Options for Members

Recommendation 1

- **Accept** the Officer recommendation and escalate condition 4 to a direction order with the abovementioned requirements and timescales.
- **Accept** the Officer recommendation and escalate condition 4 to a direction order subject to alternative wording and/or timescales.
- **Reject** the Officer recommendation and add an additional condition to the licence.
- **Reject** the Officer recommendation and take no further action.

Recommendation 2

- **Accept** the Officer recommendation and keep condition 19 on the licence.
- **Reject** the Officer recommendation and amend condition 19.
- **Reject** the Officer recommendation and remove condition 19 from the licence.

8.10. Proposed Conditions 4 and 5 are being dealt with together as they both concern the Tambopata Aviary, Tropical House, Old Lemur House and surrounding Areas.

Proposed Condition 4

In accordance with 3.24, 4.3, 4.4, 4.5 of the SSSMZP the indoor and outdoor facilities for the mixed group of animals housed in the Tambopata Aviary, Tropical House and old lemur houses are insufficient leading directly to welfare problems amongst these animals. A suitably qualified person must inspect this area, produce a welfare audit for all the animals housed in this area, and a plan as to how their welfare needs are to be met. This plan must then be immediately instigated. A copy of the welfare audit must be forwarded to the LA. **(1 week)**

Proposed Condition 5

In accordance with 3.1 of the SSSMZP the condition, health, behaviour and nutrition of the animals housed in the Tambopata Aviary, Tropical House and old lemur houses must be checked twice daily **(Immediately)** and actions taken to ensure their ongoing welfare.

8.11. Inspector/Officer Comments

The location of the Tambopata aviary, tropical house, old lemur houses, and surrounding land are shown in grey on the attached map in **APPENDIX Y**

8.12. Periodical Inspection 16th to 18th January 2017

During the periodical inspection in January 2017 the Inspectors noted serious concerns relating to animal welfare in these areas. This area is adjacent to Mr Gill's house and was off show to the public during the inspection. The Inspectors were advised by CZCL staff that Mr Gill wanted to add this area to the grounds of his own house and had therefore separated it from the Zoo. To achieve this he had built a new perimeter fence around the area. At the time of the inspection, Mr Gill thought that this area did not fall within the perimeter of the Zoo and therefore would not be subject to inspection. However, Mr Gill was mistaken in thinking this, because Appendix 1 of his Notice of Intention to Apply for a Zoo Licence received by the Council on 28th October 2016 clearly shows the area is within the perimeter of the Zoo and therefore part of the remit for the periodical inspection (see **APPENDIX Z** for map).

In **Report 1** the inspectors noted:

Section 1.1- Are animals provided with a high standard of nutrition? *"Yes, but there is an inadequate avian diet (excessive seed) in Tambopata Aviary."*

Section 1.2-Is food and drink supplied appropriate to species/individual?)
"Yes, but staff reported failure to provide water in the Tambopata Aviary and Tropical House".

Section 1.3- Is food and water supplied hygienically?

"But poor hygiene in Tambopata Aviary, Tropical House and old lemur house."

Section 2.1- Are the animals provided with an environment well adapted to meet the physical, psychological and social needs of the species to which they belong?

"Failures to meet this standard in the Tambopata Aviary and Tropical House. For example, over-stocking, lack of suitable housing and refuge and lack of suitable substrate for Parma wallabies; lack of appropriate heat and UV light for tortoises."

Section 2.4- Do animal enclosures have sufficient shelter and refuge areas?

"But see notes re Tambopata Aviary and Tropical House."

Section 2.5- Do animal enclosures provide sufficient space?

"But see notes re Parma wallabies in Tambopata Aviary/Tropical House."

Section 2.7- Is the cleaning of the accommodation satisfactory?

"Not in the Tambopata Aviary, Tropical House and old lemur house."

Section 3.1

"Generally across the Zoo standards of husbandry are adequate, but in the Tambopata Aviary, Tropical House and old lemur house they are very poor (see notes)."

Section 3.2- Do animals on display to the public appear in good health?

"..... and parma wallabies appeared stressed."

Section 3.5- Are enclosures designed and operated in such a way that social interaction problems are avoided?

"But there are issues in the Tambopata Aviary and Tropical House, e.g. Parma wallabies".

Section 4.2- Are animals of social species normally maintained in compatible social groups?

"But there is overstocking in the Tambopata Aviary and Tropical House."

Section 5.3- Are interactions between the animals such that they are not excessively stressful?

"But inspectors note the problems with parma wallabies in the Tambopata Aviary and Tropical House....."

Section 6.3 (iii)-Can the zoo demonstrate that catching and transportation techniques take account of the animal's temperament and escape behaviour in order to minimise injury, damage and distress?)

"But we note mortalities associated with the move of parma wallabies to the Tambopata Aviary/Tropical House."

Section 10.1- Do staff numbers and training of staff appear adequate?

"Through the Zoo generally they are adequate but definitely not in the Tambopata Aviary, Tropical House and old lemur house."

"Conditions 17 and 18 have been met, but the Tambopata Aviary/Tropical House has no formal veterinary cover." (Section 12.3)

Additional Notes

"It is the case that where progress is being made across the Zoo as a whole it has been seriously undermined by the deplorable standards in the Tambopata Aviary, Tropical House and old lemur house area and the compromised welfare caused by the transfer of animals, e.g. parma wallabies, to this area. This led to a number of deaths as a result of conditions after this move and the stress/conflict caused by putting them all together inside. It must be emphasised that the problems in the Tambopata Aviary area are not the responsibility of South Lakes Safari Zoo keeping staff, nor of the part-time person employed by David Gill to look after animals in this area.

Mr Gill was incorrectly under the impression that this part of the Zoo was no longer under the control of South Lakes Safari Zoo (SLSZ) and he had taken over full and complete responsibility for this area and its animals. Indeed, he prevented any access by SLSZ staff for the normal management of the animals. Any animals moved to the area in circumstances that compromised welfare were moved on his explicit instruction.

Mr Gill thought that the Tambopata Aviary area was outside the perimeter of SLSZ following the signing of agreements with Cumbria Zoo Co Ltd (CZCL) because in those agreements it was drawn outside the new perimeter. The separate inspection to assess CZCL's application for a New Licence did not include the Tambopata Aviary/Tropical House area. However, Mr Gill failed to realise that the Tambopata Aviary area is still inside the perimeter of SLSZ for the purposes of the Periodical Renewal inspection for a fresh licence in Mr Gill's name and to which this report relates. As a result, zoo licensing inspectors had full access to the Tambopata Aviary area of SLSZ on January 16th and 17th 2017 to carry out the Periodical Inspection of SLSZ.

Whilst there have been significant improvements in many areas of the Zoo, these are mainly attributable to the new operator CZCL, who have only recently taken over the management of this Zoo. Progress must have been complicated during the hand-over process by the intrusive managing style of the owner and the considerable building work that has been going on as he tries to split the Zoo. The more serious welfare issues encountered during this inspection were seen in the area directly under his control. For this reason, and for reasons too complex to fit within the physical constraints of this document, an ancillary report has been prepared by the inspection team detailing their reasons for recommending the licence is refused."

In Report 2 the Inspectors noted on pages 2 and 3:

"The Tambopata aviary, Tropical house, old Lemur houses, and surrounding land.

- From here on this area will be described as TA
- This area is under the direct control of DG and is under the license of DG.
- It lies within the curtilage of the licensed zoo.
- This an area adjacent to DG's house.
- The area is off show to the public, but still within the licensed zoo.
- The Tambopata aviary is a long, metal wire mesh walk through aviary containing a mix of species including waterfowl, cranes, psittacines, Spoonbills, Bettongs, and Parma wallabies.
- The Tropical house is a standard 'barn type' construction with a concrete floor. It can be divided into three parts.
 - The indoor accommodation for the Aviary,
 - A larger open area in the middle, Housing wallabies and Sulcata tortoises, a pond with terrapins; and a number of enclosures with smaller tortoises, e.g. Red footed.
 - There are some smaller aviaries at one end. These used to act as the isolation facilities for the zoo, and now house a number of psittacines.
- The Old lemur houses have a number of pheasants and psittacines.
- The inspectors understand that in the grounds surrounding the aviary were more wallabies, but this was not confirmed.
- This area is staffed with a single member of staff employed by DG, AB (name withheld) present on three mornings per week.
- The inspection team were informed by the keeper that she understood that DG had made an arrangement with CZCL to look after the animals on her days off. However CZCL informed the inspection team that they had made it clear that they would only be providing food and water, and nothing else.
- From the stock list supplied to the inspectors there are over 170 animals in this area. See Appendix 'Animals in Tambopata aviary, tropical house and top lemur house'
- This list excludes animals that have died, of which the inspectors are aware of nine recently (since 2nd December 2016).

The significance of this area; its level of staffing, animal management and husbandry; provision of suitable food and water; and veterinary care, is important, as, in the inspectors' opinion, it is directly under the management of DG, and his license. As this report will show, many of the serious animal welfare issues that were noted within the zoo, failings that mirror those previously been identified in this zoo were noted only in this area.

The inspection team noted a significant difference between the ongoing level of management between the two zoos, CZCL and SLSZ (DG).

With CZCL, whilst there are still some deficiencies, the inspectors noted a genuine attempt to improve, within the constraints placed upon them by the old operator, and the new recently signed contracts.

Within the TA, however, the fact that the operator did not attend, and later when asked if he had further comments to make, replied that he did not, shows a callous disregard for the welfare of the animals within this area. Many of the

welfare issues noted by the inspection team can clearly be put down to poor management.”

Pages 6 to 9 of **Report 2** state:

“2. Animal welfare and husbandry issues

In the TA inspectors found significant problems caused by over-crowding of animals, poor hygiene, poor nutrition, lack of suitable animal husbandry and a lack of any sort of developed veterinary care, or preventative and curative veterinary programme.

The concerns of the inspectors included, but not an exhaustive list;

- *The zone had mixed species of too high stocking density.*
- *There were a considerable number of non-compatible species such as macaws which may pose a physical danger to the other animals. (The inspectors noted that at a previous inspection there had been a report of a cattle egret having had its beak broken by a macaw). Reptiles, primates and macropods shared the same living space leading to a risk of disease transmission.*
- *There appears to be an ongoing high level of trauma in this aviary. This will have been exacerbated more by the considerable increase in stocking density that has occurred over the last few months.*
- *There is poor hygiene, and levels of accumulated faeces that were considered excessive in certain areas.*
- *There was a large amount of waste food that would then act as an attraction for vermin.*
- *There was inappropriate substrate for the wallabies and a lack of refuge*
- *There was a completely inappropriate husbandry for the Sulcata tortoises.*
- *There was limited perching considering the high stocking density.*
- *There had been an unacceptably high mortality rate, including seven Parma wallabies, a Spix’s Guan and a Lady Amherst Pheasant .*
- *The keeper AB informed the inspection team that she had been informed that if there were any further deaths, she was just to dispose of the bodies and not to tell anyone.*
- *DA informed the inspectors that the Spix’s Guan had been found dead, ‘hanging’ from a tree in November.*
- *The post mortem report for the Lady Amherst pheasant (14/1/2016) says;*
 - *‘Looks like eaten by rat, found in outside enclosure’*
 - *‘Had tail feather damage previously, thought to be rats’.*
- *There was no evidence, written and then confirmed orally, of qualified licensed veterinary involvement in the management of these birds. (Both the routine vet RB and the consultant zoo vet AG were asked whether they had had any input or involvement in this area, and both responded that they had not).*

Parma Wallabies

The inspectors understand that;

- Historically there had been a few Parma wallabies present in this area, including one that FS had hand reared earlier in 2016.
- To this had been added all the other Parma wallabies present in the zoo. These had been moved up into this area, on or up to the 2nd of December, on the direct instructions of DG.
- In total there had been seventeen Parma wallabies, plus joeys in the pouch.
- During the inspection seven adult, and one large joeys (out of the pouch) had been counted in the barn, and a further three more were outside.
- The reason given for this, was that the three outside were the males, as there had been some fighting.
- The keepers and on site veterinary Nurse, for CZCL, had drawn the attention of the inspectors to the post mortem records as they had concerns regarding the welfare of the animals in this area (TA).
- Seven Parma wallabies have died since they were all moved to this area on the 2nd of December 2017. These have died on; 6/12/16, 16/12/16, 24/12/16, 25/12/16, 6/1/17 7/1/17, 15/1/17.
- The post mortem records show that three of these animals have died from trauma, another one had a paralysed limb, with no evidence of trauma (but it may have been), one had an infected toe (which might be due to the inappropriate substrate and one had hepatitis.
- Whilst it is theoretically possible that some of these animals might have died even if they had not been moved to this unsuitable environment, there is no doubt in the inspectors' opinion, that the poor conditions, close confinement and overcrowding is more than likely to have led to the deaths from trauma, and conspecific fighting.
- It should also be noted that one of the wallabies also had injuries on its tail consistent with being bitten by rats whilst still alive.
- The conclusion in the post mortem report for the wallaby that died on the 16/1/17 reads;

The risk to other animals is unknown but the recent number of deaths suggests that a major review of the husbandry and environment is needed urgently.

Conclusion

The level of husbandry, overcrowding, poor hygiene, rodent problems, lack of veterinary care have all meant that these animals are likely to suffer. A number of these animals have died directly from the problems stated about, and in the inspectors' opinion will have suffered unnecessarily in their deaths.

The causes of these deaths can be laid either directly or indirectly upon the modus operandi of SLSZ, under the direction of DG. The way these animals have been housed, treated and looked after is typical of the poor levels of management that the inspection team have found when the zoo was under SLSZ management, and can without any doubt lay the entire blame at his door.

It is the inspector's view that the Local Authority should consider prosecuting DG under section 4 of the Animal Welfare Act for allowing these animals to suffer (and some of them to die), and be likely to suffer.

The conditions that these animals are being maintained in, is quite frankly appalling and shocking, and has led directly to the death of a number of them. It falls far below the standards required under the SSSMZP, and is indicative of the lack of suitability for DG to hold a zoo license.

Improvement was required immediately within this area, and the inspectors considered recommending a Zoo closure Direction Order, so that the LA could facilitate immediate improvements in the welfare of these animals. However, after the Inspectors had a conversation with CZCL, the area and the animals were handed back from SLSZ to CZCL with immediate effect. CZCL then sent in their veterinary consultant JC, who drew up an emergency Welfare Audit, and CZCL began to address the issues.

However to ensure that this is fully undertaken a condition must be applied to the license of SLSZ to ensure that compliance occurs.

Recommended Conditions

In accordance with 3.24, 4.3, 4.4, 4.5 of the SSSMZP the indoor and outdoor facilities for the mixed group of animals housed in the Tambopata Aviary, Tropical House and old lemur houses are insufficient leading directly to welfare problems amongst these animals. A suitably qualified person must inspect this area, produce a welfare audit for all the animals housed in this area, and a plan as to how their welfare needs are to be met. This plan must then be immediately instigated. A copy of the welfare audit must be forwarded to the LA. (1 week)

In accordance with 3.1 of the SSSMZP the condition, health and behaviour of the animals housed in the Tambopata Aviary, Tropical House and old lemur houses must be checked twice daily (Immediately) and actions taken to ensure their ongoing welfare."

8.13. Action taken by CZCL in Response to the Inspectors Findings at the January 2017 Inspection

On 22nd January 2017, Karen Brewer emailed the LA with an action plan and a note of actions completed regarding the Tambopata Aviary and surrounding areas (attached at **APPENDIX AA**). This was produced in conjunction with their veterinary consultant Dr Jon Cracknell.

The action plan was created on 18th January 2017 and it stated in the document that the work would be carried out immediately when responsibility for that area had been handed to CZCL.

The document also contained a list of actions completed by the end of 20th January 2017 and associated photographs.

On 27th January 2017, Ms Brewer emailed the LA again with a welfare review and details of further work carried out in the Tambopata aviary and also other areas of the Zoo (see **APPENDIX BB**)

8.14. Informal Inspection 9th February 2017

The Inspector noted the following in his report:

“17. Tambopata aviary and adjacent housing.

This was an area of considerable concern at the formal inspection in January 2017. As a result the inspectors advised that a three further conditions be applied to the licence. These included;

3. There is evidence that the vermin control is inadequate in the Tambopata Aviary, Tropical House and old lemur houses and in many other areas, e.g. rat droppings in the pigmy hippo house and rat runs in the vulture aviary. In accordance with 1.3a and 3.35 of the Secretary of State’s Standard of Modern Zoo Practice (SSSMZP) a report must be produced for the Licensing Authority by an independent professional pest control company on the safe and effective control of rodent vermin (within 1 month). The Zoo must then implement the recommendations of that report (within 3 months).

4. In accordance with 3.24, 4.3, 4.4, 4.5 of the SSSMZP the indoor and outdoor facilities for the mixed group of animals housed in the Tambopata Aviary, Tropical House and old lemur houses are insufficient leading directly to welfare problems amongst these animals. A suitably qualified person must inspect this area, produce a welfare audit for all the animals housed in this area, and a plan as to how their welfare needs are to be met. This plan must then be immediately instigated. A copy of the welfare audit must be forwarded to the LA. (1 week)

5. In accordance with 3.1 of the SSSMZP the condition, health, behaviour and nutrition of the animals housed in the Tambopata Aviary, Tropical House and old lemur houses must be checked twice daily (Immediately) and actions taken to ensure their ongoing welfare.

Immediately after the inspection in January, the owner DG, passed management of these animals in the Tambopata Aviary area back into the control of CZCltd. A report was drawn up by the veterinary consultant. A copy of this is attached to this report.

At the time of the inspection in February 2017, the inspectors noted;

- 1. The whole area has been thoroughly cleaned. The previously overwhelming smell due to the high level of ammonia is no longer present.*
- 2. The stocking density has been decreased with a number of species removed. There are plans to reduce the stocking density further, but this is limited at this time of year.*
- 3. The reptiles have been provided with an improved environment.*

- They now have thick rubbing matting, to keep their plastrons off the concrete, and assist with thermo regulation.
 - They have now been supplied with U/V light.
 - There is improved substrate throughout the rest of the enclosure
 - Diet has been improved
 - The environment is still limited, but is a marked improvement
4. The Parma Wallabies have a significantly improved environment.
 - The edges, piping, where they were thought to be injuring themselves has been blocked off with wood.
 - Visual barriers have now been put in place.
 - There is increased bedding and food.
 - The substrate has been altered with markedly increased provision of straw.
 5. The veterinary nurse informed the inspectors, that apart from one more Parma wallaby that died soon after the last inspection in January there have been no further deaths, in this area.
 6. All diets for animals in this section have been reviewed by the veterinary consultant and signed off.
 7. There has been a concerted attempt to get rid of vermin, although a sick rat was noted during the inspection.”

8.15. Guidance – the SSSMZP states:

“3.1 The condition, health and behaviour of all animals should be checked at least twice daily by the person(s) in direct charge of their care consistent with avoiding unnecessary stress or disturbance.

3.24 Clinical waste and refuse must be regularly removed and disposed of in a manner approved by the local authority.

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 Enclosures must be equipped in accordance with the needs of the animals with bedding material, branchwork, burrows, nesting boxes, pools, substrates and vegetation and other enrichment materials designed to aid and encourage normal behaviour patterns and minimise any abnormal behaviour. Facilities must take into account growth of animals and must be capable of satisfactorily providing for their needs at all stages of their growth and development.

4.5 Animals of social species should normally be maintained in compatible social groups. They should only be kept isolated for the benefit of the conservation and welfare needs of the group, and where this is not detrimental to the individual specimen.”

8.16. Officer Recommendation for Proposed Condition 4

That Members do not add proposed condition 4 to the licence as the work has already been undertaken by the Zoo.

8.17. Reason for recommendation

The Zoo, in conjunction with their veterinary consultant (who can be classed as a suitably qualified person), has complied with the requirements of the proposed condition.

8.18. Options for Members

- **Accept** the Officer recommendation and do not add the condition to the licence.
- **Reject** the Officer recommendation and add the condition to the licence
- **Reject** the Officer recommendation and escalate condition 2 of the licence to a direction order

8.19. Officer Recommendation for Proposed Condition 5

To elevate Condition 2 of the licence to a **direction order** under section 16A(2) of the ZLA with immediate effect. The direction order shall relate to the Tambopata Aviary, Tropical House, Old Lemur Housing and the surrounding area which is shown in grey on the plan in **APPENDIX X**. The steps required to comply with the direction order shall be:

“In accordance with 3.1 of the SSSMZP the condition, health, behaviour and nutrition of the animals housed in the Tambopata Aviary, Tropical House, old lemur houses and the surrounding area (shown in grey on the attached plan) must be checked twice daily and actions taken to ensure their ongoing welfare.”

The Direction Order shall take effect immediately as the work should already be being undertaken by the Zoo.

8.20. Reasons for recommendation No. 2

- 1) It should be noted that the CZCL are currently complying with this proposed condition, however, it is on-going and the Zoo need to show a sustained period of compliance.
- 2) Condition 2 of the zoo licence relates to a section 1A condition under the ZLA, section 1A(c) to be precise. Section 1A conditions are mandatory conditions that are applied to all zoo licences and cannot be removed.

Section 1A(c) states that the following shall be implemented in zoos:

“c) accommodating their animals under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong, including—

(i) providing each animal with an environment well adapted to meet the physical, psychological and social needs of the species to which it belongs; and

(ii) providing a high standard of animal husbandry with a developed programme of preventative and curative veterinary care and nutrition;"

Condition 2 on the licence states that the Zoo must:

"Accommodate and keep the animals in a manner consistent with the standards set out in the Secretary of State's Standards of Modern Zoo Practice".

- 3) It can be concluded from the inspectors' findings and concerns about the local veterinary service that this condition is not being complied with and therefore escalation of the existing condition on the zoo licence to a direction order is warranted, as opposed to adding an additional condition.

8.21. Options for Members

- **Accept** the Officer recommendation and escalate condition 2 to a direction order with the recommended wording and a compliance time of six months.
- **Reject** the Officer recommendation and escalate condition 2 to a direction order with alternative wording and/or compliance timescale.
- **Reject** the Officer recommendation and add an additional condition to the zoo licence
- **Reject** the Officer recommendation and take no further action.

8.22. Proposed Conditions 6, 7 & 8

Proposed Condition 6

In accordance with 8.45 of the SSSMZP the edge of the pathway in the World Wide Safari must be guarded by a barrier capable of preventing people from falling down the steep bank **(3 months)**

Proposed Condition 7

In accordance with 8.15 of the SSSMZP parts of the wooden walkway in the World Wide Safari must have remedial work carried out to ensure that it is not a trip or slip hazard **(3 months)**.

Proposed Condition 8

The electric fence across the pathway adjacent to the meerkats enclosure is a potential danger to the public. In accordance with 8.23 of the SSSMZP electrified fences must be placed beyond the reach of the public and suitably fitted with warning signs, so that visitors are not injured. **(3 months)**

8.23. Officer Comments

It is proposed to deal with these conditions under the Health and Safety at Work etc Act 1974 rather than the ZLA. Therefore they will not be considered further in this report.

However, it should be mentioned that since being made aware of these problems, the Zoo have acted promptly to rectify the issues and have emailed the LA photographs showing action taken. These will be assessed shortly during a health and safety inspection.

Regarding proposed condition 8, at an Informal Inspection at the Zoo on 8th February 2017 it was noted that the electric fence had been blocked off so the public couldn't access it.

8.24. Proposed Condition 9

If the recently installed fencing is to remain as the perimeter fence of South Lakes Safari Zoo and if sections of it are to act as the primary barrier holding animals in the World Wide Safari, then remedial work must be undertaken to ensure that the fence has been buried under ground to a suitable depth to ensure that animals capable of burrowing, e.g. prairie dogs, are unable to burrow under the fence and escape from the Zoo site. **(3 months)**

Officer Comments

This proposed condition has already been dealt with earlier in this report in relation to the Zoo's non-compliance with condition 28 (Prairie Dog Assessment).

8.25. Proposed Condition 10

Penguins with any visible foot lesions of pododermatitis (bumblefoot) must receive appropriate veterinary assessment and care (**3 months**).

8.26. Inspector/Officer comments

The Inspectors noted the following in **Report 1**:

"The feet of the some of the penguins appear to need attention and should be checked....." (section 3.2)

In **Report 2** they noted:

"Penguins feet

During the inspection the penguins were swimming. Two of the Inspectors noted apparent bumble foot in four of these animals, during a brief viewing. Whilst it is impossible to say whether these birds have acute or chronic bumble foot, or whether this is causing unnecessary suffering, the fact that this had not been observed is of concern. To ensure that there is not a welfare issue these animals must have their feet examined and if there is a problem then remedial action taken." (page 15)

The Inspectors then recommended that the following condition be placed on the licence:

"Penguins with any visible foot lesions of pododermatitis (bumblefoot) must receive appropriate veterinary assessment and care (3 months)."

8.27. Officer Recommendation

CONDITION 2 OF THE LICENCE SHALL BE ELEVATED TO A DIRECTION ORDER under section 16A(2) of the ZLA with a compliance time of 3 months. The direction order shall relate to the Penguin Housing/Enclosure. The steps required to comply with the direction order shall be:

"Penguins with any visible foot lesions of pododermatitis (bumblefoot) must receive appropriate veterinary assessment and care."

The direction order shall take effect immediately as the work should already be being undertaken by the Zoo.

8.28. Reason for Recommendation

- 1) Inspectors noted problems with the feet of the penguins during the January 2017 inspection.

- 2) Condition 2 of the zoo licence relates to a section 1A condition under the ZLA, section 1A(c) to be precise. Section 1A conditions are mandatory conditions that are applied to all zoo licences and cannot be removed.

Section 1A(c) states that the following shall be implemented in zoos:

“c) accommodating their animals under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong, including—

(i) providing each animal with an environment well adapted to meet the physical, psychological and social needs of the species to which it belongs; and

(ii) providing a high standard of animal husbandry with a developed programme of preventative and curative veterinary care and nutrition;”

Condition 2 on the licence states that the Zoo must:

“Accommodate and keep the animals in a manner consistent with the standards set out in the Secretary of State’s Standards of Modern Zoo Practice”.

- 3) It can be concluded from the inspectors’ findings and concerns about the penguins that this condition is not being complied with and therefore escalation of the existing condition on the zoo licence to a direction order is warranted, as opposed to adding an additional condition.

8.29. Options for Members

- **Accept** the Officer recommendation and escalate condition 2 to a direction order with the recommended wording and a compliance time of three months.
- **Reject** the Officer recommendation and escalate condition 2 to a direction order with alternative wording and/or compliance timescale.
- **Reject** the Officer recommendation and add an additional condition to the zoo licence
- **Reject** the Officer recommendation and take no further action.

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.

- (4) The authority may, after giving the licence holder an opportunity to be heard, make a direction under this subsection varying a direction under subsection (2) (including such a direction as varied by a direction under this subsection).
- (5) A direction under subsection (4) may increase the period specified in the direction under subsection (2)(c) or (d), but the period as increased must not exceed two years beginning with the date of the direction under subsection (2).
- (6) A direction under subsection (2) (including such a direction as varied by a direction under subsection (4)) may be revoked by a further direction of the authority.

Section 16B Zoo closure direction

- (1) The local authority shall 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--
 - (i) specified in that direction and in respect of which the zoo was specified under section 16A(2)(b)(i); and
 - (ii) which requires any conservation measure referred to in section 1A to be implemented at the zoo,

is not met in relation to the zoo.

- (3) The authority shall make a zoo closure direction in respect of a zoo licensed under this Act where, after giving the licence holder an opportunity to be heard--
 - (a) they are satisfied that members of the public have had access to it on fewer than seven days in the period of twelve months ending on the date on which the authority determine that they are so satisfied; and
 - (b) it does not appear to them that it is the licence holder's intention that members of the public will have access to it on seven days or more during any future period of twelve months.

- (4) 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 that 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.
- (5) The authority may, after giving the licence holder an opportunity to be heard, make a zoo closure direction in respect of a zoo licensed under this Act if--
- (a) any reasonable requirements relating to the premises or conduct of the zoo notified by them to the licence holder in consequence of the report of any inspection under this Act are not complied with within such time as is reasonable in the circumstances;
 - (b) they are satisfied that the zoo has been conducted in a disorderly manner or so as to cause a nuisance;
 - (c) the licence holder (or, where the licence holder is a body corporate, the body or any director, manager, secretary or other similar officer of the body) is convicted of any offence mentioned in section 4(4); or
 - (d) any person who, to the knowledge of the licence holder, has been so convicted is employed as a keeper in the zoo.
- (6) But the authority may not make a zoo closure direction under subsection (5) if a direction under section 16A(2) is in force in respect of the zoo and--

- (a) when that direction was made there were grounds upon which the authority could have made a zoo closure direction under subsection (5) in respect of the zoo, but they chose not to do so; and
 - (b) the grounds upon which they would make a zoo closure direction under subsection (5) are the same as any of those upon which they could have made one when they made the direction under section 16A(2) instead.
- (7) No zoo closure direction may be made under subsection (5)(a) or (b) on grounds involving the care or treatment of animals unless the authority have first consulted such persons on the list as the Secretary of State may nominate for the purposes of this subsection.
- (8) Where the authority make a zoo closure direction in respect of a zoo under this section, the zoo's licence is revoked from the date on which the direction has effect (in accordance with section 18(10)).]

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
Zoo Licensing Act 1981 (as amended)