

BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Meeting, Thursday 5th October, 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 meeting held on 7th September, 2017 (copy attached).

FOR DECISION

- (D) 7. Zoo Licensing Act 1981 (as amended)
Zoo Licence – Cumbria Zoo Company Limited (Pages 1-19).

PART TWO

(D) 7. Cumbria Zoo Company Limited – APPENDIX ONLY.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART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
Barlow
Cassells
Derbyshire
Gill
Heath
W. McClure
Proffitt
L. Roberts
Wall

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BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Meeting: Thursday 7th September, 2017
at 2.00 p.m. (Drawing Room)

PRESENT:- Councillors Barlow, Biggins, L. Roberts, Sweeney, C. Thomson and Wall.

Officers Present:- Graham Barker (Principal Environmental Protection and Licensing Officer), Jennifer Curtis (Senior Licensing Officer), Sharron Rushton (Democratic Services Officer) and Sandra Kemsley (Democratic Services Officer).

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

18 – Appointment of Chairman

The nomination of Councillor Wall was moved by Councillor Sweeney and seconded by Councillor C. Thomson.

A vote was taken and Councillor Wall was declared as Chairman for this meeting only.

RESOLVED:- That Councillor Wall be elected Chairman for this meeting only.

19 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were received from Councillors Callister, Cassells, Derbyshire and Seward. Councillors Sweeney and C. Thomson had substituted for Councillors Cassells and Seward respectively for this meeting only.

20 – Minutes

The Minutes of the meeting held on 20th July, 2017 were taken as read and confirmed.

21 – Application for Street Collection Permit – Guide Dogs

The Senior Licensing Officer reported that the Licensing Authority had received an application for a Street Collection Permit on behalf of Guide Dogs. The applicant had requested a Street Collection Permit for a collection which would take place on Wednesday 11th October, 2017. Current policy stated collections were permitted on Friday and Saturdays only; no mid-week collections were to be allowed.

The application therefore required Members to exercise their powers to determine an application which conflicted the current allocation Policy for Street Collections/Flag Days which was determined by Minute No. 150 (1990/91) and Minute No. 80 (1993-94) of the Licensing Sub Committee.

The Police, Factories and (Miscellaneous Provisions) Act 1916 allowed Local Authorities to make regulations regarding street collections, where and conditions under which, persons may collect money or sell articles for the benefit of charitable "or other purposes".

The current allocation Policy for Street Collections/Flag Days was determined by Minute No. 150 (1990/91) and Minute No. 80 (1993/94) of the Licensing Sub-Committee as follows:-

- a) That it be adopted as Policy that once a particular date had been allocated to a Charity, no further application from other Charities for the same date would be permitted;
- b) No organisation would be granted more than one collection date in each calendar year;
- c) That preference would continue to be given to Charities that use money collected locally;
- d) That no more than 50 Street Collection Permits would be granted in a calendar year, such permits to be for collection days either on Fridays or Saturdays. No mid-week collections to be allowed;
- e) Organisations must comply with the Borough of Barrow-in-Furness Street Collection Regulations and submit a statement of accounts following their street collection in order for similar applications to be considered in future years; and
- f) Minute No. 1.3 (ii) resolved to vary current general allocation policy to enable the Sub-Committee and/or the Panel to receive applications for additional collections in cases of special celebrations relevant to individual Charities from time to time.

The Licensing Authority consulted on all Street Collection Permits with Cumbria County Council Highways, Cumbria Constabulary, Trading Standards and the Council's Planning Department.

There had been no objections from consultees.

The applicant had been invited to attend today's meeting, however, had submitted apologies.

RESOLVED:- To agree to grant the Street Collection Permit for Wednesday 11th October, 2017.

REFERRED ITEMS

THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

22 – Review of Hackney Carriage Stands in the Borough

The Senior Licensing Officer submitted a report advising Members of the work being undertaken by Council Officers on improving the provision of Hackney Carriage Stands in the Borough.

The report outlined the Borough Council's proposed locations for Hackney Carriage Stands (also known as Taxi Ranks) in the Borough. Members' were required to consider the proposals and make recommendations to the Executive Committee to appoint the Stands for Hackney Carriages, subject to the consideration of any objections or representations received.

Hackney Carriage Stands ("Stands") were a vital part of a towns transport network. Stands were a common feature in many towns and cities and provided a location where licensed taxis could legally park to wait for a customer who wished to use a taxi, rather than drive around town centre streets waiting to be hailed.

Similarly having well defined and managed stand locations improved public safety through allowing customers to easily obtain a licensed taxi service and reduced the risks associated with touting and inconvenience to customers searching the streets for a service.

Hackney Carriage stand provision had not been reviewed by the Borough Council for a number of years and it was acknowledged that provision could be improved, as it was good practice to review provision regularly.

Currently, Barrow Borough Council provided rank space for its 135 licensed taxis in the following locations:

- Cornwallis Street (15 cars)
- Duke Street (6 cars)
- Dalton Road (4 cars)
- Dalkeith Street (8 cars)
- Not formally designated - Cavendish Street (10 cars)
- Barrow Train Station (4 cars)

The dynamics of the night time economy in Barrow-in-Furness were changing and further established stands were required to meet the needs of the travelling public as well as ensuring hackney carriage proprietors were provided with adequate stand provision to support the day time trade.

A Local Authority could adopt areas on streets or private land as Stands for Hackney Carriages under Section 63 Local Government (Miscellaneous Provisions) Act 1976 ("the Act"). Prior to appointing stands the Act required:-

1. The Local Authority to obtain the consent of the Highway Authority;
2. Give notice to the Chief of Police;
3. Publish a notice of proposal in the local newspaper; and
4. Log and consider any objections or representations received within 28 days of the first publication.

In order to meet the requirements of Section 63 of the Act:-

1. Consent had formally requested consent from Cumbria County Council Highways for the proposed locations;
2. Notice had been given to the Chief of Police;
3. A notice of proposal would be placed in the North West Evening Mail providing a 28 day consultation period from the date of publication; and
4. Any objections or representations received would be logged and reported back to the Committee for their consideration.

Cumbria County Council Officers had prepared a report for Cumbria County Council Area Committee for consent to be given. The report would be presented to the Area Local Committee on 22nd September, 2017.

The Chief of Police noted the Council's intentions to appoint the Hackney Carriage Stands but made no objection.

The particulars of each Hackney Carriage Stand and the advantages of each location for drivers, members of the public and if identified, any potential problems for either user group had been set out in the report for information.

The cost of adopting an area as a Hackney Carriage Stand included legal advertisement costs associated with the statutory process, together with the costs of design and implementation.

The Local Government (Miscellaneous Provisions) Act 1976 allowed the Borough Council to recover its reasonable costs in processing and determining licence applications and also achieved compliance with the appropriate legislation.

The administration and operation of this licensing regime was able to operate at full cost recovery, including the recovery of costs directly associated with the implementation of the Hackney Carriage Stands. These included: costs due to Officer time, advertising costs and Legal advice costs and would be through the licence fees charged to vehicle proprietors.

Barrow Borough Council and Cumbria County Council were in agreement that the Borough Council would pay the advertisement costs associated with appointing the stands and County Council would incur the costs of design, implementation of the Traffic Regulation Order, including the provision of signs and lines.

Cumbria County Council were responsible for on-street parking enforcement activities under the Road Traffic Regulation Act 1984, and Regulations and various Traffic Regulation Orders made under it, (accessible at tro.parking-adjudication.gov.uk/) and the Traffic Management Act 2004 and Regulations made under it. Motorists contravening parking restrictions were issued with a Penalty Charge Notice by one of the County Council's authorised Civil Enforcement Officers.

Barrow Borough Council could also take enforcement action against other vehicles not permitted to wait on Hackney Carriage Stands under Section 64 of the Local Government Miscellaneous Provisions Act 1976.

RECOMMENDED:- (a) To agree the proposed Hackney Carriage Stands outlined in the report and make recommendations to the Executive Committee to appoint the stands and refer to Full Council for approval, subject to any objections or representations made during the consultation period; and

(b) To request Officers consult with Dalton Town Council regarding the suitability of the location in Dalton Town Centre prior to the document going to public consultation.

The meeting closed at 2.55 p.m.

LICENSING REGULATORY COMMITTEE	(D) Agenda Item 7
Date of Meeting: 5th October, 2017	
Reporting Officer: Principal Environmental Protection & Licensing Officer	
<p>Title: Zoo Licensing Act 1981 (as amended) Zoo Licence – Cumbria Zoo Company Limited</p> <p>Summary & Purpose of the Report</p> <p>Cumbria Zoo Company Limited holds a Zoo licence issued on 11th May 2017 to operate a Zoo at premises known as South Lakes Safari Zoo (“the Zoo”), Melton Terrace, Lindal-in-Furness, Cumbria, LA12 0LU.</p> <p>Officers have conducted an un-announced informal inspection on 3rd August 2017 to check compliance with licence conditions.</p> <p>The purpose of this report is to update Members on:</p> <ol style="list-style-type: none"> 1) Compliance with Conditions 14 and 15; 2) Observations from the Informal Inspection; 3) The leasing arrangements between CZCL and the landowners (Mr David Gill and South Lakes Safari Zoo Ltd); and 4) Financial statement. 	

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1. Background

- 1.1. Cumbria Zoo Company Limited (CZCL) holds a Zoo licence issued on 11th May 2017 to operate a Zoo at premises known as South Lakes Safari Zoo, Melton Terrace, Lindal-in-Furness, Cumbria, LA12 0LU ('the Zoo'). This is an 'original' Zoo licence therefore it will last for period of four years.
- 1.2. Ordinarily, a new Zoo licence is subject to a periodical inspection, pursuant to Section 10(3)(a), of the Zoo Licensing Act 1981 (as amended) (hereafter called 'the Act'), during the first year and not later than six months before the end of the fourth year of the period of the licence. However, s.12(1) allows for an informal inspection to be carried out "*once in any calendar year*" but only where no other inspection type is due or anticipated i.e. periodical (s.10) or special inspection (ss.11 and 11A). The periodical inspection will take place before 11th May 2018 and there is no planned special inspection.

Officers have conducted an un-announced informal inspection under s.12(1) to check compliance with licence conditions on Thursday 3rd August 2017.

1.3. The Inspection Team consisted of:

- a) Dr Matthew Brash B.Vet.Med Cert Zoo Med MRCVS (the Council's Professional Veterinary Advisor and appointed inspector under s.12(2));
- b) Anne Chapman (Environmental Health Manager); and
- c) Graham Barker (Principal Environmental Protection & Licensing Officer).

Dr Brash has produced a report following the informal inspection and this is attached at **APPENDIX 1**.

The aim of the inspection was primarily to determine whether condition 15 on the licence had been complied with, as it had a compliance date of 31st of July 2017. However the inspection team also wished to;

1. Inspect the Tambopata aviary
2. Observe a public Lemur feeding session
3. Meet with the new Animal Director to discuss the Zoos general progress
4. Receive an update on the Zoo education department.
5. Briefly walk around parts of the Zoo to ensure the Zoo appeared compliant with SSSMZP.

1.4. Representations

CZCL or their representative(s) have been invited to attend today's committee meeting to put forward the Zoo's representations. A copy of their written response to the Inspection Report, was received on 29th August 2017 and is attached at **APPENDIX 2**.

2. Compliance with Condition 15

2.1. For Members information Condition 15 is reproduced below:

15. Management and Staffing Structure

- a) *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;*
- b) *The Animal Director (or equivalent) must have the ability to make decisions independent of the registered land owner; and*
- c) *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.*

[TIMESCALE:- *For the initial appointment of the Animal Director (or equivalent) – 31st July, 2017 (evidence to be provided to the Licensing Authority) and thereafter ongoing.]*

2.2. As Members will be aware, at the Licensing Regulatory Committee meeting on 9th May 2017, Mr Andreas Kaufmann informed the Committee that he would be taking up the position of Animal Director at the Zoo in July 2017. CZCL made this appointment to achieve compliance with this condition.

2.3. Inspector Comments

During the August Informal Inspection Officers noted during interviews with CZCL's CEO, Karen Brewer, and Andreas Kaufmann that Mr Kaufmann's contract and job description were still under negotiation despite a compliance deadline of 31st July 2017 for condition 15. Dr Matthew Brash, in the summary of his report states:

"Although an Animal Director is in place, at the time of the inspection it was apparent that his precise role and his delegated level of authority from the CEO and the Board to manage the Zoo was still unclear. It was apparent that the new Animal Director did not have full operational control of the Zoo, and as such condition 15 was not fully complied with on the day of the inspection."

"This needed urgently resolving with the production of a written job description and a signed contract of employment, and these documents were supplied to the LA the following day."

"In the inspectors opinion condition 15 has now been complied with. However it is still early days, and time is needed for the Animal Director to implement changes. It is important to note that the contract has a six month trial period, and as such I would recommend that this condition is considered complied with, but remains on the licence, and is reviewed at the next interim inspection."

2.4. Dr Brash also noted in his report that despite only being in post for a brief period of time (from 21st July 2017) Mr Kaufmann had made significant progress in a number of areas including:

- A staffing structure was being developed that divided the Zoo into three zones, with three section heads.*
- Improvements had made to the Leopard Tortoise enclosure, with improved UV light, focus heat spots etc.*
- An animal collection plan was being developed. This recognises that in some areas (especially the Tambopata aviary) of the Zoo is still overstocked and more animals needed to depart.*
- A Zoo development plan is being created.*
- The senior keepers had attended a keeper training course with Andreas Kauffmann at Chester Zoo."*

2.5. Zoo Comments

Andreas Kaufmann responded to the Inspector's report on behalf of CZCL stating:

"I am fully in charge of all animal related operations and everything has settled in smoothly. The new structure is almost complete and will be implemented in September. We have accomplished some more improvements and are moving forward as I write this mail to you. All senior keepers are performing their jobs and duties well and an Animal Manager has been put to work who will work closely with me and act on my behalf during the times I am abroad. Actually I will be able to spend more time in the Zoo than I had originally anticipated."

2.6. Officer Comments

The reporting officer is aware that Mr Kaufmann has pre-existing, national, European and international commitments, during which time he is not on-site at the Zoo. During these periods, he has prearranged for an Animal Manager to deputise for him. Mr Kaufmann is available to be contacted by phone and email, during these times.

For Members' information Mr Kaufmann's contract is conditional; the position is subject to a 6 month probationary period. A copy of the Animal Directors' Job Description is attached at **Appendix 3**. Furthermore, a copy of Mr Kaufmanns Contract is attached as an appendix to Part II of this report. Any questions from Members regarding the content of Mr Kaufmanns contract must be heard in PART II. Similarly the applicant will be given an opportunity to answer questions in PART II.

2.7. Officer Recommendation

That Members acknowledge that the requirements of Condition 15 are currently being complied with. This is a permanent condition on Cumbria Zoo Company Limited's licence.

2.8. Reason for Recommendation

- a) An Animal Director (or equivalent), namely Andreas Kauffmann, is employed on a permanent and full-time basis;
- b) The Animal Director (or equivalent) has the ability to make decisions independent of the registered land owner;
- c) Andreas Kaufmann has 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.

and

- d) Although the condition had not been fully complied with by the deadline of 31st July 2017, the requirements had been met 4 days later (4th August 2017).

2.9. Options for Members

- Accept the Officer recommendation, that Members acknowledge that the requirements of Condition 15 are currently being complied with. This is a permanent condition on Cumbria Zoo Company Limited's licence.
- Reject the Officer recommendation and deem Condition 15 not complied with at this time.

3. Compliance with Condition 14

3.1. For Members' information Condition 14 is reproduced below:

14. Review of Animal Bites

- 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.*

3.2. Inspector Comments

Dr Matthew Brash, in his report states:

“Lemur feeding, by the public, has historically been of concern. The large number of lemurs and people involved in these public feeding sessions has the potential for members of the public to come into close contact with these primates and the potential for them to be bitten. As a result there is a standing condition on the Zoo’s licence requiring the Zoo to ensure that animal bites are eliminated as far as is reasonably practical.

The Zoo has amended the lemur feeding process to try to meet this condition by increasing the number of feeding sessions to two a day, and decreasing the number of lemurs held in the WWS. The inspectors observed the one o’clock feeding session.

Approximately 50 members of the public were in attendance, and five keepers. The inspector noted;

- 1. The keepers do a good job instructing the public about safety and requesting that the public stay approximately one metre back from the rail.*
- 2. The talk is educational, and informative.*
- 3. The public obviously hugely enjoy the experience.*

However there is still considerable contact between lemurs and the public. In particular;

- 1. One lemur climbing onto a pram, which had to be moved off by two keepers.*
- 2. A lemur jumped onto a member of the public when it was being chased by another lemur.*
- 3. A lemur grabbed the hand of a member of public when trying to get hold of a grape. In doing so it partially removed the glove from the member of public which would allow direct contact with skin.*

In the inspector's opinion, although the keepers did a good job in trying to control the primates and the public, this is still a situation where there is a reasonable chance that people will get bitten. In the inspectors opinion the changes already made to the feeding experience, do not suitably prevent the likelihood of a bite occurring.

To comply with condition 14 part a) on the Zoo's licence (review of animal bites), it is therefore important that the new Animal Director modifies this experience to ensure that it is carried out in a more controlled manner, to ensure public and animal safety are paramount. The problem was discussed with AK, who agrees that this area is a potential problem and he assured the inspector that he plans to put in place changes to ensure that a good public experience is carried out in a more structured safe manner.

KB informed the inspection team that to comply with part b) of the same condition, she would be reporting recent contact that occurred between a member of the public and a squirrel monkey.

In addition to the above, the Inspectors were told by the RSPCA inspector visiting on the same day that he had witnessed some squirrel monkeys in the WWS jumping on people. AK confirmed that he would also address this issue."

3.3. Zoo Comments

Andreas Kauffmann on behalf of CZCL has stated within their response to the inspection report:

"Some changes have already been put in place regarding interactions between animals and the public. Squirrel monkeys are no longer in public contact areas. Some changes have already been made to lemur feedings, e.g. less attractive food items, and organizational and constructional ones are on the way. However, we are aiming to replace the current lemur interactions with more attractive experiences involving zero risk."

Mr Kaufmann provided further information in an email dated 13th September 2017, on the changes already made to the lemur feeding along with future planned changes in the mid to long term, stating:

"Already changed:

- changed treat to lesser attractive apple and pear bits*
- animals get fed multiple times a day and are not hungry anymore at public feedings*

Mid-term:

- redesign interaction area*
- have smaller groups of people at feedings*
- have more locations for public feeding*

- *people will have to queue to feed lemurs*
- *interaction with lemurs will be reduced to max 3(4) people simultaneously*

Long-term:

- *replace feeding interaction with public educational presentation”*

3.4. Officer Comments

3.5. On 9th May 2017, Officers reported the following information to this Committee on the progress and actions taken by CZCL.

- *The lemurs were no longer free-ranging over the Zoo and were contained within the World Wide Safari Area;*
- *Planned positive changes to the way public lemur feeds were carried out;*
- *The Zoo had implemented the action plan.*

3.6. With reference to compliance with part b) of the condition, the Zoo has recently reported seven animal contact notifications to the Council, within the prescribed 14 day notification period. The notifications were all in August 2017. Six out of seven related to contact with squirrel monkeys, the seventh was linked to a lemur. These all took place within the World Wide Safari (WWS) this is the only area within the Zoo where lemurs and squirrel monkeys are free roaming.

3.7. Council Officers have been informed that following each notification, the Zoo reviews the incident with staff members to identify areas for improvement. With regard to the WWS a number of lemurs have now been placed on the surplus list and the spider monkeys are no longer free roaming so they do not have access to members of the public.

3.8. Officer Recommendation

1. That Members acknowledge that ongoing progress has been made in compliance with part a) of Condition 14 because:

- CZCL had produced an action plan as part of their Application for a Zoo Licence which was considered by Members on 9th May 2017.
- Mr Kaufmann has reviewed this plan and submitted information to the Council on additional immediate, Medium and Long-term actions in compliance with Condition 14;
- The Zoo monitors and reviews the action plan whenever a contact incident occurs;
- The spider monkeys (which were the main source of contact incidents) are no longer free roaming thus eliminating the potential for contact injuries to members of the public; and
- Additional controls around feeding and lemur numbers have taken place and further changes are planned.

2. That Members note that the Zoo is notifying the Local Authority in compliance with part b) of Condition 14.

3.9. Options for Members

- Accept the Officer recommendation, that Condition 14 is being complied with and that it should be kept on the licence.
- Accept the Officer recommendation, that Condition 14 is being complied with, but ask Members to set a timescale for the implementation of the medium and long-term actions.
- Reject the Officer recommendation, note non compliance with the condition and escalate it to a Direction Order under section 16A of the Zoo Licensing Act 1981.

4. Further Observations from the Informal Inspection.

4.1. Dr Brash noted the following observations during the inspection:

"A brief walk round of the Tambopara aviary, part of the WWS and the old monkey house, was undertaken by the inspection team. The Zoo appeared tidy, and most animals appeared in good health. There were a number of minor concerns.

1. An aged male Nyala, that was now completely blind had been separated off from the herd, and was now kept on his own. He had developed a stereotypic behaviour. The inspection team were informed that the Nyala had deteriorated more markedly over the previous two weeks, and that an ethics committee had been called to decide his future. The inspection team were informed that the following day the animal was euthanased.

2. A kangaroo was observed with an excoriated area of skin over the left pouch. The veterinary nurse was called and treatment instigated.

3. It was noted that the prairie dogs have extended their territory and are now building holes adjacent to the fence beside DG house.

4. There is still evidence of rodents adjacent to the Meerkat enclosure.

5. The education centre continues to be developed. An Education Officer has joined the staff, and she briefly showed the inspection team around the education department. Education packages are in development to ensure that the school curriculum needs are met."

4.2. Mr Kaufmann has confirmed to Council Officers that the kangaroo's pouch is fully healed and that an increased rodent control programme with new forms of traps is underway.

4.3. Dr Brash also commented on Balai Approval and Veterinary cover as follows:

"BALAI status.

The Zoo has recently lost its BALAI status. The reasons for this were discussed and the inspectors informed that this was because the fence adjacent to Mr David Gill's house was incomplete at the time of their last BALAI inspection.

The Zoo has re-applied for Balai status and has a further meeting with APHA on August 22nd 2017.

Veterinary Cover

The temporary cover provided by Marie Kubiak MRCVS has now ceased with the appointment of a permanent vet, Karen Archer MRCVS, a member of IZVG. She is making weekly routine visits, and providing emergency cover from home. The Zoo continues to try and develop a relationship with

a local veterinary practice. Andrew Greenwood FRCVS makes a single monthly visit.

Jon Cracknell has ceased to act as a veterinary advisor, as his services are no longer required."

4.4. Officer Comments

4.5. Mr Kaufmann provided an update on BALAI status in the Zoo's representations as follows:

"In regards to BALAI status an inspection by APHA took place on August 22nd which went very well. As this is a first application for approval under BALAI and the inspection is followed by a bank holiday weekend, the process will take longer than a re-approval. We are very confident and expect BALAI approval no later than next week.

A birth control program has been put in place and a surplus list compiled, aiming to successfully reduce the number of animals on site. A number of animals will be moved to other Zoos once we have received BALAI approval."

4.6. Following a request from the Reporting Officer, Mr Kaufmann emailed the following additional information regarding the BALAI approval on 25th September 2017:

"we are currently not BALAI approved. As our peacocks tested positive for Chlamydothila, we are currently awaiting APHA's answer whether they will suspend all of it or just grant it for mammals until our peacocks have been treated successfully."

4.7. I must also remind Members of the Directive Condition 4 on CZCL's licence that states:

The operator of the Zoo must ensure that the following measures are implemented in the Zoo:

4. Introduce practical measures designed to prevent the intrusion of pests and vermin into the premises of the Zoo.

There were no sightings of rodents during the inspection on 3rd August 2017, although there was evidence of rodents adjacent to the Meerkat enclosure. CZCL have carried out remedial work to the primate house, earlier this year and continue to trap and bait accordingly. Mr Kaufmann has introduced new traps and baiting continues on planned basis throughout the site.

4.8. Officer Recommendation

That Members note the above information and observations made by Dr Brash and Mr Kaufmann and acknowledge the additional work done by CZCL in compliance with Directive Condition 4.

4.9. Options for Members

- Accept the Officer recommendation and note the information and work done in compliance with Directive Condition 4;
- Reject the Officer recommendation and elevate Directive Condition 4 to a Direction Order.

5. Lease Arrangements & Financial Statement

5.1. Members will be aware from the Committee report dated 9th May 2017 that CZCL has leased the land on which the Zoo stands from the landowners (Mr David Gill and SLSZ). A summary of the details are as follows:

From the (12th January 2017), CZCL have entered into:

- a) Two identical six month leases with Mr Gill and SLSZ for their respective parts of the Zoo;
- b) A service agreement controlling the extent of their operation of the Zoo; and
- c) Two loan agreements for animal collections in the private ownership of Mr Gill and SLSZ.

It was originally planned that once a licence was granted to CZCL, Mr Gill & SLSZ would enter into two 8 year leases with CZCL for their respective parts of the Zoo.

The commitment to the 8 year lease was deferred to ensure Stamp Duty Land Tax on the leases (REDACTED) would not be paid in the event that CZCL were not granted a licence.

5.2. During the informal inspection on 3rd August 2017, Officers were advised that the initial 6 month leases had been extended to 23rd January 2018, as a result the 8 year leases had not commenced. The reason behind this extension was that more time was needed to make the necessary arrangements that would enable CZCL to buy the land from Mr Gill and SLSZ, thus ending the need to enter into any further lease agreements.

5.3. It is the Councils view that the term of the existing lease has not been extended to the 23rd January 2018. The documents you have been supplied with attempted to extend the Long Stop Date in the Agreements for Lease dated 23rd January 2017, to 23rd January 2018.

5.4. The short leases for nil rent entered into on 23rd January 2017 ended on 30th June 2017. CZCL are presently holding over on the back of those leases having failed to execute the intended long lease for 8 years on or before the agreed Long Stop Date of 30th May 2017. Para 2.5 of the Agreements for lease states that if the new long lease was not exercised by 30th May 2017, then either party could cancel the Agreements for Lease and bring the legal relationship to an end. The Deeds of Variation have extended the period during which neither party can pull out of the Agreements for a new long lease, to 23rd January 2018. The Deed wrongly refers to extending the Completion Date when it should be referring to the defined term Long Stop Date.

5.5. Financial Summary

Cumbria Zoo Company Limited have supplied for following financial summary as of the 19th September 2017.

"Summary 19.9.17

Overall company strategy for 2017 was to encourage return visitation to rebuild support and reinforce the message "we are open come and see for yourself".

Following press coverage school bookings were cancelled right across the board. A previously half full calendar for April- July ended up completely cancelled. Since the appointment of an education Officer in June, tasked with the role of engaging with schools, school bookings started to return. Lyndsay has done a tremendous job working internally and externally with local schools delivering in school and in Zoo workshops 1952 school children physically visited in the latter weeks of term, and bookings since the return to school are looking positive. A similar cancellation story with coach operators with all visits cancelled, a marketing campaign resulted in 2158 visitors on organised coach operator's trips in August.

A number of new initiatives were put in place prior to the summer holidays aimed at redefining safari Zoo including a new website; phase 1 of a social and digital media campaign the results of which were fantastically encouraging and will determine phase 2 and phase 3 of the "rebrand/ marketing strategy". The result of which saw Summer visitor figures ending just slightly ahead of last years and although visitor total spend was, because of the pricing strategy, reduced in comparison good average spends were seen across the board with animal feedings, experiences and of course retail spends being increased and overall income: expenses were on target.

The current financial position sees no outstanding bills as of Sept 1st. The MBO agreement has an extended agreement date of 23rd January, since June CZCL have been paying the equivalent monthly purchase figure as a deposit into the solicitors account, and the company has a small amount in the bank with a strategy of events and programme to encourage visitor retention over the winter months."

*Karen Brewer
CEO*

6. Considerations

(i) Legal Implications

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

Section 12 Informal inspections

(1) Without prejudice to sections [9A,] 10 and 11, the local authority shall make such arrangements as they think fit to ensure that any Zoo for which a licence granted by that authority is in force is inspected informally by an inspector once in any calendar year in which no inspection is made under those sections.

(2) The inspector shall be appointed by the authority and shall be a person appearing to the authority to be competent for the purpose of the inspection.

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

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

(4) allows the licence to be altered by varying, cancelling or attaching a condition to the licence (or a combination of any of those methods).

Section 16A Enforcement of licence conditions

(1) Subsection (2) applies where the local authority, after giving the licence holder an opportunity to be heard, are not satisfied that a condition attached to a licence granted by them under this Act is met in relation to the Zoo or a section of it.

(2) Unless subsection (3) applies, the authority shall make a direction specifying-

(a) the licence condition which they are not satisfied is met;

(b) whether they are not satisfied that that condition is met in relation to--

(i) the Zoo; or

(ii) a section of the Zoo, and if so, which section;

(c) steps to be taken by the licence holder to ensure that that condition is met in relation to the Zoo (or, if a section of the Zoo is specified under paragraph (b)(ii), in relation to that section) within a period specified in the direction, which may not exceed two years from the date of the direction; and

(d) whether the Zoo or a section of it is required to be closed to the public during that period or any part of it specified in the direction.

(3) This subsection applies if the authority have power to make a Zoo closure direction under section 16B(5) and they exercise that power.

(4) The authority may, after giving the licence holder an opportunity to be heard, make a direction under this subsection varying a direction under subsection (2) (including such a direction as varied by a direction under this subsection).

(5) A direction under subsection (4) may increase the period specified in the direction under subsection (2)(c) or (d), but the period as increased must not exceed two years beginning with the date of the direction under subsection (2).

(6) A direction under subsection (2) (including such a direction as varied by a direction under subsection (4)) may be revoked by a further direction of the authority.

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

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

(ii) Risk Assessment

Section 16A Enforcement of licence conditions (as above) applies.

Section 19 of the Zoo Licensing Act 1981 - Offences and penalties

(2) If the operator of a Zoo fails without reasonable excuse to comply with any condition for the time being attached to a licence for the Zoo granted under this Act and held by him, he is guilty of an offence.

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding [level 4 on the standard scale] for an offence under subsection (1), (2), (3A), (3B), (3C), (3E), or (3F) and [level 3 on the standard scale] for an offence under subsection (3), (3D) or (3G).

(5) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to have

been attributed to any neglect on the part of, any director, manager, secretary or any other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, is guilty of that offence and liable to be proceeded against and punished accordingly.

(iii) Financial Implications

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

(iv) Key Priorities or Corporate Aims

None identified

(v) Equality and Diversity

Not applicable

(vi) Other Human Rights

All licence holders have a right to a fair and public hearing

(vii) Health and Well-being Implications

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

Background Papers

Zoo Licence held by Cumbria Zoo Company Limited

Licensing Regulatory Committee 9th May 2017. Reports, Minutes and Decision Notice

Appendices

- 1 Informal Inspection Report – Dr M Brash
- 2 Cumbria Zoo Company Limited – Response to Report
- 3 Animal Director – Job Description

Report on Unannounced Informal Inspection undertaken on 3rd August 2017

At the request of Barrow Borough Council an unannounced inspection took place of South Lakes Safari Zoo on Thursday 3rd August 2017. Present at the inspection were Anne Chapman and Graham Barker, both LA licencing officers and Dr M Brash MRCVS, acting as the LA advisory vet. Present representing the zoo were Karen Brewer, CEO, Andreas Kaufmann, Animal Director and Kim Banks, Senior Keeper.

On the day of the visit the RSPCA also made an announced visit. This was undertaken simultaneously but separately. The two teams did meet for a conversation for a brief period of time.

The aim of the inspection was primarily to determine whether condition 15 on the licence had been complied with, as it had a completion date of 31st of July 2017. However the inspection team also wished to;

1. Inspect the Tambopata aviary
2. Observe a public Lemur feeding session
3. Meet with the new Animal Director to discuss the zoos general progress
4. Receive an update on the Zoo education department.
7. Briefly walk around parts of the zoo to ensure the zoo appeared compliant with SSSMZP.

1. Compliance with Condition 15.

Condition 15, had been applied to the new Licence of Cumbria Zoo Company Ltd (CZCL) when the new Licence was issued in May 2017. The aim of this condition is to ensure that a suitably qualified person would be put in place to manage the zoo, within a reasonable period of time. Compliance date was 31st July 2017.

At the Licencing Committee meeting in May, CZCL had informed the Committee that Andreas Kauffmann, AK, had accepted the post and would be

taking up the position of Animal Director in July 2017. This would ensure compliance with this condition.

During the inspection of 3rd August 2017, the inspection team noted that;

1. AK has been in post for approximately three weeks (since July 21 2017).
2. He had not signed a contract, which was still under negotiation. His role, and his level of authority to manage the zoo, appeared unclear.
3. During interview it was apparent that he was concerned about the level of interference from the CEO KB, and the Head of Maintenance Adam Steele. He expressed concern that they were still interfering with his decision making.
4. It was noted by the inspection team that AK still has a number of commitments around the world, which will be taking him away from SLSZ. For example he will be away for most of September. He plans to have suitable management protocols in place, and to have appointed a deputy manager, by then to ensure continuity of the changes he is putting in place.
5. Despite only been in post for a brief period of time, he and his team of keepers, had already made significant progress in a number of areas. These included;
 - A staffing structure was being developed that divided the zoo into three zones, with three section heads. Each section head had been asked to write job descriptions for their roles and their keepers, and lists of equipment needed etc.
 - Improvements had made to the Leopard Tortoise enclosure, with improved U/V light, focus heat spots etc.
 - An animal collection plan was being developed. This recognises that in some areas (especially the Tambopara aviary) the zoo is still overstocked and more animals needed to depart.
 - A Zoo development plan is being created.
 - The senior keepers had attended a keeper training course with AK at Chester zoo.

A number of senior keepers were also interviewed and these confirmed the changes and development plans that were being put in place. The keepers

seemed fully on board with the proposed changes, and welcomed the arrival of AK.

Following the inspection, the next day, AK visited the LA in Barrow, and informed them that he had held meetings with KB, and now had a job description and a signed contract of employment. Copies of these were handed to the LA, and forwarded to the inspector.

These appear to fulfil the criteria required to meet condition 15.

Summary.

Although an Animal Director is in place, at the time of the inspection it was apparent that his precise role and his delegated level of authority from the CEO and the Board to manage the zoo was still unclear. It was apparent that the new Animal Director did not have full operational control of the zoo, and as such condition 15 was not fully complied with on the day of the inspection.

This needed urgently resolving with the production of a written job description and a signed contract of employment, and these documents were supplied to the LA the following day.

In the inspectors opinion condition 15 has now been complied with. However it is still early days, and time is needed for the Animal Director to implement changes. It is important to note that the contract has a six month trial period, and as such I would recommend that this condition is considered complied with, but remains on the licence, and is reviewed at the next interim inspection.

BALAI status.

The zoo has recently lost its BALAI status. The reasons for this were discussed and the inspectors informed that this was because the fence adjacent to Mr David Gill's house was incomplete at the time of their last BALAI inspection.

The zoo has re-applied for Balai status and has a further meeting with APHA on August 22nd 2017.

Veterinary Cover

The temporary cover provided by Marie Kubiak MRCVS has now ceased with the appointment of a permanent vet, Karen Archer MRCVS, a member of IZVG. She is making weekly routine visits, and providing emergency cover from home. The zoo continues to try and develop a relationship with a local veterinary practice. Andrew Greenwood FRCVS makes a single monthly visit.

Jon Cracknell has ceased to act as a veterinary advisor, as his services are no longer required.

Lemur feeding

Lemur feeding, by the public, has historically been of concern. The large number of lemurs and people involved in these public feeding sessions has the potential for members of the public to come into close contact with these primates and the potential for them to be bitten. As a result there is a standing condition on the zoo's licence requiring the zoo to ensure that animal bites are eliminated as far as is reasonably practical.

The zoo has amended the lemur feeding process to try to meet this condition by increasing the number of feeding sessions to two a day, and decreasing the number of lemurs held in the WWS. The inspectors observed the one o'clock feeding session.

Approximately 50 members of the public were in attendance, and five keepers. The inspector noted;

1. The keepers do a good job instructing the public about safety and requesting that the public stay approximately one metre back from the rail.
2. The talk is educational, and informative.
3. The public obviously hugely enjoy the experience.

However there is still considerable contact between lemurs and the public. In particular;

1. One lemur climbing onto a pram, which had to be moved off by two keepers.
2. A lemur jumped onto a member of the public when it was being chased by another lemur.

3. A lemur grabbed the hand of a member of public when trying to get hold of a grape. In doing so it partially removed the glove from the member of public which would allow direct contact with skin.

In the inspector's opinion, although the keepers did a good job in trying to control the primates and the public, this is still a situation where there is a reasonable chance that people will get bitten. In the inspectors opinion the changes already made to the feeding experience, do not suitably prevent the likelihood of a bite occurring.

To comply with condition 14 part a) on the Zoo's licence (review of animal bites), it is therefore important that the new Animal Director modifies this experience to ensure that it is carried out in a more controlled manner, to ensure public and animal safety are paramount. The problem was discussed with AK, who agrees that this area is a potential problem and he assured the inspector that he plans to put in place changes to ensure that a good public experience is carried out in a more structured safe manner.

KB informed the inspection team that to comply with part b) of the same condition, she would be reporting recent contact that occurred between a member of the public and a squirrel monkey.

In addition to the above, the Inspectors were told by the RSPCA inspector visiting on the same day that he had witnessed some squirrel monkeys in the WWS jumping on people. AK confirmed that he would also address this issue.

Further observations

1. A brief walk round of the Tambopara aviary, part of the WWS and the old monkey house, was undertaken by the inspection team. The zoo appeared tidy, and most animals appeared in good health. There were a number of minor concerns.

1. An aged male Nyala, that was now completely blind had been separated off from the herd, and was now kept on his own. He had developed a stereotypic behaviour. The inspection team were informed that the Nyala had deteriorated more markedly over the previous two

weeks, and that an ethics committee had been called to decide his future. The inspection team were informed that the following day the animal was euthanased.

2. A kangaroo was observed with an excoriated area of skin over the left pouch. The veterinary nurse was called and treatment instigated.

3. It was noted that the prairie dogs have extended their territory and are now building holes adjacent to the fence beside DG house.

4. There is still evidence of rodents adjacent to the Meerkat enclosure.

5. The education centre continues to be developed. An Education Officer has joined the staff, and she briefly showed the inspection team around the education department. Education packages are in development to ensure that the school curriculum needs are met.

Signed

Dr M G I Brash Bvet Med Cert Zoo Med MRCVS

From: Andreas Kaufmann
To: Graham Barker
Subject: Re: Informal Inspection 3rd August 2017 Report
Date: 29 August 2017 14:20:25
Attachments: 1.png
2.png

Dear Graham,

thank you very much for the report about the unannounced informal inspection undertaken on 3rd August 2017.

Meanwhile I am fully in charge of all animal related operations and everything has settled in smoothly. The new structure is almost complete and will be implemented in September. We have accomplished some more improvements and are moving forward as I write this mail to you. All senior keepers are performing their jobs and duties well and an Animal Manager has been put to work who will work closely with me and act on my behalf during the times I am abroad. Actually I will be able to spend more time in the zoo than I had originally anticipated.

In regards to BALAI status an inspection by APHA took place on August 22nd which went very well. As this is a first application for approval under BALAI and the inspection is followed by a bank holiday weekend, the process will take longer than a re-approval. We are very confident and expect BALAI approval no later than next week.

A birth control program has been put in place and a surplus list compiled, aiming to successfully reduce the number of animals on site. A number of animals will be moved to other zoos once we have received BALAI approval.

Some changes have already been put in place regarding interactions between animals and the public. Squirrel monkeys are no longer in public contact areas. Some changes have already been made to lemur feedings, e.g. less attractive food items, and organizational and constructional ones are on the way. However, we are aiming to replace the current lemur interactions with more attractive experiences involving zero risk.

An increased rodent control program using new forms of traps is under way.

Kindest regards,
Andreas

PS: I am happy to tell you that the kangaroo's pouch has fully healed and all is well.

Andreas Kaufmann
Director of Animal Collections
Cumbria Zoo Ltd

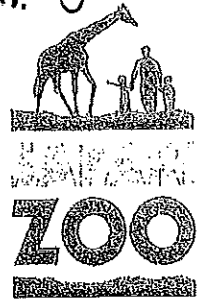
----- On Mon, 21 Aug 2017 17:01:48 +0200 **Graham Barker** wrote -----

Andreas,

Please find attached a copy of our Report on the informal inspection, undertaken on the 3rd August 2017.

I am preparing a report to the Licensing Regulatory Committee and formally request your response to the report, for inclusion, by Tuesday 29th August 2017.

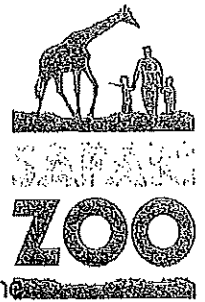
As you will be aware, our committee reports are published on our website, in advance of any hearing and you will be notified of the hearing date in good time.



DUTIES AND RESPONSIBILITIES:

Plan, direct, evaluate, and coordinate zoo operations

- Work with the Board in developing a long-range plan on collection and animal exhibits with a strong focus on conservation
- Recommend to Board policy and personnel changes and budget expenditures for zoo operations, programs, special events ...
- Responsible for the entire animal collection, their care, wellbeing and health
- Responsible for acquisition and disposition of animals
- Responsible for animal diets and review on a regular basis with veterinarian and keepers to ensure proper quality, quantity, and nutritional value
- Responsible for planning and design of new exhibits or renovation of existing exhibits, communicating regularly with the Board and working within capital budgetary restraints and strategic plans
- Ensure that the SLSZ is in compliance with all local, state, federal and international laws relevant to the operation of a zoo
- Cooperate with the Board of Directors, and others, in order to effectively manage and develop zoo operations
- Make up routine reports, activities within the zoo and the animal collection for BoD
- Assisting in developing the overall annual budget
- Represent the zoo at City Council or likewise meetings and events
- Represent the zoo towards national and international zoo organizations and actively participate in respective activities and national and international meetings
- Direct and supervise efforts to maintain a zoo license
- Provide support for the zoo education program, conservation program and volunteer program
- Responsible for opening and closing facilities, fielding staff requests and concerns
- Decision making responsibility regarding safety of staff and guests re: animals
- Working with the board taking responsibility for conservation efforts and research in cooperation with professional organizations and educational institutions



1. SUPERVISORY RESPONSIBILITIES

- Set standards for and monitor conduct of zoo employees to ensure that humane philosophy and practices are projected to the public and implemented in care of animals
- Develop work plans and assign priorities for organizational units
- Review organizational practices and procedures to ensure efficient and economical use of resources
- Direct maintenance work based on general inspection of grounds and/or consultation with zoo staff; and supervise the maintenance of facilities
- Responsible to organize, assign and supervise work activities of zoo personnel engaged in the care and exhibition of animals

2. PUBLIC RELATIONS

- Conduct tours through SLSZ exhibits, as needed
- Answer questions and resolve complaints from the public
- Prepare and disseminate, provide input and check accuracy of, informational literature, bulletins, guidebooks, and other publications, including social media and other media broadcasts. (radio, television, newspaper, magazine and billboard)
- Approve animal specific content on zoo website and social media posts
- Develop and maintain relationship with radio, newspaper and television as well as other media

On behalf of the Company:	[Redacted]	Date:	4.8.17
Employee:	[Redacted]	Date:	11th Aug 2017