

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

7 April 2021

PRESENT: - Councillor K Vickers (Chairman).

Councillors P Vickers (Vice-Chair), M Ali, R Allcock, P Clark, T Ellerby, R Hannigan, T Mitchell, H Rayner, H Rowson, S Swift, D Wells, M Armiger, D Southern and Wilson.

This was a Microsoft Teams Virtual Meeting.

1742 **SUBSTITUTIONS** - Councillor M Armiger substituted for Councillor C Sherwood; Councillor D Southern substituted for Councillor S Armitage and Councillor S Wilson substituted for Councillor A Davison.

1743 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, AND SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING), IF ANY** - Councillor M Ali declared a personal interest as a personal licence holder.

1744 **APPLICATION FOR THE GRANT OF A ZOO LICENCE AT SHEPHERDS' PLACE, AKEFERRY ROAD, GRAIZELOUND, HAXEY, NORTH LINCOLNSHIRE** - The Director: Operations submitted a report that informed the committee of an application for a Zoo Licence at Shepherds' Place Farm, Akeferry Road, Graizelound.

The committee was informed that before granting or refusing a licence for a Zoo, local authorities were required, by section 4 of the Zoo Licensing Act 1981, to consider an inspector's report in reaching a decision on a new licence application.

Where the inspection was prior to a new licence application, section 9A(7) required the inspector to be nominated by The Secretary of State from her list of inspectors.

In accordance with the provisions of the Zoo Licensing Act 1981 and the council's scheme of delegation, applications for a Zoo Licence where a recommendation to refuse the Licence had been received by The Secretary of States allocated Zoo Inspector, needed to be determined by the Licensing Committee.

On 12 November 2020 an application was received by Mr Keith Phillips for a Zoo Licence, which was attached at Appendix A of the report.

Prior to an inspection the applicant must fill out a pre-inspection form which was then submitted to the nominated Zoo Vet Inspector, which was attached

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at Appendix B to the report.

On 24 February 2021 an inspection was carried out by an authorised officer for North Lincolnshire Council and by the nominated Vet Inspector.

The inspector must produce a report following the inspection. The report was attached at Appendix C to the report.

In the report, the inspector stated that the zoo falls so far short that in their opinion it was unlikely to meet the requirements and so cannot recommend a Zoo Licence and recommended refusal.

The Secretary of State would not normally expect a licence to be refused in a situation where adequate standards were not met but where there were reasonable prospects that improvements would take place.

The inspection report took into account the health, safety or welfare of the animals and visitors to the zoo. Consideration was also given to the conservation status of the animals as well as how hazardous they were.

The Director in his report reminded the sub-committee that the options available to it under the Zoo Licensing Act 1981 when considering such applications were:

- To grant the licence
- To refuse the licence.

The Director: Governance and Partnerships informed the committee that the applicant had not responded to invitations to attend the hearing. However, the Secretary of States Nominated Inspector was in attendance and addressed the sub-committee and responded to questions.

Following the summary of the case, the meeting was adjourned for deliberation by members.

Resolved - The Licensing Committee carefully listened to the verbal representation made by the Secretary of States Nominated Inspector and read the substantial documentation contained within the agenda bundle, which included the application and supporting documents submitted by the applicant, the pre inspection audit and the inspection report prepared by the Secretary of States Nominated Inspector.

The Licensing Committee was informed by the council's Senior Democratic Services Officer that prior to the hearing email communication, a letter and electronic invitation to the hearing had been sent to the applicant. However, no communication or acceptance had been received from the applicant prior to the hearing and it was confirmed that the applicant was not present at the virtual meeting. Therefore, due to the determination date of the application already being extended to the 14 April 2021, the Licensing Committee agreed to hear the application without the applicant being in attendance at the

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hearing.

The submission made by the Secretary of States Nominated Inspector emphasised that upon inspection of the premises the applicant was unlikely to be able to comply with any of the conservation measures set out in section 1A of the Zoo Licensing Act 1981. The Secretary of States Nominated Inspector also made submissions that the applicant had provided no assurance, plans or evidence that should the application be granted they would :

1. participate in one of following:
 - a) undertake research from which conservation benefits accrue to species of wild animals;
 - b) provide future training in relevant conservation skills;
 - c) exchange information relating to conservation of species of wild animals;
 - d) (where applicable) breed wild animals in captivity; or
 - e) (where possible) the repopulation of an area with, or the reintroduction into the wild of wild animals.
2. promote public education and awareness in relation to the conservation of biodiversity, in particular by providing information about the species if wild animals kept in the zoo and their natural habitats;
3. accommodate animals under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong;
4. prevent the escape of animals and putting in place measures to be taken in the event of any escape or unauthorised release of animals;
5. prevent the intrusion of pests' vermin into the premises; and
6. keeping up to date records of the zoo's collection

In addition, the Secretary of States Nominated Inspector made submissions that there were concerns with the current conditions of the premises and welfare of animals in particular:

1. that some of the existing enclosures were poor and required a lot of work to improve to ensure the animals were kept safe and could not escape as well as to prevent poaching;
2. that the paddock was over stocked;
3. the diet of the animals was poor;
4. their list of animals was not complete and missing information in relation to the deaths of animals including no details of post-mortems; and

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5. that a vet had only visited once and provided a list of actions that the applicant needed to undertake to ensure the welfare of the animals.

The Secretary of States Nominated Inspector made strong recommendations that the application be refused on the basis that -

- the applicant was not likely to be able to comply with the conservation conditions set out in section 1A of the Zoo Licensing Act 1981;
- the premises do not and are not likely to meet the standards required in accordance with the Secretary of States Standards of Modern Zoo Practice and,
- that there was a serious concern for the safety and welfare of the public and the animals.

After considering the information presented at the hearing and taking into account the requirements of section 4 of the Zoo Licensing Act 1981 and the Department for Environment, Food and Rural Affairs (Defra) Guide to the acts provisions, the Licensing Committee had serious concerns that the applicant -

- did not understand the requirements and standards of running a Zoo;
- did not have the ability to look after the welfare of the animals,
- did not provide any confidence that he would implement measures to meet the requirements and standards of running a Zoo.

Therefore, the Licensing Committee unanimously agreed that the application be refused in accordance with section 4(2A) of the Zoo Licensing Act 1981, as the Licensing Committee were not satisfied that:

1. the conservation measures referred to in section 1A of the Act will be implemented in a satisfactory manner at the zoo; and
2. that the standards of accommodation, staffing or management are adequate for the proper care of the animals.

1745 **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES WHICH MUST BE SPECIFIED -**
There were no urgent items for consideration at the meeting.