

A G E N D A

Regulatory Committee

Date: **Monday, 19th April, 2004**

Time: **2.00 p.m.**

Place: **The Council Chamber,
Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Regulatory Committee

To: Councillor R.I. Matthews (Chairman)
Councillor Brig. P. Jones CBE (Vice-Chairman)

Councillors Mrs. S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.W. Hope, T.W. Hunt,
G. Lucas, J.W. Newman, R. Preece, D.C. Taylor and P.G. Turpin

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1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY)	
To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES	1 - 4
To approve and sign the Minutes of the meeting held on 16th March, 2004.	
5. PROCEDURAL ARRANGEMENTS	5 - 6
To note the procedural arrangements for the meeting.	
6. DRAFT GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003	7 - 10
To advise Members of the potential impact of the revisions to the liquor licensing legislation contained in the Licensing Act 2003.	
Wards: County-wide	

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|-----|--|---------|
| 7. | <p>PUBLIC ENTERTAINMENTS LICENSING REPORT TO DETERMINE THE OPERATING HOURS FOR AN APPLICATION FOR HEREFORDSHIRE YOUNG FARMERS CLUB COUNTY RALLY 2004 ON SATURDAY 22 MAY 2004 ON THE FARM AT ARKSTONE COURT, KINGSTONE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982</p> <p>To determine whether to grant a finishing time later than the current policy of 0100 hours for an occasional public entertainment.</p> <p>Ward: Valletts</p> | 11 - 14 |
| 8. | <p>PUBLIC ENTERTAINMENTS LICENSING DETERMINATION TO GRANT A LICENCE FOR RADNOR AND WEST HEREFORDSHIRE HUNT BALL ON SATURDAY 12TH JUNE 2003 IN A MARQUEE AT HERGEST CROFT, KINGTON, HEREFORDSHIRE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982</p> <p>To consider an Occasional Public Entertainment application that requests a finishing time later than the current policy of 0100 hours.</p> <p>Ward: Kington</p> | 15 - 18 |
| 9. | <p>REPORT TO REVIEW THE LICENCE FEES FOR PLEASURE BOATS - PUBLIC HEALTH AMENDMENTS ACT 1907</p> <p>To consider reviewing the proposed fees for Pleasure Boat Licences.</p> <p>Wards: County-wide</p> | 19 - 20 |
| 10. | <p>ZOO LICENSING - IMPLEMENTATION OF REVISED LICENCE STANDARD CONDITIONS - ZOO LICENSING ACT 1981</p> <p>To consider implementing standard conditions to be attached to a Zoo Licence within Herefordshire.</p> <p>Wards: County-wide</p> | 21 - 44 |
| 11. | <p>ZOO LICENSING - TO CONSIDER DELEGATING POWERS TO THE HEAD OF ENVIRONMENTAL HEALTH AND TRADING STANDARDS - ZOO LICENSING ACT 1981</p> <p>To consider delegating powers to the Head of Environmental Health and Trading Standards to determine zoo licenses.</p> <p>Wards: County-wide</p> | 45 - 50 |

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the Regulatory Committee held at Brockington, 35 Hafod Road, Hereford on 16 March 2004 at 2.00 pm.

Present: Councillor R.I. Matthews (Chairman)
Councillor Brig P. Jones (Vice-Chairman)

Councillors: Mrs S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.W. Hope, T.W. Hunt, G. Lucas, J.W. Newman, R. Preece, D.C. Taylor, P.G. Turpin

In attendance: Councillors P.E. Harling and J. Goodwin

48. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

49. NAMED SUBSTITUTES

There were no substitutions made.

50. DECLARATIONS OF INTEREST

There were no declarations of interest made.

51. MINUTES

RESOLVED: That the Minutes of the meeting held on 3 February 2004 be approved as a correct record and signed by the Chairman.

52. LICENSING ACT 2003

The Legal Practice Manager said that preparation of the transfer of liquor and other such licenses from the Magistrates Court to the Council was continuing and a series of training events had been held in February and March for Members and officers. The draft policies had recently been discussed with the Police and the next stage was for the views of other interested parties to be sought. He said that indications were that the new arrangements could be introduced by the Government from October 2004 and he would arrange for refresher training to be held nearer the time.

53. FOOTPATHS ED5 (PART) & ED6 (PART) IN THE PARISH OF EARDISLAND – PROPOSED PATH RESTORATION FOLLOWING RIVER EROSION

The Chairman said that following the previous meeting of the Committee, a site inspection had been undertaken for Members to familiarise themselves with the route of the footpaths. He said that Members had been able to see the sections of footpath which had been lost to river erosion and what was needed for the footpaths to be restored or alternative routes provided. He also said that Members had received a number of letters from landowners and interested parties in respect of the footpaths.

The **Director of Enviroment** provided the Committee with further details about the footpaths and outlined the discussions that had taken place with local landowners and interested parties. He said that although it would be possible to provide an

alternative route, this could prove to financially unviable and that it was also likely that continuing erosion would eventually lead to the loss of the alternative in future years. Another alternative would be for the route used by walkers at the present to be connected to the sections of footpath left after erosion. The Committee decided to consider the legal and financial implications and that the press and public should be excluded during these considerations.

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: That under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12 (A) of the Act as likely to reveal Counsel's Opinion and possible expenditure

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION

The Committee considered a report about the potential amount of compensation payable to landowners if it was decided to create new sections of public footpaths ED5 and ED6 in the parish of Eardisland. The Committee was also advised of Counsel's legal opinion on the matter.

The public and press were then re-admitted to the meeting. The Chairman said that all the points raised by landowners and interested parties had been carefully taken into consideration but that the Committee did not feel that it would be viable or practical to provide a replacement for the sections of the footpaths which had been lost to erosion.

RESOLVED: That no further action be taken to implement the creation and extinguishment proposals for public footpaths ED5 and ED6 shown on Plan in Appendix 1 to this report on the grounds that the revised route would not be sustainable or economically viable.

54. PLEASURE BOAT LICENSES

The Acting Licensing Manager presented a report of the Head of Environmental Health and Trading Standards suggesting the introduction of revised licensing conditions and fees for pleasure boat licenses. She outlined the legislation under which the Council was empowered to license the operation of pleasure boats to be let for hire by members of the public, or to be used for carrying passengers for hire and the conditions that could be attached to such licenses. She explained that since 1998 the Council had used the licensing conditions from each of the predecessor authorities, she proposed that these be replaced by new conditions which were a combination of those used previously, best practice and advice contained within legislation and regulations. She proposed the replacement of the existing annual boat proprietors' license with an annual boatman license and an annual pleasure boat license. She said that the pleasure boat license would consist of the following 6 categories:

- (a) Rowing boats/Rowing Dinghies/Canadian Canoes
- (b) Mechanically Propelled Boats
- (c) Single Canoes/Kayaks
- (d) Sea Cycles/Water bikes/Similar Craft

- (e) Sail Boards
- (f) Sailing Dinghies

She provided the Committee with details of the conditions that could be attached to each category and said that the categories would be stipulated on the license. No pleasure boat license could be obtained without a current boatman license. She proposed that the fees be set as follows:

Fee for Boatman Licence	£85
Fee for Pleasure Boat Licence	£10 per passenger

Having considered the proposals the Committee decided that the revised fees and conditions should be introduced subject to a minor amendment.

RESOLVED: That

- (I) the proposed boatman and pleasure boat license conditions and fees set out in the report of the Head of Environmental Health and Trading Standards be adopted, subject to the replacement of the wording “mechanically propelled boats or vessels (motor boats) let for hire” with “mechanically propelled boats or vessels (motor boats) let for hire or used to carry passengers;**
- (II) the Head of Environmental Health and Trading Standards be authorised to update the license conditions as and when necessary in accordance with appropriate legislation and regulations.**

The meeting ended at 2.40 pm.

CHAIRMAN

REGULATORY COMMITTEE
LICENSING APPEAL PROCEDURE

1. Introduction by Clerk to the Panel.
2. Licensing Officer outlines the case.
3. Applicant (or his solicitor) sets out his case.
4. Questions asked by the Panel or Licensing Officer or Applicant.
5. Applicant (or his solicitor) asked if he would like to make further comment or representation, or if he requires time to comment or investigate (if so, Chairman defers application).
6. In dealing with each application, the applicant (and any representative) should also withdraw should be asked to withdraw when they have finished their presentation. All officers, other than the Clerk to the Panel, should also withdraw. It would be preferable for the applicant and officers to await the decision at different locations.
7. If either the applicant or the officer are needed to furnish additional information, they should all be invited back before the Panel. When the additional information has been furnished, they should all be asked to leave again.
8. The Panel can then reach a decision in the usual way, but in the absence of parties.
9. The applicant and officers will then be invited to return. The Chairman will announce the decision. The Chairman should also say that the decision will be communicated in writing in due course, and that the applicant will be informed of any right of appeal (if the decision is a refusal).
10. When the first applicant is finished, that applicant should leave. Deal with the second application the same way.

DRAFT GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

Report By: Head of Environmental Health and Trading Standards

Wards Affected

County-wide

Purpose

To advise Members of the potential impact of the revisions to the liquor licensing legislation contained in the Licensing Act 2003.

Considerations

1. The draft Guidance compliments the Government's Alcohol Harm Reduction Strategy for England which was published on the 23rd March 2004 and sets out a blueprint for forging new partnerships with the health and police services, the drinks industry, and communities, to combat the range of problems caused by alcohol misuse in England.
2. The Strategy puts joint action at the heart of a series of measures which will:
 - *tackle alcohol-related disorder in town and city centres;*
 - *improve treatment and support for people with alcohol problems;*
 - *clamp down on irresponsible promotions by the industry; and*
 - *provide better information to consumers about the dangers of alcohol misuse.*
3. The Licensing Act received Royal Assent on 10 July 2003. A brief summary of the contents of the Act are contained in Appendix 1 (attached).
4. The modernisation of the legislation has also been pursued to support a number of other key aims and purposes. These are of vital importance and should be principle aims for all involved in licensing work. They include:
 - the introduction of better and more proportionate regulation to give business greater freedom and flexibility to meet their customers' expectations;
 - greater choice for consumers, including tourists, about where, when and how they spend their leisure time;
 - the encouragement of more family friendly premises where younger children can be free to go with the family;
 - the further development within communities of our rich culture of live music, dancing and theatre, both in rural areas and in our towns and cities;
 - the regeneration of areas that need the increased investment and employment opportunities that a thriving and safe night-time economy can bring; and

- the necessary protection of local residents, whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting places of entertainment.
 - Through the legislation, the government hope that local people and visitors to this country will have better opportunities to enjoy their leisure time safely while on, or arriving at or leaving a huge range of venues.
5. Whilst the guidance is currently only draft it is likely to become statutory in the very near future and the Council will need to consider how it consults on its Liquor Licensing Policy. As can be seen from above there is a recognition by Central Government that the new Licensing legislation can have an impact on investment and employment opportunities through a safe and thriving night-time economy.
 6. The issues of a night-time economy are probably far more relevant to Hereford City than the market towns. To this end it will be necessary to consider what type of night-time economy is wanted in Hereford and will there be an adequate infrastructure to support such aims and ambitions.

Recommendation

THAT: Members note the content of the Draft Guidance issued under section 182 of the Licensing Act 2003

Appendix 1

- The amalgamation of six existing licensing regimes (alcohol, public entertainment, cinemas, theatres, late night refreshment house and night café).
- A single integrated scheme for licensing premises which sell alcohol, provide entertainment to the public or provide refreshment late at night, sweeping away considerable red tape and cost.
- Premises licence to incorporate licensing operating conditions (e.g. hours, fire exits, capacity) addressing the key areas of crime and disorder, public safety, public nuisance and protection of children from harm. They will be set locally, if necessary, on the basis of the assessment of what is in the overall public interest of the community.
- A new system of personal licences which allow holders to sell or supply alcohol for consumption on or off any premises in respect of which there is a premises licence authorising such sale or supply. (Those providing regulated entertainment or refreshment at night which do not involve alcohol, would require a premises licence only).
- Personal licences to be issued for 10 years to those aged 18 and over following a test of knowledge of licensing law and social responsibilities and subject to police scrutiny if relevant or foreign offences have been committed, with provision for suspension or withdrawal of licences within that period: abolition of vague "fit and proper person" test in respect of licences to sell alcohol. Personal licences are renewable.
- Personal and premises licences to be issued by licensing authorities: generally local authorities.
- Premises licences to be supported by flexible range of remedies following review (including temporary reduction in opening hours) instead of present single all or nothing sanction available to licensing justices of loss of licence if conditions have been breached.
- An avenue of appeal for parties (including the police and local residents following representations) to the magistrates' courts.
- To minimise public disorder resulting from fixed closing times, the opportunity for flexible opening hours, subject to consideration of representations made by local residents and other interested parties and responsible authorities (and therefore existing permitted hours to be abolished).
- Children under 16 to be allowed access to pubs only if accompanied by an adult. Licensing authorities to have the ability, if necessary, to restrict or deny access for children to unsuitable licensed venues following representations.
- The legal age for drinking alcohol on licensed premises and for buying it there, whether as off-sales or on-sales, both to remain at 18. An exception will allow 16 and 17 year olds accompanied by an adult to consume alcohol of less than spirits strength with a table meal on licensed premises.
- New requirements in the wake of the Thames Safety Inquiry for licensing the sale of alcohol, and the provision of entertainment and late night refreshment on boats travelling within England and Wales.
- New arrangements for non-profit making qualifying clubs supplying alcohol to their members, which preserve their special status.

- Incidental live and recorded music to be exempted from licensing for the first time.
- Unamplified live music in small venues to be treated exceptionally to ensure traditional and amateur folk music thrives.
- For the first time, the provision of entertainment in a school and sixth form college by the school or college will be exempted from the licensing fee associated with that provision.
- The current exemption from the payment of fees for entertainment in every village hall, church hall and community building outside Greater London to continue, and extending it throughout the whole of England and Wales.
- For the first time, it will cost nothing extra to get permission to put on live music in pubs – given that pubs have to get a licence anyway for the sale of alcohol, applying for permission at the same time for provision of live music becomes effectively free.
- Power for the Secretary of State to order special licensing hours during a period of up to four days for all premises on special international, national and local occasions, like World Cups, Royal Jubilees and Commonwealth Games.
- Abolition of a range of ancient and special privileges regarding sales of alcohol held by the Crown, certain theatres, the Vintners of the City of London, the Vice Chancellor of the University of Cambridge.
- Repeal of the Welsh Sunday Opening Polls, which can result in the sale of alcohol on Sundays being prohibited in Welsh Districts.

PUBLIC ENTERTAINMENTS LICENSING REPORT TO DETERMINE THE OPERATING HOURS FOR AN APPLICATION FOR HEREFORDSHIRE YOUNG FARMERS CLUB COUNTY RALLY 2004 ON SATURDAY 22 MAY 2004 ON THE FARM AT ARKSTONE COURT, KINGSTONE - LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS) ACT 1982

Report By: Head of Environmental Health and Trading Standards

Wards Affected:

Vallets

Purpose

1. To determine whether to grant a finishing time later than the current policy of 0100 hours for an occasional public entertainment.

Background

2. Local Authorities are, when licensing public entertainment events, permitted to make the licence conditional.

The purpose of conditions attached to and forming part of a licence broadly fall into four categories.

- (a) Securing the safety of everyone present: this includes fire safety and some health and safety matters
- (b) Securing adequate access to the premises in emergencies
- (c) Ensuring adequate sanitary arrangements in the premises and
- (d) Preventing nuisance and disturbance in the neighbourhood.

The holder of an Entertainment's Licence may at any time apply to the Authority for such variations of the terms, conditions and restrictions on a subject to which the licence is held.

The Authority may:-

- (a) Make the variation specified in the application
- (b) Make such variations as they think fit, including subject to the four categories above. Impose terms, conditions or other restrictions other than those specified or
- (c) Refuse the application

Further information on the subject of this report is available from Suzanne Laughland, Acting Licensing Manager on (01432) 261675

Conditions

3. Amongst the various Conditions and Regulation there are specific ones which related to finishing times for events.

Condition 4.1 of the Standard Conditions for Licensing of Premises for Public Entertainment

Premises licensed for Public Entertainment shall only be opened and used for any of the said purposes on such days and during such hours as the Licensing authority specifies in the schedule to the licence conditions.

The Regulations (standard conditions) of the Council specify the opening times of entertainment establishments as follows

11.00 until 0100 (Monday to Saturday)	In respect of premises that <u>do not</u> have the benefit of a liquor licence under the Licensing Act 1964
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The application for deviation from policy

4. Derek Carless and Michael Lewis on behalf of the Young Farmers Club request a variation of the licence condition to extend the opening entertainment hours from 0100 to 0200. The intended venue for this event is on the farm at Arkstone Court, Kingstone on Saturday 22 May 2004.

Issues

5. The main cause of concern to the Police and ourselves is the potential for disturbance to others. The 0100 hours finishing time is a policy designed to limit the intrusive effects of events and has worked well over the years supported by and with the co-operation of the police.
6. This is a one off event, we have no problem with granting a licence until 0100 hours, whether this event should be allowed to finish later than 0100 is a matter for consideration
7. The Council in the past has dealt with such applications for deviation from policy and to allow many of them to terminate at times later than the 0100 hours but impose special conditions designed to minimise the chances of nuisance occurring. (The special conditions imposed can be found in appendix 1)
8. The Police were consulted and state
They have no objections
9. The Fire Brigade was consulted and state
They have no objections to the application providing that an adequate standard of fire safety exits and guidance notes 49 is adhered to.

Further information on the subject of this report is available from Suzanne Laughland, Acting Licensing Manager on (01432) 261675

There should be at least 8 stewards or attendants available who should be instructed as to their duties in an emergency whilst members of the public are on the premises.

10. Environmental Health had no objections

Options

- to grant the extended hours
- to grant the extended hours and impose conditions
- to refuse the extended hours
- or come to some other conclusion

Further information on the subject of this report is available from Suzanne Laughland, Acting Licensing Manager
on (01432) 261675

**PUBLIC ENTERTAINMENTS LICENSING
DETERMINATION TO GRANT A LICENCE FOR
RADNOR AND WEST HEREFORDSHIRE HUNT BALL
ON SATURDAY 12TH JUNE 2003 IN A MARQUEE AT
HERGEST CROFT, KINGTON, HEREFORDSHIRE.
LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1982**

Report By: Head Of Environmental Health And Trading Standards

Wards Affected:

Kington

Purpose

1. To consider an Occasional Public Entertainment application that requests a finishing time later than the current policy of 0100 hours.

Background

2. Local Authorities are, when licensing public entertainment events, permitted to make the licence conditional.

The purpose of conditions attached to and forming part of a licence broadly fall into four categories.

- a) Securing the safety of everyone present: this includes fire safety and some health and safety matters
- b) Securing adequate access to the premises in emergencies
- c) Ensuring adequate sanitary arrangements in the premises and
- d) Preventing nuisance and disturbance in the neighbourhood.

The holder of an Entertainment's Licence may at any time apply to the Authority for such variations of the terms, conditions and restrictions on a subject to which the licence is held.

The Authority may:-

- a) Make the variations specified in the application
- b) Make such variations as they think fit, including subject to the four categories above. Impose terms, conditions or restrictions other than those specified or
- c) Refuse the application

Further information on the subject of this report is available from Suzanne Laughland, Acting Licensing Manager on (01432) 261675

Conditions

3. Amongst the various Conditions and Regulations there are specific ones which related to finishing times for events.

Condition 4.1 of the Standard Conditions for Licensing of Premises for Public Entertainment.

Premises licensed for public entertainment shall only be opened and used for any of the said purposes on such days and during such hours as the Licensing authority specifies in the schedule to the licence conditions.

The Regulations (Standard Conditions) of the Council specify the opening times of entertainment establishment as follows:-

11.00 until 0100 the following day Monday to Saturday	In respect of premises that <u>do not</u> have the benefit of a liquor licence under the Licensing Act 1964
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The application for deviation from policy

4. Mr M Williams on behalf of the Radnor and West Herefordshire Hunt requests a variation of the conditions to extend the opening entertainment hours from 0100 to 0300, the intended venue for this event is a marquee at Hergest Croft, Kington, on Saturday 12 June 2004.

Issues

5. The main cause of concern to the Police and ourselves is the potential for disturbance to others. The 0100 hours finishing time is a policy designed to limit the intrusive effects of events and has worked well over the years supported by and with the co-operation of the police.
6. This is a one off event, we have no problem with granting a licence until 0100 hours, whether this event should be allowed to finish later than 0100 hours is the matter for consideration.
7. The Council in the past has dealt with such applications for deviation from policy and to allow many of them to terminate at times later than the 0100 hours but impose special conditions designed to minimise the chances of nuisance occurring. (The special conditions imposed can be found in appendix 1)
8. The Police were consulted and state they have no objections.
9. The Fire Brigade were consulted and state

Access to the performance are for all emergency vehicles should be maintained at all times.

Egress from the performance site should be maintained so that the audience and players can disperse away in the event of an accident.

Receptacles should be provided for rubbish.

Any props or materials used in the production should be non-flammable.

A Fire Risk Assessment should be carried out to identify any risks and control measures put in place. This should include the provision of fire fighting equipment.

Recommended follow guidance notes on fire precautions in Tents and Marquees.

Options

- To grant the extended hours.
- To grant the extended hours and impose conditions.
- To refuse the extended hours.
- To come to some other conclusion.

REPORT TO REVIEW THE LICENCE FEES FOR PLEASURE BOATS - PUBLIC HEALTH AMENDMENTS ACT 1907

Report By: Head of Environmental Health and Trading Standards

Wards Affected:

Countywide

Purpose

1. To consider reviewing the proposed fees for Pleasure Boat Licences.

Legislation

2. Public Health Amendment Act 1907.

Section 94 (1) allows the Local Authority to charge an annual fee as appears to them to be appropriate.

Background

3. On 16th March 2004 Regulatory Committee agreed fees of:-

Boatman Licence £85.00

Pleasure Boat Licence £10.00 per person

The fees were based on previous years, however unlike previous years where the Local Authority organised and paid for the boat inspector to inspect the boats, this Local Authority would now requires the applicant to obtain an inspection certificate themselves and submit it with the application form. Therefore the new proposed fees are as follows:-

Boatman Licence £85.00

Boat(s) Licence £85.00

Options

- a) to agree the fees
- b) to reach some other conclusion

ZOO LICENSING – IMPLEMENTATION OF REVISED LICENCE STANDARD CONDITIONS - ZOO LICENSING ACT 1981

Report By: Head Of Environmental Health And Trading Standards

Wards Affected:

County-wide

Purpose

- 1 To consider implementing standard conditions to be attached to a Zoo Licence within Herefordshire.

Legislation

- 2 Power of local Authorities to attach conditions to site Licences.

Zoo Licensing Act 1981

Section .1A The following are conservation measures to be implemented in zoos in accordance with this Act:-

- (a) Participating in at least one of the following:-
 - (i) research from which conservation benefits accrue to species of wild animals;
 - (ii) training in relevant conservation skills;
 - (iii) the exchange of information relating to the conservation of species of wild animals;
 - (iv) where appropriate, breeding of wild animals in captivity; and
 - (v) where appropriate, the repopulation of an area with, or the reintroduction into the wild of, wild animals;
- (b) promoting public education and awareness in relation to the conservation of biodiversity, in particular by providing information about the species of wild animals kept in the zoo and their natural habitats;
- (c) accommodating their animals under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong, including:-
 - (i) providing each animal with an environment well adapted to meet the physical, psychological and social needs of the species to which it belongs; and
 - (ii) providing a high standard of animal husbandry with a developed programme of preventative and curative veterinary care and nutrition;
- (d) preventing the escape of animals and putting in place measures to be taken in the event of any escape or unauthorised release of animals;
- (e) preventing the intrusion of pests and vermin into the zoo premises; and

Further information on the subject of this report is available from Suzanne Laughland, Acting Licensing Manager on (01432) 261675

- (f) keeping up-to-date records of the zoo's collection, including records of:-
 - (i) the numbers of different animals;
 - (ii) acquisitions, births, deaths, disposals and escapes of animals;
 - (iii) the causes of any such deaths; and
 - (iv) the health of the animals

- 2 A licence under this Act shall be granted subject to conditions requiring the conservation measures referred to in Section 1A to be implemented at the zoo.

- 3 Any licence under this Act may be granted subject to such other conditions as the local Authority think necessary or desirable for ensuring the proper conduct of the zoo during the period of the licence, including conditions relating to the following:-
 - (a) - removed
 - (b) - removed
 - (c) insurance against liability for damage caused by animals.

- 4 In deciding what conditions to attach to a licence, a local Authority shall have regard to any standards specified by the Secretary of State under Section 9 and sent by him to the Authority.

- 5 The Secretary of State may, after consulting the Authority, direct them to attach one or more conditions to a licence, and the Authority shall give effect to such a direction.

- 5A But he may not direct the Authority to attach such a condition which is inconsistent with the implementation at the zoo of the conservation measures referred to in section 1A.

- 6 The Authority shall not attach to a licence any condition inconsistent with one they are so directed to attach.

- 7 The Authority shall not attach to a licence a condition which relates only or primarily to the health, safety or welfare of persons working in the zoo.

Consultation

- 3 A notice has appeared in the Herefordshire Times and Ross Gazette, a copy of the conditions are available for viewing at the Licensing Unit. (On publishing this report no response had been received)

- 4 To applicants of a zoo licence and premises which may fall under the definition of a zoo. (On publishing this report no response had been received)

- 5 Consultation has been made with several bodies including:-
 - DEFRA
 - National Federation of Zoological Gardens
 - RSPCA
 - Captive Animal Protection Society
 - The Butterfly Conservation Society
 - West Mercia Police
 - Hereford and Worcester Fire Brigade

Further information on the subject of this report is available from Suzanne Laughland, Acting Licensing Manager on (01432) 261675

- 6 The conditions are based off the Secretary of States Standards of Modern Zoo Practice.
- 7 DEFRA, on behalf of the Secretary of State, have appointed a Zoo Inspector to undertake the appropriate pre-application inspection.
- 8 This Authority has not previously licensed a zoo therefore no previous conditions have been necessary.

Conditions

- 9 Listed in appendix 1 to this report

Options

It is for the Regulatory Committee to decide

- (a) to adopt the Licence Conditions
- (b) or reach some other conclusion



Standard Licence Conditions

Zoo Licensing Act 1981

1.0 PROVISION OF FOOD AND WATER

- 1.1 Food provided must be presented in an appropriate manner and must be of the nutritive value, quantity, quality and variety for the species, and its condition, size and physiological, reproductive and health status.
- 1.2 Fresh, clean drinking water of sufficient quantity must be available at all times for all animals requiring it.
- 1.3 Supplies of food and drink to be kept and prepared under hygienic conditions, in particular –
- a) Food and drink must be protected against dampness, deterioration, mould or from contamination by insects, birds, vermin or other pests;
 - b) Supplies of perishable food and drink, other than those brought into the premises fresh on a daily basis, should be kept, where appropriate, under refrigeration;
 - c) Preparation of food and, where appropriate, drink should be undertaken in a separate area suitably designed and constructed, and used for no other purpose;
 - d) Staff should be instructed to observe strict standards of personal hygiene practice in the preparation of food, having due regard to the risk of cross contamination between equipment, utensils and surfaces;
 - e) Receptacles for food and drink should not be used for any other purposes.
- 1.4 The natural behaviour of the animals, particularly social aspects, should be considered when offering food and drink. Feeding and drinking receptacles, when used, should be of appropriate design and placed so as to be accessible and available to every animal kept in an enclosure.
- 1.5 Feeding methods should be safe for animals and staff.

- 1.6 Although the Protection of Animals Act 1911 to 1964 do not prohibit the feeding of animals with live prey, the live feeding of vertebrate prey should be avoided save in exceptional circumstances, and then only under veterinary advice. Where any live prey must be used, its welfare must be considered as well as any potential injury, which might be caused to the predator.
- 1.7 Food and drink, and feeding and drinking receptacles when used, should be placed in positions which minimise the risks of contamination from soiling by the animals, wild birds, rodents or other pests.
- 1.8 Food, water and other drinking receptacles, where used, should be regularly cleaned.
- 1.9 Self-feeders, where used, should be inspected twice daily to ensure that they are working effectively and do not contain caked or unfit food. Water lines should also be checked twice a day.
- 1.10 Uncontrolled feeding of animals by visitors should not be permitted. Where controlled feeding occurs. It should be on a selective basis only, with suitable food sold, provided or approved by the operator. The quantity supplied per day must be managed to avoid over feeding.
- 1.11 Uneaten food must be removed as appropriate to maintain hygiene.
- 1.12 Veterinary or other specialist advice in all aspects of nutrition must be obtained and followed.
- 1.13 A record of all diets must be maintained.

2.0 PROVISION OF A SUITABLE ENVIRONMENT

- 2.1 The temperature, ventilation, lighting (both levels and spectral distribution) and noise levels of enclosures must be suitable for the comfort and well-being of the particular species of animal at all times. In particular –
- a) Consideration must be given to the special needs of pregnant and newly-born animals;
 - b) Newly arrived imported animals should be allowed to become fully acclimatised into their new environment. In some cases, this may be a gradual process;
 - c) Tanks for aquatic animals need to be adequately aerated, according to the number kept in each tank, and must be heated or cooled according to the needs of the species. Environmental

- parameters (e.g. salinity, water quality) must be suitable for the species;
- d) Indoor housing must protect against extremes of sunlight, heat, draughts and cold, and provide appropriate humidity;
 - e) Where appropriate, salinity and other physical limits (e.g. water quality) must be suitable for the species.
- 2.2 Animals in outdoor enclosures must be provided with sufficient shelter for their comfort and well being. Refuge areas must be provided for nervous animals to escape the permanent gaze of the public. Enclosure must also be designed to allow for animals' normal defence reactions and appropriate 'flight' or escape distances.
- 2.3 Enclosures and barriers to enclosures must be maintained in a condition, which presents no likelihood of harm to animals. In particular:
- a) Any defect noted in an enclosure barrier or in any appliances or equipment within animal enclosures likely to cause harm must be repaired, or replaced or the animal relocated immediately and recorded on keepers' daily record sheets;
 - b) Any defect likely to cause harm to animals must be rectified at once. If this is not possible, the animals should be removed from the possibility of any contact with the source of the danger until rectified;
 - c) Any vegetation capable of harming animals must be kept out of reach;
 - d) Water-filled and dry moats used for the confinement of animals must provide a means of escape back to the enclosure for animals falling into them;
 - e) Any natural materials (e.g. plants and their products, such as seeds or fruit) or any introduced non-natural materials (e.g. paint, chemicals, treated substrates and treated water) should be assessed for toxicity to the species held before use.
- 2.4 All plant and fixed equipment, including electrical apparatus, must be installed and maintained in such a way that they do not present a hazard to animals, and their safe operation cannot be disrupted by them.
- 2.5 Where environmental quality is dependent on external utilities, adequate backup facilities must exist in case of failure.
- 2.6 Adequate provision must be made for servicing, maintenance and uninterrupted operation of life-support systems.

- 2.7 Tools and other portable equipment must not be left unattended in places where they could cause animals harm, provide a means of escape, or serve as missiles.
- 2.8 Rubbish likely to cause harm in animal enclosures must be cleared as soon as possible.
- 2.9 Proper standards of hygiene, both in the personal hygiene of staff and in enclosures and treatment rooms should be maintained. In particular:
- a) Special attention must be given to the management and appropriate cleaning of enclosures and equipment within them, to reduce the risk of disease. In the case of aquatic animals, there should be regular monitoring of water quality;
 - b) Suitable cleaning agents must be readily available, along with supplies of water and the appropriate safe means to apply them;
 - c) Veterinary advice must be obtained and followed regarding the routine cleaning and sanitation requirements of enclosures or other areas. Particular care must be taken if an infectious disease is identified in any animal.
- 2.10 The drainage of all enclosures should be capable of removing efficiently all excess water.
- 2.11 Any open drains, other than those carrying surface water, must be outside enclosures.

3.0 PROVISION OF ANIMAL HEALTH CARE

Routine Observation

- 3.1 The condition, health and behaviour of all animals should be checked at least twice daily by the person or persons in direct charge or their care.
- 3.2 Any animals, which give cause for concern, must be thoroughly assessed as to whether they are unduly distressed, sick or injured. Where necessary they must receive immediate attention and treatment.
- 3.3 A daily record must be kept by the person or persons in direct charge of the animals, indicating changes to the prescribed diet, health checks carried out, and any unusual behaviour or activity or other problems, and remedial actions taken.

Enclosures

- 3.4 Enclosures must be of a size and design, and animals must be so managed as to:
- a) Avoid animals within herds or groups being unduly dominated by individuals;
 - b) Avoid the risk of persistent and unresolved conflict between herd or group members. Or between different species or age groups in mixed exhibits;
 - c) Ensure that the physical carrying capacity of the enclosures and/or system is not over-burdened;
 - d) Prevent an uncontrolled build-up or spread of parasites and other pathogens;
 - e) Remove any refuse and allow drainage of waster water.
- 3.5 Trees within or near animal enclosures must be regularly inspected and lopped or felled as necessary to avoid animals being harmed by falling branches, toxicity or trauma. Trees and climbing plants must be pruned to prevent their aiding animal escape.
- 3.6 Distance or barriers between animals between enclosures and visitors must be sufficient to minimise transmission of disease or potential pathogens.

Veterinary Care

- 3.7 A comprehensive programme of care must be established and maintained under the supervision of a veterinary surgeon who is familiar with current practice in the care of zoo animals, particularly in the types maintained in the collection. He or she must make arrangements to meet the ethical responsibilities of veterinary cover, set out in Guide to Professional Conduct of the Royal College of Veterinary Surgeons
- 3.8 Where a zoo uses a local veterinary practice for basic cover, supported by a specialist (or a specialist supported by a local veterinary practice), adequate arrangements must be made to allow early contact and discussion between all parties whenever necessary, and particularly for emergency cases.
- 3.9 The veterinary surgeon should be responsible for, or actively involved in, the following: -
- a) Routine inspections of the collections;
 - b) Directing or carrying out treatment of all sick animals;
 - c) Administration of vaccines, worming and other aspects of preventive medicine;

- d) Health monitoring of animals including submission of blood and other samples for laboratory examination;
 - e) Safe and proper collection, preparation and dispatch of diagnostic and other samples. (Where these tasks are to be carried out by someone other than the veterinary surgeon, a suitably qualified or appropriately trained member of zoo staff should be nominated to carry out the task e.g. a laboratory technician or veterinary nurse);
 - f) Training of zoo personnel in health and hygiene;
 - g) Ensuring that post-mortem examinations of animals are carried out where necessary;
 - h) Supervision of quarantine premises and other such tasks required by law or as part of good zoo veterinary practice;
 - i) The nutrition and the design of diets;
 - j) Planning and exhibit design;
 - k) The establishment of written procedures to be followed in the event of the accidental use of dangerous drugs.
- 3.10 The level of veterinary facilities must be consistent with the welfare needs of the animals.
- 3.11 Comprehensive records must be kept – where possible on computer – and be made available to Inspectors covering the following:
- a) Preventive medicine;
 - b) Clinical medicine and surgery;
 - c) Pathological findings from ante-mortem testing. Results of post-mortem examination and testing.
- 3.12 There must be systems for regular review, by the relevant veterinary and curatorial staff, of clinical, behavioural and pathological records and mortality. Husbandry and preventive medical practices must be reviewed where problems become apparent.
- 3.13 Zoo management must ensure that the zoo, or a local hospital, or their veterinarian has readily available antidotes to potentially toxic veterinary products used at the zoo.
- 3.14 A member of staff must be readily available at all times to take decisions regarding the euthanasia of sick animals on veterinary advice. There must be provisions of an effective humane method of euthanasia and standard written protocols should be set down.
- 3.15 Adequate facilities must be available either at the zoo or within a reasonable distance for the post-mortem examination of all species held at the zoo.

- 3.16 Dead animals must be handled in a way, which minimises the risk of transmission of infection.
- 3.17 Animals that die at the zoo should be examined post-mortem in accordance with veterinary advice. Where appropriate, samples for diagnosis or health monitoring should be taken for laboratory examination.
- 3.18 Retained samples must be stored in conditions advised by the veterinary surgeon and away from animal feeding substance. The establishment of a reference collection should be encouraged.

Isolation & Containment

- 3.19 Dedicated accommodation, off-show where necessary, should be available for the isolation and examination of newly arrived animals, and for the quarantine and care of unduly distressed, sick or injured animals.
- 3.20 Facilities should be available for hand-rearing and nursing animals.
- 3.21 Newly – arrived animals should be kept isolated as long as is necessary to ensure proper examination, acclimatisation and quarantine before introduction to other animals in the collection.
- 3.22 Particular attention must be paid to hygiene in the quarters where isolated or quarantined animals are kept.
- 3.23 Protective clothing and utensils used by staff in the isolation area must be used, cleaned and stored only in that area.

Sanitation and Control of Disease

- 3.24 Clinical waste and refuse must be regularly removed and disposed of in a manner approved by the Local Authority.
- 3.25 A safe and effective programme for the control or deterrence of pests and vermin and where necessary predators, must be established and maintained throughout the zoo.
- 3.26 Health risks posed by the use of power hoses on animal waste must be minimised.
- 3.27 Staff must be instructed to report in confidence any medical condition or disability which might affect his/her capacity to manage the animals in a safe and competent manner.

Specialist Techniques

3.28 Specialist techniques used on animals to make them safe for exhibit or to allow them to be exhibited in a particular way (e.g. pinioning waterfowl) must be kept under continual review. Current legislation or codes of practice must be followed.

4.0 PROVISION OF OPPORTUNITY TO EXPRESS MOST NORMAL BEHAVIOUR

4.1 Captive breeding should be encouraged where appropriate and a policy should exist covering all species kept, and be subject to continual review. Appropriate control measures should be put in place to prevent over population.

4.2 Zoos must consult fully and keep up-to-date information on biology and husbandry, especially when considering the keeping of species that they have not housed before, or when planning new housing for species already kept.

4.3 Accommodation should take account of the natural habitat of the species and seek to meet the physiological and psychological needs of the animal.

4.4 Enclosures should be equipped in accordance with the needs of the animals with bedding material, branchwork, burrows, nesting boxes, pools, sub-strates and vegetation and other enrichment materials designed to aid and encourage normal behaviour patterns and minimise any abnormal behaviour. Facilities must take into account growth in animals and must be capable of satisfactorily providing for their needs at all stages of their growth and development.

4.5 Animals of social species should normally be maintained in compatible social groups. They should only be kept isolated for the benefit of the conservation and welfare needs of the group, and where this is not detrimental to the individual specimen.

4.6 Animals of different taxa should not normally be allowed to inter-breed. Where practised for justifiable reasons, it should never compromise the genetic integrity of animals within a managed conservation breeding programme.

4.7 Where a hybrid animal is transferred to another collection, the recipient organisation must be informed that the animal is a hybrid. If practical, the animal should be permanently sterilised prior to transfer.

5.0 PROVISION OF PROTECTION FROM FEAR AND DISTRESS

- 5.1 Animals must be handled and managed only by, or under the supervision of, appropriately qualified or experienced staff. Handling must be done with care, in order to protect the animals' well-being, and avoid unnecessary discomfort, stress or physical harm.
- 5.2 Any direct physical contact between animals and the visiting public must only be for restricted periods of time and under conditions consistent with animals' welfare, and not likely to lead to their discomfort
- 5.3 Animals must not be provoked for the benefit of the viewing public.
- 5.4 Animals which may interact in an excessively stressful way must not be maintained in close proximity.
- 5.5 Suitable, separate if appropriate, accommodation for pregnant animals and animals with young should be available in order to minimise unnecessary stress.
- 5.6 Animals temporarily accommodated away from others should not be separated for such a period of time that there would be difficulties in their re-introduction to the group.
- 5.7 Animals destined for rehabilitation (e.g. casualty animals) must not be on public display if this is likely to cause stress or compromise their eventual release.
- 5.8 Smoking by zoo staff and visitors must be prohibited except in designated areas.

6.0 TRANSPORTATION AND MOVEMENT OF LIVE ANIMALS

- 6.1 Surplus zoo stock should only be passed on to responsible persons who have the appropriate facilities, resources and expertise to ensure the welfare of the animals. Where necessary, the appropriate licences for the keeping and management of the species must be held.
- 6.2 Facilities suitable for lifting, crafting and transportation of all the types of animals kept within the Zoo to destinations both inside and outside the zoo should be readily available.
- 6.3 The Licensee must ensure that the Zoo is in compliance with the requirements of the Convention on International Trade in Endangered Species (CITES) which governs the import, export, sale and other commercial use – including display - of species listed on

its Appendices. Licensees must also ensure when animals are moved to accommodation outside the zoo that:

- a) Transport must confirm with all other current Regulations, including MAFF and IATA provisions.
- b) The accommodation the animal is being moved to, and the animals it is to be mixed with, must not compromise the welfare of that individual or the other animals.

6.4 Catching and transportation techniques must take account of the animal's temperament and escape behaviour in order to minimise injury, damage and distress.

6.5 Any animal taken outside the zoo must be in the personal possession of the operator of the zoo, or of competent persons acting on his/her behalf, and adequate provision must be made for its and the public's safety and well-being.

6.6 All animals taken outside the zoo must be kept securely at all times. Animals should be kept away from direct contact with persons other than the zoo operator or competent persons acting on his/her behalf, unless the zoo operator satisfied that the animal is not likely, when under control, to suffer distress or cause injury or to transmit or contract disease. Zoo operators should exercise caution and discretion in case of the removal of all animals from the zoo, since their behaviour may become less predictable when away from their usual enclosures.

7.0 CONSERVATION, EDUCATION AND RESEARCH

7.1 The Licensee must:

- a) 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.
- b) 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.
- c) Prevent escapes and put in place measures to be taken in the event of any escapes or unauthorised release of animals.
- d) Introduce practical measures designed to prevent the intrusion of pests and vermin into the premises of the Zoo.

- e) 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.
- f) Participate in at least one of the following:
 - i) Research which benefits the conservation of wild animals
 - ii) Training in relevant conservation skills
 - iii) Exchanging information about the conservation of wild animals
 - iv) Breeding of wild animals in captivity
 - v) Repopulating an area with wild animals, or re-introducing wild animals

The Licensee must keep information to show how it has complied with this condition and supply it to the local authority upon request.

- 7.2 A zoo must have written education strategy and an active education programme.
- 7.3 Suitable facilities should be available for education purposes.
- 7.4 Accurate information about the species exhibited must be available. This should include, as a minimum, the species name (both scientific and common), its natural habitat, some of its biological characteristics and details of its conservation status.

8.0 PUBLIC SAFETY IN THE ZOO

General

- 8.1 A suitable and sufficient risk assessment should be undertaken where appropriate and significant findings have been acted upon and should be available for examination by the Inspector.

Enclosures

- 8.2 Other than when under the control of authorised staff, animals kept in the zoo must be maintained at all times in enclosures or, in the case of free-running animals, within the perimeter of the zoo.
- 8.3 All animals should be kept in enclosures so constructed as to avoid escape. Gates and doors to enclosures must be securely locked so as to prevent unauthorised opening.

- 8.4 Barriers must be designed, constructed and maintained to contain animals within enclosures. Enclosures must be free from any vegetation or other items, which would aid escape.
- 8.5 Gates and doors to enclosures must be at least strong, and as effective in containing the animals, as the rest of the enclosure carriers. In particular, gates and doors should be designed and maintained so as to prevent animals lifting them from their hinges or unfastening the securing device.
- 8.6 Gates and doors to animal enclosures where the public are admitted, and any enclosure or stand-off barrier, must be designed, constructed and maintained so as not to trap or otherwise injure visitors, particularly children or those with disabilities.
- 8.7 Animals, which can climb or jump should be kept in enclosures secure enough to prevent them from escaping. Digging or burrowing hazardous animals must be kept in enclosures so constructed as to avoid escape underneath barriers.
- 8.8 Viewing panels used in enclosures should be able to withstand attacks by animals.
- 8.9 Where fences are used to enclose animals, the supporting posts must be firmly fixed into the ground. Fence material should be sufficiently secured to supporting posts in such a way that the weight of the animal enclosed could not detach it from the support nor dislodge the supporting posts.

Management and Maintenance

- 8.10 Buildings, structures and areas to which the public have access must be maintained in safe condition.
- 8.11 The visiting public should not be allowed to enter any building or other areas of the zoo premises, which could present an unreasonable risk to their health and safety.
- 8.12 Areas where visitors are encouraged to go should have even, non-slip, surfaces, or be grassed, to avoid the risk, as far as reasonably practicable, of visitors falling. Since grassed slopes may be slippery, consideration must be given to creating steps, paths or fitting rails.
- 8.13 Where a flight of steps is used as a means of access for visitors within the premises, a handrail should also be provided. Consideration should be given to providing shallow gradients for pushchairs and disabled access.

8.14 Trees within areas where visitors are likely to be walking or sitting should be regularly inspected and lopped or felled as appropriate to avoid visitors being harmed by falling branches. Similarly, vegetation such as nettles and thistles should be controlled to avoid injury to visitors.

8.15 Where a walkway passes over an animal enclosure it should be designed, constructed and maintained to ensure that it is safe. It should also be maintained, sited and protected so as to withstand contact by animals.

Protection of the Public

8.16 Every person licensed to use a firearm must undergo training. Every trained operator should undergo periodic refresher training and practice. Such training should be recorded and available for inspection.

8.17 Firearms, ammunition and darting equipment, where provided, must be:-

- a) Available for immediate use
- b) Used by licensed and trained operators only;
- c) Cleaned and maintained as recommended by the manufacturer;
- d) Kept securely under lock and key when not in use or under maintenance.

8.18 Appropriate staff must be trained in drug handling, risks, side effects, human risks if misused, and emergency protocols.

Free – ranging Species

8.19 Licensees should be active in ‘...preventing the escape of animals in order to avoid possible ecological threats to indigenous species’

8.20 The licensee in relation to free-flying psittacine birds or birds of prey in flying displays, must be aware of the Wildlife and Countryside Act 1981 and take every precaution to prevent escapes. Particular points to note are:

- Bird of prey centres who use birds in flying demonstrations should train birds sufficiently to ensure their return;
- Where possible, transmitters should be used to help zoo staff to locate birds, which have strayed.

- Zoos which allow psittacines to free-fly should encourage them to remain on site by providing roosting areas, nestboxes, and feeding points.
- Enough staff should be available to retrieve birds when lost.

Escapes

- 8.21 The perimeter boundary, including access points, should be designed, constructed and maintained to discourage unauthorised entry and, so far as is reasonably practicable, as an aid to the confinement of all the animals within the zoo.
- 8.22 Zoos must have systems in place to minimise the risks of theft, malicious damage or release of animals by intruders entering the grounds out of hours.
- 8.23 Zoo operators must assess whether any danger may arise in the event of an animal escaping from its enclosure, and consider the possible or likely attempted escape route from the zoo if this were to happen.
- 8.24 Every effort must be made, so far as it is reasonably practicable, to effect the recovery, live or dead, of any escaped animals.
- 8.25 The procedures to be adopted in the event of escapes within or from the zoo (or of accidental or unauthorised releases) of any animal should be brought to the attention of, and available to, all members of staff in a written document.
- 8.26 Procedures relating to escapes of animals should be established and include the following:
- The reporting of every escape by the quickest possible means to the most senior member of staff available;
 - The response to an escape in all situations; for example, whether daytime staff are on duty, whether visitors are present, and whether more than one animal escaped;
 - What needs to be done in the event of an escape; including recapturing the animal; protecting visitors, alerting police.
 - The control of visitors, including reassurance, ushering into buildings, closing doors and windows, evacuating the zoo;

- The security of the perimeter barrier, involving the closure of all points of access to, and exit from, the zoo;
- The provision of the firearms and darting equipment to tranquillise or kill escaped animals, precise details of which to be discussed and agreed by the zoo operator and the local police;
- The provision of adequate equipment for members of any recapture party, including, where necessary, vehicle protection.

8.27 A member of staff should be readily available at all times to take decisions regarding euthanasia of escaped animals.

8.28 The zoo must establish a clear chain of responsibility, which must be written and up to date. It must be notified to all staff, and posted on notice boards in staff areas.

8.29 The zoo must be responsible for the selection of the appropriate firearm or darting firearm or darting equipment to deal with escaped animals.

8.30 Zoo operators must ensure that all members of staff are familiar with emergency procedures when animals escape. In particular, emergency drills must be carried out at least four times a year, recorded and regularly reviewed.

8.31 All escapes must be recorded and detailed reports made. Risk assessment must be continually reviewed in the light of experience.

8.32 Zoos must consider the potential risks of releasing parasites, diseases or non-native plants and animals through effluent water and other routes. Waste water should be appropriately treated to ensure that this does not occur.

8.33 Where used to contain animals, moats (whether wet or dry) must be surrounded by fences, walls, hedges or shrubbery sufficient to prevent the public from approaching too close to the edge.

8.34 Barbed, razor wire or electrified fences should be beyond the reach of members of the public.

8.35 Stand off barriers should be designed to prevent children either from getting through, under or over them; they should also be designed to discourage visitors sitting on them.

8.36 Safety barriers should be designed to prevent children either from getting through, under or over them. They should also be designed to discourage visitors sitting on them.

- 8.37 An adequate number of clearly visible safety signs, providing warning by means of a symbol, words, or a combination of symbol and words, should be displayed at each enclosure containing any species of hazardous animal, which is likely to cause injury.

Exits

- 8.38 Exits should be suitably located and adequately signed.
- 8.39 Each exit must be kept clear and be capable of being easily opened from inside to allow the release of visitors from the zoo. All such gates should be capable of being closed and secured to prevent the escape of animals.

Signs

- 8.40 Suitable and, where appropriate multi-lingual, warnings and information should be provided where animals and visitors may come into contact.
- 8.41 An adequate number of safety signs (in accordance with British Standard BS 5378 and, where appropriate, the Health and Safety (Safety Signs and Signals) Regulations 1996), giving warning of the hazard either by symbol or a combination of symbol and words, should be provided on any necessary electrified fence.
- 8.42 Warning should be given of all edges where a person might fall. Such edges must be guarded by a barrier capable of preventing children from falling.
- 8.43 Any building where a hazard exists should be kept locked. Warning notices should be displayed to indicate that access is either unsafe or not permitted.
- 8.44 Other areas should be clearly defined, e.g. by means of barriers and warning notices; or, where access is allowed to vehicles operated by staff, by notices and road markings.
- 8.45 Zoos should consider the use of symbol-based signs wherever practicable to assist, for example, foreign visitors and children.
- 8.46 Safety signs on any electrical section of perimeter fence should face both outwards and inwards.

9.0 STOCK RECORDS

- 9.1 Records must be kept and maintained of all individually recognisable animals and groups of animals in the zoo. Where possible, animals should be individually identifiable.
- 9.2 The records must be kept either on a card index or computer, or other type of retrieval system from which information examined.
- 9.3 Records must be kept up to date and be available on site for six years. Provision should be made for long-term archiving in a secure format.
- 9.4 The records must provide the following information:
- a) Identification and scientific name;
 - b) Origin (i.e. whether wild or captive-born, including identification of parents, where known, and previous location/s, if any);
 - c) Dates of entry into, and disposal from, the collection and to whom;
 - d) Date, or estimated date, of birth or hatching;
 - e) Sex (where known);
 - f) Any distinctive markings, including tattoos, freeze-brands, rings or microchips;
 - g) Clinical data, including details of and dates of any treatment given;
 - h) Behavioural and life history data;
 - i) Date of death and the result of any post-mortem examination and laboratory investigations;
 - j) Where an escape has taken place, or damage or injury has been caused to, or by, an animal to persons or property, the reason for such escape, damage or injury must be recorded and a summary of remedial measures taken to prevent recurrence should be provided;
 - k) Food and diets.
- 9.5 In addition to the individual records, an annual stock-list of all animals must be kept. A copy must be forwarded to the local authority no later than 1 April of the year following that to which it relates. The stocklist must include the following:
- a) Common and scientific names of the species;
 - b) Total in the collection at 1 January;
 - c) Number of arrivals into the collection from all sources during the year;
 - d) Number of births or hatchings within the collection during the year;
 - e) Number which died within 30 days of birth/hatching;
 - f) Number which died at other times, including culls;
 - g) Number that departed the collection, including sales, breeding loans, etc;

- h) Total remaining in the collection at 31 December
- i) The sex of each animal, where known, must be recorded – e.g. 1.2.3 indicates one male, two females and three unsexed;
- j) The records should be set out in columns for ease of compilation and reference, e.g.:

Common Name	Scientific Name	Group at 1.1.2000	Arrive	Born	Death within 30 days of birth	Death	Depart	Group at 31.12.2000
White-Naped Crane	Grus vipio	2.1.1	0.2.1	0.0.2	0.0.1	1.0.0	0.1.0	1.2.3

10.0 STAFF AND TRAINING

- 10.1 Number of staff and their experience and training must be sufficient to ensure compliance with the Standards at all times, taking due allowance for holidays, sickness and other absences.
- 10.2 A list must be maintained of all staff authorised to work with the animals, together with lines of responsibility and levels of expertise, training and qualifications.
- 10.3 A suitably competent member of staff must always be available and in charge.
- 10.4 All animal staff must be competent for their individual responsibilities and given the opportunity to undergo formal training to achieve appropriate qualifications.
- 10.5 Continuous in-house staff training must be a regular aspect of the zoo.
- 10.6 The zoo operator must make every effort to ensure that his/her staff do not have any convictions under the Zoo Licensing Act 1981 or a background of the ill-treatment of animals under any other animal welfare or conservation legislation.

11.0 PUBLIC FACILITIES

First Aid

- 11.1 First-aid equipment must be readily accessible on the premises.

- 11.2 First aid points must be adequately signed.
- 11.3 An adequate number of staff trained in first-aid must be available during the zoo's normal operating hours
- 11.4 Written instructions must be provided for staff in the provision of health care and the procedures to be followed in the event of an incident involving any venomous animal and a visitor or staff member.
- 11.5 These instructions must include immediate action to be taken and required information on a pre-prepared form for forwarding to the local hospital which would include:
- The nature of the bite or sting and the species inflicting it;
 - The specification, for cross-reference purposes, of the anti-venin which accompanies the patient;
 - The telephone number of the nearest poisons centre (where appropriate);
 - The telephone number of the zoo and of an appropriate senior staff member;
 - The telephone number of the appropriate specialist that must be contacted;
 - Where applicable, the medical records of the member of staff
 - Details of the vet or any staff involved in handling venomous species.

Toilets

- 11.6 Adequate, properly equipped and maintained toilet facilities must be provided.
- 11.7 Clean water for washing must be provided along with soap and means of drying hands.

Parking

- 11.8 Zoo operators must ensure, in liaison with the Local Authority and the police where necessary, that parking facilities are sufficient to meet the anticipated needs of visitors to the zoo.

Provisions for Particular Needs

- 11.9 Suitable shelter and seats should be provided for use, in particular, by elderly people and parents with young children.
- 11.10 Arrangements should be made to meet the reasonable needs of special-needs visitors, including the disabled.

12.0 DISPLAY OF ZOO LICENCE

- 12.1 The current Zoo Licensing Act licence or a copy of it, including the conditions must be displayed at each public entrance of the Zoo.

ZOO LICENSING – TO CONSIDER DELEGATING POWERS TO THE HEAD OF ENVIRONMENTAL HEALTH AND TRADING STANDARDS - ZOO LICENSING ACT 1981

Report By: Head of Environmental Health and Trading Standards

Wards Affected:

County-wide

Purpose

- 1 To consider delegating powers to the Head of Environmental Health and Trading Standards to determine zoo licenses.

Legislation

- 2 The Zoo Licensing Act 1981 makes provisions for the local Authority to make set considerations when issuing a Zoo licence.

Consideration of application

Section.3-(1) On the consideration of an application for a licence the local Authority shall take into account any representations made by or on behalf of any of the persons mentioned in subsection (2)

(2) The persons are:-

- (a) the applicant;
- (b) the chief officer of police (or in Scotland the chief constable) for any area in which the whole or any part of the zoo is situated;
- (c) any authority discharging, in any area in which the whole or any part of the zoo is situated, the functions of fire authority under the Fire Services Act 1947;
- (d) the governing body of any national institution concerned with the operation of zoos;
- (e) where part of the zoo is not situated in the area of the local authority with powers to grant the licence
 - (i) a planning authority for the area in which the part is situated (other than a county planning authority) or,
 - (ii) if the part is situated in Wales, the local planning authority for the area in which it is situated;
- (f) any person alleging that the establishment or continuance of the zoo would injuriously affect the health or safety of persons living in the neighbourhood of the zoo;
- (g) any other person whose representation might, in the opinion of the local Authority, show grounds on which the authority has a power or duty to refuse to grant a licence.

S.4-(1) Before granting or refusing to grant a licence for a zoo, the local Authority

shall:-

- (a) consider inspectors' reports made in pursuance of inspections of the zoo this Act, or
- (b) if no inspection of the zoo has been made under this Act, consult such persons on the list as the Secretary of State nominates for the purposes of this section.

S.4-(1A) Before granting or refusing to grant a licence for a zoo, the local Authority shall also:-

- (a) consult the applicant about the conditions they propose would be attached to the licence, if one were granted, under Section 5 (2A) and (if applicable) Section 5(3); and
- (b) make arrangements for an inspection to be carried out in accordance with Section 9A (subject to subsection (2) of that section

(2) 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.

(2A) 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 section 1A will be implemented in a satisfactory manner at the zoo.

(3) 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 are adequate for the proper care and wellbeing of the animals or any of them or otherwise for the proper conduct of the zoo.

(4) 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) or of any other offence involving the ill-treatment of animals.

(5) The enactments are:-

the Protection of Animals Acts 1911 to 1964
the Protection of Animals (Scotland) Act 1912 to 1964
the Pet Animals Act 1951
the Animal Boarding Establishments Act 1963
the Riding Establishments Acts 1964 and 1970
the Breeding of Dogs Act 1973
the Dangerous Wild Animals 1976
the Endangered Species (Import and Export) Act 1976
Part 1 of the Wildlife and Countryside Act 1981

(6) If the local Authority are not satisfied that any planning permission required under Part III of the Town and Country Planning Act 1990 or under the Town and Country Planning (Scotland) Act 1997 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 within the meaning of the said Act of 1990 or, as the case may be, 1997 have notified the local Authority that any such planning permission has been or is deemed to be granted.

- (7) Except as provided by this section the local Authority shall not refuse to grant a licence pursuant to an application and if they do refuse to grant it they shall send to the applicant by post a written statement of the grounds of their refusal.
- (8) When a licence is granted the local Authority shall send it to the applicant by post and the licence or a copy of it shall be publicly displayed at each public entrance to the zoo.

Enforcement of licence conditions and closure orders

S.16A-(1) Subsection (2) applies where the local Authority, after giving the licence holder an opportunity to be heard, are not satisfied that a condition attached to a licence granted by them under this Act is met in relation to the zoo or a section of it.

- (2) Unless subsection (3) applies, the Authority shall make a direction specifying
 - (a) the licence condition which they are not satisfied is met;
 - (b) whether they are not satisfied that that condition is met in relation to
 - (i) the zoo; or
 - (ii) a section of the zoo, and if so, which section;
 - (c) steps to be taken by the licence holder to ensure that that condition is met in relation to the zoo (or, if a section of the zoo is specified under paragraph (b) (ii), in relation to that section) within a period specified in the direction, which may not exceed two years from the date of the direction; and
 - (d) whether the zoo or a section of it is required to be closed to the public during that period or any part of it specified in the direction.
- (3) This subsection applies if the Authority have power to make a zoo closure direction under section 16B (5) and they exercise that power.
- (4) The Authority may, after giving the licence holder an opportunity to be heard, make a direction under this subsection varying a direction under subsection (2) (including such a direction as varied by a direction under this subsection).
- (5) A direction under subsection (4) may increase the period specified in the direction under subsection (2) (c) or (d), but the period as increased must not exceed two years beginning with the date of the direction under subsection (2).
- (6) A direction under subsection (2) (including such a direction as varied by a direction under subsection (4)) may be revoked by a further direction of the Authority.

Zoo Closure Direction

- S.16B-(1) The local Authority shall make a zoo closure direction in respect of a zoo licensed under this Act where:-
- (a) they have made a direction under section 16A (2) in respect of the zoo;
 - (b) the period specified in the direction by virtue of section 16A (2) (c), including such a direction as varied under section 16A (4), has expired; and
 - (c) they are satisfied, after giving the licence holder an opportunity to be heard, that a condition:-
 - (i) specified in that direction and in respect of which the zoo was specified under section 16A (2) (b) (i); and
 - (ii) which requires any conservation measure referred to in section 1A to be implemented at the zoo, is not met in relation to the zoo.
- (2) The Authority shall make a zoo closure direction in respect of a zoo licensed under this Act where they are satisfied, after reasonable enquiries have been made, that the licence holder cannot be found.

Appeals

- S.18 -(1) A person aggrieved by:-
- (a) the refusal to grant a licence;
 - (b) any condition attached to a licence;
 - (c) any variation or cancellation of a condition;
 - (d) the refusal to approve the transfer of a licence;
 - (e) a direction under section 13 (8) (c) or 16A(2) or any variation of such a direction;
 - (f) a zoo closure direction;
 - (g) the refusal to approve a plan prepared under section 16E (2);
 - (h) a direction under section 16E (6) or any variation of such a direction; or
 - (i) any arrangements under section 16E (7) or (8),
- may appeal to a magistrates' court acting for the petty sessions area in which the zoo is situated.

To Consider

- 3** Delegating powers to the Head of Environmental Health and Trading Standards to grant or refuse a licence for a zoo.

However the regulatory committee should retain the right to determine the following:-

- (a) if 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.
- (b) if the conservation measures referred to in section 1A will be implemented in a satisfactory manner at the zoo.

S.1A The following are conservation measures to be implemented in zoos in accordance with this Act:-

- (a) Participating in at least one of the following:-
 - (i) research from which conservation benefits accrue to species of wild animals;
 - (ii) training in relevant conservation skills;
 - (iii) the exchange of information relating to the conservation of species of wild animals;
 - (iv) where appropriate, breeding of wild animals in captivity; and
 - a. where appropriate, the repopulation of an area with, or the reintroduction into the wild of, wild animals;
 - (v) promoting public education and awareness in relation to the conservation of biodiversity, in particular by providing information about the species of wild animals kept in the zoo and their natural habitats;
 - (vi) accommodating their animals under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong, including:-
 - a. providing each animal with an environment well adapted to meet the physical, psychological and social needs of the species to which it belongs; and
 - b. providing a high standard of animal husbandry with a developed programme of preventative and curative veterinary care and nutrition;
 - (vii) preventing the escape of animals and putting in place measures to be taken in the event of any escape or unauthorised release of animals;
 - (viii) preventing the intrusion of pests and vermin into the zoo premises; and
 - (ix) keeping up-to-date records of the zoo's collection, including records of:-
 - a. the numbers of different animals;
 - b. acquisitions, births, deaths, disposals and escapes of animals;
 - c. the causes of any such deaths; and
 - d. the health of the animals
- (c) if the standards of accommodation, staffing or management are adequate for the proper care and wellbeing of the animals or any of them or otherwise for the proper conduct of the zoo.
- (d) When a closure order under 16 b (1) is to be made
- (e) when a zoo closure order under 16 b (2) is to be made after reasonable enquiries have been made the licence holder cannot be found

Options

- 4 it is for the Regulatory Committee to
- (a) Delegate the powers as detailed in this report
 - (b) Or reach some other conclusion