

Licensing Regulatory Committee	(D) Agenda Item 6
Date of Meeting: 10th November, 2016	
Reporting Officer: Principal Environmental Protection & Licensing Officer	
Title: Zoo Licensing Act 1981 (as amended) Zoo Licence for South Lakes Safari Zoo Ltd – Africa House	
Summary & Purpose of the Report	
<p>Mr David Stanley Gill holds a zoo licence issued on 8th June 2010 to operate a zoo at premises known as South Lakes Safari Zoo Ltd (“the Zoo”), Crossgates, Dalton-in-Furness, Cumbria, LA15 8JR.</p> <p>Following an application from Mr Gill to renew his licence, at a Hearing held on 5th, 6th & 7th July 2016, Members decided not to renew Mr Gill’s licence. The licence remains in force until its expiry on 7th January 2017 and needs to be reviewed and assessed accordingly. During this period Officers have conducted monthly informal inspections, the latest one having been undertaken on the 3rd November 2016.</p> <p>The purpose of this report is to ask Members to consider:</p> <ol style="list-style-type: none">1. Adding one further condition to the Zoo’s licence in relation to animal welfare in the Africa House; and2. Note work which has been carried out to the fencing surrounding the tiger enclosure.	

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1. Background

Mr David Stanley Gill holds a zoo licence issued on 8th June 2010 to operate a zoo at premises known as South Lakes Safari Zoo Ltd, Crossgates, Dalton-in-Furness, Cumbria, LA15 8JR.

At its hearing held on 5th, 6th & 7th July 2016, Members decided not to renew Mr Gill's licence. However the licence remains in force until its expiry on 7th January 2017. Officers have conducted monthly informal inspections during this interim period to check licence conditions and that the provisions of the Zoo Licensing Act 1981 (as amended) (hereafter called 'the Act') are being complied with.

On Thursday 3rd November 2016 an informal inspection took place;

The Inspection Team consisted of:

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

During the inspection, the Africa House was visited to review the arrangements in place for winter; such as adequate heating, drainage and bedding. Part of the external fencing around the tiger enclosure was also examined following comments made by the Zoo.

Dr Brash has produced a report following the informal inspection and this is attached at Appendix A.

Issues concerning the Africa House and tiger enclosure fencing are outlined in more detail below, in Sections 2 and 3 of this report.

1.1 Representations

Mr Gill and/or his representative(s) have been invited to attend today's committee meeting to put forward the Zoo's representations.

2. The Tiger Enclosure Fencing

The tiger enclosure fencing consists in part of sections constructed of perspex and metal to enable the public to view the tigers clearly. During the informal inspection on 3rd November 2016, Dr Jon Cracknell BVMS CertVA CertZooMed MRCVS, who is assisting the Zoo as a consultant, proactively pointed out to Inspectors that the top part of one area of the above mentioned fencing had a sideways movement of approximately 12 inches when a lateral force was employed.

The Inspectors considered there was a low likelihood of the fence failing, hence immediate enforcement under health and safety legislation was not warranted. However it was acknowledged that the fence required some reinforcement. It was identified that the instability had come about because some retaining metal struts had been disconnected when an elevated walkway had been removed earlier in the year.

The photo below taken by Dr Brash shows the relevant section of the fence.



Because of the lateral movement noted, Dr Brash recommended the following condition be placed on the Zoo's licence:

"In accordance with 8.6 of the SSSMZP animals, except free ranging animals, should be kept in enclosures so constructed as to avoid escape. The instability of the tiger fence is a potential weakness that could allow the tigers to escape in certain circumstances. The fence must be stabilised using suitable brackets to ensure that is able to withstand impact that could lead it to fall over (Immediate)."

As the Inspectors were finishing the inspection, the Zoo's representatives (Dr Jon Cracknell and Karen Brewer) stated that work to stabilise the fence would be undertaken immediately.

The Zoo has confirmed the work has been undertaken via email and provided a photograph (below) for information showing 5 inch galvanised drive screws fixed in two places onto the roofing of the adjacent covered walkway.



Dr Jonathan Cracknell BVMS CertVA CertZooMed MRCVS has also confirmed that work has been undertaken in an email dated 4th November 2016 and included another photograph showing the supports which is reproduced below:



Dr Cracknell has stated that the fence is now rigid with no lateral movement. He also adds that the Zoo is carrying out further work to proactively strengthen one other area of the fence where minor movement was detected.

To confirm the above work has been completed, the Reporting Officer will visit the Zoo on 9th November 2016 and Members will be provided with an update at the Committee meeting.

2.1 Guidance

The relevant paragraphs of the Secretary of State's Standards of Modern Zoo Practice (SSSMZP) state:-

"8.6 All animals should be kept in enclosures so constructed as to avoid escape. Gates and doors to enclosures must be securely locked so as to prevent unauthorised opening. In general, there should be a double gate/door system in place to prevent escape from the secure area should one gate/door be breached.

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

2.2 Officer Recommendation

That Members note the Zoo has undertaken work to resolve the problem with the tiger fencing therefore there is no requirement to add a condition to the licence.

2.3 Reason for Recommendation

The Zoo has supplied evidence to show the tiger fencing has been strengthened. The Reporting Officer will be able to provide verbal confirmation to Members following his visit on 9th November 2016.

2.4 Options for Members

- Accept the Officer recommendation, note the work undertaken by the Zoo and do not add a condition to the licence.
- Reject the Officer recommendation and add a condition to the licence

3. The Africa House – issues concerning animal welfare

The Africa House was built in 2015/16 and is currently split into 4 sections; rhino accommodation, giraffe accommodation, mixed species stabling and keeper zones. It is a large, cavernous style building with a high central roof so all the species share one airspace. It measures approximately 50 metres by 30 metres.

The pictures below taken by Dr Brash show some of the different areas and species:



The Giraffe end of the house.



The central mixed species stabling (Photo taken in August).



The Rhino accommodation

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

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

Three areas of concern relating to animal welfare have been identified by Dr Brash at the November 2016 inspection:-

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

Dr Brash comments as follows in his report:

a) Flooring and Substrate

"The flooring throughout is smooth concrete, which whilst easy to clean, is not an ideal surface for animals as it can act as a slip hazard. One giraffe has died after slipping in June 2016. The giraffe floor now has a scattering of sand, with some straw to minimise the possibilities of a giraffe slipping. There was no evidence of a thicker bed, e.g. of straw or shavings, for the giraffe to lie on, should they wish.

There was no bedding or substrate present for the rhino. This is of particular concern as one of the rhinos has a juvenile calf, and two others are pregnant. Concrete is a cold material to lie on, and uncomfortable. The lack of bedding is of particular concern to the juvenile rhino, as a prolonged period of lying on cold concrete may lead to hypothermia.

The mixed species had bedding provided, and were out in the paddock at the time of the inspection.

There are a large number of guidelines regarding flooring and substrate provision for both Rhino and giraffe. For example;

Rhino

*1. A brushed or broom-finished concrete floor that is well-drained and ensures adequate footing is recommended. **RHINO Husbandry Manual**, Editors Lara Metrione and Adam Eyres INTERNATIONAL RHINO FOUNDATION (Page 46)*

*2. Bedding materials such as hay, wood shavings and hoofed-stock rubber matting are optional for white rhinos. Other situations in which bedding is required include barns with rough substrates (which may cause skin ulcerations) or for additional warmth for sick animals or young calves. **RHINO Husbandry Manual**. Editors Lara Metrione and Adam Eyres INTERNATIONAL RHINO FOUNDATION (Page 46)*

*3. White rhinos can suffer from nail cracks and laminitis. This means that the substrate they are walking on is very important. The best types of substrates include wood chips / concrete / rubber / soil / sand. Hay can be put on top of the concrete to offer a softer place to lay down (IRKA, 2010a). No extra bedding material is needed if hay is offered **in abundance** on the floor of the pen. Pens that house calves should be furnished with more hay than is eaten. (Goltenboth et al., 2001)*

Giraffe

*1. Substrate should be broom finished concrete or decomposed granite. **AZA Husbandry Recommendations** Rieches, Randy. "Giraffes." AZA Minimum Husbandry Guidelines. Silver Springs, MD: American Zoo and Aquarium Association, 1997.*

*2. Most giraffe are housed at night and bedding, such as sawdust, straw or mulch to sleep on is provided in the house. **Giraffe Husbandry Manual - Australasian Zoo Keeping** (pages 18 -21)*

*3. Giraffe are rarely seen lying down on hard surfaces, such as cement (Murray 1997). Captive giraffe spent a much greater time standing than wild giraffe, particularly in metro zoos. To prevent the problem of overgrown hooves, a hard abrasive surface is recommended for giraffe. The surface needs to be non-slip. The following has been used: textured cement or concrete, scoria, various crushed gravels, decomposed granite, granitic sand, asphalt and loose sand spread over concrete. The abrasive surface is not required throughout the exhibit, but recommended for walkways, feed stations and areas of heavy traffic. Inside giraffe houses, cement, and rubber mat flooring has been used, this is usually covered with some form of bedding material, such as sawdust, straw or mulch. **Giraffe Husbandry Manual - Australasian Zoo Keeping** (pages 18 -21)."*

b) Drainage

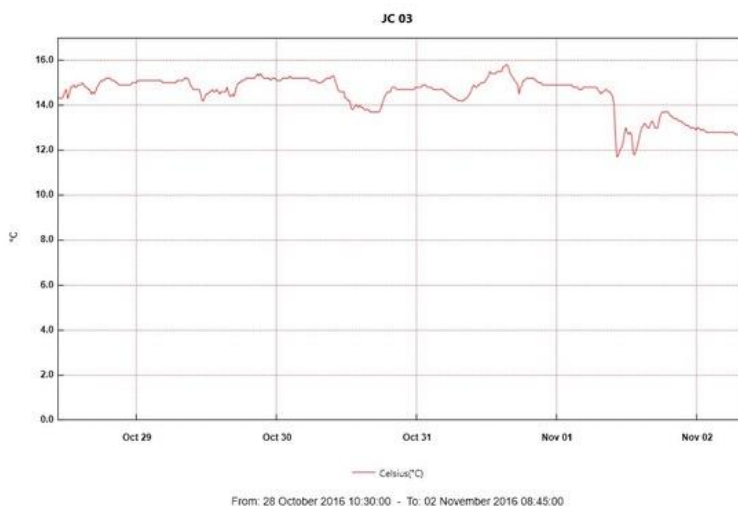
“There is a lack of suitable drainage in this facility, with the tilt on the concrete flooring such that urine and waste is moving to the walls of the pens rather than the drainage channels. As long as staff are available to remove waste on a regular basis, then this situation is manageable, however a long term solution to the drainage will be required.”



c) Heating

“A heating system has still not been installed. Whilst there is a heater of some type present there is no evidence of any attempt to fit this. None of the zoo management present knew what the plans for heating the animal house were, nor are there written plans.

The temperature in the house is being monitored, see chart below. From this it is apparent that as the ambient temperature drops, the indoor temperature is also dropping.



The graph clearly shows that the temperature of the house is already dropping below that required by the animals. It is essential that animals such as rhinos have accommodation that meets their welfare needs.

This is of particular importance as whilst Giraffe can cope well with high ambient temperatures, they are not good at coping with low temperatures. Non Shivering Thermo-genesis uses energy reserves that these animals do not have, and makes them prone to Per-acute Giraffe Mortality Syndrome.

Rhino are more robust at coping with a lower temperature, but juveniles are very susceptible to low temperatures, and in all cases they should be provided with an environment that meets their needs at all times.

There are many freely available Husbandry guidelines regarding the provision of suitable temperatures in Rhino and Giraffe accommodation.

1. White Rhino

- a) *The temperature in the stable should be at least 14 °C with the capability of maintaining some areas at 20 °C / 16 -17 °C as maximum (Goltenboth et al., 2001). For sick or older animals the inside temperature should be a little higher than for healthy white rhinos. **Ref Concept Husbandry Guidelines for the White Rhinoceros (Ceratotherium simum)***
- b) *Localities that experience average daily temperatures below 10°C (50°F; average of high and low temperatures over a 24-hr period), should provide heated facilities capable of maintaining a minimum temperature of 13°C (55°F). **RHINO Husbandry Manual** Editors Lara Metrione and Adam Eyres INTERNATIONAL RHINO FOUNDATION (Page 41)*
- c) *An indoor facility in the winter should be heated to a minimum of 13°C (55°F) with the capability of maintaining some areas of the barn at 23.9°C (75°F).*

*Supplemental heat may be needed when dealing with infants or with sick or older animals. **RHINO Husbandry Manual** Editors Lara Metrione and Adam Eyres INTERNATIONAL RHINO FOUNDATION (Page 45)*

2. Giraffe

- a) Temperatures in the house should be maintained at a minimum of 20°C (68 °F), and at no time should fall below 18°C (64 °F). Floor heating is not recommended – it can contribute to dry hooves and increase the evaporation of ammonium fumes. Air humidity is not of special importance. Ref **EAZA guidelines 2006** (Authors note; This is probably a bit high, as the disparate temperature to the outside may lead to other problems. Ideally aim for a minimum of 15 degrees C, with some hot spots. MB)*
- b) Inside giraffe barns, the optimal ambient temperature near the giraffe's body is 65 degrees or higher. It is best to measure this temperature at the mid-chest level of the giraffe. Heaters located at the top of a barn will certainly warm a giraffe's head but may not properly warm its body. Barns with heated floors are optimal, as the heat will rise and warm the animal's legs and body. By way of example, one giraffe became hypothermic and died inside a heated, albeit drafty, barn where the upper level of the barn was nearly 70 degrees but the lower area was only 45 degrees. (ref **Proper Giraffe Care in Cold Weather** USDA APHIS)*
- c) Giraffe are very susceptible to the cold and their body temperature is likely to fall when ambient air temperatures are low, in these circumstances the giraffe will have increased energy demands (Clauss M, Suedmeyer WK, Flach EJ. (1999). **Susceptibility to cold in captive giraffe** (*Giraffa camelopardalis*). Proc AAZV, pp. 183-186."*

Conclusion

Despite Inspectors raising the issue of heating in the Africa House in August 2016, at the date of the November 2016 inspection no heating had been installed to ensure the welfare of the animals would be met over the winter period. Of particular concern were the giraffes and rhino (specifically rhino juveniles). In addition, other concerns relating to the flooring/substrate and also drainage, which would affect the welfare of the animals, were also identified.

The Council's veterinary advisor, Dr Brash, has recommended that action be taken 'immediately or as soon as possible' to rectify this situation by placing a condition on the licence.

3.1 Guidance

The Secretary of State's Standards of Modern Zoo Practice states:-

Section 2 - Provision of a suitable environment

“2.1 The temperature, ventilation, lighting (both levels and spectral distribution) and noise levels of enclosures must be suitable for the comfort and well-being of the particular species of animal at all times. In particular:

- a) consideration must be given to the special needs of pregnant and newly-born animals;*
 - b) newly-arrived imported animals should be allowed to become fully acclimatised into their new environment. In some cases, this may be a gradual process;*
 - c) tanks for aquatic animals need to be adequately aerated, according to the number kept in each tank, and must be heated or cooled according to the needs of the species. Environmental parameters (e.g. salinity, water quality) must be suitable for the species;*
 - d) indoor housing must protect against extremes of sunlight, heat, draughts and cold, and provide appropriate humidity.*
- (See Appendix 8 – Specialist exhibits)*

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

2.3 Enclosures and barriers to enclosures must be maintained in a condition which presents no likelihood of harm to animals. In particular:

- a) any defect in barriers or appliances likely to cause harm to animals must be rectified at once. If this is not possible, the animals should be removed from the possibility of any contact with the source of the danger until rectified; a record should be kept of any action taken;*
- b) any vegetation capable of harming animals must be kept out of their reach;*
- c) water-filled and dry moats used for the confinement of animals must provide a means of escape back to the enclosure for animals falling into them;*
- d) any natural materials (e.g. plants and their products, such as seeds or fruit) or any introduced non-natural materials (e.g. paint, chemicals, treated substrates and treated water) should be assessed for toxicity to the species held before use.*

2.4 All plant and fixed equipment, including electrical apparatus, must be installed and maintained in such a way that they do not present a hazard to animals, and their safe operation cannot be disrupted by them.

2.5 Where environmental quality is dependent on external utilities, adequate backup facilities must exist in case of failure.

2.6 Adequate provision must be made for servicing, maintenance and uninterrupted operation of life-support systems.

2.7 Tools and other portable equipment must not be left unattended in places where they could cause animals harm, provide a means of escape, or serve as missiles.

2.8 Rubbish likely to cause harm in animal enclosures must be cleared as soon as possible.

2.9 Proper standards of hygiene, both in the personal hygiene of staff and in enclosures and treatment rooms should be maintained. In particular:

- a) special attention must be given to the management and appropriate cleaning of enclosures and equipment within them, to reduce the risk of disease. In the case of aquatic animals, there should be regular monitoring of water quality;*
- b) suitable cleaning agents must be readily available, along with supplies of water and the appropriate safe means to apply them;*
- c) veterinary advice must be obtained and followed regarding the routine cleaning and sanitation requirements of enclosures or other areas. Particular care must be taken if an infectious disease is identified in any animal.*

2.10 The drainage of all enclosures should be capable of removing efficiently all excess water.

2.11 Any open drains, other than those carrying surface water, must be outside enclosures.”

3.2 Officer Recommendation

That Members add the following condition to the Zoo's licence:-

- 1) 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 then be implemented, and the temperature of the house continuously monitored to ensure that suitable temperatures are maintained. Timescale: A maximum of 3 weeks after 1 above.

3.3 Reason for Recommendation

- a) The Zoo has failed to provide a suitable environment to meet the welfare needs of the animals in the Africa House, as required by the Secretary of State's Standards of Modern Zoo Practice.
- b) The lack of provision was highlighted by inspectors in August 2016 but no progress had been made by 3rd November 2016.
- c) The colder winter months are imminent, and inadequate temperatures are already being experienced within the Africa House.

3.4 Options For Members

- a) **Accept** the Officer recommendation and attach a Condition with the previously stated compliance deadlines; or
- b) **Accept** the Officer recommendation and attach a Condition with a different compliance date(s); or
- c) **Reject** the Officer recommendation and decide not to attach an additional Condition.

4. Considerations

(i) Legal Implications

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

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

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

(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).

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

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

(ii) Risk Assessment

Not Applicable

(iii) Financial Implications

The Council may be subject to an appeal against the Committee's decision in the Magistrates' Court under Sections 18(b) or (c) of the Zoo Licensing Act 1981.

(iv) Key Priorities or Corporate Aims

None identified

(v) Equality and Diversity

Not applicable

(vi) Other Human Rights

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

(vii) Health and Well-being Implications

Not applicable

Background Papers

Zoo Licence held by South Lakes Safari Zoo Ltd