

LICENSING REGULATORY COMMITTEE

Meeting: Thursday, 19th May, 2022
at 2.00 pm. (Banqueting Hall)

Present: Councillors Callister (Chairman), McEwan (Vice-Chair), Assouad, Barlow, Biggins, Gawne, Hall, McLeavy, Seward and Wall.

Officers Present: Graham Barker (Head of Public Protection), Ivor Churcher (Commercial Team Leader), Sandra Kemsley (Democratic Services Officer) and Katie Pepper (Democratic and Electoral Services Officer).

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

Cumbria Zoo Co Ltd: (for Agenda Item 9 only) Kim Banks (Deputy Animal Department Manager), Anna Gillard (Director) and Stewart Lambert (Chair, Board of Directors).

1 Apologies for Absence

Apologies for absence had been received from Councillor Zaccarini.

2 Minutes

The Minutes of the meeting held on 20th April, 2022 were taken as read and confirmed.

3 Public Participation

RESOLVED:- To note that no questions, representations, deputations or petitions had been received in respect of the meeting.

4 Terms of Reference

RESOLVED:- To note the revised Terms of Reference for the Licensing Regulatory and Licensing Committees.

5 Annual Informal Inspection - Cumbria Zoo Company Limited

The Commercial Team Leader reported that Cumbria Zoo Company Limited (CZCL) held a Zoo Licence issued on 29th March, 2021 to operate a Zoo at premises known as South Lakes Zoo, Melton Terrace, Lindal-in-Furness, Cumbria LA12 0LU. The Licence had been granted for a period of six years with several conditions being placed on the Licence.

On 28th February, 2022 an Annual Informal Inspection of the Zoo had been conducted by Dr Mathew Brash BVet Med Cert Zoo, Med MRCVS and Ivor Churcher, Commercial Team Leader. Kim Banks, Deputy Animal Department Manager had accompanied the inspection team during the inspection. The main focus of which was to ascertain compliance with conditions and directions placed on the Zoo.

Dr Brash's inspection report had been attached as an appendix, a summary of his recommendations were as follows:-

1. The perimeter fence was not being maintained as undergrowth was beginning to grow up and over the fence causing the electric fence to short. It is proposed that a Direction be made as the zoo licence holder had failed to comply with the following licence condition:

This licence condition is not met in relation to the whole of the zoo. In order to comply with Section 8.29 of the SSSMZP and Section 1A(c) of the ZLA and meet the requirements of this condition the zoo licence holder must ensure that the perimeter boundary fence must be maintained in such a way, so far as is reasonably practicable, to ensure the confinement of all animals within the zoo. All vegetation must be cut back from the perimeter fence so that the electric fencing is not compromised. This action must be completed within one month from the date on which this direction takes effect in accordance with section 18(9) of the Zoo Licensing Act 1981. The zoo is not required to be closed to the public during the period in which the zoo must make the changes needed to comply with this direction.

2. The perimeter fence adjacent to the house at the top of the Zoo, poses a potential risk for someone to enter the Zoo illegally. This has come about by the occupants of the house raising the ground level within the garden presumably in order to provide a better unrestricted view of the Zoo. There is also potential for the occupants to make contact with the electric fence. It is proposed that a Direction be made as the zoo licence holder had failed to comply with the following licence condition:

This licence condition is not met in relation to the perimeter fence adjacent to the house called Furness View. In order to comply with Section 8.29 of the SSSMZP and to meet the requirements of this condition, the zoo licence holder must raise the perimeter fence that runs adjacent to the Furness View garden to a sufficient height to ensure that, in all areas, it acts to discourage unauthorised entry, and the electric wiring is out of reach of all members of the public whether within or without the zoo. This action must be completed within one month from the date on which this direction takes effect in accordance with section 18(9) of the Zoo Licensing Act 1981. The zoo is not required to be closed to the public during the period in which the zoo must make the changes needed to comply with this direction.

3. The Standoff Barrier on the pathway adjacent to the maned wolf enclosure is no longer present and could be a danger to the Public. It is proposed that a Direction be made as the zoo licence holder had failed to comply with the following licence condition:

In order to comply with Section 8.9 and 8.24 of the SSSMZP and Section 1A(c) of the ZLA and meet the requirements of this condition the zoo licence holder must replace the standoff barrier on the pathway adjacent to the maned wolf enclosure, so that it acts as a suitable preventative standoff barrier. This action must be completed within one month from the date on which this direction takes effect in accordance with section 18(9) of the Zoo Licensing Act 1981. This licence condition is not met in relation to the pathway between the baboons and maned wolf enclosures. This pathway is required to be closed to the public during the period in which the zoo must make the changes needed to comply with this direction.

4. The Baboon electric fencing was loose and was shorting on plants. This may lead to Baboons escaping. It is proposed that a Direction be made as the zoo licence holder had failed to comply with the following licence condition:

This licence condition is not met in relation to the electric fencing between the baboons and maned wolf enclosures. In order to comply with Section 8.6 and 8.7 of the SSSMZP and Section 1A(c) of the ZLA and to meet the requirements of this condition, the zoo licence holder must repair or replace the electric fencing to ensure that it is constructed and maintained to contain animals within the enclosure. This action must be completed within one month from the date on which this direction takes effect in accordance with section 18(9) of the Zoo Licensing Act 1981. The zoo is not required to be closed to the public during the period in which the zoo must make the changes needed to comply with this direction.

5. The electric fence at the Lemur walkthrough was not of sufficient height to prevent an adult person touching live "hot wires". It is proposed that a Direction be made as the zoo licence holder had failed to comply with the following licence condition:

This licence condition is not met in relation to the pathway within the Safari walk through and adjacent to the racoon house. In order to comply with Section 8.13, 8.14 and 8.23 of the SSSMZP and to meet the requirements of this condition, the zoo licence holder must raise the electric wiring on enclosure fence of the lemur walk-through enclosure to a sufficient height to ensure that, in all areas, it is out of reach of a member of the public. This action must be completed within one month from the date on which this direction takes effect in accordance with section 18(9) of the Zoo Licensing Act 1981. The pathway adjacent to the fence in the area behind the racoons, is required to be closed to the public during the period in which the zoo must make the changes needed to comply with this direction.

6. A rodent was noted leaving the Ant Eaters accommodation and there is considerable evidence of rodents in other areas of the Zoo. It is proposed that a condition be placed on CZCL Licence to ensure that within a six month period that there is a safe and effective programme for the control or deterrence of pests and vermin:

In order to comply with section 3.25 of the SSSMZP, and Section 1A(c) of the ZLA and meet the requirements of this condition the zoo licence holder must ensure that a safe and effective programme for the control or deterrence of pest and vermin must be established and maintained throughout the whole of the zoo. The zoo licence holder must ensure that this programme has been established and implemented within six months from the date on which this condition takes effect in accordance with section 18(7) of the Zoo Licensing Act 1981.

Existing Directions

Drainage at the Africa House and Service Area

At the Zoo Licence inspection in March 2021 a direction to comply with their licence was issued to ensure that the Africa House was not flooded and the welfare of the animals was not compromised. A deadline of April 2022 had been given for this

Thursday, 19th May, 2022

Direction to be complied with. At the Informal Inspection on 28th February, 2022 it was noted that this direction had not been complied with. Karen Brewer CEO CZCL intends to request an extension as major excavation works are necessary.

The Africa Exhibit Paddock

At the Zoo Licence inspection in March 2021 two directions had been issued: (a) Ensure suitable grazing food stock and (b) Provision of adequate shelter when the animals are on the paddock.

CZCL had submitted their response which had been attached as an appendix, and summarised below:

Perimeter Fence

Response: Complete. A reading from the zoo perimeter is recorded morning and night by the office – via radio calls to keepers; there are differing acceptance levels and the office are strained to flag to maintenance any issues. Maintenance held a staff training session with all staff to ensure they understand to report any shorting – clicking. There was limited damage from the storms over the 2 weeks despite winds reaching 60/70 mph; apart from branch fall and an old perimeter wooden fence from the old entrance side. The Team has now relocated the fence. A photo of readings from the entire perimeter had been submitted.

Perimeter Fence adjacent to the House

Response: We have ascertained raising the fence is impossible; therefore intend to create a new perimeter 4ft inside the existing boundary – thus creating a no man's land. The fence will be wooden posts; chain link mesh as the current exterior. The fence will stand the same height as the current perimeter – 2m plus overhang. The electrics will be removed from the back of the current fence and run along the new fence to maintain the same fence all the way around the perimeter of the zoo. Materials were on order with a 4 week delivery.

The house has an access drive over the zoo's land to their property and over the last few months have continued to store more and more building materials (photo). We have requested the fence and badly built wall be removed. What they have done is taken the works down by approximately 1m this means from their side our 2.5m perimeter now becomes a 1.5 fence and reachable and at some places the wall still stands at 2m next to our 2.5m fence.

Standoff Barrier

Response: Complete – A standoff barrier is in place of the dead shrubbery and bramble that has been stripped out (photo).

Baboon Electric Fencing

Response: Complete – There was a loose tensioning wheel that the Maintenance Manager re-tensioned. Daily fence reading taken by keepers in a morning and minimum reads checked prior to animals being allowed into the paddock ensure the fence is operational and reading correctly, readings are recorded daily and transferred to ZIMS (photo of readings).

Lemur Walk through electric fencing

Response: Complete – Managers understood the height of the electric fence to be the problem and so disabled the bottom 2 wires, however upon discussion the fence has been extended and meshed – the bottom wire of the fence now sits at 3m high (photo).

Rodent Control

Response: The zoo employs 3 Lantra qualified pest control staff who have daily rounds, trained in baiting, shooting and dealing with issues. We have a longstanding contract with a pest control company who audit the premises twice a year. Because of increased activity over the last 12 months a third member of the pest control team had been employed and trained. External consultants (The Pied Piper) have now been appointed on a service agreement for a 12 month rolling contract; our team are on stand down at the contractors request but continue to shoot. They have made 2 visits since the inspectors visit on 10th and 17th March to scope the site and implement a plan, on their visit they provide an update date report.

Existing Directions

Drainage at the Africa House and Service Area

Response: We would like to seek an extension to the Direction. All the works ensuring the drainage of the house and paddock have been completed and is operational - there has been no water in the Africa throughout winter. There are a series of pipes which have been installed by the previous owner under the midden which lies adjacent to the Africa house, those pipes end at the corner of the front of the building and do not connect with the pipes which drain in that area – they just stop. As part of the works a big sump has been built at that point however it has become apparent over winter the water coming off the farmer's field runs not just under but through the midden meaning the water in that area can be fouled – therefore we need to move the midden. To move the midden we have to move the hundreds of tons of rocks that has been deposited as a result of the expansion which hence needs the heavy machinery to do so.

That means we can then safely divert the clean water in the pipes and into the sump/soak away and into the current drainage channels. Utilico unfortunately have been working on the roundabout works on the A590 at Ulverston, so we are booked in as that job finishes we have a start date of June but sooner if time permits. The works is estimated to take 2-4 weeks dependent upon ground conditions. Our maintenance manager has a good working relationship with the Utilico owners and if any gaps appear in their work calendar we will be the next job therefore we just seek a small extension onto the order.

The Africa Exhibit Paddock

Response: The area has been seeded at the end of last season and this, but we also await the weather to warm for the next but there is good growth on two thirds of the area. Next year the Animal Manager expects to keep all animals off it from October - February. (Photo of Rhino shelter).

On 18th May, 2022 the Commercial Team Leader had visited the zoo. He circulated photo's he had taken, including: new decking in grounds of house built next to the electric fencing; the house showing raised ground level; trees/shrubbery in close

Thursday, 19th May, 2022

proximity to electric fencing; increased height of electric fence at the Lemur walk through area; new standoff barrier for Maned Wolves; new grazing starting to grow on the Africa Exhibit Paddock; and newly built shelter on Africa Paddock.

The Commercial Team Leader confirmed that the following licence conditions had now been met and could be removed:-

- Perimeter Fence adjacent to the house;
- Standoff barrier;
- Baboon Electric fencing; and
- Lemur Walk through electric fencing.

The Direction Order on the food stock and shelter at The Africa Exhibit Paddock had been met and could be removed.

Kim Banks asked if the Committee would move into Part Two to allow her colleagues from the Zoo and herself to update the Committee further.

Pursuant to Paragraph 3 of the Local Government Act 1972, Schedule 12a, Paragraph (3) it was moved by Councillor Callister and duly seconded to move into Part Two to enable confidential discussions to take place.

The Press left the meeting, no other members of the public were in attendance. After addressing the Committee, representatives from the Zoo, the Head of Public Protection and the Commercial Team Leader left the meeting to allow the Committee to make its decision and all were readmitted to the meeting following the Committee's deliberations.

It was moved by Councillor Hall and seconded by Councillor McEwan, and

RESOLVED:- To unanimously agree:

1. A condition is to be added to the current licence stating as follows:

"The Zoo is required to submit to the Council within two months* (and to thereafter maintain and keep updated) a Risk Assessment and Future Management Plan dealing with:

(i) a summary of the areas prone to encroachment of foliage in the zoo perimeter;
(ii) their ability to remedy encroachment from the non-zoo side of the perimeter fence; and
(iii) how legally overgrowing foliage will be managed and remedied."
2. A condition is to be added to the current licence stating as follows:

"The Zoo is required to submit to the Council within two months* (and to thereafter maintain and keep updated) a Risk Assessment and Future Management Plan to address rodent control at the Zoo."
3. The Committee agreed to a six months** extension to the compliance date for the Drainage at the Africa House and Service Area Direction Order to allow planned major excavation works to take place, namely until 18th November 2022.

Thursday, 19th May, 2022

**for clarification the two months shall not have effect, during the period within which the holder of the licence is entitled to appeal, and subject to any appeal the compliance date is no later than 21st August 2022*

***Similarly, the six months extension shall not have effect, during the period within which the holder of the licence is entitled to appeal, and subject to any appeal the compliance date is no later than 21st December 2022.*

6 Appointment of Representatives to Working Groups

At the Annual Council meeting on 18th May 2022 the allocation of seats in respect of Forums, Panels, Working Groups etc. had been agreed.

Members had been requested to appoint Members to the Taxi/Private Hire Liaison Group in accordance with the notional seat allocations for 2022/2023 as follows:-

Three seats (2 Labour: 1 Conservative)

It was moved by Councillor Seward and seconded by Councillor Assouad, and

RESOLVED:- To agree the appointments to the Taxi/Private Hire Liaison Group for 2022/2023 as follows:-

Councillors Callister, Hall and McEwan.

7 Licensing Delegated Decisions (February to April 2022)

The Head of Public Protection's report provided a summary of the delegated decisions made between 1st February and 30th April 2022 including those already reviewed by the Director of People & Place, the Head of Legal & Governance and the Chair of the Licensing Regulatory Committee.

RESOLVED:- To note the report.

The meeting closed at 3.21 pm.