

**BOROUGH OF BARROW-IN-FURNESS**  
**LICENSING REGULATORY COMMITTEE**

Meeting, Thursday 18th May, 2017  
at 2.00 p.m. (Drawing Room)

**A G E N D A**

**PART ONE**

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.
3. Admission of Public and Press  
  
To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.
4. Declarations of Interest.  
  
To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.  
  
Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).  
  
Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.
5. Apologies for Absence/Attendance of Substitute Members.
6. To confirm the Minutes of the special meeting held on 6th March, the meeting held on 9th March and the reconvened special meeting held on 29th March, 2017 (copies attached).

**FOR DECISION**

- (D) 7. Appointments on Outside Panels, Working Groups etc.

## **PART TWO**

(D) . Application for a Private Hire Drivers Licence.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART  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

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

### **Membership of Committee**

Membership of the Committee to be appointed at the Annual Council meeting on 16th May, 2017.

**For queries regarding this agenda, please contact:**

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**BOROUGH OF BARROW-IN-FURNESS**  
**LICENSING REGULATORY COMMITTEE**

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

PRESENT:- Councillors Callister (Chairman), Seward (Vice-Chairman), Biggins, Cassells, Derbyshire, Gill, L. Roberts and Wall.

Officers Present

Barrow Borough Council - Anne Chapman (Environmental Health Manager), Graham Barker (Principal Environmental Protection and Licensing Officer), Steve Solsby (Assistant Director - Regeneration and Built Environment), Jane Holden (Acting Principal Legal Officer), Jon Huck (Democratic Services Manager and Monitoring Officer) (Minute Nos. 77-78 and 80-83 only), Keely Fisher (Democratic Services Officer) (Minute Nos. 77-80 only) and Paula Westwood (Democratic Services Officer) (Minute Nos. 77-80 only).

Others

Paul O'Donnell (Local Authority Retained Solicitor)  
Dr Matthew Brash (Retained Veterinary Consultant - DEFRA Inspector)  
Professor Anna Meredith (DEFRA Inspector)

Mr Gill's Representative

Mr S. Walker (Legal Representative – Livingstons Solicitors)

**77 – Apologies for Absence**

Apologies for absence were submitted from Councillors W. McClure, Maddox and Proffitt.

**78 – Zoo Licensing Act 1981 (as amended)**

**Zoo Licence for South Lakes Safari Zoo Ltd**

**Fresh Licence Application - Mr David S Gill - Request for an Adjournment**

At the commencement of the meeting, Mr Gill's Legal Representative, Mr Walker of Livingstons Solicitors, requested that the Committee be adjourned to a later date due to him not receiving the bundle of Committee papers (800 pages long) until late afternoon on Friday 24th February, 2017. He had not previously seen many of the documents prior to that date, namely Appendices F, J, M, N, Q and S (which he stated were prepared by Cumbria Zoo Co. Ltd).

He also informed the Committee that Mr Gill was currently out of the country until 11th March, 2017 and as such, had not been able to take instructions from him on a number of significant areas of the agenda, which did not entitle Mr Gill to a fair hearing. Mr Gill's travel plans had already been booked before the Committee was

arranged and had been working on the assumption that the hearing would be held in May 2017 which Mr Walker stated had been explicit in an email in October 2016. He later acknowledged that the email clearly stated timescales were for illustrative purposes only.

Furthermore, Mr Walker had only been unable to speak with Mr Brown, the Zoo's Vet either.

Mr Walker requested that the original timeline (May) be reverted to, to enable the joint hearing with Cumbria Zoo Co. Ltd for their licence application thus saving the Council money (at the public's expense for today's hearing). He submitted that there shared objectives for Mr Gill's and Cumbria Zoo Co. Ltd's licence applications to be heard at the same time and adjourning today's meeting would not affect the public interest.

The Chairman informed the Committee that Mr Walker had written to the Council requesting an adjournment following his receipt of the agenda on 27th February, 2017. The Council's Monitoring Officer had replied on 28th February, 2017 setting out the reasons why the Council could not agree to his request for an adjournment. A copy of the Monitoring Officer's letter was circulated to all Councillors at the meeting which confirmed the Council's position.

There were no statutory powers to adjourn a Council meeting nor were there any Standing Orders in place at the Council which attended to this.

The Council's position was that there was no question of ambush with the emergence of late material and accordingly the Council did not share Mr Walker's concern that Mr Gill would not receive a fair hearing as he was entitled to under Article 6 Human Rights Act 1998.

It was moved by Councillor Derbyshire and duly seconded that Mr Walker's request for an adjournment be refused. The matter was voted upon and it was unanimously

RESOLVED:- That Mr Walker's request for an adjournment of today's proceedings be refused.

#### **79 – Zoo Licensing Act 1981 (as amended) - Zoo Licence for South Lakes Safari Zoo Ltd - Fresh Licence Application - Mr David S Gill**

The Principal Environmental Protection and Licensing Officer reported that the original Zoo Licence had been 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 Section 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 had 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 was a fourfold increase in the expectations when the Zoo first opened. It generated an income of £3M per year.

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

On 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 had refused to grant Mr Gill's renewal application on 7th July, 2016. A copy of the report of the meeting on 5th - 7th July, 2016 as well of the Record of Decision from that Committee were attached as appendices to the report.

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

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

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

On 6th January, 2017 the Council received a valid application for a Fresh Licence, from Mr David S. Gill, a copy of which was attached as an appendix to the Officer's report.

A public consultation had taken place between 13th January, 2017 and 10th February, 2017.

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.

The Secretary of State Nominated Inspectors were:-

Professor Anna Meredith, MA Vet MB 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.

The Committee considered all the relevant sections of the Zoo Licensing Act with regards to the fresh licence application process.

On 18th January, 2017, the Inspection Team had 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 had produced the DEFRA Inspection Report Form of their findings, which confirmed the recommendation, that the Fresh Licence application from Mr David S. Gill be refused. A full copy of the report was attached as an appendix to the Officer's report.

A summary of the Inspector's report was as follows:-

"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."

"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 South Lakes Safari Zoo on 16th and 17th January, 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 Cumbria Zoo Co. Ltd, 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."

An additional report had been submitted by the Appointed Inspectors which was attached to the Officer's report.

This report was structured so as to relate to Section 1A Conservation Measures which were required to be implemented in Zoos in accordance with the Act. The Inspectors provided findings with regards to the provision of veterinary care, animal records, animal welfare including the Tambopata Aviary & Tropical House, a Welfare Audit produced by Dr Jonathan Cracknell, and the duty of care for his staff.

The Inspectors concluded that "The Secretary of State Inspectors will only recommend that a Licence 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 David Gill 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 licence were to be granted to David Gill, 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 David Gill has a previous conviction under the CWA 1981.

In the Inspector's opinion, David Gill 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 of this Zoo.

**In the Inspectors opinion the Fresh Licence application must be rejected."**

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

Mr Gill's representation was received on 3rd February, 2017, via an email from his Legal Representative and was attached as an appendix to the Officer's report for Members' consideration.

### **Representations**

The Notice of Intention and Application had been published on the Council's website and a 28 day public consultation had taken place between 13th January, 2017 and 10th February, 2017.

In accordance with Section 3(1) of the Act, representations had 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.

Cumbria Constabulary's representation submitted related only to an existing and proposed condition on the licence and was therefore dealt with in Conditions Report.

Full copies of the representations were reproduced as appendices to the Officer's report.



At the commencement of the Representations Section of the report, the Chairman asked if there were any members of the public who wished to speak at the Committee and make representations. No members of the public came forward to speak at the Committee but the Chairman had received notification of intentions to speak from Superintendent Rob O'Connor, Cumbria Constabulary, Nicola O'Brien, Campaign Director, CAPS and Katie Richards, Programmes Officer, Born Free.

Superintendent O'Connor provided the Committee with an update on the current position of Fire Arms capability at the Zoo.

Both Nicola O'Brien and Katie Richards spoke to the Committee regarding animal welfare. Opportunities were given to the Committee to ask questions of all three representatives.

### Conduct and Compliance

Compliance history was reported to the Committee in detail in July 2016. Informal inspections had been undertaken at South Lakes Safari Zoo, during this intermediary period. These inspections had resulted in additional conditions being placed on Mr Gill's licence and existing conditions being escalated to Direction Orders as shown in the table below:-

<b>Special Licensing Regulatory Committee. 13<sup>th</sup> October 2016 - Compliance with Conditions &amp; Directions</b>	
Condition 18 – Delivery of Veterinary Services (Direction Order)	The <b>non-compliance of the Direction Order</b> be noted; The existing Direction Order varied to reflect the work undertaken with compliance period of 10 weeks (31 <sup>st</sup> December. 2016)
Condition 33– Review of Animal Bites	Non-compliance with Condition No.33 be noted; <b>Condition No.33 escalated to a Direction Order</b>
<b>Special Licensing Committee. 10<sup>th</sup> November 2016 – Africa House</b>	
The Africa House – Issues Concerning Animal Welfare	<b>Condition added with immediate effect:</b> 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.

The Committee considered Section 1A of the Zoo Licensing Act 1981 (as amended) - Conservation measures for zoos and the non-compliances of the Zoo within the Act as follows:-

- At its Committee on 13th October, 2016 Members noted the Zoos non-compliance with Condition No. 33 – Review of Animal Bites and elevated this to a Direction Order;
- Also on 13th October, 2016 Members noted the Zoo's non-compliance with 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;

- At its Committee on 10th November, 2016 Members had resolved to add an additional Condition to the licence in relation to the Africa House. This condition was effective immediately;
- During an inspection between 16th and 18th January, 2017 a walk round of the whole Zoo was carried out and husbandry, animal welfare, health & safety and maintenance issues were found, a number of which were rectified on the day by staff members of the operating company, Cumbria Zoo Company Limited;
- Tambopata Aviary and Tropical House were described to the Inspection Team, by a Keeper, as diabolical. The Animal Manager, Mr David Armitage confirmed to the Inspection Team, in an interview on 16th January, 2017, that "the Palma Wallabies were rounded up on David Gills orders and moved into his aviary";
- 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 28th December, 2016. This was investigated during the inspection and CZCL had provided a copy of the post-mortem report regarding this death which was attached as an appendix to the Officer's report;
- The veterinary provision at the time, did not adequately provide the necessary care;
- Record Keeping at the Zoo had historically been inaccurate and unreliable. For a long time, David Gill has not reported on deaths of animals that had died within the first 30 days. Last year, Consultant Vet, Dr J. Cracknell, who was 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 which was attached as an appendix to the Officer's report;
- The Post Mortem Database demonstrated a poor standard of animal husbandry, preventative and curative veterinary care and nutrition;
- The post mortem data showed:-
  1. Deaths from Exposure;
  2. Death from Conspecific Trauma; and
  3. Deaths from Trauma / RTA;
- 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; and

- The DEFRA Inspectors had commented “There is a pest control problem in place, but there are high numbers of rats in many areas.”

## **Management Structure**

### Compliance with Condition 34

There was still no evidence that Mr Gill had a robust management structure in place, that would ensure that the Section 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.

On 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 understood how the Committee felt about there being no stability at the Zoo but they knew that they had to make the changes; and
- 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.”

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:-

“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.”

During the inspection, staff members of South Lakes Safari Zoo and operating company (CZCL) were interviewed separately, each confirming that Mr Gill had 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 12th January, 2017, when the lease agreements were signed with Cumbria Zoo Company Limited.

### **Cost of compliance monitoring and enforcement at the Zoo**

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

Mr Gill's Legal Representative, Mr S. Walker of Livingstons Solicitors attended the meeting and made representations on Mr Gill's behalf at appropriate points during the Committee hearing.

All parties concerned were given the opportunity to make representation and ask questions at relevant points during the meeting. All parties summarised their representations before the Committee retired for the decision-making process.

**During the course of the meeting at relevant points all parties with the exception of Committee Members, Paul O'Donnell (Solicitor), Jane Holden (Acting Principal Legal Officer), Steve Solsby (Assistant Director – Regeneration and Built Environment), Keely Fisher (Democratic Services), Jon Huck (Democratic Services) and Paula Westwood (Democratic Services) withdrew and were re-admitted to the meeting following the Committee's deliberations.**

It was moved by Councillor Biggins and duly seconded that Mr David S. Gill's application for a fresh licence be refused. The Committee voted upon the motion and it was it was unanimously;

RESOLVED:- That Mr David S. Gill's application for a fresh licence be refused.

### **80 – Zoo Licensing Act 1981 (as amended) Zoo Licence for South Lakes Safari Zoo Ltd Compliance Report Regarding Current Licence Conditions**

The Principal Environmental Protection and Licensing Officer reported that Mr David Stanley Gill held a Zoo Licence issued on 8th June, 2010 to operate a Zoo at premises known as South Lakes Safari Zoo Ltd, Crossgates, Dalton-in-Furness, Cumbria, LA15 8JR.

Following an application from Mr Gill to renew his licence, at a Hearing held on 5th, 6th and 7th July, 2016 Members decided not to renew the 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.

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 stated that an application shall not be entertained unless at least two months before making it, the applicant had 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 remained in force until his application is determined by the Licensing Authority. This allowed the Zoo to remain open.

As the Zoo licence remained in force the conditions and any direction orders needed to be reviewed and compliance assessed which was the purpose of the Officer's report.

A change in operating arrangements had 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 meant that CZCL (headed by Chief Executive Officer, Karen Brewer) now operated the Zoo under Mr Gill's licence.

CZCL had also submitted a valid Notice of intention to Apply for a Zoo Licence on 10th November, 2016 and then submitted a valid application for an original licence on 23rd January, 2017 after withdrawing a previous application dated 12th January, 2017. This was not considered further in the Officer's report and would be dealt with at a future Committee meeting.

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.

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 inspections were undertaken by The Secretary of State Inspectors:-

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

Local Authority representatives:

Dr Matthew Brash; B.Vet.Med Cert Zoo Med MRCVS Council's Professional Veterinary Advisor,  
Anne Chapman MCIEH and Graham Barker AMCIEH

The Inspectors had produced three reports following the inspection:

- **Report 1** - Defra Inspection Report Form;

- **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; and
- **Report 3** Report from the Secretary of State's Inspectors regarding whether the Fresh Licence application from David Gill should be granted or rejected.

The above three documents were attached as appendices to the Officer's report.

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

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

Mr Gill's representation was received on 3rd February, 2017, via an email from his Legal Representative.

A copy of Mr Gill's representation was attached as an appendix to the Officer's report and also reproduced in full within the Officer's report.

An Informal Inspection was carried out on 9th February, 2017 to ensure that the Zoo continued 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 was under way.

The Local Authority representatives on the Informal Inspection were:

Dr Matthew Brash; B.Vet.Med Cert Zoo Med MRCVS Council's Professional Veterinary Advisor, Anne Chapman MCIEH and Graham Barker AMCIEH

The representatives of CZCL (the Zoo Operators) in attendance were:

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

During the visit CZCL had advised the Licensing Authority 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 was attached as an appendix to the Officer's report.

Mr Gill's Legal Representative, Mr Walker of Livingstons Solicitors attended the meeting and made representations to the Committee.

All parties involved were given the opportunity to speak and ask questions of each party at appropriate times during consideration of each condition.

During the course of the meeting at relevant points all parties with the exception of Committee Members, Paul O'Donnell (Solicitor), Jane Holden (Acting Principal Legal Officer), Steve Solsby (Assistant Director – Regeneration and Built Environment), Keely Fisher (Democratic Services), Jon Huck (Democratic Services) and Paula Westwood (Democratic Services) withdrew and were re-admitted to the meeting following the Committee's deliberations.

As part of the report the Committee considered the following conditions:-

### **81 – Condition 18 – Delivery of Veterinary Services**

The Principal Environmental Protection and Licensing Officer reported on the requirement of Condition 18 and the two associated Direction Orders which were reproduced in a table within the report.

The Veterinary System at any Zoo was 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 had 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 were required to provide an effective veterinary service within a Zoo. Condition 18 related to the practice defined in those policies.

Concern had been raised about the level of veterinary care over a number of years. It had been 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 had been reported to Members that the Direction Order had been complied with however the condition was retained on the licence.

The Principal Environmental Protection and Licensing Officer reported on the chronology of Inspections, Committee Hearings and Decisions from November 2015 to date which included a Special Inspection on 17th and 18th November, 2015, a Special Inspection on 23rd to 25th May, 2016, a Special Inspection on 15th August, 2016, a Periodical Inspection for a Fresh Licence on 16th to 18th January, 2017 and an Informal Inspection on 9th February, 2017.

The Committee considered the details of each of the Inspections detailed above including the Inspector's comments.

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

The Committee further noted that following the Periodical Inspection on 16<sup>th</sup> to 18<sup>th</sup> January, 2017, the Inspectors had made a recommendation for a condition regarding veterinary care to be added to the licence as follows:-

**"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)".

At the above inspection, Karen Brewer had 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.

The Committee also considered Section 3 of the SSSMZP Guidance during consideration of Condition 18.

**RESOLVED:-** That the Committee unanimously agree that:-

- (a) The Zoo had complied with the Direction Order under Condition 18 and that the condition be removed from the licence ; and
- (b) That Condition 2 of the Licence shall be elevated to a Direction Order under Section 16A(2) of the Zoo Licensing Act 1981.

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:

- 1) replaced, or
- 2) 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).

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

**(Timescale: one month)**



## **82 – Condition 22 – Firearms Cover and Protocol Regarding Escapes**

The Principal Environmental Protection and Licensing Officer reported that 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.

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. The update provided details on Training, Staffing and Animal Escape Procedures.

The conclusion of Inspector Telford was that in summary it was his assessment that the Zoo remained compliant with Zoo Licence Condition 23 (Annex Four) and improving. Engagement was good, and the relationship Cumbria Constabulary had with the Zoo would continue.

He recommended 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 appeared to be specific, measurable, achievable for the Zoo, relevant to public safety and was 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 himself case-by-case based on previous/other experience.

Superintendent O'Connor had also provided a letter dated 2nd January, 2017. A section of his letter stated:

"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."

Superintendent O'Connor attended the meeting and provided a statement on the current firearms capability at the Zoo as detailed in Minute No. 80 (above). In his representations Supt. O'Connor retracted his support of the Zoo's firearms capability due to two Accredited Firearms staff members recently leaving the Zoo and this

information not being relayed to Cumbria Constabulary by the Senior Management Team at the Zoo.

RESOLVED:- That the Committee unanimously agreed

(a) That Condition 22 be varied to include the revised wording:-

“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; and

(b) To delegate to the Environmental Health Manager to escalate the condition to a Direction Order if, after receiving representations from the Licence holder, Officers are not satisfied that the condition has been complied with.

(Timescale – immediate and annually on 1st April).

### **83 – Condition 34 – Management and Staffing Structure**

The Principal Environmental Protection and Licensing Officer reported that 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.

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.

At a Special Inspection on 23rd, 24th and 25th May, 2016 the Inspectors assessed compliance with this condition (now Condition 39) again during this inspection. The Inspectors had 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.

On a Periodical Inspection on 16th to 18th January, 2017 compliance with the Direction Order was assessed, with the Inspectors concluding it had not been complied with.

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 the inspection (see Conditions)."

"Condition 34 has not been met."

"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."

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)."

"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 findings 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 Licensing Authority with application of a condition last autumn.”

A further Informal Inspection was undertaken on 9th February, 2017 and 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.

The Committee considered Section 2 of the SSSMZP Guidance during consideration of this Condition.

The Committee concluded that Condition 34 which was elevated to a Direction Order back on 19th July, 2016 had not been complied with by (a) compliance date of 4th November, 2016 (b) when the Inspection Team inspected on 18th January, 2017 nor is (c) it being complied with as of today's date having accepted the Inspection Team's evidence that the current team in charge of the Zoo lack suitable competency; qualifications or experience to manage the running of the Zoo. The Committee accept Mr Walker's representation that Condition 34 does not specifically refer to a conservation measure mentioned in Section 1A and therefore have decided to impose a Zoo Closure Direction pursuant to Section 16B(4) of the Zoo Licensing Act 1981.

The Zoo Closure Direction would not take effect during the 28 day appeal period. 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 heard.

**RESOLVED:-** That the Committee unanimously agreed to issue a Zoo Closure Direction under Section 16B(4) of the Zoo Licensing Act which applied to the whole Zoo.

The meeting was adjourned at 4:20 p.m.

**BOROUGH OF BARROW-IN-FURNESS**  
**LICENSING REGULATORY COMMITTEE**

Meeting: Thursday 9th March, 2017  
at 2.00 p.m. (Drawing Room)

PRESENT:- Councillors Callister (Chairman), Seward (Vice-Chairman), Biggins, Derbyshire, Heath (Minute Nos 84-90), L. Roberts (Minute Nos. 84-89) and Wall.

Officers Present:- Graham Barker (Principal Environmental Protection and Licensing Officer), Jennifer Curtis (Senior Licensing Officer), Jane Holden (Acting Principal Legal Officer), Paula Westwood (Democratic Services Officer – Member Support) and Katie Pepper (Democratic and Electoral Services Apprentice).

Legal Representative: - Paul O'Donnell (Local Authority Retained Solicitor).

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

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act 1972 the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 2 (Minute Nos. 89-91) of Part One of Schedule 12A of the said Act.

**85 – Apologies for Absence/Attendance of Substitutes**

Apologies for absence were received from Councillors Maddox, W. McClure and Proffitt.

**86 – Minutes**

The Minutes of the meeting held on 2nd February, 2017 were taken as read and confirmed.

**87 – Licence Fee Setting**

The Principal Environmental Protection and Licensing Officer submitted a report setting out the proposed fees for those licensing regimes where the Council had the power to set its own fees. The fees were based on full cost recovery following a comprehensive review and public consultation.

The proposed fees would enable the Council to recover its reasonable costs in processing and determining licence applications and also to achieve compliance with the appropriate legislation.

He reported that the majority of the locally set licensing fees had undergone an extensive review in the latter half of 2016, with the exception those locally set fees under the Gambling Act 2005.

He advised that this Committee had delegated authority to set the Council's licensing fees. The proposed fees had been based on the out-turn budget for the previous year (2015/16) and full cost recovery.

The total cost of delivering the licensing functions in 2015/16 was £320,888.87. From that figure the cost of the licensing functions whose fees were prescribed by statute, for example the Licensing Act 2003, had been deducted. That left the a base figure of £192,872.76 to be recovered through the licence fees for Hackney Carriage and Private Hire, Street Trading, Sex Establishments, Pleasure Boats and Boatmen, Animal Licensing, Scrap Metal Dealers and Skin Treatments.

Members had been requested to note that the income for same period was £123,547.96, leaving a deficit of £69,324.80 for the year. It was proposed that the deficit against individual licence types would be recovered in one year, with the exception of Pet Shops/Riding Establishments/Pleasure Boats/Boatmen (recovered over 2 years) and Dog Breeders (recovered over 3 years), to ease the burden on the small number of licence holders. Furthermore, of the total deficit; £65,927.03 was directly attributable to Zoo licensing.

The projected income from the licensing fees detailed below for 2017/18 was £220,749.67.

Proposed Fees effective from 1st April, 2017

<b>Local Government (Miscellaneous Provisions) Act 1976, Sections 53(2) &amp; 70(3)</b>	
<b>- Taxi &amp; Private Hire Licensing</b>	
Hackney Carriage / Private Hire Driver (1 Yr)	£ 121
Hackney Carriage / Private Hire Driver (3 Yr)	194
Hackney Carriage / Private Hire Driver - Renewal (1 Yr)	102
Hackney Carriage / Private Hire Driver - Renewal (3 Yr)	175
Driver Dual Badge - Renewal Only (1 Yr)	139
Driver Dual Badge - Renewal Only (3 Yr)	277
Hackney Carriage Vehicle	114
Private Hire Vehicle	86
Private Hire Operator (New & Renewal) (1 Yr)	218
Private Hire Operator (New & Renewal) (5 Yr)	356
<b>Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 Section 9</b>	
<b>- Street Trading</b>	
Street Trading Consents (New & Renewal) ANNUAL	381
Street Trading Consents (New & Renewal) ANNUAL (Trading up to 4 days a week)	332
Street Trading Consents (New & Renewal) 3 Month	267
Street Trading Consents (New & Renewal) Peripatetic	228
Street Trading Consents (Town Centre Promotional)	176
Street Trading Consents (Events)	215
Street Trading Consents (Markets)	1,600
<b>Local Government (Miscellaneous Provisions) Act 1982, Schedule 3</b>	
<b>- Sex Shops / Sex Establishments</b>	
Sex establishments (New)	245
Sex establishments (Renewal)	228

<b>Local Government (Miscellaneous Provisions) Act 1982, Sections 14 &amp; 15.</b>	
Acupuncture, Tattooing, semi-permanent skin colouring, cosmetic piercing or electrolysis	
Skin (Personal Registration)	158
Skin (Premises Registration)	185
<b>Public Health Acts (Amendment Act) 1907. Section 94(1) – Pleasure Boats And Boatmen</b>	
Pleasure boats	200
Boatmen	175
<b>The following animal welfare licences may be subject to an additional Vets fee *</b>	
<b>Pet Animals Act 1951, Section 1(2) – Pet Shops</b>	
Pet Shops	* 231
<b>Riding Establishments Act 1964, Section 1(2)</b>	
Riding Establishments	* 274
<b>Breeding of Dogs Act 1973, Section 3 and 1991 Act.</b>	
Dog Breeding	* 260
<b>Dangerous Wild Animals Act 1976, Section 1(2)</b>	
Dangerous Wild Animals	* 215
<b>Animal Boarding Establishments Act 1963, Section 1(2)</b>	
Animal boarding establishments	* 207
Home boarding establishments	* 181
<b>Scrap Metal Dealers Act 2013, Sched 1 para 6 (1)</b>	
Scrap Metal dealers (Premises)	270
Scrap Metal dealers (Collectors)	217
Scrap Metal dealers (Variation)	184
<b>Zoo Licensing Act 1981 (As Amended), Section 15.</b>	
<b>An additional Defra appointed Inspectors fee is payable *</b>	
Zoo (New)	* 7,900
Zoo (Renewal)	* 7,900
Zoo (Transfer)	* 7,900
Zoo (Maintenance)	111,000

### Significant Variations from Current fees

Some areas had seen significant variations from current fees for the following reasons:-

- Dual Driver Badge - This was a new licence type requested by the Trade. The introduction would reduce the number of overall licences issued and therefore would be a saving to the Council on the associated administration costs.
- Hackney Vehicles - The previous year (2016/17) included the cost of the Unmet Demand Survey.
- Private Hire Operators - This increase was due to increased compliance monitoring by Officers, Legal recharges and recovery of the 2015/16 deficit.
- Pleasure Boats and Boatmen - This increase was mainly due to recovery of the 2015/16 deficit.
- Scrap Metal - This increase was due to recovery of the 2015/16 deficit.
- Skin Treatment - This was increase was due to recovery of the 2015/16 deficit.

- Animal Licences. Pet Shop increase due to increased compliance monitoring. An additional fee may be payable for a Vet's inspection.
- Zoo Licensing. More accurate time recording of the application process & compliance / monitoring of the existing licence and the internal & external legal recharges had resulted in the largest increases.

### Introduction of a Dual Driver Badge

The Licensing team had received requests from Licensed Drivers to consider introducing a dual Hackney Carriage/Private Hire Driver's Licence. This would allow a dual licence holder to drive both a Hackney Carriage and Private Hire Vehicle, licensed by Barrow Borough Council.

Drivers were not prohibited from holding both licences, but were required to go through both application processes. Several drivers do hold both licences.

Offering a dual licence would provide the following benefits:

- Provide more flexibility by allowing the dual licence holder to drive both a Hackney Carriage and Private Hire Vehicle, licensed by Barrow Borough Council.
- A driver would only incur the time and cost of one application.
- A reduction in Officer and administration time.

To enable the efficient transfer to dual badges, for those wishing to be licensed to drive both Hackney Carriage and Private Hire Vehicles, it was proposed that this licence type would only be available upon renewal, reducing the administrative burden of additional applications mid-term. Licensing fees were slightly higher than those for single licences, due to the additional set-up cost and software changes required.

A Policy on the introduction of Dual Driver Badges would be consulted upon and Officers would report back to Members with recommendations. The addition of the proposed fee, within this report, would reduce the costs of advertising it at a later date.

A minor amendment to the Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences Policy would be required to include the same criteria for Dual Badge Driver Licences.

### Fee Setting Methodology

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



- Administration costs associated with the initial application and fee handling;
- Officer costs;
- Direct costs such as the cost of identification badges, plates and DVLA checks;
- Support Services costs including Overheads, IT maintenance, External legal advice and Advertising;
- Compliance and monitoring costs; and
- Adjustments to take into account any surplus or deficit from the 2015/16 out-turn budget.

The full detailed fee setting methodology had been appended to the report.

### Public Consultation

The proposed fees had been advertised in the North West Evening Mail on the 4<sup>th</sup> February 2017, giving members of the public 28 days to make representations. This consultation period was a specific requirement of Taxi and Private Hire Licensing regime.

A public notice had also been on display at the Town Hall. Furthermore, a copy of the notice had been sent direct to the representative of the Furness Taxi Trade Association and Private Hire Operators, in relation to Taxi and Private Hire licensing, the current Animal Welfare Licence holders regarding the additional Vet's fee and the Zoo Operator regarding their annual maintenance fee.

Members had been requested to note that no representations had been received from consultees.

RESOLVED:- (i) To give approval to begin the consultation to introduce a Dual Drivers Badge; and

(ii) To approve the fees detailed in the report to achieve full cost recovery with effect from 1st April, 2017.

### **88 – Application for Removal of a Condition on a Street Trading Consent**

The Senior Licensing Officer reported that the Licensing Authority had received an application for a Street Trading Consent from Mr Iain West.

Mr West's application was for a stationary catering van to be sited on Scarth Road, Barrow-in-Furness. It was his intention to sell fast food. Such stationary trading contravened Condition 12 which was attached to Street Trading Consents, therefore the removal of this condition was required if Members decided to grant the consent.

Condition 12 stated that "The Trader must operate his/her business on a mobile basis and can therefore stop for only 10 minutes in any section of a street and thereafter must move into a different street and must not then return to the same section of that street that day."

The Council operated a consent scheme for street trading. The trading within the Borough was prohibited without obtaining the consent of the Council. Consents were issued subject to a set of standard conditions and could be granted for a period not exceeding 12 months. Mr West had applied for a 12 month Street Trading Consent. Consents were renewable upon the expiry of the licence period, unless a Trader ceased to exist trading.

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

As part of the application procedure the Licensing Authority was required to consult with the Local Planning Authority, Trading Standards, Cumbria Constabulary and Cumbria Highways. Members had been requested to note that no representations had been received from consultees.

Members had also been requested to note that Mr West had been invited to attend today's Committee to make a representation in support of his application but had chosen not to do so.

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

RESOLVED:- It was unanimously agreed that Street Trading Consent be granted for a period of 12 months (subject to restriction) and the removal of Condition 12 be approved.

#### Restriction

That advertising boards on the highway be prohibited.

#### **89 – Application for Renewal of a Private Hire Driver's Licence**

The Senior Licensing Officer reported on an application which had been received to renew a Private Hire Driver's Licence.

She set out details concerning the application and the Committee's policy regarding such matters.

The applicant along with her representative attended the meeting and addressed the Committee.

RESOLVED:- That the application for the renewal of a Private Hire Driver's Licence be refused.

#### **90 – Application for Renewal of a Private Hire Driver's Licence**

The Senior Licensing Officer reported on an application which had been received to renew a Private Hire Driver's Licence.

She set out details concerning the application and the Committee's policy regarding such matters.

The applicant attended the meeting and addressed the Committee.

**RESOLVED:-** It was unanimously agreed to grant the application for the renewal of a Private Hire Driver's Licence.

### **91 – Disclosure of a Relevant Conviction**

The Senior Licensing Officer reported on information which had been drawn to her attention regarding a Licensed Hackney Carriage Driver.

She set out details concerning the Driver and the Committee's policy regarding such matters.

The Driver attended the meeting and addressed the Committee.

**RESOLVED:-** It was unanimously agreed to take no action against the Licensed Hackney Carriage Driver.

The meeting closed at 3.38 p.m.

**BOROUGH OF BARROW-IN-FURNESS**  
**LICENSING REGULATORY COMMITTEE**

Reconvened Meeting: Wednesday 29th March, 2017  
at 9.30 a.m. (Drawing Room)

PRESENT:- Councillors Callister (Chairman), Seward (Vice-Chairman), Biggins, Cassells, Derbyshire, L. Roberts and Wall.

Officers Present

Barrow Borough Council - Anne Chapman (Environmental Health Manager), Graham Barker (Principal Environmental Protection and Licensing Officer), Steve Solsby (Assistant Director - Regeneration and Built Environment), Jane Holden (Acting Principal Legal Officer), Keely Fisher (Democratic Services Officer) and Sharron Rushton (Democratic Services Officer).

Others

Paul O'Donnell (Local Authority Retained Solicitor)  
Dr Matthew Brash (Retained Veterinary Consultant - DEFRA Inspector)

Mr Gill's Representative

Mr S. Walker (Legal Representative – Livingstons Solicitors)

**92 – Apologies for Absence**

Apologies for absence were submitted from Councillors Heath, Maddox and Proffitt.

**93 – Zoo Licensing Act 1981 (as amended) –  
Zoo Licence for South Lakes Safari Zoo Ltd.  
Compliance Report Regarding Current Licence Conditions**

Following on from Minute No.80 of the Special Licensing Regulatory Committee held on 6<sup>th</sup> March, 2017, the Principal Environmental Protection and Licensing Officer reported on the following conditions:-

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

**94 - Condition 28 - Black Tailed Prairie Dogs – Escape Assessment**

The Principal Environmental Protection and Licensing Officer reported that along the western perimeter fence of the Zoo there was a colony of free roaming prairie dogs.

These animals lived 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 that Condition 28 be placed on the licence.

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

"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"**

During a Periodical Inspection in January 2017, the Inspectors had noted that this condition had not been complied with.

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)".

On 21st February 2017 the Zoo had provided a Prairie Dog Management and Risk Assessment to the Local Authority which was created on 10th February 2017 by Dr Jon Cracknell, their Consultant Veterinarian. A copy of the Prairie Dog Management and Risk Assessment was attached as an appendix to the Officer's report for the Committee's information.

Following an update from the current Operator, the Principal Environmental Protection and Licensing Officer had visited the Zoo on 28<sup>th</sup> March, 2017 and informed the Committee that the works to the new perimeter fence had now been completed and tabled a revised recommendation.

Mr Walker made representations on this matter.

It was moved by Councillor Seward and duly seconded that the Officer's revised recommendation be agreed. It was voted upon and it was;

**RESOLVED:- That**

- (i) Members note the Zoo's compliance with Condition 28, albeit after the compliance date of 6th September, 2016, however the Committee expressed their concerns about the length of time it had taken the company to take action on this condition; and
- (ii) Condition 28 be removed from the Licence.

### **95 - Condition 29 - Flooring in the Caribbean Flamingo House**

The Principal Environmental Protection and Licensing Officer reported that Condition 29 was placed on the Zoo's 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 had stated in their response to a Special Inspection carried out on 15th August 2016 and sent to the Council on 26th September 2016:-

"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".

The recommendations contained within the Chilean Flamingo Foot Health Review were as follows:-

- "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)".

The condition response was set out in the Officer's report and the full review was attached as an appendix for the Committee's information.

On 21st February 2017, Karen Brewer had provided an update on compliance with this condition from Dr Jon Cracknell which stated that:-

"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."

Mr Walker stated that he supported the Officer's recommendation.

Dr Matthew Brash informed the Committee that there was no need for the condition to be retained on the licence.

The Committee had considered Sections 4.3 and 4.4 of the SSSMZP during the decision-making process.

It was moved by Councillor Derbyshire and duly seconded that the Officer's recommendation be agreed. It was voted upon and it was;

RESOLVED:- That the Committee note that the Zoo has complied with Condition No.29 and should therefore be removed from the licence.

### **96 - Condition 33 – Review of Animal Bites**

The Principal Environmental Protection and Licensing Officer informed the Committee that Condition 33 was added to the Zoo's licence on 2<sup>nd</sup> March, 2016 and elevated to a Direction Order on 24<sup>th</sup> October, 2016 with an effective date of 21<sup>st</sup> November 2016.

During the Renewal Inspection which took place on 17<sup>th</sup> and 18<sup>th</sup> 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 23<sup>rd</sup>, 24<sup>th</sup> February and 2<sup>nd</sup> March 2016, Members had added Condition 33 to the Zoo's licence.

A review of bite injuries was undertaken by the Zoo and an action plan was produced which was reviewed during the Special Inspection on 23<sup>rd</sup> to 25<sup>th</sup> 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 had 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 5<sup>th</sup> to 7<sup>th</sup> 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.

At a Special Inspection on 15<sup>th</sup> 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 continued to have food outlets in areas where free ranging primates had access, then there was a high likelihood that bites or other injuries to the public would 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 had undertaken 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 13<sup>th</sup> October 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 13<sup>th</sup> October 2016, Members had agreed to escalate Condition 33 to a Direction Order containing the requirements and compliance dates set out in the table reproduced in the Officer's report.

In response to this, the Zoo produced an updated version of the Animal-Guest Interaction Review, dated 28<sup>th</sup> October 2016 (version 1.2) sending it to the Local Authority on 5<sup>th</sup> December 2016. A copy of this review was attached as an appendix to the Officer's report for Members' information.

A Summary of animal-guest incidents and recommendations from the review was set out in the Officer's report for Members' information.

In relation to the requirement to eliminate bites, the Zoo stated 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 4<sup>th</sup> December 2016) was sent to the Local Authority on 23<sup>rd</sup> February 2017. This provided an update on the first report and detailed a very comprehensive mitigation strategy. Karen Brewer also provided an update on the mitigation strategy as of 23<sup>rd</sup> February 2017. Both these documents were attached as appendices to the Officer's report.

The second part of the Condition required that all contact injuries must be reported to the Local Authority within 14 days. Since the Committee meeting on 15<sup>th</sup> October

2016, there had been two incidents reported to the Local Authority 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 28<sup>th</sup> October 2016 stated that there had 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 both wrists and bit the child on the right thumb.	AR

The incident involving the turkey did not appear to have been reported to the Local Authority.

During a Periodical Inspection on 16<sup>th</sup>-18<sup>th</sup> January, 2017, the Inspectors had acknowledged the following:-

- 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 were present;

- Planned positive changes to the way public lemur feeds were carried out;
- The improved security at the entrance to the World Wide Safari to prevent lemurs entering other parts of the Zoo; and
- The increase in warning signs about food and animals, etc.

It was noted that all three Inspectors had agreed that it was likely to be impossible to guarantee to 'eliminate bites' when there were animals and the public in the same enclosure.

An Informal Inspection was carried out on 9th February, 2017 and the Inspector noted that:-

"Much of the fencing around the Boma feeding areas 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".

Mr Walker informed the Committee that he supported the Officer's recommendation but was concerned about the wording used within the Direction Order with regards to "elimination of bites" and asked that the Committee consider amending the Direction Order in light of the Inspectors' comments, so as to avoid any future doubt. The Committee felt that given the history of bites at the Zoo, the wording of the current Direction Order was appropriate.

The Committee considered Sections 1.10, 8.14 and 6.14 of the SSSMZP during the decision-making process.

It was moved by Councillor Cassells and duly seconded that the Officer's recommendation be agreed. It was duly voted upon and;

**RESOLVED:-** That

- (i) The Committee note that points 1, 2 and 3 of the Direction Order had been complied with and that the Direction Order shall remain in force because the compliance date for point 4 had not yet been reached; and
- (ii) The Zoo shall be reminded to comply with the requirement to report all contact injuries to the Local Authority within 14 days and this shall be re-assessed when the final compliance deadline was reached.

### **97 - Condition 35 - Africa House – Animal Welfare**

The Principal Environmental Protection and Licensing Officer reported that the heating in the Africa House was raised with the Zoo during a Special Inspection that was carried out on 15<sup>th</sup> 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.

An Informal Inspection which took place on 3<sup>rd</sup> 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 stated that there were three areas of concern relating to animal welfare which have been identified at the November 2016 Inspection:-

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

Dr Brash had concluded his report by recommending that a condition be immediately attached to Mr Gill's licence as follows:-

### **“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 had called a Special Licensing Regulatory Committee for the 10<sup>th</sup> November 2016 where Members had approved the additional condition (Condition 35).

As part of the on-going compliance monitoring an Informal Inspection was undertaken on the 8<sup>th</sup> 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 degrees centigrade. It was also noted that there was a high ammonia smell, (although the Keepers were mucking out), and this would 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; and
- The Rhino's all had bedding.

Dr Brash had 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".

As part of the on-going compliance monitoring an Informal Inspection was undertaken on the 9<sup>th</sup> 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 continued to maintain a suitable temperature, even during a cold snap; and
- The rhino had now also been supplied with bark chipping as bedding as well as straw.

Mr Walker stated that he agreed with the Officer's recommendation.

Dr Matthew Brash informed the Committee, that the Zoo had been fully compliant with Condition 35 when he had visited on 13th and 14th March, 2017.

RESOLVED:- That

- (i) It be noted the Zoo was complying with all the requirements of the condition; and
- (ii) Condition 35 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 were addressed.

## **98 – Proposed Conditions**

The Principal Environmental Protection and Licensing Officer informed the Committee that the Inspectors had recommended (in their reports 1 and 2) that a number of conditions be added to the Zoo's licence. The Committee considered the proposed conditions as follows:-

### **99 - Proposed Condition 1 – Appointment of Experienced Senior Animal Manager with Curator or Zoological Director Status**

The Principal Environmental Protection and Licensing Officer report that the Inspectors had recommended that the following condition should be placed on the Zoo's Licence:-

#### 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)”

The Officer reported that this proposed condition had been addressed at point 8 of his report which covered non-compliance with Condition 34 and the associated Direction Order.

RESOLVED:- That the proposed condition had been addressed at Point 8 of the report which covered non-compliance with Condition 34 and the associated Direction Order, therefore, should not be placed on the Licence.

### **100 - Proposed Condition 2 – Current Local Veterinary Service**

The Principal Environmental Protection and Licensing Officer report that the Inspectors had recommended that the following condition should be placed on the Zoo's Licence:-

#### 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)”

The Officer informed the Committee that this condition had been addressed at point 2 of his report which dealt with existing Condition 18 and the associated Direction Order relating to veterinary care.

RESOLVED:- That the proposed condition had been addressed at point 2 of the Officer's report which dealt with existing Condition 18 and the associated Direction Order relating to veterinary care, therefore, should not be placed on the Licence.

## **101 - Proposed Condition 3 – Pest Control**

The Principal Environmental Protection and Licensing Officer report that the Inspectors had recommended that the following condition should be placed on the Zoo's Licence:-

### 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)".

The Committee noted the Inspector's comments with regards to pest control from their Periodical Inspection carried out on 16th to 18th January 2017.

An Informal Inspection had been carried out on 9<sup>th</sup> February, 2017 and the Inspectors had noted that apart from a single sick rat observed in the Tambopata Aviary, there was little evidence of rodents.

The Officer reported that there were 2 conditions on the licence relating to vermin control; Conditions 4 and 19.

Condition 4 was a Section 1A condition in the ZLA and stated that the Zoo shall:

"Introduce practical measures designed to prevent the intrusion of pests and vermin into the premises of the zoo"; and

Condition 19 stated:

"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 had provided a copy of a Pest Control Report produced in September 2016 by an independent pest control company to the Local Authority.

The summary of this report stated:

"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 & servery 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 full report was attached as an appendix to the Officer's report for the Committee's information.

The Principal Environmental Protection and Licensing Officer had submitted additional information and a revised recommendation at the meeting which was accepted by all parties.

He informed the Committee that the Council had been forwarded, from the Zoo Operator, a positive report from a pest control contractor dated 24<sup>th</sup> February, 2017.

During the March, 2017 Inspection, Officers and the Inspection Team did not note any rodent activity within the enclosures and accommodation. Measures had been put in place in the worst areas, previously identified in January, 2017.

Mr Walker informed the Committee that he supported the revised recommendation.

The Committee considered Sections 1.3 and 3.25 of the SSSMZP during the decision-making process.

It was moved by Councillor Biggins and duly seconded that the Officer's revised recommendation be agreed. This voted upon and;

RESOLVED:- That

- (i) The Zoo's compliance with the proposed Direction Order be noted; and
- (ii) The existing licence condition regarding vermin (Condition 19) should remain on the licence as this required the Zoo to produce an independent



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

### **102 - Proposed Conditions 4 and 5 - Tambopata Aviary, Tropical House, Old Lemur House and Surrounding Areas**

The Principal Environmental Protection and Licensing Officer report that the Inspectors had recommended that the following conditions should be placed on the Zoo's Licence:-

#### 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); and

#### 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.

The Officer reported that during the Periodical Inspection in January 2017, the Inspectors had noted serious concerns relating to animal welfare in these areas. This area was 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.

The Committee made note of the Inspector's comments in Reports 1 and 2 with regards to the Tambopata Aviary, Tropical House, Old Lemur House and surrounding areas.

The conclusion of the Inspector's report was as follows:-

"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 David Gill. 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 David Gill 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 David Gill 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 Local Authority 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 Jon Cracknell, 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".

On 22nd January 2017, Karen Brewer emailed the Local Authority with an action plan and a note of actions completed regarding the Tambopata Aviary and surrounding areas. This was attached as an appendix to the Officer's report for the Committee's information. 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 Local Authority again with a welfare review and details of further work carried out in the Tambopata Aviary and also other areas of the Zoo.

An Informal Inspection was carried out on 9th February 2017 and the Inspector had noted the following about the Tambopata Aviary and adjacent housing:-

- “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 rubber 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; and
  - 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; and
  - 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.”

The Principal Environmental Protection and Licensing Officer tabled a revised report in relation to Proposed Condition 5 (Tambopata) which was accepted by all parties.

He informed the Committee that during the March, 2017 Inspection, the Inspectors had noted ongoing compliance with the proposed condition and Direction Order.

Mr Walker informed the Committee that he supported the revised recommendation for proposed condition 5 and requested that proposed condition 4 was not added to the Licence either.

Dr Brash informed the Committee that he had visited the Zoo during March and he was happy with the work carried out so far but confirmed that the Zoo could not do much more at the moment due to the weather.

The Committee considered Sections 3.1, 3.24, 4.3, 4.4 and 4.5 of the SSSMZP during the decision-making process.

**RESOLVED:-** That

- (i) The work already undertaken by the Zoo in relation to Proposed Condition 4 be noted and that it should not be added to the Licence; and
- (ii) The Zoo's compliance with the Proposed Condition 5 and the Direction Order be noted and no further action be taken.

### **103 - Proposed Conditions 6, 7 and 8 – Pathways**

The Principal Environmental Protection and Licensing Officer report that the Inspectors had recommended that the following conditions should be placed on the Zoo's Licence:-

#### 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 Meerkat's 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)

The Officer reported that it was proposed to deal with these conditions under the Health and Safety at Work etc Act 1974 rather than the Zoo Licensing Act, therefore they would not be considered further in his report.

It was also reported that since being aware of the problems, the Zoo had acted promptly to rectify the issues and had emailed the Local Authority photographs showing action taken. These were assessed during a Health and Safety Inspection on 5<sup>th</sup> March, 2017 and the reporting officer informed the Committee that all 3 proposed conditions had been complied with, without the implementation of the Health and Safety at Work etc. Act 1974.

Referring to proposed Condition 8, the Committee were informed that at an Informal Inspection at the Zoo on 8th February 2017 it had been noted that the electric fence had been blocked off so the public could not access it.

Mr Walker made no comment on behalf of the Licence holder regarding the proposed conditions.

RESOLVED:- That the work carried out at the Zoo with regards to proposed conditions 6, 7 and 8 be noted.

#### **104 - Proposed Condition 9 – Perimeter Fencing**

The Principal Environmental Protection and Licensing Officer report that the Inspectors had recommended that the following condition should be placed on the Zoo's Licence:-

##### 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)

The reporting officer reported that this proposed condition had already been dealt with earlier in the report in relation to the Zoo's non-compliance with Condition 28 (Prairie Dog Assessment).

RESLOVED:- That no further action be taken as the proposed condition had already been dealt with earlier in the report in relation to the Zoo's non-compliance with Condition 28 (Prairie Dog Assessment)

#### **105 - Proposed Condition 10 – Veterinary Assessment and Care of Penguins' Feet**

The Principal Environmental Protection and Licensing Officer report that the Inspectors had recommended that the following condition should be placed on the Zoo's Licence:-

### Proposed Condition 10

Penguins with any visible foot lesions of pododermatitis (bumble foot) must receive appropriate veterinary assessment and care (3 months).

During an Inspection in January, 2017 two of the Inspectors had noted apparent bumble foot in four of these animals, during a brief viewing. Whilst it was impossible to say whether these birds had acute or chronic bumble foot, or whether this was causing unnecessary suffering, the Inspectors felt that the fact that this had not been observed was of concern. To ensure that there was not a welfare issue these animals must have their feet examined and if there is a problem then remedial action taken.

The Inspectors then recommended that the above proposed condition be placed on the licence.

The reporting Officer informed the Committee that the Zoo's Consultant Vet, Andrew Greenwood along with a Veterinary Nurse had undertaken the required assessment and noted that there were no serious issues with the penguins' feet.

It was further noted that the Zoo were now trialling two substrates in the Penguin Enclosure namely:- sand and smaller pebbles.

The Officer therefore advised the Committee that no action should be taken due to the measures made at the Zoo.

Dr Matthew Brash informed the Committee that he was now comfortable with the measures made by the Zoo to modify the environment and that no further action should be taken with regards to this proposed condition.

Mr Walker supported the Officer's recommendation.

RESOLVED:- That

- (i) That the proposed condition is not placed on the licence due to the measures taken by the Zoo; and
- (ii) That Condition 2 of the Licence shall not be elevated to a Direction Order.

The meeting closed at 12.18 p.m.

<b>LICENSING REGULATORY COMMITTEE</b>		<b>Part One (D) Agenda Item 7</b>
<b>Date of Meeting:</b>	<b>18th May, 2017</b>	
<b>Reporting Officer:</b>	<b>Executive Director</b>	
<p><b>Title: Appointments on Outside Panels, Working Groups etc.</b></p> <p><b>Summary and Conclusions:</b></p> <p>The Council on 16th May, 2017 are recommended to give delegated authority to Committees to make appointments to Outside Bodies, Forums (excluding Housing Management Forum) Panels, Working Groups etc. in accordance with the number and allocation of seats to political groups agreed at the Meeting.</p> <p>In the case of the Licensing Regulatory Committee this involved appointments to the Taxi/Private Hire Liaison Group and Taxi Licensing Working Party.</p> <p><b>Recommendation:</b></p> <p>To nominate Members and agree the appointments to the Taxi/Private Hire Liaison Group and Taxi Licensing Working Party.</p>		

### **Report**

At the Annual Council meeting on 16th May, 2017 the allocation of seats in respect of Forums, Panels, Working Groups etc. will be agreed. Delegated authority is given to the appropriate Committees to make the necessary appointments.

In the case of the Licensing Regulatory Committee this involves the appointment to the Taxi/Private Hire Liaison Group and the Taxi Licensing Working Party.

In accordance with proportionality rules, the notional seat allocations for 2017/2018 are as follows:-

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

### **Background Papers**

Nil