

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

Meeting, Thursday 29th June, 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 9th May, 2017 and the meeting held on 18th May, 2017 (copies attached).

**FOR DECISION**

- (D) 7. Annual Review of the Licensing Authority 2016/17.

## **PART TWO**

(D) 8. Disclosure of a Relevant Conviction.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART  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**

Councillors Callister (Chairman)  
Seward (Vice-Chairman)  
Biggins  
Cassells  
Derbyshire  
Gill  
Heath  
W. McClure  
Proffitt  
L. Roberts  
Seward  
Wall

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

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

Special Meeting: Tuesday 9th May, 2017  
9.00 a.m. (Site Visit)  
at 11.00 a.m. (Drawing Room)

PRESENT:- Councillors Callister (Chairman), Biggins, Cassells, Derbyshire, L. Roberts, Sweeney, C. Thomson 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)  
Professor Anna Meredith (DEFRA Inspector)  
Nick Jackson (DEFRA Inspector)

Cumbria Zoo Co Ltd Representatives

Sarah Swarbrick (Legal Representative)  
Karen Brewer (Chief Executive Officer)  
John Cracknell (Veterinary Consultant)  
Andrew Greenwood (Veterinary Consultant)  
Andreas Kauffman (Prospective Animal Director )  
Marie Kubiak (Contracted Veterinary Practitioner)

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

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act 1972 the public and press be excluded from the meeting for the following item of business on the grounds that it involve the likely disclosure of exempt information as defined in Paragraph 3 (Minute No. 109) of Part One of Schedule 12A of the said Act.

**106 – Apologies for Absence/Attendance of Substitute Members**

Apologies for absence were submitted from Councillors Seward, Proffit and Heath. Councillors Sweeney and C. Thomson had attended as substitutes for Councillors Seward and Proffitt respectively for this meeting only.

**107 – Zoo Licensing Act 1981 (as amended)  
Zoo Licence for South Lakes Safari Zoo Ltd  
Original Licence Application (pursuant to Section 2 Zoo Licensing Act  
1981 - Cumbria Zoo Company Limited - Objections**

At the commencement of the meeting the Environmental Health Manager informed the Committee that she had received two objections regarding today's meeting going ahead. The reasoning behind the objections were due to the addendum to Agenda No. 6 being published on Friday 5th May, 2017 which was in breach of Section 100(B) of the Local Government Act 1972. Mr Paul O'Donnell, the Council's Legal Adviser informed the Committee, the Zoo Representatives, Press and Public about the breach and the strict five clear day disclosure period which should have been adhered to. The addendum published on 5th May, 2017 was a summary of the Part Two information which related to financial and commercial contracts. Officers had identified that no summary was in place and a collective decision was made that a redacted summary be placed in Part One to aid transparency of the Committee process.

Paul O'Donnell informed the Committee that they would need to decide whether the late disclosure would preclude a member of the public in making representations which would materially affect the outcome of the meeting.

Mrs S. Swarbrick, the Legal Representative for Cumbria Zoo Co Ltd informed the Committee that Cumbria Zoo Co Ltd had not made an objection, however, was disappointed that the addendum had been published without the authors of the Part Two documents having been contacted and thought that the addendum was factually incorrect and misleading. She also stated that her concerns about the addendum could be dealt with during proceedings and submitted a written response which was distributed at the Committee.

Before the Committee retired to make their decision the Chairman informed Mrs Swarbrick that no Officer had aimed to mislead the Committee as she had claimed. She later withdrew the statement.

**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 Officer) and Sharron Rushton (Democratic Services Officer) withdrew and were readmitted to the meeting following the Committee's deliberations.**

It was moved by Councillor Sweeney and duly seconded that today's meeting should go ahead as the addendum released no new information to the interested parties and was produced to assist the public's understanding of the case.

The matter was voted upon and it was unanimously,

**RESOLVED:** - That today's meeting should go ahead as the addendum released no new information to the interested parties and was produced to assist the public's

understanding of the case. The public could not reach a determination based on the summary document alone. The document needed to be read in combination with the legal documents (figures were removed from the summary). The Committee felt that the public had not been prejudiced in making representations on the relevant matters.

**108 – Zoo Licensing Act 1981 (as amended) - Zoo Licence for South Lakes Safari Zoo Ltd – Original Licence Application (pursuant to Section 2 Zoo Licensing Act 1981) - Cumbria Zoo Company Limited**

The Principal Environmental Protection and Licensing Officer reported that on 12th January, 2017 Cumbria Zoo Company Limited (“CZCL”) submitted a valid application for an original licence to operate a Zoo at premises known as South Lakes Safari Zoo, Melton Terrace, Lindal-in-Furness, Cumbria, LA12 0LU. The necessary inspection of the Zoo was undertaken on 16th, 17th and 18th January 2017 in parallel to an inspection which was undertaken for the fresh licence application from the current licence holder, Mr David Gill.

Inspectors verbally recommended on 18th January, 2017 that CZCL be refused a licence at that time, and CZCL subsequently withdrew their application.

On 23rd January, 2017 the Council received a further valid application from Cumbria Zoo Company Limited for an original licence to operate South Lakes Safari Zoo. An inspection was carried out on 13th and 14th March 2017, resulting in the Zoo Inspectors recommending that an original licence should be granted. Members should note that an original licence would last for 4 years.

Section 4(1) Zoo Licensing Act 1981 (“the Act”) confirmed that before granting or refusing to grant a licence for a Zoo, the Local Authority should consider Inspectors’ reports made in pursuance on inspections of the Zoo under the Act.

South Lakes Safari Zoo (“the Zoo”) (formerly named South Lakes Wild Animal Park) had been licensed as a Zoo under the Act since 1994. The current licence was granted on 8th June 2010 for a period of 6 years.

At a hearing on the 5th - 7th July 2016 the Licensing Regulatory Committee refused to grant the renewal of Mr David Gill’s licence and directed him to apply within 6 months for a fresh licence in accordance with Section 6(1)(b) of the Act.

On 28th October, 2016, Mr David Gill gave the Council notice (pursuant to Section 2(1) of the Act) of his intention to apply and submitted his application for a fresh licence on 6th January, 2017.

Pursuant to Section 6(2) of the Act where an application for a fresh licence was made by the holder of an existing licence, before the end of that licence or within 6 months of receiving notice to apply, then the existing licence should continue in force until the application for a fresh licence was either disposed of or withdrawn.

On the 4th November, 2016 a company controlled by existing employees of the Zoo known as Cumbria Zoo Company Limited (“CZCL”) gave the Council notice of their separate intention to apply for a Zoo Licence to operate South Lakes Safari Zoo.

This was deemed valid on 10th November, 2016. As a result, the earliest date on which an original application for a Zoo Licence could be made pursuant to Section 2(1) of the Act was 11th January, 2017.

CZCL had subsequently made two applications for an original Zoo Licence; the first application was made on 12th January, 2017 which was subsequently withdrawn following an adverse report from Inspectors following their inspection of the Zoo between 16th and 18th January, 2017. A copy of this application was appended to the report.

The second application was made on 23rd January, 2017 which now formed the basis of today's application for which a subsequent inspection was undertaken on 13th and 14th March, 2017. A copy of this application was also appended to the report.

On 6th March, 2017 the Licensing Regulatory Committee refused to grant the fresh licence application from Mr Gill. This decision was appealed by Mr Gill on 30th March, 2017 and would be subject of a Case Management Hearing at Furness Magistrates Court on 4th May, 2017.

Additionally on 6th March, 2017 the Committee made a Zoo Closure Direction Order pursuant to Section 16B(4) for the whole Zoo having determined that a Direction Order made under Section 16A(2) which required a change in management had not been complied with. This decision had also been appealed and would be subject to the same Case Management Hearing at Furness Magistrates Court on 4th May, 2017. The affect of the Order remained suspended until determination of the appeal.

The Zoo could remain open to the public until Mr Gill's appeal against refusal of his fresh licence application was determined.

### **Original Licence Application**

Section 2(1) of the Act stated that an application should not be entertained unless at least two months before making it, the applicant had:-

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

Section 3(1) of the Act stated that the Local Authority should take into account any representations made by or on behalf of any of the persons mentioned in subsection (2). The relevant persons in subsection (2) were:-

- (a) the Applicant;
- (b) the Chief Officer of Police (or in Scotland the Chief Constable) for any area in which the whole or any part of the Zoo was situated;
- (c) the relevant Fire and Rescue Authority;
- (d) the Governing Body of any National Institution concerned with the operation of Zoos;

- (e) any person alleging that the establishment or continuance of the Zoo would injuriously affect the health or safety of persons living in the neighbourhood of the Zoo; and
- (f) any other person whose representations might, in the opinion of the Local Authority, show grounds on which the authority had a power or duty to refuse to grant a licence.

A public consultation had taken place between 23rd January, 2017 and 28th February, 2017.

Subsection 4(1) and (1A) of the Act required that before granting or refusing to grant a licence for a Zoo, the Local Authority shall:

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

Section 9A(7) required the Inspectors to be nominated, after consultation with the Local Authority, by the Secretary of State from the list of 25 approved Inspectors. The Secretary of State nominated Inspectors were:

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

Local Authority representatives also attended the inspection and comprised of:

Dr Matthew Brash; B.Vet.Med Cert Zoo Med MRCVS Council's Veterinary Advisor,  
Anne Chapman; BSc Env. Health MCIEH Environmental Health Manager,  
Graham Barker; MSc Env. Health Principal Environmental Protection and Licensing Officer.

When a Local Authority resolved to grant an original licence under Section 4 they may attach conditions pursuant to Section 5(3) of the Act that they think necessary or desirable for ensuring the proper conduct of the Zoo during the period of the licence.

Pursuant to Section 4(1A)(a) the Local Authority consulted with the applicant (CZCL) on 20th December, 2016, on the proposed conditions to be attached to the Zoo Licence. The proposed conditions were a duplication of the conditions attached to the existing licence held by Mr Gill at that time. No representations were received from CZCL; therefore the Secretary of State Inspectors assessed compliance with those conditions at their inspection pursuant to Section 4(1A)(b).

Section 18(1)(a) of the Act contained the right of appeal against a decision not to grant a licence. Section 18(2) required an appeal to be brought within 28 days from the date on which the licence holder received the written notification of the Local Authority's decision.

Pursuant to Section 8(3) a Magistrates Court may confirm, vary or reverse the Local Authority's decision or generally give directions as it thinks proper having regard to the provisions of the Act.

### **Cumbria Zoo Company Limited**

Cumbria Zoo Company Ltd (CZCL) was formed in October 2016 and had operated South Lakes Safari Zoo ("the Zoo"), under the licence held by Mr David Gill since 12th January 2017, when leases and service agreements were signed.

CZCL had published the following Mission Statement (within their application - Document 7), the full Mission Statement was attached as an appendix to the report.

*"CUMBRIA ZOO COMPANY aimed to provide a first-class Zoo experience dedicated to inspire in people a respect for animals, the environment and the world in which we live, delivered through authentic experiences and sustainable practices."*

*CZCL were a registered company with Companies House, incorporated on 12th October, 2016. Information from their application form and Companies House, confirmed the following 'Officers':*

<b>Chairman</b>	LAMBERT, Stewart David
<b>Chief Executive Officer</b>	BREWER, Karen
<b><u>Directors</u></b>	
Accountant	BIRKETT, Jayne
Animal Manager	BANKS, Kim Zee
Deputy Animal Manager	BLACK, Katherine Emma Sarah
H&S Coordinator	GILLARD, Anna Elizabeth
Maintenance Manager	STEEL, Adam Peter
Head of WWS	WALKER, Yasmin Nastasja

Ownership details and pen portraits were submitted by CZCL as part of their representation and response to the March 2017 inspection report.

### **Company Ownership**

*CZCL was a Limited Liability Company based in Dalton- in-Furness owned by shareholders. Shareholding had been offered to a number of individuals with a diverse range of individual experiences and qualities and experience of Safari Zoo and knowledge and experience of operational Zoos all of which were committed to ensuring the continued success of the Zoo.*

Stewart Lambert	Karen Brewer	Yaz Walker	Kim Banks
Kathy Black	Jayne Birkett	Adam Steel	Anna Gillard

## **Management Team**

*The current management team as portrayed in the organisational chart was experienced to deliver the business goals. Advisory consultants in the form of Andreas Kauffman and Jonathan Cracknell had been involved. Andreas as a Consultant Advisor to the Animal Department, Jon Cracknell to ensure Zoo licence compliance and systems and to assist in the application for the new licence, in the new company name. Both consultants were highly qualified and were of good standing and recognized by the Inspection Team and had met Council Officers. Andrew Greenwood of International Zoo Veterinary Group a vital support to both the animal and vet department.*

Pen Portrait of the Directors of Cumbria Zoo Company Limited had been reproduced in the report.

## **Inspectors' Report 16th - 18th January, 2017**

Before considering the current licence application, submitted on 23rd January 2017, it was necessary to inform Members about the initial licence application from Cumbria Zoo Company Limited (CZCL) which was later withdrawn. As stated earlier, this was submitted on 12th January and an inspection carried out from 16th to 18th January 2017.

On 18th January 2017, the inspection team met with CZCL and their legal representative to discuss their initial findings of the inspection. At that meeting CZCL were informed that the Defra Inspectors would be recommending refusal of their application. The Inspectors had produced the DEFRA Inspection Report Form of their findings, which confirmed the recommendation that the original licence application from CZCL was refused at that time.

A copy of the report was attached as an appendix for information. An extract from the Inspectors additional comments included:

*'The key reasons for recommendation for refusal are serious concerns over:*

- 1) *Lack of a robust management and staffing structure. Despite advice given at previous inspections of the existing zoo on the requirement for a competent, suitably qualified and experienced full time Curator/Zoological Director (or Senior manager) with day to day responsibility for the running of the zoo in order to comply with SSSMZP, such a person is still not in place. The current animal manager, and the written job description for this role, do not fulfil this requirement, as evidenced by the numerous deficits noted during the inspection. Such a role is also not stated in the development plan, or budgeted for over the next 3 years. This is the case despite the recognition by the inspectors that the new regime has only been in place for less than a week.*
- 2) *Veterinary care. The current routine (local) veterinary provider is, in the inspectors' opinion, inadequate in terms of an up to date approach to modern zoo veterinary practice, leading to some serious animal welfare concerns directly related to inappropriate or inadequate veterinary care.*

- 3) *The legal arrangements made for the lease, loan of animals, and service agreement. It is the inspectors interpretation that the legal arrangements that have been put in place could give the owner a degree of control over the management of the animal collection that will not permit completely independent decisions to be made by the applicant, and may lead to conflict and/or affect the applicant's ability to comply with SSSMZP at all times.*
- 4) *Financial viability of the Cumbria Zoo Company Limited. The zoo has no assets, bank account or overdraft facility. Under the terms of the signed lease, the level of rent and other payments required (e.g. compulsory contribution of £30,000 per annum to cover the fine imposed on SLSZ) leave little or no room in the projected budgets (as supplied at the inspection) for the applicant to maintain and develop the zoo in order that it will comply with SSSMZP. For example, there is no budgetary provision for the required zoological director/curator ( see point 1 above), new local veterinary arrangements (point 2), payment of local authority licencing/maintenance fees, substantial emergencies, or dispersal of animals in the event of closure. The inspectors also have concerns over the possible risk to CZCL arising from any outstanding amounts owed by SLSZ to creditors.'*

*'These 4 concerns mean that we are not satisfied that the conservation measures referred to in Section 1 A of the Zoo Licensing Act 1981 will be implemented in a satisfactory manner by Cumbria Zoo Company Limited. We are also not satisfied that the ability to provide standards of accommodation, staffing or management are currently adequate for the proper care and wellbeing of the animals in the zoo.*

*Whilst the inspectors are still very concerned about the ongoing welfare issues, and lack of progress with obtaining the services of a full time qualified Curator/Zoological Director (and therefore compliance with condition 34 on the existing licence held by David Gill / SLSZ) and there are marked deficiencies with the existing level of routine veterinary care, the inspection team does acknowledge that great strides have been made in many areas of this zoo, with the input of external consultants. There is an improved culture, many previous issues have been dealt with, eg, heating and accommodation in the Africa house, stock reductions and control of excessive breeding amongst free ranging animals, bites and escapes, etc. If suitably funded and with a realistic business plan, CZCL should be able to obtain the services of a competent and qualified Curator/Zoological Director, appropriate veterinary services, a legally binding agreement ensuring complete separation from the current owner, and invest in the infrastructure as required. If this were to be the case, with appropriate robust evidence that all such plans would be put in place and implemented within a very short period of time, there may be merit in reconsidering an application for a new licence by CZCL.'*

CZCL subsequently withdrew this initial application.

## Inspectors' Report 13th and 14th March, 2017

Following the second application made by Cumbria Zoo Company Limited (CZCL) on 23rd January, 2017, an inspection was carried out on the 13th and 14th March, 2017.

On 14th March, 2017, the Inspection Team met with CZCL and their legal representative to discuss their initial findings of the inspection. At that meeting CZCL were informed by the DEFRA Inspectors that they would be recommending to the Local Authority that their application for a licence be granted. The Inspectors had produced the DEFRA Inspection Report Form of their findings, received by the Council on 30th March, 2017, which confirmed the recommendation, that the original licence application from CZCL was granted.

A copy of the report was attached as an appendix to the report for information. The report was split into three sections; Section 1 - Directive Conditions which were mandatory, Section 2 - Other / New Conditions proposed by the Local Authority and Section 3 - Other Conditions proposed by the nominated Secretary of State Inspectors.

The report also contained the following additional comments and recommendations:

### *'Pre-amble*

*Cumbria Zoo Company Ltd (CZCL) took over the operation of the Zoo on 12th January 2017, under a lease and services agreement (updated on 23rd January 2017). CZCL have applied for a new licence in order to take over both licence and zoo operator roles entirely from Mr Gill, who remains as landlord only. Mr Gill therefore no longer has any involvement whatsoever in the management of the Zoo. The lease, services agreement, business and financial plans were supplied to and scrutinised by the inspectors.*

*The staff of CZCL are largely the same as those previously employed by and working in the zoo under SLSZ (with the exception of Mr Gill and his wife Ms Schrieber). Therefore this new licence inspection report refers, unusually, to an existing and fully operational Zoo, operating in the appeal phase of a licence that has been refused. SLSZ under Mr Gill's management (up until 12th January 2017) had a historical catalogue of a large number of licence conditions, directions of compliance, and special inspections related to animal welfare concerns, public health and safety, and management/staffing structure. BBC proposes to attach many of these existing licence conditions to any new licence, should it be granted.*

*The current inspection team is the same as has performed the previous SLSZ inspections since November 2015, so is very familiar with the very complex history of this Zoo leading to the current situation. This history and context are taken into account by the Inspectors in consideration of this new CZCL licence application (see also see also separate report regarding Condition 34).*

### Additional Comments

*The pre-inspection audit was comprehensively completed and provided good evidence of significant development and improvements in organisation and processes, including record keeping and the organisation of the programme of curative and preventive veterinary care.*

*The Inspectors were impressed and highly encouraged by the improvements made since the takeover of full management since January 2017, the palpable change of culture and attitude of all staff, their level of engagement, dedication and enthusiasm, and ambitious plans to move forward now that the owner/previous director is no longer involved.*

#### *Recommendations:*

- 1. All small primates should be provided with UV lighting indoors (currently only some species have this available).*
- 2. Additional ventilations should be added to all carnivore houses (the Inspectors note that this is currently being researched with a trial extractor fan unit in the tiger house, and to be rolled out across the collection).*
- 3. Drainage needs to be improved in many outdoor enclosures (noted that this is already being addressed in some areas and is on the ongoing maintenance schedule).*
- 4. The education building could be better branded as an education centre with interpretation installed. Consideration should be given to increasing dedicated staff resources to education provision as the Zoo continues to develop (currently 2 Part-time staff).*
- 5. If live animals e.g. reptiles, are used in public encounters hand washing facilities must be available in the immediate vicinity.*
- 6. Noted that the corn snake in the 'Keeper Room' did not have a water container large enough to fully immerse. This should be provided.*
- 7. The corn snake vivarium in the 'Keeper Room' did not have a thermometer. This should be provided and appropriate records kept.*
- 8. Any electrical installations in the kangaroo/bear house should be meshed in to prevent access when lemurs are free-ranging in the house.'*

The Secretary of State's nominated Inspector(s) recommendation to the Local Authority was that the collection (the Zoo) be licensed in accordance with the Act subject to the Directive Conditions listed in Section 1 and the Additional Conditions listed in Section 2 and/or 3 of their report.

Further information on the Inspectors' findings were detailed in the report.

For Members information, the experience of the Secretary of States' Appointed inspectors and the Council's Veterinary Advisor were attached as and appendix to the report.

## **Applicants Response to the March 2017 Inspection Report**

The Inspector's Report was sent to Cumbria Zoo Company Limited (CZCL) and their legal representative on 5th April 2017, giving 14 days to make representations. A full copy CZCL's response was attached as an appendix to the report and was summarised as follows:-

### **Response**

*Cumbria Zoo Company Limited acknowledges and is encouraged by the report prepared by eminent inspectors Prof Anna Meredith FRCVS (Secretary of State Part 1 Inspector); Mr Nick Jackson (Secretary of State Part 2 Inspector) and Dr Matt Brash MRCVS (LA Vet).*

*We acknowledge the authors are experts in their respective fields and their input and positive report is a great boost, Safari Zoo has as everyone will be aware received a great deal of negative media attention but this report recognising the numerous changes and works that have been recognised as having taken place together with the granting of a Zoo Licence will enable CZCL to move forward with our plan which will see the continuous development of the Zoo.*

*Our vision is to establish Safari Zoo as a flagship visitor attraction providing a first-class zoo experience dedicated to inspire in people a respect for animals, the environment and the world in which we live through authentic experiences and sustainable practices. We aim to be an active member of the Zoo community participating with EAZA, BIAZA and coordinated breeding programmes. A company that is legally compliant, financially robust, engaged within the local community; demonstrating best practices within the Zoo community, the business world; setting the standards as an employer providing significant opportunities to enable employees to fulfil their fullest potential; A company offering superior customer service and one which actively participates in effective education and participates and supports active and effective conservation.*

*We have, as this response will outline with specific reference to Zoo Licensing, continued to work and drive forward. Outside the Zoo Licensing scope our work is also underway to implement our development strategy, with the help of a number of external agencies/bodies/individuals all charged with moving Safari Zoo forward.*

### **CURRENT SITUATION:**

*When CZCL took over operational control of Safari Zoo we took on a zoo with many challenges, without a penny in the bank, with responsibility for nearly 80 staff and significant financial liabilities. On 23rd January when we took over the complete operation we took over a Zoo which was not just physically divided by a physical fence separating CZCL from the old SLSZ but two teams of staff which were very much divided, a Zoo that had much of its commercially essential incidentals removed. The first thing we had to do was take the fence down and put the 2 back together and start the rebuild. I think it is testimony to the strength of this team and this "family" that we have done that and are pleased with the progress made.*

*Historically Safari Zoo attracts more than 300,000 visitors, 85% of which travel on a day trip from outside the region.*

*Safari Zoo performance ratings on public review site such as trip advisor show an average rating of 4.18/5; ranked number 1 of things to do in the local area. 84% of visitors give Safari Zoo a thumbs up and the Zoo has been rated excellent by 1601 reviewers.*

*Following the recent disclosures and licencing issues for David Gill and Safari Zoo and massive negative national and international coverage CZCL were faced with a complete breakdown of visitor confidence. With 80% reduction in income and visitor numbers cancelled bookings and school visits, there was a significant down turn in income.*

*Emergency communications strategies and the appointment of a specialised PR Consultant were put in place, "come and see for yourself has been our approach", we are the new company with a new approach come and speak with us and come and do that free of charge". The last 2 week in particular has seen a rally of confidence and good visitor numbers returning but more importantly positive comments and reviews.*

*Social media reviews March/April: Attached you will find a complete list of public reviews for March/April from visitors who have visited during that period was attached to the report.*

*51% of reviewers scoring full marks (5/5)*

*30% giving a score of 4/5;*

*7% giving a score of 3.*

*"Incredible, Highly recommend it, would return, Fab day out"*

*Reviewers show just how far and where a typical visitor to Safari Zoo travels from: Manchester; Greater Manchester; Newcastle; Arlington; Sunderland; Colne; Blackburn; Preston; Kirkham; Southport; Liverpool; Northumberland. That distribution is mirrored in visitor surveys and in website visitation. Website visitation, time spent on the site and page view statistics, is stabilising to reflect a position similar to that of this time last year.*

*GHP – A retail consultancy company CZCL have also commissioned the services of GHP, a company who have worked in the leisure and visitor attraction market since the late nineties, working with attractions such as Chester Zoo and Blackpool Pleasure Beach. "GHP helps retailers and those in the retail marketplace deliver better focused businesses often in challenging environments. Working with retailers; analysing and understanding their business and their product offer. Helping to improve their performance"*

*The first piece of work commissioned was to carry out a mystery shop of the Zoo and all the facilities and a report was attached for information. The style and format of the mystery visit is in line with those visits carried out for Chester Zoo over a period of four years. The format allows for scores to be allocated to different parts of the visitors' journey and comment to be made around the experiences encountered by the visitors. The visit was carried out on 2nd April 2017 and scores of good and*

*excellent were recorded across the experience. CZCL were extremely pleased with the overall visit score of 80%.*

*The second piece of work was a visitor exit survey, in support of the Licence Application. The objective of the Survey was to ascertain the views and opinions of real life visitors who had just experienced a visit to the Zoo and captured their responses whilst they were uppermost and fresh in their minds.*

The full report was attached and a summary was provided within the body of the report.

### **Applicants Supporting Documents**

As part of the applicants' response to the March 2017 Inspection report, CZCL's Veterinary Consultants and professional advisors had provided statements in relation to the management of the Zoo. The statements from Andrew Greenwood, Jon Cracknell, Maria Kubiak and Phil Collier were reproduced within the report.

The applicant and representatives attended the meeting and made representations to the Committee. Opportunities were given to the Committee to ask questions.

### **Representations**

The Notice of Intention and Application had been published on the Council's website. A 28 day public consultation took place between 24th January 2017 and 28th February 2017. There was no statutory consultation period, although a cut-off date of 30th March 2017 has been used, following the publication of Mr David S. Gill's application hearing report, when a number of additional and updated representations were subsequently received, many of which refer to the concerns given in the following representations.

In accordance with Section 3(1) of the Act, representations had been received from Cumbria Constabulary, Cumbria Fire and Rescue, Captive Animals' Protection Society, Barrow Borough Council Planning Authority, Zoo/Exotic Animal Husbandry and Welfare Advisory Service, Born Free Foundation, three members of the public and Mr James Potter.

These Bodies and individuals had been invited to attend today's hearing to address Members directly.

**Cumbria Constabulary** – The representation submitted related to recommended changes to an existing condition regarding firearms, the details of which had been approved by this Committee on 6<sup>th</sup> March 2017.

**Cumbria Fire and Rescue Authority** – A full copy of the representation was attached as an appendix and was reproduced in the report.

**Local Planning Authority** – Jason Hipkiss, Development Services, Barrow Borough Council responded on behalf of the Local Planning Authority. The full representation was attached as an appendix and reproduced in the report.

**Captive Animals' Protection Society (CAPS)** – the full representation was attached as an appendix and was summarised within the report. Letter received 27th March 2017.

A representative from CAPS attended the meeting and made representations to the Committee regarding animal welfare. Opportunities were given to the Committee to ask questions.

**Zoo/Exotic Animal Husbandry and Welfare Advisory Service** – the full representation was attached as an appendix and was summarised within the report. Letter received 27th March 2017.

**Born Free Foundation** - the full representation was attached as an appendix and was reproduced within the report. Email received 30th March 2017. Born Free had indicated that they would attend today's hearing and had requested to speak, however, did not attend.

Representation from local residents was attached as an appendix and was summarised in the report. Email received 17th February, 2017.

Representation from a member of the public was attached as an appendix and was summarised in the report. Email received 28th February, 2017.

Representation from a member of the public was attached as an appendix and was summarised in the report. Letter received 3rd March, 2017.

Representation from James Potter was attached as an appendix and was summarised in the report. Letter dated 25th April, 2017.

### **Officers Report**

Members had considered Section 4 of the Act related to the grant or refusal of licences. The Act was reproduced in the report.

Officers had considered the Zoo Inspectors' reports, the applicants' response, representations from the statutory consultees and those received as part of the public consultation.

### **Previous Committee Hearings and Records of Decision**

#### **Licensing Regulatory Committee 23rd, 24th February and 2nd March, 2016**

From the Record of Decision of the Licensing Regulatory Committee held on 23rd and 24th February and 2nd March 2016, Mr Gill had stated in his representation that:

*"For the last 10 years he had run the Zoo for only half of the year and Karen Brewer had been managing the zoo in his absence."*

On 2nd March 2016 Karen Brewer submitted a written statement to Members that included the following statements:

*"The Board had appointed a Zoo Chief Executive Officer, Ms Karen Brewer, who would be fully responsible for all Zoo activities and operations."*

*"The CEO will have total control over the Zoo staff in every aspect and will also have complete delegated responsibility to do all that is necessary to fulfil the Zoo Licensing Act (as amended)."*

It was also recorded that the Council's Veterinary Advisor, Dr Brash had made the following representations:

*"During the process [November 2015 Inspection] it had become apparent that Mr Gill was overriding decisions made by the Management Team.. "*

*Should the new CEO and Management Team be allowed to, Mr Brash was hopeful that they could do a very good job."*

Members considered an extract from the Zoo's Management which related to Condition 39 and contained the following statements:

*"Members were informed by Ms Brewer that this response was penned by Mr Gill and that she contributed to this in the section headed 'CEO personal position update'."*

It was recorded that:

*"It was put to the directors that there was a disparity in what was being told to Members. Inconsistencies."*

In attendance at this hearing were representatives of the operator of the Zoo. In response to questions from Members, Karen Brewer stated:

*"that the Management Team were working hard to ensure compliance but did say that the Zoo Licence holder was David Gill."* and

*"When questioned about Mr Armitage, Karen Brewer informed the Committee that he wasn't the right man for the job as animal manager as he wasn't comfortable with protocols and procedures which had moved on over the last 10 years but did agree that he had also been squashed a bit whilst carrying out his role as the previous animal manager role."*

*"Ms Brewer stated that DA was "squashed" (as were others) when taking on that role [by Mr Gill]."*

*"David Gill was still the land owner and the 100% shareholder until the Memorandum of Understanding was in place."*

*"Members suggested to Karen Brewer that as land owner and 100% shareholder, that would override the Memorandum of Understanding, if David Gill so wished."*

Clarification about the Memorandum of Understanding was sought from Ms Brewers' legal representative:

*"She stated that it wasn't legally binding and David Gill could override it at any time."*

In summarising Ms Brewers submissions, the following was recorded:

*"David Gill does not figure in the long-term future of the Zoo, but whilst the licence was in his name and as such everything went through him it was one of the barriers standing in their way.";*

#### Licensing Regulatory Committee – 5th - 7th July 2016

From the Record of Decision of the Licensing Regulatory Committee, the Secretary of State Inspectors concluded that:

*"The Zoo is clearly being managed by David Gill."*

The reasons for the decision included:

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

*"Members had concerns regarding the reliability of statements made by Mr Gill and the Zoo Management."*

#### Licensing Regulatory Committee – 10th November 2016

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 which were reproduced in the report.

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

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

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

The email from Livingstons Solicitors was attached as an appendix to the report.

Licensing Regulatory Committee – 6th and 29th March 2017

At a hearing of this Committee, on 6th March and concluding on 29th March 2017, Officers reported on the ongoing work, carried out by CZCL, since the January 2017 inspection. For example, from an additional informal inspection, in February 2017, the Councils Veterinary Advisor Dr Brash reported:

*“Immediately after the inspection in January, the owner DG, passed management of these animals in the Tambopata Aviary area back into the control of CZCL. A report was drawn up by the veterinary consultant.”*

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

- 1. The whole area has been thoroughly cleaned. The previously overwhelming smell due to the high level of ammonia is no longer present.*
- 2. The stocking density has been decreased with a number of species removed. There are plans to reduce the stocking density further, but this is limited at this time of year.*
- 3. The reptiles have been provided with an improved environment.*
- 4. The Parma Wallabies have a significantly improved environment.*
- 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 Inspectors' had also stated, in their March 2017 report, the similarities in the management team at the Zoo, and qualify their recommendation with the following:

*“The staff of CZCL are largely the same as those previously employed by and working in the zoo under SLSZ (with the exception of Mr Gill and his wife Ms Schrieber).”*

*“The Inspectors were impressed and highly encouraged by the improvements made since the takeover of full management since January 2017, the palpable change of culture and attitude of all staff, their level of engagement, dedication and enthusiasm, and ambitious plans to move forward now that the owner/previous director is no longer involved.”*

## **Management Structure and Condition 34**

### **Inspectors' Reports Relating to Inspection 13th/14th March, 2017**

The Inspectors had produced, as part to their Inspection Report Form 11A a detailed report on the Management Structure (Condition 34) and their justification for rewording the condition. The report was attached as an appendix and a summary was reproduced in the report.

### **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 during 2015/16, 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 approved maintenance fee for 2017/18 was £111,000 and would be payable by CZCL if their licence application was granted.

### **Lease Agreements/Service Agreements and Financials**

A redacted summary of the Lease and Service Agreements had been distributed as an addendum to Agenda Item 6. Any questions from Members regarding this summary or the content of the documents referred to were to be heard in Part Two. Similarly the applicant would be given the opportunity to answer questions in Part Two.

The summary had been produced as the Council was mindful of promoting openness and transparency in the discharge of a Public Authority's statutory function.

### **Duplicity of Licences**

Mr Gill had appealed the refusal of his fresh licence application and a case management hearing was listed for 4th May 2017. As explained this meant the Zoo can remain open. His legal representative has stated this appeal had only been made to keep the Zoo open.

It was the Council's view that it could not lawfully grant two licences on a premises for the same licensable activity i.e. the operation of a Zoo to which members of the public have access.

Unless the appeal by Mr Gill was withdrawn and/or the licence is surrendered on or before today, Members of this Committee would be limited to a decision to either:-

- a) Refuse; or
- b) Be minded to grant (with conditions) subject to the existing licence, held by Mr David S Gill, ceasing to exist.

Members could also delegate the issuing of the licence to the Environmental Health Manager, subject to Mr Gill withdrawing his appeal or surrendering his licence. If

either of these actions were taken by Mr Gill, his licence would end and any Direction Orders associated with it, would lapse.

**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 Officer) and Sharron Rushton (Democratic Services Officer) withdrew and were readmitted to the meeting following the Committee's deliberations.**

It was moved by Councillor Biggins and duly seconded to grant an Original Zoo Licence to Cumbria Zoo Company Limited. The Committee voted upon the motion and it was unanimously,

**RESOLVED:-**

1. To agree to grant an Original Zoo Licence to Cumbria Zoo Company Limited, with conditions as recommended, for a period of four years, subject to the withdrawal of the appeal by Mr David S. Gill against the refusal of his fresh licence or surrender of the licence in accordance with Section 7(3) within five working days of receipt of the written notice of this decision;
2. To give delegated authority to the Environmental Health Manager to issue a Licence when and if, the withdrawal of the appeal or surrender of the licence occurred.

### **Proposed Licence Condition**

Should Members decide to grant Cumbria Zoo Company Limited (CZCL) an original Zoo licence, a decision regarding what conditions were necessary or desirable for ensuring the proper conduct of the Zoo would need to be made.

During the Zoo inspection on 13th and 14th March 2017, the Zoo Inspectors assessed compliance with current licence conditions on Mr Gill's licence, which the Council had deemed as the starting point.

Members should note that any conditions attached to a licence issued to CZCL would be assessed after three months via an informal Zoo inspection. Compliance would then be assessed again during the first year via a periodical inspection as required by Section 10(3)(a) of the ZLA which states that such inspections should take place:

*"in the case of an original licence, during the first year and not later than six months before the end of the fourth year of the period of the licence."*

Conditions on the licence could be split into three sections:

- a) Directive Conditions
- b) Standard Conditions
- c) Additional 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 Officer) and Sharron Rushton (Democratic Services Officer) withdrew and were readmitted to the meeting following the Committee's deliberations.

#### **Directive Conditions (in accordance with Section 1A of the Amended Act)**

The following Directive Conditions were mandatory on all Zoo Licences, under Section 5(2A) of the Act that states: A licence under this Act shall be granted subject to conditions requiring the conservation measures referred to in section 1A to be implemented at the Zoo.

#### **South Lakes Safari Zoo Must:**

1. *Promote public education and awareness about biodiversity conservation. In particular, provide information about the species of wild animals kept in the Zoo and their natural habitats.*
2. *Accommodate and keep the animals in a manner consistent with the standards set out in the Secretary of State's Standards of Modern Zoo Practice.*
3. *Prevent escapes and put in place measures to be taken in the event of any escape or unauthorised release of animals.*
4. *Introduce practical measures designed to prevent the intrusion of pests and vermin into the premises of the zoo.*
5. *Keep up-to-date records of the animals, including numbers of different animals, acquisitions, births, death, disposals and escapes, causes of deaths and the health of the animals.*
6. *Participate in at least one of the following:-*
  - *Research which benefits the conservation of wild animals.*
  - *Training in relevant conservation skills.*
  - *Exchanging information about the conservation of wild animals.*
  - *Breeding of wild animals in captivity.*
  - *Repopulating an area with wild animals, or re-introducing wild animals.*

*The Zoo must keep information to show how it has complied with this condition and supply it to the Local Authority upon request.*

### **Standard Conditions**

In the Guide to the Provisions of the ZLA produced by Defra, the following Standard Conditions were also suggested. These complement the directive conditions stated earlier, therefore it was proposed to place these on any future licence relating to South Lakes Safari Zoo.

#### **7. Insurance**

*Within one month of the date of the licence and one month of the date of renewal of the policy, where applicable, a copy of the zoo's current public liability insurance policy, and of subsequent renewals thereof, to be sent to the Licensing Authority.*

#### **8. Stocklist**

*A copy of the zoo's annual stocklist, as defined by the Secretary of State's standards of modern zoo practice, shall be forwarded to the Licensing Authority by 1st April of the year following that to which it relates.*

#### **9. Hazardous animals**

*The Licensing Authority shall be notified in writing at least one month in advance of the proposed addition of any animal listed in Category 1 of the Hazardous Animal categorisation (see Appendix 12 of the Secretary of State's Standards of Modern Zoo Practice) which is from a taxonomic family of which Category 1 species have not previously been kept in the zoo.*

*Such notification shall include all plans and strategies necessary to safely contain any such animal. All such notifications, plans and strategies shall be approved by the Licensing Authority and fully implemented and in place prior to the arrival at the Zoo of any animal detailed in the notification.*

#### **10. Temporary removal of Category one animals**

*The licensees shall notify the Licensing Authority before the temporary removal from the zoo (other than for veterinary attention or inter-zoo movements) of any animal listed in the Category 1 of the Hazardous Animal categorisation of Secretary of States Standards of Modern Zoo Practice, as currently amended. Such notification shall be given as early as possible and, in any case, no later than 12 hours before the removal, unless the zoo operator and Licensing Authority mutually agree a shorter period. When giving notification, details of the destination and method of transportation of the animal and of the arrangements for its well-being, as well as for the safety of the public whilst it is away from the zoo, to be provided.*

## **11. Escapes**

*In the event of any non-domestic animal escaping from the confines of the zoo, notification shall be made to the Licensing Authority as soon as possible and, in any case, not later than 24 hours following the escape.*

### **Additional Conditions**

The following Additional Conditions were currently on Mr Gill's licence. These would now be assessed individually to see if they should be added to any future Zoo licence for CZCL. They could only be added if they were deemed necessary or desirable for ensuring the proper conduct of the Zoo.

## **12. Animal Escapes**

*The Principal Environmental Protection and Licensing Officer reported that if the policy/procedure relating to animal escapes changed a copy should be sent to the Licensing Authority within one month of being made.*

The Inspectors had deemed this condition as 'complied with' and 'likely to be met' in their report stating this is "*based on the Inspectors' professional judgement.*"

The current policy had been previously supplied to Inspectors and Council Officers.

Officers reported that the Zoo would already have to report escapes to the Council if they occurred via proposed standard Condition 11. The policy/procedure had to be agreed with the Police and was attached as a document in Part Two of the Committee report.

It was moved by Councillor Biggins and duly seconded that the Officer's recommendation be agreed.

RESOLVED:- That this condition should be added to CZCL's Zoo Licence.

## **13. Hazardous Animals**

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

**[Timescale – Immediate]**

The Inspectors had deemed this condition as 'complied with' and 'likely to be met' in their report stating this is "based on the Inspectors' professional judgement and assessment of current documentation."

The Zoo submitted their comments which were reproduced in the Officer's report and stated that there would be no additional hazardous species joining the collection.

It was moved by Councillor Biggins and duly seconded that the Officer's recommendation be agreed.

RESOLVED:- That this condition should not be placed on CZCL's Licence.

#### **14. Ethics Committee**

*The Principal Environmental Protection and Licensing Officer reported that the Ethics Committee must meet regularly and minutes of the business of that Committee be kept on record*

The Inspectors had deemed this condition as 'complied with' and 'likely to be met' in their report stating this was "based on the Inspectors' professional judgement and assessment of current documentation."

The Zoo submitted their comments which were reproduced in the Officer's report.

Officers had seen copies of the Minutes of the Ethics Committee when checking compliance with specific issues, e.g. the foot health of the Chilean Flamingos.

It was moved by Councillor Biggins and duly seconded that the Officer's recommendations be agreed.

RESOLVED:- That this condition should not be added to CZCL's Licence.

#### **15. Safe and Effective Control of Vermin**

*The Principal Environmental Protection and Licensing Officer reported that 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 was 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 – annually by 31st October]***

The Inspectors had deemed this condition complied with and stated this 'was based on their professional judgement having viewed the documentation and on-site assessment.'

The Zoo submitted their comments which were reproduced in the Officer's report.

Officers reported that a condition relevant to vermin control was already a Directive Condition (Condition 4) and therefore a mandatory condition on Zoo licences. If

issues with vermin control were found in the future this Condition can be escalated to a Direction Order.

It was moved by Councillor Biggins and duly seconded that the Officer's recommendation be agreed.

RESOLVED:- That this condition should not be added to CZCL's Licence.

**16. Keep public walkways safe**

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

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

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

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

**Condition and Direction Order escalated to Zoo  
Closure Direction for three walkways/platforms 19th July 2016**

There were no comments from the Inspectors on this condition.

The Zoo did not comment on this condition.

Officers reported that a Zoo Closure Direction Order relating to three walkways/platforms with the Zoo was issued on 19th July, 2016 and was still in place. This related to:

- Snow leopard/wolf access ramp
- Anteater viewing platform
- Duck feeding platform

If a new Zoo licence was issued to CZCL then Mr Gill's licence would have either been surrendered or the appeal against the refusal to grant a fresh licence would have been withdrawn. As a result any Direction Order or Zoo Closure Direction would lapse.

Therefore it was proposed that the three closed walkways would be dealt with under Health and Safety legislation going forward to protect public safety.

It was moved by Councillor Biggins and duly seconded that the Officer's recommendation be agreed.

RESOLVED:- That this condition should not be added to CZCL's Licence.

**17. 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.*
- A MINIMUM of two firearms 'users' shall be on-duty at all times during opening hours. At least one of these should be an established user with at least the initial training and the other user shall have at least one year/six 'range days' experience in the role, or as agreed between the Zoo and the Firearms Operation Unit at Cumbria Police.*

***[Timescale – immediate and annually on 1st April]***

The Inspectors had confirmed that this condition was complied with in their report stating *"this is based on the Inspectors' professional judgement having viewed documentation"*.

The Zoo submitted their comments which were reproduced in the Officer's report.

Officers reported that this condition was amended by the Licensing Regulatory Committee on 6th March 2017 as a result of a request from Cumbria Police (resulting in part b) being added).

It was moved by Councillor Biggins and duly seconded that the Officer's recommendation be agreed.

RESOLVED:- That this condition be added to CZCL's Licence.

#### **18. Perimeter Fence**

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

The Inspectors had confirmed that this condition was complied within their report and was also 'likely to be met' stating "*this is based on the Inspectors' professional judgement having made an on-site assessment*".

The Zoo submitted their comments which were reproduced in the Officer's report and had stated that "All shrubs, bushes and trees overhanging or near the perimeter were cleared/ cut back to prevent animals escaping. The cutting back of overhanging trees and the undergrowth is an ongoing job on the maintenance schedule."

Officers reported that a condition relevant to preventing escapes was already a Directive Condition (proposed Condition 3 above) and therefore a mandatory condition on all Zoo licences. If issues with vegetation overgrowing the perimeter fence were found in the future, this Directive Condition could be escalated to a Direction Order.

It was moved by Councillor Biggins and duly seconded that the Officer's recommendation be agreed.

RESOLVED:- That this condition should not be placed on CZCL's Licence.

#### **19. Future Design of Enclosures**

*The Principal Environmental Protection and Licensing Officer reported that:*

- a) *In accordance with 1.5 and 5.1 of the SSSMZP the design of any new or remodelled accommodation for Category 1 animals must be sanctioned by a suitably qualified person and submitted to the Licensing Authority prior to the accommodation being built. The design must ensure that keepers do not have to enter an enclosure with a Category 1 animal.*

- b) *A written document detailing the animal management practices, including risk assessments, must be forwarded to the Licencing Authority before the accommodation is occupied.*

***Escalated to a Direction Order – 19th July 2016 for a period of 2 years***

The Inspectors had confirmed that this conditions was likely to be met by CZCL and stated this 'based on the Inspector's professional judgement.'

They hade also stated that there was a '*key, fundamental change of the departure of Mr David Gill from any practical involvement of running the Zoo.*'

The Zoo submitted their comments which were reproduced in the Officer's report.

Officers reported that this condition was placed on Mr Gill's licence as a result of concerns by Inspectors that Mr Gill designed, built and remodelled the accommodation of Category 1 animals without any consultation with Zoo staff or veterinary consultants employed by the Zoo. This resulted in keepers having to enter enclosures with category 1 animals to carry out tasks and the accommodation was also unsuitable for animals.

Members should note that this Condition was escalated to a Direction Order for 2 years from 19th July 2016. If a new Zoo licence was issued to CZCL then Mr Gill's licence would have either been surrendered or the appeal against the refusal to grant a fresh licence would have been withdrawn. As a result any Direction Order or Zoo Closure Direction would lapse.

It was moved by Councillor Biggins and duly seconded that the Officer's recommendation be agreed.

RESOLVED:- That this Condition should not be placed on CZCL's Licence.

**20. Review of Public Feeding**

*The Principal Environmental Protection and Licensing Officer reported that in accordance with Paragraphs 1.5.and 1.10 of the SSSMZP, any organised sessions involving members of the public preparing food or feeding animals that involves raw meat and fish must be the subject of a written risk assessment and protective gloves must be worn by all participants.*

There were no comments contained in the inspectors' reports.

The Zoo had made no comment.

Officers reported that the Committee noted this Condition had been complied with during a meeting from 5th – 7th July 2016 but decided to keep it on Mr Gill's licence to show a sustained period of compliance.

It was moved by Councillor Biggins and duly seconded that the Officer's recommendation be agreed.

RESOLVED:- That this Condition should not be placed on CZCL's Licence.

**21. Written Protocol for Quarantine of "Rescue" Animals**

*The Principal Environmental Protection and Licensing officer reported that in accordance with 3.19, 3.21 of the SSSMZP written protocols must be reviewed, with advice from the veterinary consultants, for the housing and quarantine of any animals introduced to the collection or accepted as rescue animals. Staff must receive training on the protocols and their implementation and this should be documented.*

**[Timescale – 6 months**

**Compliance Date – 2nd September 2016]**

There were no comments in the Inspectors' reports.

The Zoo had made no comments.

Officers reported that the required written protocol was completed and submitted to the Council in the pre-inspection audit information received prior to the Zoo Inspection carried out on 23rd - 25th May 2016. This was assessed by the Zoo Inspectors at the time and compliance confirmed.

It was moved by Councillor Biggins and duly seconded that the Officer's recommendation be agreed.

RESOLVED:- That this Condition should not be placed on CZCL's Licence.

**22. Review of Animal Bites**

*The Principal Environmental Protection and Licensing Officer reported that:*

- a) *In accordance with Appendix 6 paragraph 6.14 of the SSSMZP, a suitable and effective action plan to eliminate bites and injuries must be put in place, and a copy of this plan forwarded to the Licensing Authority. The action plan must then be implemented fully and its effectiveness monitored.*
- b) *In accordance with 8.14 of the SSSMZP, all contact injuries to visitors from animals must be reported to the Local Authority within 14 days.*

**Elevated to a Direction Order [ZDO/16/07] – 24th October 2016**

**Effective date – 21st November 2016**

The Inspectors had deemed this condition as 'complied with' and 'likely to be met' in their report and stated this was based on the Inspectors' professional judgement, documentation viewed and successful implementation of the action plan.

The plan aimed to “eliminate” bites, but in the Inspectors’ professional opinion, and given human nature and behaviour, bites could never be 100% eliminated.”

The Zoo commented that *“An action plan was written and supplied to the local Authority and inspectors as part of the pre inspection audit. Public Lemur feeding takes a seasonal break from October to Easter and has just resumed.” An outline of the revisions to the process was reproduced in the report.*

Officers had reported the Findings of Fact from the Record of Decision from the meeting on 29th March 2017 and were reproduced in the report.

The SSSMZP guidance was also reproduced in the report for Members’ information.

It was moved by Councillor Biggins and duly seconded that the Officer’s recommendation be agreed.

RESOLVED:- That the wording of Condition 22 be amended to:

- a) *In accordance with Appendix 6 Paragraph 6.14 of the SSSMZP, a suitable and effective action plan that, as far as reasonably practicable, eliminates bites and injuries must be put in place. The action plan must be implemented fully, its effectiveness monitored and be reviewed annually.*
- b) *In accordance with 8.14 of the SSSMZP, all contact injuries to visitors from animals must be reported to the Local Authority within 14 days.*

### **23. Management and Staffing Structure**

The DEFRA Inspectors had recommended the following condition be placed on CZCLs licence.

- a) *To ensure continued compliance with Section 1A of the Act and Section 10 of the SSSMZP, the post of an Animal Director or Senior Manager, must be filled. This post must have overall senior responsibility for all aspects of the Zoo related to the animal collection including, but not restricted to, animal welfare and veterinary care, husbandry, breeding, accommodation design, dangerous animal security, conservation programs, research, collection planning, and inter-zoo liaison.*

***[Timescale 4 Months; Compliance Date: 9th September 2017]***

- b) *The post holder must have the ability and authority to make decisions independent of the registered land owner(s).*

The Inspectors’ reported that during the March 2017 inspection, compliance and likely compliance with the proposed conditions was assessed by the Secretary of State Inspectors and the Councils Veterinary Advisor. The inspectors stated:

*“Based on the inspector’s professional judgement, documentation viewed and assessment on-site, the proposed conditions are ‘Met’ and are ‘Likely to be met’ ”*

The appended Inspectors' Report concluded that:

*"The Secretary of State's nominated Inspectors, supported by the Local Authority veterinary advisor, are confident that the present management and staffing structure has raised standards in the Zoo sufficiently to meet Section 10 of the Secretary of State's Standards of Modern Zoo Practice.*

*This, in conjunction with the key, fundamental change of the departure of Mr David Gill from any practical involvement in running the Zoo, means that it is our opinion that for all practical purposes the main aims of Condition 34 have been sufficiently met for the LA to consider that a licence could be granted to CZCL.*

To quote the Zoo consultant:

*'It is as if the blinds have been lifted up, and sunlight is now pouring into the room'.*

*At the March inspection, the whole inspection team were unanimous in considering that a new licence could be issued to CZCL based on the standards presented on that day.*

*In the Inspector's opinion, condition 34, originally written in November 2015, under very different circumstances, has now ostensibly served its purpose. Our current recommendation is that if CZCL are granted a licence by the LA, in order to ensure that an animal manager is still employed in a timely fashion to enable the zoo to continue to progress, a new condition be applied to the licence;*

*To take the Zoo to the next stage in a modern, progressive development program, and to ensure continued compliance with Section 1A of the Act and Section 10 of the SSSMZP, we recommended this new condition."*

*The Zoo commented that "The current team are with the assistance of a number of zoo specialists contractors managing the Zoo successfully and complying with SSSMZP. Part of the concerns surrounding the imposition of condition 34, and perhaps this extends further, relate to the independence from David Gill. CZCL are an independent company and the relationship between the 2 amounts to nothing more than that of a landlord/tenant. CZCL articles of association prevent David Gill or any member of his family/ connected person from holding any position within the company."*

*"Although the current team are managing the Zoo within Zoo licensing CZCL are committed to developing and looking to the future. A position for a full time Animal Director has been included in the development plan and budget and advertisement and interviews taken place. The hierarchal structure of the animal department and management team within the organisation has been revised to reflect the role."*

Officers reported that the DEFRA Inspectors had stated in their report that:

*"The Zoo was being managed in such a way that the SSSMZP were being met and the standards of accommodation, staffing or management are adequate for the proper wellbeing of the animals.*

*The zoo is likely to be managed in such a way that the SSMZP are likely to be met."*

Additionally, they recognised that:

*"to ensure continued compliance with Section 1A of the Act and Section 10 of the SSSMZP" and "To take the Zoo to the next stage in a modern, progressive development program" this new condition is recommended to the Local Authority.*

As of 25th April 2017, Members were informed that an appointment of a new Animal Manager was still to be made. CZCL confirmed the successful appointment of an Animal Manager.

It was moved by Councillor Biggins and duly seconded that the Officer's recommendation be agreed.

RESOLVED:- That the new condition, recommended by the DEFRA Inspectors, is placed on CZCL's Zoo Licence but revised as follows:-

- (i) To ensure continued compliance with Section 1A of the Act and Section 10 of the SSSMZP, the licence holder must ensure an Animal Director (or equivalent) is employed on a permanent and full-time basis;
- (ii) The Animal Director (or equivalent) must have the ability to make decisions independent of the registered land owner; and
- (iii) The Animal Director (or equivalent) must have overall senior responsibility for all aspects of the Zoo relating to the animal collection, including but not limited to:-
  - Animal Welfare and Veterinary Care;
  - Husbandry;
  - Breeding;
  - Accommodation (including design);
  - Dangerous Animal Security;
  - Conservation Programmes;
  - Research;
  - Collection Planning; and
  - Inter-Zoo Liaison.

#### **24. Africa House**

*The Principal Environmental Protection and Licensing Officer reported that:*

- a) *In accordance with Section 2 of the SSSMZP an appropriate written action plan must be developed that demonstrates clearly how the Africa House will be heated, how suitable bedding and substrate will be provided, such that the welfare needs of all the animals housed within this building are met at all times, thus ensuring their well-being and comfort. A copy of this action plan must be submitted to the Local Authority; **[Timescale – 1 week]***

- b) *The action plan must be implemented within 4 weeks from today's meeting; [Compliance Date – 8th December 2016]; and*
- c) *The Africa House must be permanently monitored to ensure a suitable environment of the building including the temperatures and bedding being maintained [Timescale – Ongoing]*

The Inspectors had deemed this condition as 'complied with' and 'likely to be met' in their report and stated this was based on the inspectors' professional judgement, viewing documentation and results of successful implementation of the action plan.

The Zoo submitted their comments which were reproduced in the Officer's report.

Officers had reported the Reasons for Decision from the Record of Decision from the meeting on 29th March 2017 and were reproduced in the report.

It was moved by Councillor Biggins and duly seconded that the Officer's recommendation be agreed.

RESOLVED:- That this Condition should not be added to CZCL's Licence.

**109 – Zoo Licensing Act 1981 (as amended)  
Zoo Licence for South Lakes Safari Zoo Ltd  
Original Licence Application (pursuant to s.2 Zoo Licensing Act 1981) –  
Cumbria Zoo Company Limited**

#### Lease Agreements – Service Agreements and Financials

The Principal Environmental Protection and Licensing Officer had reported in Part One on the Application for an Original Zoo Licence from Cumbria Zoo Company Limited.

In the application from CZCL were a number of Lease Agreements, Service Agreements and Financial documents pertaining to the running of CZCL which had been deemed necessary to place into Part Two under Paragraph 3 of Part One of Schedule 12A of the Local Government Act 1972 and Access to Information (Variation) Order 2006.

A redacted summary of the Lease and Service Agreements had been produced as the Council was mindful of promoting openness and transparency in the discharge of a public authority statutory function.

A written response from CZCL was also submitted.

Questions from Members regarding this summary and the content of the documents were heard along with the applicant's response.

RESOLVED:- To note the report.

The meeting closed at 6.15 p.m.

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

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

PRESENT:- Seward (Vice-Chairman), Barlow, Biggins, Cassells, Derbyshire, W. McClure, Proffitt, L. Roberts and Wall.

Officers Present:- Graham Barker (Principal Environmental Protection and Licensing Officer), Jennifer Curtis (Senior Licensing Officer), Jane Holden (Acting Principal Legal Officer) and Sharron Rushton (Democratic Services Officer).

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

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

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act, 1972 the public and press be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 2 (Minute No. 5) of Part One of Schedule 12A of the said Act.

**2 – Apologies for Absence/Attendance of Substitute Members**

Apologies for absence were received from Councillors Callister and Heath.

**3 – Minutes**

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 were taken as read and confirmed.

**4 – Appointments on Outside Panels, Working Groups etc.**

The Executive Director reported that at the Annual Council meeting on 16th May, 2017 the allocation of seats in respect of Forums, Panels, Working Groups etc. were agreed. Delegated authority was given to the appropriate Committees to make the necessary appointments.

In the case of the Licensing Regulatory Committee this involved the appointment of Members 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 were as follows:-

Taxi/Private Hire Liaison Group – Three Seats (2 Labour: 1 Conservative)

Taxi Licensing Working Party – Four Seats (3 Labour: 1 Conservative)

The Executive Director requested nominations to the above Groups.

**RESOLVED:-** To agree the appointments to the Taxi/Private Hire Liaison Group and Taxi Licensing Working Party as follows:-

(i) Taxi/Private Hire Liaison Group (2:1) – Councillors Callister, W. McClure and Seward and

(ii) Taxi Licensing Working Party (3:1) – Councillors Callister, Derbyshire, W. McClure and Seward.

### **5 – Application for a Private Hire Drivers Licence**

The Senior Licensing Officer reported on an application which had been received for 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:-** That the application for a Private Hire Driver's Licence be granted.

The meeting closed at 2.30 p.m.

<b>LICENSING REGULATORY COMMITTEE</b>	<b>(D) Agenda Item 7</b>
<b>Date of Meeting: 29th June, 2017</b>	
<b>Reporting Officer: Principal Environmental Protection &amp; Licensing Officer</b>	
<p><b>Title: Annual Review of the Licensing Authority 2016/17</b></p> <p><b>Report Summary:</b></p> <p>This report is for information only and summarises the work done by the Licensing Authority in the previous financial year.</p>	

### Summary

#### **Policies and Procedural Reviews**

During the last financial year the Licensing Authority have continued to review the policies and procedures in relation to Taxi Licensing. The review was necessary in part, following the findings of the Independent Inquiry into Child Sexual Exploitation. Following an extensive consultation, the first of a suite of policies, was approved by Council on the Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences. This policy also enabled the Licensing Authority to introduce appropriate and necessary training, to continually improve driver standards, knowledge and awareness. Officers are currently developing a similar policy in relation to the Private Hire and Hackney Vehicle specification and licensing and are due to consult with the taxi trade, to gain their opinions.

Officers reviewed the current Taxi Tariff (fare), last undertaken in 2012, following a request from the Hackney trade. Members approved a new methodology that would be used to determine any percentage increase. It calculates the real costs of running a Hackney Carriage, and compares that to the national average. The retail price index (RPI) in relation to transport costs and wages will now be used to demonstrate 'how much' owning and running a vehicle has gone up / down, to determine any rise in tariff.

Work on a new Street Trading Policy was started and is due to be completed later this year.

## **Fees & Charges**

A comprehensive Fee Setting review was undertaken, resulting in the Licensing Authority being able to operate at full cost recovery across the majority of licence types, where the Local Authority can set its' own fees and charges. All Officers working within the licensing department now monitor and record all time spent, to ensure that accurate costs can be calculated. Members approved the fees and charges for 2017/18, with a view to recovering a deficit from 2015/16 of nearly £70,000.

## **Enforcement**

Proactively, Officers have visited and inspected a number of pubs and clubs and all Off-Licences, ensuring compliance with licence conditions and 'coaching' licence holders, especially those where police intelligence suggests higher crime or disorder. Furthermore, random private hire and hackney carriage vehicle checks have been undertaken throughout the year.

A detailed investigation was undertaken into the validity of some Medical Examinations, received as part of a licenced drivers' fitness assessment. This resulted in a number of drivers having to undergo a further medical, ensuring that all licenced drivers met the required standard.

## **Stakeholder Involvement**

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

The Community Alcohol Partnership (CAP) was launched. A CAP is aimed at reducing underage alcohol consumption through partnership work. The Senior Licensing Officer has co-ordinated a programme of mentoring visits to all off-licences, alongside Police and Trading Standards colleagues and Retailers.

## **Zoo Licensing**

Officers have undertaken a considerable and unprecedented workload in relation to zoo licensing enforcement and also applications received in 2016/17. This has resulted in numerous inspections and subsequent preparation and consideration of reports for a number of committee hearings.

## **Delegated Decisions**

A number of licensing functions are delegated down to Officers. In the financial year 2016/17 the following licences have been issued / renewed under these powers:

### Alcohol Licensing

- 69 Temporary Event Notices
- 57 Personal Licences
- 16 Premises Licences (New and Variations)

### Taxi & Private Hire Licensing

- 352 Driver Licences
- 314 Vehicle Licences
- 17 Operator Licences

### Miscellaneous Licences

- 21 Street Trading
- 15 Animal Welfare Licences
- 16 Skin Treatment Registrations
- 15 Scrap Metal Premises / Collectors
- 7 Pleasure Boats and Boatmen
- 1 Sex Establishment

## **Ongoing Training and Workload**

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

**Options** - Not Applicable

**Recommendation** - Not Applicable

**Reason for Recommendation** - Not Applicable

## **Considerations**

(i) Legal Implications

Not Applicable

(ii) Risk Assessment

Not applicable

(iii) Financial Implications

Not Applicable

(iv) Key Priorities or Corporate Aims

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

(v) Equality and Diversity

Not Applicable

(vi) Other Human Rights

Not Applicable

(vii) Health and Well-being Implications

Not Applicable

## Background Papers

Nil