**BOROUGH OF BARROW-IN-FURNESS**

**LICENSING REGULATORY COMMITTEE**

 Reconvened Meeting: Wednesday 29th March, 2017

 at 9.30 a.m. (Drawing Room)

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

Officers Present

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

Others

Paul O’Donnell (Local Authority Retained Solicitor)

Dr Matthew Brash (Retained Veterinary Consultant - DEFRA Inspector)

Mr Gill’s Representative

Mr S. Walker (Legal Representative – Livingstons Solicitors)

**92 – Apologies for Absence**

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

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

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

 **Compliance Report Regarding Current Licence Conditions**

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

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

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

The Principal Environmental Protection and Licensing Officer reported that along the western perimeter fence of the Zoo there was a colony of free roaming prairie dogs. These animals lived in extensive burrows and warrens. During the November 2015 Renewal Inspection, the Inspectors were concerned that the prairie dogs may reach and burrow under the perimeter fence because the Zoo’s management had said it was only set into the ground at a depth of 30cm in that area. The Inspectors therefore recommended that Condition 28 be placed on the licence.

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

“In accordance with 8.10 and 8.29 of the SSSMZP a suitable and

sufficient written risk assessment carried out by a suitably qualified

professional on the effectiveness of the perimeter fence must be

undertaken and the recommendations be implemented.

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

**[Timescale 6 months]**

**Compliance date – 2nd September 2016**”

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

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

“Condition 9. If the recently installed fencing is to remain as the perimeter fence of South Lakes Safari Zoo and if sections of it are to act as the primary barrier holding animals in the World Wide Safari, then remedial work must be undertaken to ensure that the fence has been buried under ground to a suitable depth to ensure that animals capable of burrowing, e.g. prairie dogs, are unable to burrow under the fence and escape from the Zoo site. (3 months)”.

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

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

Mr Walker made representations on this matter.

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

RESOLVED:- That

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

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

The Principal Environmental Protection and Licensing Officer reported that Condition 29 was placed on the Zoo’s licence at a meeting of this Committee on 24/25th February and 2nd March 2016 following concerns about the health of the flamingos’ feet noted in the November 2015 Renewal Inspection.

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

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

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

 • “Review substrate choice and enclosure design to facilitate current best practice in welfare management of flamingos – considering flooring substrate, water management, and areas ‘off show’ or ‘limited viewing opportunities’ to facilitate opportunities for natural behaviour, including reproduction.

 • Recommend experiment with various substrates rather than commit to one type e.g. trial fine sand and astro-turf areas verses concrete in the house and assess behavioural responses to preferred substrates.

 • Review enclosure design for potential sources of injury e.g. door handle design, catch up areas, reduction of birds being spooked, etc

 • Implement a plan of annual or biennial review, health check and foot care scoring to document foot care changes balanced against reproductive stresses and enclosure catch up and assess responses to change in environment

 • Review temperature delivery indoor areas as well as ventilation during the winter – it is noted that flamingos are hardy and can cope with low temperatures

 • Ensure all birds are microchipped and records up-dated on ZIMS to ensure no

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

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

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

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

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

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

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

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

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

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

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

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

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

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

During the Renewal Inspection which took place on 17th and 18th November 2015, the Inspectors expressed concern about the number of bites and injuries to the public which were recorded in the accident book. The Inspectors recommended that a condition be placed on the licence. At a meeting of this Committee on 23rd, 24th February and 2nd March 2016, Members had added Condition 33 to the Zoo’s licence.

A review of bite injuries was undertaken by the Zoo and an action plan was produced which was reviewed during the Special Inspection on 23rd to 25th May 2016. However, there was concern that only the bites that had been noted by the Inspectors at their inspection in November 2015 were covered in the review and it stated that there had been no further bites reported.

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

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

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

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

At a Special Inspection on 15th August, 2016, the Inspector concluded that the condition had still not been complied with and he recommended that it be reissued with more precise wording with a new compliance date. He stated that whilst the Zoo continued to have food outlets in areas where free ranging primates had access, then there was a high likelihood that bites or other injuries to the public would occur. The Inspector also noted, but did not observe, that the lemur feeding experience had not been altered, and that this was also an area where there was insufficient control over primate/visitor contact.

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

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

At the meeting on 13th October 2016, Members had agreed to escalate Condition 33 to a Direction Order containing the requirements and compliance dates set out in the table reproduced in the Officer’s report.

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

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

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

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

A second report entitled Animal Guest Interaction Audit – Part 2 (prepared on 4th December 2016) was sent to the Local Authority on 23rd February 2017. This provided an update on the first report and detailed a very comprehensive mitigation strategy. Karen Brewer also provided an update on the mitigation strategy as of 23rd February 2017. Both these documents were attached as appendices to the Officer’s report.

The second part of the Condition required that all contact injuries must be reported to the Local Authority within 14 days. Since the Committee meeting on 15th October 2016, there had been two incidents reported to the Local Authority by Karen Brewer as follows :-

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

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

|  |  |  |  |
| --- | --- | --- | --- |
| Date | Species | Incident | Source |
| 19.10.16 | Turkey | Playground area, not witnessed but young child bruise under eye and said hurt by a bird | AR |
| 22.10.16 | RT lemur | Holding on to grape to feed lemurs, lemurjumped off fence and grabbed the child onboth wrists and bit the child on the right thumb. | AR |

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

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

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

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

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

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

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

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

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

RESOLVED:- That

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

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

The Principal Environmental Protection and Licensing Officer reported that the

heating in the Africa House was raised with the Zoo during a Special Inspection that was carried out on 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.

An Informal Inspection which took place on 3rd November 2016 involved assessing the Zoo’s progress towards installing heating and to confirm that suitable provisions had been made for the animals in the Africa House in preparation for winter.

Dr Brash, in his report stated that there were three areas of concern relating to animal welfare which have been identified at the November 2016 Inspection:-

1. Flooring and substrate;
2. Drainage; and
3. Heating.

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

***“*Conclusion**

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

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

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

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

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

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

Officers noted:

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

Dr Brash had concluded that:

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

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

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

* The Africa House continued to maintain a suitable temperature, even during a cold snap; and
* The rhino had now also been supplied with bark chipping as bedding as well as straw.

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

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

RESOLVED:- That

1. It be noted the Zoo was complying with all the requirements of the condition; and
2. Condition 35 be kept on the licence to ensure continued compliance over a period of time with regard to heating and bedding and to ensure any issues with drainage were addressed.

**98 – Proposed Conditions**

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

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

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

Proposed Condition 1

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

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

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

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

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

Proposed Condition 2

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

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

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

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

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

Proposed Condition 3

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

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

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

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

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

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

Condition 19 stated:

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

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

In relation to Condition 19, the Zoo had provided a copy of a Pest Control Report produced in September 2016 by an independent pest control company to the Local Authority.

The summary of this report stated:

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

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

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

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

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

A copy of this full report was attached as an appendix to the Officer’s report for the Committee’s information.

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

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

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

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

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

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

RESOLVED:- That

1. The Zoo’s compliance with the proposed Direction Order be noted; and
2. The existing licence condition regarding vermin (Condition 19) should remain on the licence as this required the Zoo to produce an independent professional pest control report every September and submit it to the Local Authority annually by 31st October.

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

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

Proposed Condition 4

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

Proposed Condition 5

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

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

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

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

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

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

It is the Inspector’s view that the Local Authority should consider prosecuting David Gill under Section 4 of the Animal Welfare Act for allowing these animals to suffer (and some of them to die), and be likely to suffer.

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

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

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

On 22nd January 2017, Karen Brewer emailed the Local Authority with an action plan and a note of actions completed regarding the Tambopata Aviary and surrounding areas. This was attached as an appendix to the Officer’s report for the Committee’s information. The action plan was created on 18th January 2017 and it stated in the document that the work would be carried out immediately when responsibility for that area had been handed to CZCL.

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

On 27th January 2017, Ms Brewer emailed the Local Authority again with a welfare review and details of further work carried out in the Tambopata Aviary and also other areas of the Zoo.

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

“1. The whole area has been thoroughly cleaned. The
 previously overwhelming smell due to the high level of
 ammonia is no longer present.
2. The stocking density has been decreased with a number
 of species removed. There are plans to reduce the
 stocking density further, but this is limited at this time of
 year.
3. The reptiles have been provided with an improved
 environment:-
 • They now have thick rubbing matting, to keep their
 plastrons off the concrete, and assist with thermo
 regulation;
 • They have now been supplied with U/V light;
 • There is improved substrate throughout the rest of
 the enclosure;
 • Diet has been improved; and
 • The environment is still limited, but is a marked
 improvement.
4. The Parma Wallabies have a significantly improved
 environment:-
 • The edges, piping, where they were thought to be
 injuring themselves has been blocked off with
 wood;
 • Visual barriers have now been put in place;
 • There is increased bedding and food; and
 • The substrate has been altered with markedly
 increased provision of straw.
5. The veterinary nurse informed the inspectors, that apart
 from one more Parma wallaby that died soon after the last
 inspection in January there have been no further deaths,
 in this area.
6. All diets for animals in this section have been reviewed by
 the veterinary consultant and signed off.
7. There has been a concerted attempt to get rid of vermin,
 although a sick rat was noted during the inspection.”

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

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

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

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

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

RESOLVED:- That

1. The work already undertaken by the Zoo in relation to Proposed Condition 4 be noted and that it should not be added to the Licence; and
2. The Zoo’s compliance with the Proposed Condition 5 and the Direction Order be noted and no further action be taken.

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

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

Proposed Condition 6

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

Proposed Condition 7

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

Proposed Condition 8

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

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

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

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

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

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

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

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

Proposed Condition 9

If the recently installed fencing is to remain as the perimeter fence of South Lakes Safari Zoo and if sections of it are to act as the primary barrier holding animals in the World Wide Safari, then remedial work must be undertaken to ensure that the fence has been buried under ground to a suitable depth to ensure that animals capable of burrowing, e.g. prairie dogs, are unable to burrow under the fence and escape from the Zoo site. (3 months)

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

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

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

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

Proposed Condition 10

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

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

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

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

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

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

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

Mr Walker supported the Officer’s recommendation.

RESOLVED:- That

(i) That the proposed condition is not placed on the licence due to the measures
 taken by the Zoo; and

(ii) That Condition 2 of the Licence shall not be elevated to a Direction Order.

The meeting closed at 12.18 p.m.