**SPECIAL LICENSING REGULATORY COMMITTEE**

**9th May, 2017**

**RECORD OF DECISION**

**Agenda Item No.6**

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| **Title** | **Decision** | **Timescale** | **Finding of Facts** | **Reason for Decision** |
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| Agenda No. 6 - Zoo Licensing Act 1981 (as amended) - Zoo Licence for South Lakes Safari Zoo Ltd. Original Licence Application (pursuant to s.2 Zoo Licensing Act 1981) – Cumbria Zoo Company LimitedRequest for Adjournment of Meeting | That the Committee should carry on with today’s proceedings. | N/A | * At the commencement of the meeting, the Environmental Health Manager informed the Committee that she had received 2 objections about today’s meeting going ahead.
* The objections were raised due to the late publication of an addendum to Agenda Item No. 6 which was published on Friday 5th May, 2017. Objectors stated they had been given insufficient time to absorb and analyse the information.
* In response to a request for the identity of the objectors, the Environmental Health Manager declined to reveal the details of objectors.
* Mr Paul O’Donnell, the Council’s Legal Advisor advised the Committee, the Zoo representatives, press and public regarding the requirements of Section 100(b) of the Local Government Act 1972 and the strict 5 clear day disclosure period which should have been adhered to.
* The addendum published on 5th May, 2017 was a summary of the Part 2 information which related to financial and commercial contracts.
* Officers had identified that no summary was in place and a collective decision was made that a redacted summary be placed in Part One to aid transparency of the Committee process.
* Paul O’Donnell had informed the Committee that they would need to decide whether the late disclosure would preclude a member of the public from making representations which would materially affect the outcome of the meeting.
* He also referred the Committee to R (Joicey) v Northumberland County Council [2014] EWHC 3657  Mr Justice Cranston’s decision, in particular the test contain in paragraph 47.
* The Committee fully considered this during the decision-making process.
* Mrs S Swarbrick:-
* Informed the Committee that Cumbria Zoo Company Limited had not made the objection;
* She was disappointed that the addendum had been published without the authors of the Part 2 documents having been contacted and felt that the addendum was factually incorrect and misleading.
* She also stated that her concerns about the addendum could be dealt with during proceedings.
* The Part 2 documents were the backbone of Cumbria Zoo Company Limited’s application.
* The documents had been with the Licensing Authority for a number of weeks prior to the publication of the agenda for today’s Committee and it was disappointing that the information was published late.
* Before the Committee retired to make their decision, the Chairman informed Mrs Swarbrick that no Officer had aimed to mislead the Committee as she had claimed. She later withdrew this statement.
 | * The test contained in para. 47 of the Joicey case were applied.
* The addendum released no new information to the interested parties;
* In the interest of openness a redacted version was produced to assist the public’s understanding of the case;
* The public could not reach a determination based on the summary document alone. The document needed to be read in combination with the legal documents (figures were removed from the summary).
* The Committee felt that public had not been prejudiced in making representations on the relevant matters.
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| Agenda No. 6 - Zoo Licensing Act 1981 (as amended) - Zoo Licence for South Lakes Safari Zoo Ltd. Original Licence Application (pursuant to s.2 Zoo Licensing Act 1981) – Cumbria Zoo Company Limited | 1. To grant an Original Zoo Licence to Cumbria Zoo Company Limited, with conditions as recommend, for a period of 4 years, subject to the withdrawal of the appeal by Mr David S Gill against the refusal of his Fresh Licence or surrender of the licence in accordance with Section 7 (3) within 5 working days of receipt of the written notice of this decision;
2. To give delegated authority to the Environmental Health Manager to issue a Licence, when and if, the withdrawal of the appeal or surrender of the Licence occurs; and
3. To revise the wording of Condition No. 23 as follows:-
4. 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;
5. The Animal Director (or equivalent) must have the ability to make decisions independent of the registered land owner; and
6. 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.   | 1. 5 working days
2. 5 working days

For the initial appointment of the Animal Director (or equivalent) – 31st July, 2017 (evidence to be provided to the Licensing Authority) and thereafter ongoing). | * Members noted that at a hearing on the 5th - 7th July 2016, the Licensing Regulatory Committee had refused to grant the renewal of Mr David Gill’s licence and directed him to apply within 6 months for a fresh licence in accordance with s.6(1)(b) of the Act.
* On the 28th October 2016, Mr David Gill gave the Council notice (pursuant to s.2(1) of the Act) of his intention to apply and submitted his application for a fresh licence on the 6th January 2017.
* The Committee noted that pursuant to s.6(2) of the Act where an application for a fresh licence is made by the holder of an existing licence, before the end of that licence or within 6 months of receiving notice to apply, then the existing licence shall continue in force until the application for a fresh licence is either disposed of or withdrawn.
* On the 4th November 2016 a company controlled by existing employees of the Zoo known as Cumbria Zoo Company Limited (“CZCL”) gave the Council notice of their separate intention to apply for a zoo licence to operate South Lakes Safari Zoo.
* This was deemed valid on the 10th November 2016.
* As a result, the earliest date on which an original application for a zoo licence could be made pursuant to s.2(1) of the Act was 11th January 2017.
* CZCL had subsequently made two applications for an original zoo licence:-
* The first application was made on 12th January 2017 which was subsequently withdrawn following an adverse report from Inspectors following their inspection of the Zoo between the 16th and 18th

 January 2017. A copy of the Inspector’s report was  attached as an appendix and considered by the  Committee. * The second application was made on 23rd January 2017 which now formed the basis of today’s application for which a subsequent inspection was undertaken on 13th and 14th March 2017.
* On the 6th March 2017 the Licensing Regulatory Committee refused to grant the fresh licence application from Mr Gill.
* This decision was appealed by Mr Gill on the 30th March 2017 and was subject of a Case Management Hearing at Furness Magistrates Court on 4th May 2017.
* Additionally on 6th March 2017 the Committee made a Zoo Closure Direction Order pursuant to s.16B(4) for the whole Zoo having determined that a Direction Order made under s.16A(2) which required a change in management had not been complied with.
* This decision had also been appealed and was subject to the same Case Management Hearing at Furness Magistrates Court on 4th May 2017. The affect of the Order remained suspended until determination of the appeal.
* The Committee noted that the Zoo could remain open to the public until Mr Gill’s appeal against refusal of his fresh licence application was determined.
* The Committee noted ss. 2 and 3 of the Act which detailed the procedure to be adopted before the application could be entertained.
* A public consultation had taken place between the 23rd January 2017 and 28th February 2017.
* The Committee also noted ss. 4(1) and 4(1A) of the Act which set out the requirements of the Local Authority before granting or refusing to grant a licence for a Zoo.
* s. 9A(7) required the Inspectors to be nominated, after consultation with the local authority, by the Secretary of State from the list of approved Inspectors. The Secretary of State nominated inspectors were:
* Professor Anna Meredith; MA VetMB PhD CertLAS DZooMed DipECZM MRCVS; and
* Nick Jackson MBE, Director of the Welsh Mountain Zoo.
* Local Authority representatives also attended the inspection and comprised of:
* Dr Matthew Brash; B.Vet.Med Cert Zoo Med MRCVS Council’s Veterinary Advisor;
* Anne Chapman; BSc Env. Health MCIEH Environmental Health Manager; and
* Graham Barker; MSc Env. Health Principal Environmental Protection & Licensing Officer.
* Pursuant to s.4(1A)(a) the Local Authority had consulted with the applicant (CZCL) on the 20th December 2016, on the proposed conditions to be attached to the zoo licence.
* The proposed conditions were a duplication of the conditions attached to the existing licence held by Mr Gill at that time.
* No representations were received from CZCL; therefore the Secretary of State Inspectors assessed compliance with those conditions at their inspection pursuant to s.4(1A)(b).
* The Committee noted that s.18(1)(a) of the Act contained the right of appeal against a decision not to grant a licence and s.18(2) required an appeal to be brought within 28 days from the date on which the licence holder received the written notification of the Local Authority’s decision.
* It was also noted that pursuant to s.18(3), a Magistrates Court may confirm, vary or reverse the Local Authority’s decision or generally give directions as it thinks proper having regard to the provisions of the Act.
* Cumbria Zoo Company Ltd (CZCL) was formed in October 2016 and had operated South Lakes Safari Zoo (“the Zoo”), under the licence held by Mr David Gill since the 12th January 2017, when leases and service agreements were signed.
* CZCL had published a Mission Statement which was attached as an appendix to the report and considered by the Committee.
* CZCL were a registered company with Companies House, incorporated on 12th October 2016.
* Information from their application form and Companies House, confirmed the following ‘Officers’:-

Chairman LAMBERT, Stewart David Chief Executive Officer BREWER, Karen Directors:-  Accountant BIRKETT, Jayne Animal Manager BANKS, Kim Zee Deputy Animal Manager BLACK, Katherine Emma Sarah  H&S Coordinator GILLARD, Anna Elizabeth Maintenance Manager STEEL, Adam Peter Head of WWS WALKER, Yasmin Nastasja* Ownership details and pen portraits had been submitted by CZCL as part of their representation and response to the March 2017 inspection report. The pen portraits were detailed in the report for the Committee’s information.
* CZCL had stated that:-

“CZCL is a Limited Liability Company based in Dalton in Furness owned by shareholders. Shareholding has been offered to a number of individuals with a diverse range of individual experiences and qualities and experience of Safari Zoo and knowledge and experience of operational zoos all of which are committed to ensuring the continued success of the zoo. Stewart Lambert, Karen Brewer, Yaz Walker, Kim Banks, Kathy Black, Jayne Birkett, Adam Steel, Anna Gillard . MANAGEMENT TEAM The current management team as portrayed in the organisational chart is experienced to deliver the business goals. Advisory consultants in the form of Andreas Kauffman and Jonathan Cracknell have been involved. Andreas as a consultant advisor to the Animal Department, Jon Cracknell to ensure zoo licence compliance and systems and to assist in the application for the new licence, in the new company name. Both consultants are highly qualified and are of good standing and recognized by the inspection team and have met council officers. Andrew Greenwood of International Zoo Veterinary Group a vital support to both the animal and vet department.”* Before considering the current licence application, submitted on the 23rd January 2017, it was necessary to inform Members about the initial licence application from Cumbria Zoo Company Limited (CZCL) which was later withdrawn.
* This had been submitted on the 12th January and an

 Inspection was carried out from the 16th to 18th January 2017.* On the 18th January 2017, the Inspection Team met with CZCL and their legal representative to discuss their initial findings of the Inspection.
* At that meeting, CZCL were informed that the Defra Inspectors would be recommending refusal of their application.
* The Inspectors had produced the DEFRA Inspection Report Form of their findings, which confirmed the recommendation that the original licence application from CZCL be refused at that time.
* A copy of the report was attached as an appendix for Member’s information.
* The Inspector’s had made the following additional comments: -

“The key reasons for recommendation for refusal are serious concerns over:  1) Lack of a robust management and staffing structure.  Despite advice given at previous inspections of the  existing zoo on the requirement for a competent,  suitably qualified and experienced full time  Curator/Zoological Director (or Senior manager) with day  to day responsibility for the running of the zoo in order  to comply with SSSMZP, such a person is still not in place.  The current animal manager, and the written job  description for this role, do not fulfil this requirement, as  evidenced by the numerous deficits noted during the  inspection. Such a role is also not stated in the  development plan, or budgeted for over the next 3 years.  This is the case despite the recognition by the inspectors  that the new regime has only been in place for less than  a week. 2) Veterinary care. The current routine (local) veterinary  provider is, in the inspectors' opinion, inadequate in  terms of an up to date approach to modern zoo  veterinary practice, leading to some serious animal  welfare concerns directly related to inappropriate or  inadequate veterinary care.  3) The legal arrangements made for the lease, loan of  animals, and service agreement. It is the inspectors  interpretation that the legal arrangements that have  been put in place could give the owner a degree of  control over the management of the animal collection  that will not permit completely independent decisions to  be made by the applicant, and may lead to conflict  and/or affect the applicant's ability to comply with  SSSMZP at all times. 4) Financial viability of the Cumbria Zoo Company Limited.  The zoo has no assets, bank account or overdraft facility.  Under the terms of the signed lease, the level of rent and  other payments required (e.g. compulsory contribution  of £30,000 per annum to cover the fine imposed on  SLSZ) leave little or no room in the projected budgets (as  supplied at the inspection) for the applicant to maintain  and develop the zoo in order that it will comply with  SSSMZP. For example, there is no budgetary provision for  the required zoological director/curator (see point 1  above), new local veterinary arrangements (point 2),  payment of local authority licencing/maintenance fees,  substantial emergencies, or dispersal of animals in the  event of closure. The inspectors also have concerns over  the possible risk to CZCL arising from any outstanding  amounts owed by SLSZ to creditors.” “These 4 concerns mean that we are not satisfied that  the conservation measures referred to in Section 1 A of  the Zoo Licensing Act 1981 will be implemented in a  satisfactory manner by Cumbria Zoo Company Limited.  We are also not satisfied that the ability to provide  standards of accommodation, staffing or management  are currently adequate for the proper care and wellbeing  of the animals in the zoo. Whilst the inspectors are still very concerned about the  ongoing welfare issues, and lack of progress with  obtaining the services of a full time qualified  Curator/Zoological Director (and therefore compliance  with condition 34 on the existing licence held by David  Gill / SLSZ) and there are marked deficiencies with the  existing level of routine veterinary care, the inspection  team does acknowledge that great strides have been  made in many areas of this zoo, with the input of  external consultants. There is an improved culture, many  previous issues have been dealt with, eg, heating and  accommodation in the Africa house, stock reductions  and control of excessive breeding amongst free ranging  animals, bites and escapes, etc. If suitably funded and  with a realistic business plan, CZCL should be able to  obtain the services of a competent and qualified  Curator/Zoological Director, appropriate veterinary  services, a legally binding agreement ensuring complete  separation from the current owner, and invest in the  infrastructure as required. If this were to be the case,  with appropriate robust evidence that all such plans  would be put in place and implemented within a very  short period of time, there may be merit in reconsidering  an application for a new licence by CZCL.”* CZCL subsequently withdrew this initial application.
* Following the second application made by Cumbria Zoo Company Limited (CZCL) on the 23rd January 2017, an Inspection was carried out on the 13th & 14th March 2017.
* On the 14th March 2017, the Inspection Team met with CZCL and their legal representative to discuss their initial findings of the Inspection.
* At that meeting CZCL were informed by the DEFRA Inspectors that they would be recommending to the Local Authority that their application for a licence be granted.
* The Inspectors had produced the DEFRA Inspection Report Form of their findings, received by the Council on the 30th March 2017, which confirmed the recommendation, that the original licence application from CZCL be granted.
* A copy of this Report was attached as an appendix to the Officer’s report and was fully considered by the Committee.
* The Report was split into three sections; Section 1 – Directive Conditions which are mandatory, Section 2 – Other / New Conditions proposed by the Local Authority and Section 3 – Other Conditions proposed by the nominated Secretary of State Inspectors.
* The Report also contained the following additional comments and recommendations:-

 ‘Pre-amble Cumbria Zoo Company Ltd (CZCL) took over the operation of the Zoo on 12th January 2017, under a lease and services agreement (updated on 23rd January 2017). CZCL have applied for a new licence in order to take over both licence and zoo operator roles entirely from Mr Gill, who remains as landlord only. Mr Gill therefore no longer has any involvement whatsoever in the management of the zoo. The lease, services agreement, business and financial plans were supplied to and scrutinised by the inspectors.The staff of CZCL are largely the same as those previously employed by and working in the zoo under SLSZ (with the exception of Mr Gill and his wife Ms Schreiber). Therefore this new licence inspection report refers, unusually, to an existing and fully operational zoo, operating in the appeal phase of a licence that has been refused. SLSZ under Mr Gill's management (up until 12th January 2017) had a historical catalogue of a large number of licence conditions, directions of compliance, and special inspections related to animal welfare concerns, public health and safety, and management/staffing structure. BBC proposes to attach many of these existing licence conditions to any new licence, should it be granted (see section 2).The current inspection team is the same as has performed the previous SLSZ inspections since November 2015, so is very familiar with the very complex history of this zoo leading to the current situation. This history and context are taken into account by the inspectors in consideration of this new CZCL licence application (see also see also separate report regarding condition 34)Additional CommentsThe pre-inspection audit was comprehensively completed and provided good evidence of significant development and improvements in organisation and processes, including record keeping and the organisation of the programme of curative and preventive veterinary care.The inspectors were impressed and highly encouraged by the improvements made since the takeover of full management since January 2017, the palpable change of culture and attitude of all staff, their level of engagement, dedication and enthusiasm, and ambitious plans to move forward now that the owner/previous director is no longer involved.Recommendations:1. All small primates should be provided with UV  lighting indoors (currently only some species have  this available).2. Additional ventilations should be added to all  carnivore houses (the Inspectors note that this is  currently being researched with a trial extractor fan  unit in the tiger house, and to be rolled out across  the collection).3. Drainage needs to be improved in many outdoor  enclosures (noted that this is already being  addressed in some areas and is on the ongoing  maintenance schedule).4. The education building could be better branded as  an education centre with interpretation installed.  Consideration should be given to increasing  dedicated staff resources to education provision as  the zoo continues to develop (currently 2 PT staff).5. If live animals e.g. reptiles, are used in public  encounters hand washing facilities must be available  in the immediate vicinity.6. Noted that the corn snake in the 'Keeper Room' did  not have a water container large enough to fully  immerse. This should be provided.7. The corn snake vivarium in the 'Keeper Room' did  not have a thermometer. This should be provided  and appropriate records kept.8. Any electrical installations in the kangaroo/bear  house should be meshed in to prevent access when  lemurs are free-ranging in the house.”* The Secretary of State’s nominated Inspector(s) recommendation to the Local Authority was that the collection (the Zoo) be licensed in accordance with the Act subject to the Directive Conditions listed in section 1 and the Additional Conditions listed in section 2 and/or 3 of their report.
* For Members information, the experience of the Secretary of States’ Appointed Inspectors and the Council’s Veterinary Advisor was attached as an appendix.
* The Inspector’s Report was sent to Cumbria Zoo Company Limited (CZCL) and their legal representative on the 5th April 2017, giving 14 days to make representations.
* A full copy CZCL’s response was attached as an appendix to the Officer’s report and was fully considered by the Committee.
* A summarised version of the response was read out by the Principal Environmental Protection and Licensing Officer at the Committee.
* CZCL’s summary was as follows:-

“Budgets in Year 1 are tighter under the buyout scenario versus the lease however a viable budget is available for maintenance works, contingency and overall spare funds this improves greatly in year 2 as the current financial situation will be cleared. CZCL have a time costed plan to develop and are still on budget to deliver the following:  1. A significant salary budget has been allocated for a full  time Animal Director to be in position within 6 weeks of  the granting of the license. An Advert together with a job description has been  drawn up and placed on the zoo’s website and sent for  placement on both EAZA and BIAZA w/c30/1/17 The hierarchal structure of the animal department and  management team within the organisation has been  revised to reflect the role. Candidates were interviewed and a suitable candidate  offered and accepted the role subject to licence.  Additional resources, with the reworking of departmental  rotas frees up budgets to create one other apprentice  role plus 3 seasonal staff (July/Aug.) in the animal  department this development and staffing of the animal  team will be assigned to the new Animal Director once in  position. 2. Replacement of current veterinary provision for weekly  routine and emergency provision to be in position within  3 months. As the current zoo vet is due for retirement  and following recent events a new practice and vet is  being sought. Contact was been made with a suggested  replacement and a recognised and qualified zoo vet visits  once per week. Contact with all vet practices within 1  hour vicinity took place to find a local back up practice. Budgets are in place to ensure handover from current vet  will last for 6 months or as needed. 3. Contingency Contingency account has been established with  payments set for in the forecasted budgeted accounts.  Budgets have also been prepared to ensure contingency  continuing. 4. Planning A planning budget introduced based on outstanding  issues and costings from planning advisors. Architects appointed and essential drawings completed A planning consultant appointed and submission of  outstanding matters to the LA has been made. 5. Business continuity planning and financial risk analysis  CZCL have secured the support of an experienced  business consultant – Phil Collier Mr Collier will aid the business and support the CEO in  producing a risk analysis, risk register, continuity plans  and strategic planning. CZCL is exploring the option of asking consultants to take  roles as non-executive directors for governance and  compliance. Review theft, fraud and competition policies. 6. Work has begun with Retail Performance Improvement  Company who as part of their initial remit carried out the  following: A Mystery visit: (report attached) The style and format of  the mystery visit is in line with those visits the same  company have carried out for Chester Zoo over a period  of four years. The format allows for scores to be  allocated to different parts of the visitors’ journey and  comment to be made around the experiences  encountered by the visitors. Visitor Exit survey: To establish visitor drive times,  destination, visit satisfaction and potential return visits”.* As part of the applicants’ response to the March 2017 Inspection Report, CZCL’s Veterinary Consultants and professional advisors had provided the statements in relation to the management of the Zoo from:-
* Andrew Greenwood MA VetMB DipECZM CBiol FRSB FRCVS (International Zoo Veterinary Group - IZVG);
* Jon Cracknell BVMS CertVA CertZooMed MRCVS;
* Maria Kubiak BVSc CertA VP(ZM) DZooMed MRCVS; and
* Phil Collier (Phil Collier Associates).
* The Notice of Intention and Application had been published on the Council’s website.
* A 28 day public consultation took place between the 24th January 2017 and the 28th February 2017.
* There was no statutory consultation period, although a cut-off date of the 30th March 2017 had been used, following the publication of Mr David S Gill’s application hearing report, when a number of additional and updated representations where subsequently received, many of which referred to the concerns given in the representations received.
* In accordance with Section 3(1) of the Act, representations had been received from Cumbria Constabulary, Cumbria Fire and Rescue, Captive Animals’ Protection Society, Barrow Borough Council Planning Authority, Zoo / Exotic Animal Husbandry and Welfare Advisory Service, Born Free Foundation, three members of the public and Mr James Potter.
* These Bodies and individuals had been invited to attend the hearing to address the Committee directly.
* Full copies of the written representations made were attached as appendices to the Officer’s report and were noted by the Committee.
* Cumbria Constabulary’s representation submitted related to recommended changes to an existing condition regarding firearms, the details of which had been approved by this Committee on the 6th March 2017.
* The Development Services Manager, Barrow Borough Council had advised that the Planning Authority had now received a valid application for the revised position of the visitor building, store, Africa House and Children’s Farm/barn. The application for the Bear House was rejected as being invalid.
* Based on the points made in their written representations, CAPS urged the Council to refuse the licence application for the protection of the animals.
* A representative from CAPS also attended the meeting and reiterated their urge to the Council to do the right thing by the animals and refuse the application.
* The Zoo / Exotic Animal Husbandry and Welfare Advisory Service stated in its written representations that Karen Brewer’s application should be rejected, as it fails to comply.
* Born Free Foundation stated in their written representation that whilst they welcomed the decision by Barrow-in- Furness to refuse a new licence to Mr David Gill, they formally opposed the application made by Ms Brewer.
* Born Free Foundation had been invited to attend the meeting to expand on their representations but had not done so.
* Representation from local residents from Melton Terrace stated that the application must be refused for a number of reasons as stated in their full written representation.
* Representation from a member of the public opposed to Ms Karen Brewer's application for a new licence under which she would become the manager of South Lakes Safari Zoo/Cumbria Zoo Company Ltd.
* Representation from a member of the public stated that to give this licence in the name of the very same people, and management that jointly caused and knew of, the results you have in front of you from your experts, would be very wrong and damaging.
* Representation from James Potter, a former employee at South Lakes Safari Zoo raised awareness of his concerns regarding Cumbria Zoo’s application for a licence.
* The Principal Environmental Protection and Licensing Officer had informed that Committee that Section 4 of the Act related to the grant or refusal of licences. It was reproduced in the Officer’s report for the Committee’s information.
* The Committee noted that Officers had considered the Zoo Inspectors’ reports, the applicants’ response, representations from the statutory consultees and those received as part of the public consultation.
* The Committee noted that s. 4(2) of the Act stated that the Local Authority SHALL refuse to grant a licence for a zoo if they are satisfied that the establishment or continuance of the zoo would injuriously affect the health or safety of persons living in the neighbourhood of the Zoo, or seriously affect the preservation of law and order.
* A public representation had focused on concerns, regarding the health & safety of neighbouring residents. The new entrance (off Melton Terrace) and car park was subject to Planning Approval, by Barrow Borough Council. The Planning Approval included a Marshalling Plan, to deal with traffic arriving and departing from the Zoo.
* During the February 2017 half-term holidays, there were increased visitor numbers to the Zoo that required the implementation of the Marshalling Plan.
* Complaints were received from local residents about the build-up of traffic on Melton Terrace, to such an extent, that it was at a stand-still.
* Council Planning Officers brought this to the attention of the current Zoo Operator.
* In email correspondence with the Development Control Manager, dated 22nd February 2017 he stated:

 “Over the recent half term including the weekend 18/19th Feb the PA received complaints from Melton Terrace residents relating to queueing traffic on the hill outside their homes. It was alleged that this was due to poor staff supervision of the car park. The borough enforcement officer has visited and spoke to the zoo duty manager about the need to maintain a robust approach to managing visitor vehicles. He will make further inspections over the coming days”* Furthermore, in email correspondence with the Planning Enforcement Officer dated 12th April 2017, he states:

 “from an enforcement perspective I am not in receipt of any additional specific concerns in relation to the marshalling plan from the public.” “The issues are intrinsically linked to the numbers of patrons visiting the Park, and the ability of the Park to accommodate high volumes at peak times. Notwithstanding I will contact the Park to remind them of their responsibilities under the plan as the Easter weekend approaches.”; and “I have carried out an unannounced visit to the Park this morning and spoke to Ms Karen Brewer. I have observed that Cumbria Police have placed no waiting cones on Melton Terrace and on the approach to the Park in response to Community concerns. Ms Brewer stated that The Park have engaged with their direct neighbours to mitigate past problems and provide them with signage where appropriate. Ms Brewer stated that they have the staff and managers in place to react to high volumes of visitors and to comply fully with the marshalling plan. She fully acknowledged that the Park could not afford to allow a repetition of the situation which occurred at February half term.”* The Principal Environmental Protection and Licensing Officer had informed that Committee that s.4(2A) of the Act Stated that the Local Authority SHALL also refuse to grant a licence for a zoo if they are not satisfied that the conservation measures referred to in s.1A will be implemented in a satisfactory manner at the Zoo.
* The Conservation Measures stated in s.1A of the Act form the Directive Conditions that are attached to all Zoo Licences. In relation to each measure, the DEFRA Inspectors had stated the following:-

1. Promote public education and awareness about biodiversity conservation. In particular, provide information about the species of wild animals kept in the zoo and their natural habitats. *“Likely to be met - Good education facilities, signage and interpretation, detailed education plan and good school teaching resources. Two staff members allocated part time. Will benefit from further development but currently meeting standards.”*2. Accommodate and keep the animals in a manner consistent with the standards set out in the Secretary of State’s Standards of Modern Zoo Practice. *“Likely to be met - All enclosures inspected. All accommodation satisfactory. No animal welfare issues noted.”;*  *“Much improved levels of enrichment since January. Still some drainage issues in some enclosures but being addressed in ongoing maintenance and upgrading schedule*”; and “*Veterinary programme now being implemented effectively. New consultant vet on site on day of inspection and interviewed. New arrangements for appropriate level of veterinary care and input now in place to satisfaction of inspectors.”*3. Prevent escapes and put in place measures to be taken in the event of any escape or unauthorised release of animals. *“Likely to be met - Perimeter fence complete. New prairie dog buried fence in progress”*4. Introduce practical measures designed to prevent the intrusion of pests and vermin into the premises of the zoo. *“Likely to be met - Effective pest control programme in place. No evidence seen of significant rodent activity”* 5. Keep up-to-date records of the animals, including numbers of different animals, acquisitions, births, death, disposals and escapes, causes of deaths and the health of the animals.*“Likely to be met - ZIMs used effectively. Up to date stock list supplied at inspection”*6. Participate in at least one of the following:-• Research which benefits the conservation of wild animals.• Training in relevant conservation skills.• Exchanging information about the conservation of wild animals.• Breeding of wild animals in captivity.• Repopulating an area with wild animals, or re-introducing wild animals. “*Likely to be met - Participation in many EEPs and ESBs.”; and* *“The zoo is breeding red squirrels and will be linking in the future with projects to release these to the wild”** The Principal Environmental Protection and Licensing Officer had informed that Committee that s.4(3) of the Act stated that the Local Authority MAY refuse to grant a licence for a zoo if, subsection (2A) does not apply but, they are not satisfied that the standards of accommodation, staffing or management were adequate for the proper care and wellbeing of the animals or any of them or otherwise for the proper conduct of the Zoo.
* A number of representations had focused on the Zoo’s Management Team, being the same that was previously in operation under Mr David Gill’s licence and if any culpability can be laid at CZCL’s feet for the poor conditions found at the Zoo in January 2017 including any historical animal welfare issues.
* At previous Committee hearings, Members had heard inconsistent statements relating to who was actually in control and the final decision maker.
* Examples of the above were provided in the Officer’s report and noted by the Committee.
* The Inspectors had produced, as part to their Inspection on 13th/14th March 2017, Report Form 11A, a detailed report on the management structure (Condition 34) and their justification for rewording the condition, as summarised below:-

 *“Between November 2015 and July 2016, many different guises of management teams have all been put forward to the inspectors and the licencing committee. During this process it was evident to the inspectors that DG would continue to exert influence over the management of the zoo and the way it was run, whether directly or indirectly.* *Throughout this period, November 2015 to March 2017, the inspectors have taken great pains to show that, in their opinion, it was DG and his style of management that was the root cause of the problems in this zoo, and not the keepers and staff who worked for him”.** In the report of the November 2015 inspection the Inspectors wrote:-

*“The Inspectors note and commend the overall evident hard work and dedication of the keeping staff and administration team”.* * In the report for the inspection in May 2016 the Inspectors wrote:-

*“They were particularly impressed with the highly motivated, dedicated and enthusiastic keeping staff, and the evident desire of the staff and management team to move forward and develop and progress the zoo following the previous inspection. The inspectors recognise the many very positive aspects of the zoo and the public's experience”.** In the report for the CZCL New Licence application, in which the Inspectors recommended refusal, the Inspectors wrote:-

*“There is an improved culture, many previous issues have been dealt with, e.g., heating and accommodation in the Africa house, stock reductions and control of excessive breeding amongst free ranging animals, bites and escapes, etc. If suitably funded and with a realistic business plan, CZCL should be able to obtain the services of a competent and qualified Curator/Zoological Director, appropriate veterinary services, a legally binding agreement ensuring complete separation from the current owner, and invest in the infrastructure as required. If this were to be the case, with appropriate robust evidence that all such plans would be put in place and implemented within a very short period of time, there may be merit in reconsidering an application for a new licence by CZCL.* *During interviews with the consultants, and the staff at the zoo, it was apparent that they were attempting to manage a very difficult situation; Viz that whilst the staff were attempting to modify the zoo so that it complied with all the requirements, DG continued to interfere, splitting the zoo into two, removing or moving animals, etc.* *The inspectors acknowledge that this company is made up of the same managers and keepers who all worked under DG, many of whom for several years, however it also includes several staff that had left the zoo, but were now willing to return once DG was no longer present (e.g. JB). It is also strongly supported by a network of zoo consultants.* *It is important to note that, in the inspectors’ opinion, the staff are fiercely loyal, hardworking and dedicated. In our opinion this appears to be due to a deep affection and loyalty for the zoo itself and its animals, and the service it provides to the local community”.** At the Inspection held in January 2017, the Inspection Team did acknowledge that great strides had been made in many areas of this Zoo:

*“There is an improved culture, many previous issues have been dealt with, e.g., heating and accommodation in the Africa house, stock reductions and control of excessive breeding amongst free ranging animals, bites and escapes, etc. The inspectors believed that, if suitably funded, and with a realistic business plan, CZCL should be able to obtain the services of a competent and qualified Curator/Zoological Director, appropriate veterinary services, a legally binding agreement ensuring complete separation from the current owner, and invest in the infrastructure as required.*  *If this were to be the case, with appropriate robust evidence that all such plans would be put in place and implemented within a very short period of time, there may be merit in reconsidering an application for a new licence by CZCL”.** At the Inspection in February 2017:-

*“Since the last inspection in January there is a noted improvement in the management of the animals. The indoor housing for many of the animals has a markedly improved enriched environment”.** At the recent New Licence Inspection in March, 2017, sufficient changes had now been put in place for the Inspectors to be able to say that, in their opinion;

“*The zoo was being managed in such a way that the SSSMZP were being met and the standards of accommodation, staffing or management are adequate for the proper wellbeing of the animals.**The zoo is likely to be managed in such a way that the SSMZP are likely to be met.* *There is no evidence that granting a licence would injuriously affect the health or safety of persons living in the neighbourhood of the zoo, or seriously affect the preservation of law and order.**That all the conservation measures referred to in section 1A are now likely to be complied with.**The inspection team discussed the budget, leases and service agreement with KB and CZCL’s lawyer and the complete team were satisfied, as far as reasonably possible, that these were credible and sufficiently robust for the zoo to be able to comply with the SSSMZP.**The inspectors agreed that we had noted considerable improvements, and that a licence could be granted to CZCL”.* * In CZCL’s response to the March 2017 Inspection, two Secretary of State Inspectors, who were contracted to the Zoo, had stated:-

*“I think it is clear to all who have been involved with the zoo during those years that the ability of myself and other consulted experts to help manage the zoo properly has been severely restricted by the attitude of the previous owner, and that applies to those responsible for the day-to-day management of the business and the animals.”* – Andrew Greenwood*“In my position as a zoo inspector and an independent zoo professional that has watched the collection develop and grow in the last 4 months under the current directorial team, with massive changes once independence of the previous owner had been achieved.”* – Jon Cracknell* The Committee noted the cost of compliance monitoring and enforcement at the Zoo.
* Officers had spent a significant amount of time, monitoring and enforcing compliance of the Zoo Licence conditions during 2015/16, which was reflected in the level of the annual maintenance fee.
* The Council was able to operate at full cost recovery, for those licences where it was able to set its own fees and charges.
* The approved maintenance fee for 2017/18 was £111,000 and would be payable by CZCL if their licence application was granted.
* The Committee also considered CZCL Lease Agreements / Service Agreements and Financials which were appended to the Officer’s report in Part 2.
* The Principal Environmental Protection and Licensing Officer reported that Section 4(4) of the Act stated:-

The local authority MAY also refuse to grant a licence if--(a) the applicant, or(b) (where the applicant is a body corporate) the body  or any director, manager, secretary or other similar  officer of the body, or(c) any person employed as a keeper in the zoo, has been convicted of an offence under this Act or  under any of the enactments mentioned in  subsection (5), subsection (5A) or of any other  offence involving the ill-treatment of animals.* On the 19th November 2014 both Mr David S Gill and South Lakes Wild Animal Park Ltd were convicted of offences under Section 14 of the Wildlife & Countryside Act 1981 regarding the escape into the wild of a number of Sacred Ibis from South Lakes Wild Animal Park.
* At that time, Stuart Lambert, Karen Brewer and Jayne Birkett were not Directors / Officers of South Lakes Wild Animal Park Ltd.
* Therefore none of the current Directors, Managers or Keepers of CZCL had been convicted of an offence stated in Section 4(5) of the Act.
* Members also noted that the RSPCA were conducting an investigation into historic animal welfare and potential offences under the Animal Welfare Act.
* The Principal Environmental Protection and Licensing Officer reported that Section 4(6) of the Act stated:-

If the local authority are not satisfied that any planning permission required under Part III of the Town and Country Planning Act 1990, for the establishment of the zoo or for the continuance of the zoo during the period for which the licence would be in force, has been, or is deemed to be, granted, they SHALL either refuse to grant the licence or grant the licence but suspend its operation until the local planning authority have notified the local authority that any such planning permission has been or is deemed to be granted.* In email correspondence, dated 12th April 2017, the Development Control Manager stated:

 *“We have a retrospective application to regularise the four main buildings not built in accordance with the original planning approval. This needs committee approval as there are objections. (May 23rd)* *As yet no application for the Bear House.* *Karen Brewer has been informed, last Friday, of the need to provide the 2017 Marshalling Plan in accordance with the planning consent.”** It was noted that Mr Gill had appealed the refusal of his fresh licence application and a case management hearing was listed for the 4th May 2017.
* This meant the Zoo could remain open.
* His legal representative had stated this appeal had only been made to keep the Zoo open.
* It was the Council’s view that it could not lawfully grant two licences on premises for the same licensable activity i.e. the operation of a zoo to which members of the public had access.
* Unless the appeal by Mr Gill was withdrawn and/or the licence was surrendered on or before today, Members of this Committee will be limited to a decision to either:-

a) Refuse; or b) To grant (with conditions) subject to Mr Gill  withdrawing his appeal or surrendering his  licence. * If either of these actions were taken by Mr Gill, his licence would end and any direction orders associated with it, would lapse.
* The Committee noted that if they were to grant Cumbria Zoo Company Limited (CZCL) an Original Zoo Licence, a decision regarding what conditions were necessary or desirable for ensuring the proper conduct of the Zoo would need to be made.
* During the Zoo Inspection on 13th and 14th March 2017, the Zoo Inspectors assessed compliance with current licence conditions on Mr Gill’s licence, which the Council had deemed as the starting point.
* Members noted that any conditions attached to a licence issued to CZCL would be assessed after three months via an Informal Zoo Inspection.
* Compliance would then be assessed again during the first year via a Periodical Inspection as required by section 10(3)(a) of the Act.
* Conditions on the licence could be split into three sections:

a) Directive Conditionsb) Standard Conditionsc) Additional Conditions* The Committee noted Directive Conditions which were mandatory on all Zoo Licences, under s.5(2A) of the Act which stated:-

A licence under this Act shall be granted subject to conditions requiring the conservation measures referred to in s.1A to be implemented at the zoo.* South Lakes Safari Zoo Must:

1. Promote public education and awareness about biodiversity conservation. In particular, provide information about the species of wild animals kept in the zoo and their natural habitats.2. Accommodate and keep the animals in a manner consistent with the standards set out in the Secretary of State’s Standards of Modern Zoo Practice.3. Prevent escapes and put in place measures to be taken in the event of any escape or unauthorised release of animals.4. Introduce practical measures designed to prevent the intrusion of pests and vermin into the premises of the zoo.5. Keep up-to-date records of the animals, including numbers of different animals, acquisitions, births, death, disposals and escapes, causes of deaths and the health of the animals.6. Participate in at least one of the following:-• Research which benefits the conservation of wild animals. • Training in relevant conservation skills.• Exchanging information about the conservation of wild animals.• Breeding of wild animals in captivity.• Repopulating an area with wild animals, or re-introducing wild animals.The zoo must keep information to show how it has complied with this condition and supply it to the Local Authority upon request.* Referring to Condition No. 2 above, the Principal Environmental Protection and Licensing Officer provided a verbal update.
* It had been elevated to Direction Order on 9th March 2017 under Section 16A(2) of the ZLA with a compliance time of one month.
* The Committee noted that this Direction Order had been complied with as of 13/14th March 2017 within the compliance deadline therefore it should be revoked.
* In the Guide to the Provisions of the ZLA produced by Defra, the Committee noted the Standard Conditions which had also been suggested.
* These complemented the directive conditions stated earlier, therefore it was proposed to place these on any future licence relating to South Lakes Safari Zoo:-
1. **Insurance** - Within one month of the date of the licence and one month of the date of renewal of the policy, where applicable, a copy of the zoo's current public liability insurance policy, and of subsequent renewals thereof, to be sent to the Licensing Authority.
2. **Stocklist** - A copy of the zoo's annual stocklist, as defined by the Secretary of State's standards of modern zoo practice, shall be forwarded to the Licensing Authority by 1st April of the year following that to which it relates.

9. **Hazardous Animals** - The Licensing Authority shall be notified in writing at least one month in advance of the proposed addition of any animal listed in Category 1 of the Hazardous Animal categorisation (see Appendix 12 of the Secretary of State’s Standards of Modern Zoo Practice) which is from a taxonomic family of which Category 1 species have not previously been kept in the zoo. Such notification shall include all plans and strategies necessary to safely contain any such animal. All such notifications, plans and strategies shall be approved by the Licensing Authority and fully implemented and in place prior to the arrival at the Zoo of any animal detailed in the notification. 10. **Temporary Removal of Category One Animals** - The licensees shall notify the Licensing Authority before the temporary removal from the zoo (other than for veterinary attention or inter-zoo movements) of any animal listed in the Category 1 of the Hazardous Animal categorisation of Secretary of States Standards of Modern Zoo Practice, as currently amended. Such notification shall be given as early as possible and, in any case, no later than 12 hours before the removal, unless the zoo operator and Licensing Authority mutually agree a shorter period. When giving notification, details of the destination and method of transportation of the animal and of the arrangements for its well-being, as well as for the safety of the public whilst it is away from the zoo, to be provided. 11. **Escapes** - In the event of any non-domestic animal escaping from the confines of the zoo, notification shall be made to the Licensing Authority as soon as possible and, in any case, not later than 24 hours following the escape.* Karen Brewer attended the meeting and made the following representations to the Committee:-
* Things are different now. This is the first time I can truly state my own thoughts and not those of David Gill;
* We have a full team who recognise and enforce changes;
* CZCL have been in complete control for 17 weeks now and the Inspectors can see the improvements which have been made;
* We are now supported by our new Animal Director, Andreas Kauffman;
* Animal welfare and staff/public wellbeing are top of our agenda;
* The Zoo is under a new team who are truly passionate about the animals, guests and Cumbria;
* Referring to 7.5 of the Officer’s report, a Risk Assessment was now in place and a meeting had been arranged with Mr Denny of Cumbria Fire and Rescue on 6th June, 2017 for a Fire Safety Audit;
* Referring to 7.6 of the Officer’s report, CZCL’s application for a Bear House had been rejected due to the Ordnance SurveyLicence expiring. This is now in the appropriate hands ready for resubmission;
* Referring to the Marshalling Plan, an update will be submitted annually. CZCL acknowledged that there had been issues at the February half-term and suggestions for improvement have been submitted to Highways for their response;
* Ms Brewer stated that she had consulted the residents regarding the problems and they had agreed a solution
* Referring to 7.8 and the representations made by Zoo/Exotic Animal Husbandry and Welfare Advisory Service, Ms Brewer stated she didn’t recognise his comments; KB made references to Facebook; she said PP was aggressive; nobody had heard of his company; and he is a freelance photographer.

[Dr Matt Brash and Prof Anna Meredith concurred that they could not find any reference to this company in the zoo community]* 7.13 – Ms Swarbrick referred to para.2 and stated that the inspectors chose their route and had free access to the zoo
* Referring to questions by the Committee, Karen Brewer stated that if Andreas Kaufmann were to leave the Zoo, there would be a significant period of notice required which would enable another Animal Manager to be employed.
* Dr Jonathon Cracknell attended the meeting and made the following representations:-
* Referring to the representation from the Zoo/Exotic Animal Husbandry and Welfare Advisory Service, Dr Cracknell requested that the Committee do not consider this representation due to the author’s unhealthy obsession with Mr Gill and Ms Brewer and the injunction they have against him;
* There was no basis to the claims he makes; and
* Nobody in the industry has heard of the consulting agency to which he belongs (*which was later backed up by Dr Brash and Prof Meredith*).
* Referring to the representations made by CAPS and Born Free, Dr Cracknell stated that he completely respected their position and the high standards they ensured, but also acknowledged that they were both anti-zoo and asked the Committee to bear this in mind.
* He stated that the historical issues raised by the groups had been addressed as well as the relationship between Karen Brewer and David Gill.
* Karen Brewer had tasked Andrea Kaufmann in charge of Animal Operations.
* There had been 70,000 visitors to the Zoo up to this time last year but in the same period this year there had been 115,000 visitors which had provided more money to CZCL than had been forecasted.
* Referring to questions by the Committee, Dr Cracknell informed them that the Ethics Committee was robust and independent.
* Mrs Sarah Swarbrick, CZCL’s Legal Representative made the following representations:-
* Referring to the representation made by Mr James Potter, it was disappointing that it had made headlines as a “whistleblower” which was misleading as he is actually a disgruntled, sacked member of staff;
* Mrs Swarbrick attempted to provide the Committee with evidence of the situation, including documentation, with Mr Potter but the Council’s Acting Principal Legal Officer insisted that this information was personal data and could not be circulated or discussed and advised Members that there must be no reference or statements made in relation to the Employment Tribunal issues;
* Mrs Swarbrick informed the Committee that Mr Potter had been dismissed in May 2016 which was appealed and he was reinstated by Mr Gill. A further disciplinary was undertaken in April, 2017 and subsequently, Mr Potter was dismissed;
* Referring to his references about begging for food, CZCL has invoices available for inspection totalling £23,878 spent on food for the animals;
* Referring to the addendum, Mrs Swarbrick circulated a response to this which was considered by the Committee.
* Mrs Swarbrick informed the Committee, for the avoidance of doubt, that if any works were required to fences or buildings, CZCL would be able to now get on with it as they did not need to consult anyone on works required;
* Referring to the investigation by the RSPCA, CZCL were actively working with them and no staff were under investigation [this has not been confirmed by the RSPCA];
* Referring to Condition No. 23 – Andreas Kauffman had now been appointed as Animal Director and I believe that this condition is now complied with;
* CZCL suggest that a further condition be added to the Licence to ensure that the Articles of the Company which prevent Mr David Gill from being a shareholder, employed or appointed as a director cannot be amended to reassure the Committee of the position;
* Andreas Kauffman attended the meeting and made the following representations:-
* I have been working as a consultant to SLSZ over the last year;
* I was offered a job at the Zoo last year but refused it under David Gill;
* Since CZCL have taken over the running of the Zoo, changes are being made and I am happy to work for them to develop the Zoo.
* I am due to move to the UK in 6 weeks time along with some of my family;
* On questioning Mr Kaufman confirmed that he had not been formally appointed as a Director at this stage. An employment contract had not yet been signed. He further stated “I’m here for the long haul.”
* Dr Andrew Greenwood attended the meeting and made the following representations to the Committee:-
* I have worked with the Zoo for approximately 3.5 years;
* Under the running of David Gill, I could make recommendations which were accepted in word but not in deed.
* The local Veterinary Practitioner who had worked for the Zoo for 17-18 years had been totally demoralised.
* The situation has now totally changed and there is a permanent veterinary nurse on site.
* Currently, I visit the Zoo once per month.
* Maria Kubiak, a Veterinary Practitioner, who was also in attendance at the meeting, has been with the Zoo for 3 months, working 1 day per week.
* The local Vet is also still working there.
* Under the new regime, we as Vets are able to do more advisory and preventative work with nobody overriding our decisions.
* AG role is to oversee the vet programme.
* I currently run a 9 vet practice and am recruiting somebody who lives 1 hour away from the Zoo and I think that they might be able to attend at least once per week.
* Vet care at the Zoo would work well with outside vet cover, without the need of residence.
* 1 day per week full attendance and back up from the rest of a practice would be sufficient.
* The Committee questioned CZCL on the competencies and skills of the new Directors and what they brought to the company.
* The Committee were concerned that assurances needed to be given that Mr Gill would not come back on the scene and also the financial viability of the Zoo (which was discussed in Part 2)
* Dr Brash informed the Committee that:-
* During the March Inspection, he did look at the contracts and accounts and although he is not suitably qualified to comment on budgets, as far as he could tell, they looked OK.
* Dr Brash endorsed the statements from Dr Andrew Greenwood regarding the veterinary care cover.
* Prevention was key and the lack of preventative care was what had been missing previously at the Zoo.
* The Committee noted that Conditions 12 – 24 were Additional Conditions on Mr Gill’s licence.
* They could only be added to CZCL’s Zoo Licence if they were deemed necessary or desirable for ensuring the proper conduct of the Zoo.
* The Committee considered the additional conditions as follows:-
 | * Section 4(1)(a) of the Act – The Local Authority had considered the Inspectors report and their recommendations that a licence should be granted to Cumbria Zoo Company Limited;
* The pre-inspection audit was comprehensively completed and provided good evidence of significant development and improvements in organisation and processes, including record keeping and the organisation of the programme of curative and preventive veterinary care.
* The (Secretary of State) Inspectors were impressed and highly encouraged by the improvements made since the takeover of full management since January 2017, the palpable change of culture and attitude of all staff, their level of engagement, dedication and enthusiasm, and ambitious plans to move forward.
* At the March Inspection, the Zoo Inspectors were unanimous in considering that a new licence could be issued to CZCL based on the standards presented on that day.
* Section 4(1A)(a) of the Act – The Local Authority had consulted Cumbria Zoo Company Limited about the conditions they proposed would be attached to the licence, if one were granted, under section 5(2A) and (if applicable) section 5(3);
* Section 4(1A)(b) of the Act – An inspection has been carried out in accordance with section 9A;
* Section 4(2) of the Act – The Local Authority was satisfied that the establishment or continuance of the Zoo would not injuriously affect the health or safety of persons living in the neighbourhood of the Zoo, or seriously affect the preservation of law and order;
* The Inspectors reported: There is no evidence that granting a licence would injuriously affect the health or safety of persons living in the neighbourhood of the Zoo, or seriously affect the preservation of law and order.
* The Zoo had operated at the present location for a number of years. The Council acknowledged that the use of the new access has caused excessive traffic backing up on the A590 and on Melton Terrace, which were mitigated by the marshalling plan and could be monitored.
* Section 4(2A) of the Act – The Local Authority was satisfied that the conservation measures referred to in section 1A would be implemented in a satisfactory manner at the Zoo.
* The Inspectors reported that all the conservation measures referred to in section 1A were now likely to be met and complied with;
* The Inspectors agreed “that we had noted considerable improvements, and that a licence could be granted to CZCL.”
* Section 4(3) of the Act – The Local Authority was satisfied that the standards of accommodation, staffing or management were adequate for the proper care and wellbeing of the animals or any of them or otherwise for the proper conduct of the Zoo.
* The Local Authority acknowledged that representations showed there were concerns that Directors of CZCL were employed at the Zoo under Mr David Gill. However, the Inspectors reported that the Zoo was being managed in such a way that the SSSMZP were being met and the standards of accommodation, staffing or management were adequate for the proper wellbeing of the animals.
* The Zoo was likely to be managed in such a way that the SSSMZP were likely to be met with the employment of a suitable full time Animal Director/Manager to ensure ongoing compliance and further development.
* The recommended imposition of an additional condition attached to the licence as follows:-

To ensure continued compliance with Section 1A of the Act and Section 10 of the SSSMZP, the post of an Animal Director or Senior Manager, must be filled. This post must have overall senior responsibility for all aspects of the Zoo related to the animal collection including, but not restricted to, animal welfare and veterinary care, husbandry, breeding, accommodation design, dangerous animal security, conservation programs, research, collection planning, and inter-zoo liaison.* This post holder must have the ability and authority to make decisions independent of the registered land owner(s).
* Section 4(4(a)) of the Act – The applicant, any director, manager or keeper have not been convicted of a relevant offence under this Act.
* Section 4(6) of the Act – The Council were satisfied that any planning permission required, for the continuance of the Zoo during the period for which the licence would be in force, had been, or was deemed to be, granted.
* The Planning Authority had stated: “a minor material amendment application for the repositioned buildings (visitor reception, Africa House and associated store) had been submitted. This application would be subject to checking for completeness including the correct fee and sufficient information upon which a decision could be made.
* No application had yet been received for the Bear House.
* The Planning Authority had not stated that this was a fundamental reason for refusal.
* Duplicity of Licences
* The Council could not issue a Zoo Licence in the name of Cumbria Zoo Company Ltd whilst an existing licence was in place.
 |
| Condition No. 12 – Animal Escapes | That Condition No.12 is added to CZCL’s Zoo Licence. |  | * Current Condition No. 12 stated:-

*If the policy / procedure relating to animal escapes changes a copy shall be sent to the Licensing Authority within one month of being made.** The Inspectors had deemed this condition as ‘complied with’ and ‘likely to be met’ in their report stating this is “based on the inspectors’ professional judgement.”
* The Zoo had commented as follows:-

“12. Animal Escapes: Current policy attached; this has previously been supplied to Inspectors and Council Officers.” * The Committee noted that the Zoo already had to report escapes to the Council if they occurred via proposed standard Condition 11 stated above.
* The policy/procedure had to be agreed with the police and was attached as a document in Part 2 of the Officer’s report.
 | * Adding this condition would keep Council Officers up-to-date with the correct escape procedure to be followed.
* This complemented the condition relating to firearms.
 |
| Condition No. 13 – Hazardous Animals | That Condition No. 13 is not added to CZCL’s Zoo Licence |  | * Current Condition No. 13 stated:-

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

“The Inspectors have deemed this condition as ‘complied with’ and ‘likely to be met’ in their report stating this is “based on the inspectors’ professional judgement and assessment of current documentation.”* The Zoo had commented as follows:-

*“For the short to medium term period our primary focus will be consolidation of the collection resulting in a reduction of species and animals with the aim of a manageable collection from a staff and expertise perspective, giving time, focus and funds to concentrate on essential review and upgrade of current facilities.**There will be no additional hazardous species joining the collection.”* | * The Inspectors had stated that the Zoo had complied with and was likely to meet this condition going forward.
* In addition, CZCL had stated there would be no additional hazardous species joining the collection.
 |
| Condition No 14 - Ethics Committee | That Condition No. 14 is not added to CZCL’s Zoo Licence |  | * Current Condition No.14 stated:-

*The ethics committee must meet regularly and minutes of the business of that committee be kept on record.** The Inspector’s had commented:-

*“The Inspectors have deemed this condition as ‘complied with’  and ‘likely to be met’ in their report and stated this was based  on the inspectors’ professional judgement.”** The Zoo had commented:-

*“An ethical review process is in place and has been supplied to the Local Authority within the pre-inspection audit. The ethics committee will meet a minimum of two times a year with additional meetings held as deemed necessary. Ethical review is an ongoing process at CZCL undertaken on a daily basis by all members of staff, if problems requiring ethical review are presented outside the meeting then review can take place through an open forum via email with review of decisions made at the following ethics committee meetings. Membership is reflected upon the medium size of the Zoo and in line with Appendix 2.6 of the SSSMZP(2012) will be carried out by a formal committee that includes the following persons:**• The Animal Department Director**• Member(s) of the senior animal management staff**• A representative of the zoo veterinary team**• A senior member of the zoo marketing/PR department**• A senior member of the zoo education department**• Person(s) independent of the establishment. Invitations to sit  on future committees have been extended.**• Person(s) co-opted on a regular or occasional basis to provide  specific expertise e.g. in aspects of zoo animal care, disease  control, welfare, etc**A secretary whose sole function is to record the discussions and decisions.**POWERS OF THE COMMITTEE**The ethics committee may:**• Authorise an operation under ethical review to proceed or pass without requiring any amendment. Any such authorisation is granted on the basis of the project as stated on the ethics submission form, any changes to personnel or to the protocol must be notified to the committee giving final approval.**• Require clarification or modification of parts of operational activities of ethical problems submitted. The Chair will normally be granted authority to approve the amendments without requiring further consideration by the full committee.**• Defer consideration of a submission to a subsequent meeting if substantial modification is required or where significant additional information is required.**• Reject the ethical problem proposed in whole or part.**• Revoke the approval if dissatisfied with the conduct of the staff or team undertaken operational activities.”** Officers had seen copies of the Minutes of the Ethics Committee when checking compliance with specific issues e.g. the foot health of the Chilean Flamingos.
 | * The Inspectors had stated that the Zoo had complied with and were likely to meet this condition.
* The Zoo had confirmed that an Ethics Committee would meet a minimum of two times a year.
 |
| Condition No. 15 - Safe and Effective Control of Vermin | That Condition No. 15 is not added to CZCL’s Zoo Licence |  | * Current Condition No. 15 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 – annually by 31st October]** The Inspectors had commented:-

*“The Inspectors have deemed this condition complied with and stated this ‘was based on their professional judgement having viewed documentation and on-site assessment”.** The Zoo had commented:-

*“A rodent policy is in place and has been supplied to the Local Authority within the pre-inspection audit. The most recent vermin Control Report was submitted to the Licensing Officers on 28 February 2017. It has been implemented and is ongoing.”** The Committee noted that a condition relevant to vermin control was already a Directive Condition (condition 4 above) and therefore a mandatory condition on all zoo licences. If issues with vermin control were found in the future this condition could be escalated to a Direction Order.
 | * The Inspectors had stated that the Zoo had met and were likely to meet this condition.
* There was an existing condition on the licence relating to vermin control that could be escalated to a Direction Order if there were future problems.
 |
| Condition No. 16 - Keep Public Walkways Safe | That Condition No. 16 is not added to CZCL’s Zoo Licence |  | * Current Condition No. 16 stated:-

 *In accordance with 8.13 and 8.18 of the SSSMZP, the public wooden walkways and platforms must be designed to meet BS 6399-1: 1996 and be able to cope with the heavy duty loading and maintained in safe condition. The effect of any walkway or platform stanchions being submerged in water for prolonged periods should be assessed in terms of deterioration and structural stability. A programme of inspection, maintenance and structural repairs needs to be documented.* *A report must be produced for the Licensing Authority addressing the following six issues:-**1) The Zoo must produce design calculations that demonstrate that all timber walkways and platforms are designed to carry the loads specified in Clause 10 and Table 4 of BS 6399-1: 1996 with structures considered to be carrying ‘heavy duty’ loading;**2) Design calculations must be produced to confirm that ‘stability critical’ longitudinal and lateral sway stiffness of the structures is confirmed for at least 10% of the 5kNm-2 vertical loading in the appropriate combinations with lateral loading on the parapets and the timber post supports;**3) The Zoo must demonstrate through design and calculations that the design incorporates protection against any accidental (impact) loading on the timber posts;**4) The Zoo must demonstrate through design and calculations that the design incorporates a suitable assessment for any disproportionate collapse (i.e. structural integrity under failure of one or possibly more timber posts);**5) That the Zoo provides an independent Structural Engineer’s report on the condition of the timber walkways and platforms within the Zoo and carry out any works that will meet the design standard and specifications above; and**6) That the Zoo implements a regular recorded assessment, inspection and maintenance regime* *Elevated to Direction Order – 18th December 2015* *Compliance date – 31st May 2016* *Condition and Direction Order escalated to Zoo Closure Direction for three walkways/platforms – 19th July 2016** There had been no comments from the Inspectors on this condition.
* The Zoo had not commented on this condition.
* A zoo closure direction relating to three walkways/platforms within the Zoo was issued on 19th July 2016 and was still in place. This relates to:

• Snow leopard/wolf access ramp;• Anteater viewing platform; and• Duck feeding platform.* If a new zoo licence was issued to CZCL then Mr Gill’s licence would have either been surrendered or the appeal against the refusal to grant a fresh licence would have been withdrawn. As a result, any Direction Order or Zoo Closure Direction would lapse.
* The Principal Environmental Protection and Licensing Officer proposed that the three closed walkways would be dealt with under health and safety legislation going forward to protect public safety.
 | * The Zoo Closure Direction would cease to exist if CZCL were granted a licence and this matter could be dealt with under health and safety legislation.
 |
| Condition No. 17 - Firearms Cover and Protocol Regarding Escapes | That Condition No. 17 be added to CZCL’s Zoo Licence. |  | * Current Condition No. 17 stated:-

*a) In accordance with 8.20 and 8.34 of the SSSMZP there must be an agreed and written protocol for liaison with the Cumbria Constabulary in response to the escape of an animal outside of the perimeter of the licensed premises and appropriate firearms cover for the premises. This must be reviewed on a yearly basis and be provided to the Licensing Authority upon review.**b) A MINIMUM of two firearms ‘users’ shall be on-duty at all times during opening hours. At least one of these should be an established user with at least the initial training and the other user shall have at least one year/six ‘range days’ experience in the role, or as agreed between the Zoo and the Firearms Operation Unit at Cumbria Police.**[Timescale – immediate and annually on 1st April]** The Inspectors had confirmed that this condition was complied with in their report stating “*this is based on the Inspectors’ professional judgement having viewed documentation*”.
* The Zoo had commented:-

*“CZCL have recognized within the team 3 additional firearms personnel who have attended team training sessions. Those applications have been submitted to Cumbria Constabulary and are being progressed. 2 further applicants have also been submitted. Bringing the total in-house firearms personnel to 8 from across 2 different departments ensuring maximum coverage. On-going external training sessions led by an external expert are booked in for the calendar year ahead and recorded. Firearms provision/ duty personnel are identified upon the rota and a minimum of 2 are on duty during opening hours.”** This condition was amended by the Licensing Regulatory Committee on 6th March 2017 as a result of a request from Cumbria Police (resulting in part b) being added.
 | * Cumbria Police had requested that this condition be placed on the licence.
 |
| Condition No. 18 - Perimeter Fence | That Condition No. 18 is not added to CZCL’s Zoo Licence |  | * Current Condition No. 18 stated:-

*In accordance with 8.7 and 8.29 of the SSSMZP all vegetation, shrubs, bushes and trees in proximity to the perimeter fence must be cut back and maintained to ensure they remain clear of the electric fencing. All shrubs, bushes and trees overhanging or near the perimeter fence must be kept cut back to prevent animals from escaping.** The Inspectors had confirmed that this condition was complied within their report and was also ‘*likely to be met’* stating “*this is based on the Inspectors’ professional judgement having made an on-site assessment*”.
* The Zoo had commented:-

*“All shrubs, bushes and trees overhanging or near the perimeter were cleared/ cut back to prevent animals escaping. The cutting back of overhanging trees and the undergrowth is an ongoing job on the maintenance schedule”.** The Committee noted that a condition relevant to preventing escapes was already a Directive Condition (proposed condition 3) and therefore a mandatory condition on all zoo licences. If issues with vegetation overgrowing the perimeter fence were found in the future, this Directive Condition could be escalated to a Direction Order.
 | * The Inspectors had stated that the Zoo had complied with this condition.
* There was an existing Directive Condition on the licence relating to prevent escapes that could be escalated to a Direction Order if there were future problems.
 |
| Condition No. 19 - Future Design of Enclosures | That Condition No. 19 is not added to CZCL’s Zoo Licence |  | * Current Condition No.19 stated:-

*a) In accordance with 1.5 and 5.1 of the SSSMZP the design of any new or remodelled accommodation for Category 1 animals must be sanctioned by a suitably qualified person and submitted to the Licensing Authority prior to the accommodation being built. The design must ensure that keepers do not have to enter an enclosure with a Category 1 animal.**b) A written document detailing the animal management practices, including risk assessments, must be forwarded to the Licencing Authority before the accommodation is occupied.**Escalated to a Direction Order – 19th July 2016 for a period of 2 years** The Inspectors had confirmed that this condition was likely to be met by CZCL and stated this *“based on the Inspector’s professional judgement”.*
* They have also stated that there was a ‘*key, fundamental change of the departure of Mr David Gill from any practical involvement of running the Zoo.*” (3rd Inspectors’ report)
* The Zoo had commented:-

*“For the short to medium term period our primary focus will be consolidation of the collection resulting in a reduction of species and animals with the aim of a manageable collection from a staff and expertise perspective, giving time, focus and funds to concentrate on essential review and upgrade of current facilities.**There may be redesigns of current enclosures. A process is in place which covers the arrival of any potential changes and address the fundamentals of condition 30. (see earlier)”** This condition had been placed on Mr Gill’s licence as a result of concerns by Inspectors that Mr Gill had designed, built and remodelled the accommodation of Category 1 animals without any consultation with Zoo staff or Veterinary Consultants employed by the Zoo.
* This resulted in Keepers having to enter enclosures with Category 1 animals to carry out tasks and the accommodation was also unsuitable for animals.
* Members noted that this Condition was escalated to a Direction Order for 2 years from 19th July 2016.
* If a new Zoo Licence was issued to CZCL then Mr Gill’s licence would have either been surrendered or the appeal against the refusal to grant a fresh licence would have been withdrawn.
* As a result any Direction Order or Zoo Closure Direction would lapse.
 | * The Inspectors had judged that the Zoo was likely to meet this condition.
* The Inspectors had stated that Mr Gill was no longer involved in the practical running of the Zoo therefore the problem of badly designed enclosures should no longer occur.
 |
| Condition No. 20 - Review of Public Feeding | That Condition No. 20 is not added to CZCL’s Zoo Licence. |  | * Current Condition No. 20 stated:-

*In accordance with paragraphs 1.5.and 1.10 of the SSSMZP, any organised sessions involving members of the public preparing food or feeding animals that involves raw meat and fish must be the subject of a written risk assessment and protective gloves must be worn by all participants.** There were no comments contained in the Inspectors’ reports regarding this condition.
* The Zoo had not made any comment on this condition.
* The Committee noted that this condition had been complied with during a meeting from 5th to 7th July 2016 but decided to keep it on Mr Gill’s licence to show a sustained period of compliance.
 | * The Condition was complied with in 2016 and there had been no further identified problems.
 |
| Condition No. 21 - Written Protocol for Quarantine of “Rescue” Animals | That Condition No. 21 is not added to CZCL’s Zoo Licence |  | * Current Condition No. 21 stated:-

*In accordance with 3.19, 3.21 of the SSSMZP written protocols must be reviewed, with advice from the veterinary consultants, for the housing and quarantine of any animals introduced to the collection or accepted as rescue animals. Staff must receive training on the protocols and their implementation and this should be documented.**[Timescale 6 months]**Compliance date – 2nd September 2016** The Inspectors’ had made no comments in their reports regarding Condition No. 21.
* The Zoo had made no comments on this condition.
* The required written protocol was completed and submitted to the Council in the pre-inspection audit information received prior to the Zoo Inspection carried out on 23 to 25th May 2016 (new arrivals procedure and biosecurity programme).
* This was assessed by the Zoo Inspectors at the time and compliance confirmed.
 | * This Condition had been complied with.
 |
| Condition No. 22 - Review of Animal Bites | 1. That the wording of Condition No. 22 be amended to read:

 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; and 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;  and(ii) That the above  amended  Condition No. 22 be  added to CZCL’s Zoo  Licence. |  | * Current Condition No. 22 stated:-

*a) In accordance with Appendix 6 paragraph 6.14 of the  SSSMZP, a suitable and effective action plan to eliminate  bites and injuries must be put in place, and a copy of this  plan forwarded to the Licensing Authority. The action  plan must then be implemented fully and its effectiveness  monitored.**b) In accordance with 8.14 of the SSSMZP, all contact  injuries to visitors from animals must be reported to the  Local Authority within 14 days.* *Elevated to a Direction Order [ ZDO/16/07 ] – 24th  October 2016* *Effective date - 21st November 2016** The Inspectors had deemed this condition as ‘*complied with’* and ‘*likely to be met’* in their report and stated this was based on the Inspectors’ professional judgement, documentation viewed and successful implementation of the action plan.
* The plan aimed to “eliminate” bites, but in the Inspectors’ professional opinion, and given human nature and behaviour, bites could never be 100% eliminated.
* The Zoo had commented:-

*“An action plan was written and supplied to the local Authority and inspectors as part of the pre inspection audit. Public Lemur feeding takes a seasonal break from October to Easter and has just resumed. Below is an outline of the revisions to the process.**Lemur Feeding Session Review - Cumbria Zoo Company Ltd**The Lemur hand feeding sessions have been developed and improved by Cumbria Zoo Company Ltd (CZCL) for 2017. Visitors of the zoo have the opportunity to hand feed a variety of lemur species every day when purchasing a feeding wristband, CZCL has made changes and improvements from the previous method of lemur feeding carried out in past years.**In the past lemur hand feeding sessions have often been extremely busy and hectic due to having only one feeding time in a day and as a result hundreds of people have attended at one time which made the session hard to manage. Due to the high volume of people participating it made the feeding session more hazardous to the public and also to the lemurs. CZCL has now scheduled three lemur feeding sessions throughout the day; these also clash with giraffe feeding, which is equally as popular so people have to make a choice and in essence cut the crowds for both. This method means that the visitor numbers are split during the day between feeds thus lowering the risk and generally improving the welfare situation for the lemurs. With this change feeding sessions are more manageable for the keepers supervising, the animals are in a less crowded environment and the visitors can have a more enjoyable experience.**Experienced lemur keepers lead the lemur feeding sessions; they begin by explaining all of the rules needed for the feeding, i.e. no touching the lemurs, wearing gloves whilst feeding and keeping a good distance from the barrier so lemurs can move freely, the keeper will then move onto an educational talk. During this talk other keepers are positioned around the feeding area to monitor the behaviour and actions of the lemurs and public, it is their job to ensure that the public are not attempting to touch or distress the lemurs, and also ensuring that the lemurs are staying on the barrier, the talk also includes a demonstration of how to safely feed the lemurs. Once the talk is finished staff will move on to distributing the plastic gloves and food to the public. The keepers move in an orderly fashion from one end of the barrier to other ensuring the public have a safe and pleasant experience.**Keeper numbers at the feeding session depend on how the busy the day is, on a very busy day there is staff carrying out the feeding session and also other keepers just monitoring the behaviour and actions of public and lemurs to ensure the rules are being followed correctly. Keepers are vigilant at all times to ensure safety is paramount.**The visitors who have purchased the feeding wristbands are given the food at the feeding sessions; the visitors are not permitted to feed the lemurs at any other time. The keepers at the feeding session hand out one piece of food separately to each visitor, the quantity of food given to the lemurs is monitored closely as the keepers need to ensure the lemurs will come into the house for their main feed at the end of the day, which is very important as the keepers will need to do a final health check of the animals each day before finishing work. This method ensures the animals are cared for to the**highest standard.”** The Officer report that from the Record of Decision 29th March 2017; Findings of Fact:

“*During a periodical inspection in January, 2017 Inspectors 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.**Members noted that all three Inspectors agreed that it was likely to be impossible to guarantee to 'eliminate bites' when there were animals and the public in the same enclosure*” ; and * From the Reasons for Decision:

“It was noted in the January 2017 inspection that the Zoo had implemented the action plan, although lemur feeding could not be assessed as this did not take place during the winter months.”* In their report on the March 2017 Inspection, the DEFRA Inspectors re-iterated their comments on the word ‘eliminate’ and stated:

“*The plan aims to “eliminate” bites, but in the inspectors’ professional opinion, and given human nature and behaviour, bites can never be 100% eliminated.”** CZCL had reviewed the Lemur Feeding experience for 2017 and made the following changes, for example: increased the number of feeding sessions, improved the safety talk and demonstration and increased the number of Keepers when demand dictates.
* The Committee noted and considered Paragraph 6.14 of the SSSMZP guidance.
 | * The Zoo had produced an animal-guest interaction audit which had reviewed the risk of bites or injury to the public in compliance with point 1 of the Direction Order.
* The Zoo had also produced a written action plan and implementation times following on from the review, in compliance with point 2 of the Direction Order.
* The Zoo had actively implemented the action plan, and furthermore reviewed the Lemur feeding experience for 2017.
* The Zoo had notified the Local Authority, within 14 days, and one animal contact injury, to a staff member was reported on the 10th April 2017.
* The compliance date of 19th June 2017 had not yet been reached.
* If a new Zoo Licence was issued to CZCL then Mr Gill’s licence would have either been surrendered or the appeal against the refusal to grant a fresh licence will have been withdrawn. As a result the Direction Order would lapse.
 |
| Condition No. 23 - Management and Staffing Structure | That the new condition, recommended by the DEFRA Inspectors, is placed on CZCL’s Zoo Licence but revised as follows:-1. 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;
2. The Animal Director (or equivalent) must have the ability to make decisions independent of the registered land owner; and

(iii)The Animal  Director (or  equivalent) must  have overall  senior  responsibility for  all aspects of the  Zoo relating to  the animal  collection,  including but not  limited to:-• Animal Welfare  and Veterinary  Care;• Husbandry;• Breeding;* Accommodation (including design);

• Dangerous Animal  Security;• Conservation  Programmes;• Research;• Collection  Planning; and• Inter-Zoo Liaison. |  | * As previously commented upon in Section 8 of the report, the DEFRA Inspectors had recommended the following Condition be placed on CZCL’s licence:-

*a) To ensure continued compliance with Section 1A of the  Act and Section 10 of the SSSMZP, the post of an Animal  Director or Senior Manager, must be filled. This post must  have overall senior responsibility for all aspects of the Zoo  related to the animal collection including, but not  restricted to, animal welfare and veterinary care,  husbandry, breeding, accommodation design, dangerous  animal security, conservation programs, research,  collection planning, and inter-zoo liaison.* *[Timescale 4 Months; Compliance Date: 9th September  2017]; and**b) This post holder must have the ability and authority to  make decisions independent of the registered land  owner(s).** During the March 2017 Inspection, compliance and likely compliance with the proposed conditions was assessed by the Secretary of State Inspectors and the Councils Veterinary Advisor. The inspectors stated:

*“Based on the inspector’s professional judgement, documentation viewed and assessment on-site, the proposed conditions are ‘Met’ and are ‘Likely to be met’ ”* * Referring back to the Inspectors Report, they concluded:

*“The Secretary of State’s nominated inspectors, supported by the Local Authority veterinary advisor, are confident that the present management and staffing structure has raised standards in the Zoo sufficiently to meet Section 10 of the Secretary of State’s Standards of Modern Zoo Practice.* *This, in conjunction with the key, fundamental change of the departure of Mr David Gill from any practical involvement in running the Zoo, means that it is our opinion that for all practical purposes the main aims of Condition 34 have been sufficiently met for the LA to consider that a licence could be granted to CZCL.* *To quote the Zoo consultant**‘It is as if the blinds have been lifted up, and sunlight is now pouring into the room’.**At the March inspection, the whole inspection team were unanimous in considering that a new licence could be issued to CZCL based on the standards presented on that day.**In the inspector’s opinion, condition 34, originally written in November 2015, under very different circumstances, has now ostensibly served its purpose. Our current recommendation is that if CZCL are granted a licence by the LA, in order to ensure that an animal manager is still employed in a timely fashion to enable the zoo to continue to progress, a new condition be applied to the licence;* *To take the Zoo to the next stage in a modern, progressive development program, and to ensure continued compliance with Section 1A of the Act and Section 10 of the SSSMZP, we recommended this new condition.”** The Zoo had commented:-

*“The current team are with the assistance of a number of zoo specialists contractors managing the zoo successfully and complying with SSSMZP. Part of the concerns surrounding the imposition of condition 34, and perhaps this extends further, relate to the independence from David Gill. CZCL are an independent company and the relationship between the 2 amounts to nothing more than that of a landlord/tenant. CZCL articles of association prevent David Gill or any member of his family/ connected person from holding any position within the company.”**“Although the current team are managing the zoo within zoo licencing CZCL are committed to developing and looking to the future. A position for a full time Animal Director has been included in the development plan and budget and advertisement and interviews taken place. The hierarchal structure of the animal department and management team within the organisation has been revised to reflect the role.”**“An offer has been made to one of the candidates that offer has been accepted subject to a licence being issued to CZCL.”** The DEFRA Inspectors had stated in their report that:

“*The zoo was being managed in such a way that the SSSMZP were being met and the standards of accommodation, staffing or management are adequate for the proper wellbeing of the animals.**The zoo is likely to be managed in such a way that the SSMZP are likely to be met*.”* Additionally, they recognised that:

*“to ensure continued compliance with Section 1A of the Act and Section 10 of the SSSMZP” and “To take the Zoo to the next stage in a modern, progressive development program” this new condition is recommended to the Local Authority.** As of the 25th April 2017, Members noted that an appointment of a new Animal Manager was still to be made.
* Dr Andreas Kaufmann was in attendance at the meeting and it had been announced that he had been appointed as Animal Director at the Zoo.
 | * The Secretary of State’s nominated inspectors, supported by the Local Authority veterinary advisor, are confident that the present management and staffing structure has raised standards in the Zoo sufficiently to meet Section 10 of the Secretary of State’s Standards of Modern Zoo Practice.
* To ensure continued compliance with Section 1A of the Act and Section 10 of the SSSMZP
* To take the Zoo to the next stage in a modern, progressive development program.
* To give CZCL adequate time to employ an Animal Director or Senior Manager.
* To ensure that the Animal Director or Senior has the ability and authority to make decisions independent of the registered land owner(s)
 |
| Condition No. 24 - Africa House | That Condition No. 24 is not added to CZCL’s Zoo Licence |  | * Current Condition No. 24 stated that:-

*a) In accordance with Section 2 of the SSSMZP an  appropriate written action plan must be developed that  demonstrates clearly how the Africa House will be  heated, how suitable bedding and substrate will be  provided, such that the welfare needs of all the animals  housed within this building are met at all times, thus  ensuring their well-being and comfort. A copy of this  action plan must be submitted to the Local Authority.*  *[Timescale: 1 week];**b) The action plan must be implemented within 4 weeks  from today’s meeting. [Compliance Date: 8th December  2016 ]; and**c) The Africa House must be permanently monitored to  ensure a suitable environment of the building including  the temperatures and bedding being maintained.  [Timescale: Ongoing).** The Inspectors had deemed this condition as ‘*complied with*’ and ‘*likely to be met’* in their report and stated this was based on the inspectors’ professional judgement, viewing documentation and results of successful implementation of the action plan.
* The Zoo had commented

*“To ensure the welfare of the animals in the Africa building the heating must be operational at all times, the thermostat ensures that the temperatures are kept within a comfortable range for the animals.**Temperatures are recorded morning and night to ensure any failures of the heating system are detected and resolved quickly. The house also has infra-red heaters fitted above the giraffes and above the 2 rhino pens which the young calves are in, which act as backup heating or extra heating if required. The giraffes are given access to the hardstand when weather permits, browse poles are planned for the hardstand, inside browse and branches for chewing are hung up for the giraffes throughout the day”**“Drainage work and added hardstanding by the gates on the field will solve the issues we have encountered with the field this winter, hoof stock was required to be kept off the field to prevent the risk of hoof rot, work is set to be done before next winter”** The Committee noted that from the Record of Decision 29th March 2017; Reasons for Decision:

• *The required plan, detailing the changes that would be  put in place for the comfort and wellbeing of these  animals was received on the 18th November 2016.**• Inspectors had noted during inspections that there was  suitable heating and bedding in the Africa House.**• The Zoo had records to show the temperature was being  permanently monitored by Keepers in the House.**• There were possible long term actions regarding  drainage that still required the Operator to review  during the warmer months.** From the Zoo’s response, work on the drainage was scheduled for the summer months and they had produced and action plan as detailed in the Officer’s report.
 | * The Inspectors had stated that the Zoo had complied with this condition.
* Members had noted compliance with this Condition at the 29th March 2017 hearing.
* The Zoo had addressed the additional outstanding drainage concerns and produced an action plan, specific to the Africa House.
 |