

# Public Document Pack



## TRAFFORD COUNCIL

### AGENDA PAPERS FOR PUBLIC PROTECTION SUB-COMMITTEE MEETING

Date: Thursday, 16 May 2013

Time: 6.30 pm

Place: Committee Rooms 2 & 3 Trafford Town Hall, Talbot Road, Stretford,  
Manchester, M32 0TH

AGENDA	PART I	Pages
1. ATTENDANCES		
To note attendances, including Officers and any apologies for absence.		
2. APPLICATION FOR A ZOO LICENCE AT SEA LIFE MANCHESTER		1 - 28
To consider a report of the Head of Public Protection.		
3. URGENT BUSINESS (IF ANY)		
Any other item or items (not likely to disclose "exempt information") which, by reason of special circumstances (to be specified), the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.		
4. EXCLUSION RESOLUTION (REMAINING ITEMS)		
Motion (Which may be amended as Members think fit):		
That the public be excluded from this meeting during consideration of the remaining items on the agenda, because of the likelihood of disclosure of "exempt information" which falls within one or more descriptive category or categories of the Local Government Act 1972, Schedule 12A, as amended by The Local Government (Access to Information) (Variation) Order 2006, and specified on the agenda item or report relating to each such item respectively.		
5. HACKNEY CARRIAGE DRIVER CONVICTIONS THAT EXCEED THE SCHEME OF DELEGATION		

- |    |   |         |         |
|----|---|---------|---------|
|    | To consider a report of the Head of Public Protection.  | Para. 1 | 29 - 32 |
| 6. | <b>HACKNEY CARRIAGE DRIVER CONVICTIONS THAT EXCEED THE SCHEME OF DELEGATION</b>                                 |         |         |
|    | To consider a report of the Head of Public Protection.  | Para. 1 | 33 - 40 |
| 7. | <b>APPEAL AGAINST THE AWARD OF PENALTY POINTS FOR FAILURE TO COMPLY WITH THE PRIVATE HIRE DRIVER CONDITIONS</b> |         |         |
|    | To consider a report of the Head of Public Protection.  | Para. 1 | 41 - 48 |
| 8. | <b>SECTION 57 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>  |         |         |
|    | To consider a report of the Head of Public Protection.  | Para. 1 | 49 - 50 |
| 9. | <b>URGENT BUSINESS (IF ANY)</b>   |         |         |

**THERESA GRANT**  
Chief Executive

Membership of the Committee

Councillors C. Candish (Chairman), B. Sharp (Vice-Chairman), D. Bunting, M. Freeman, D. Jarman, J. Smith, N. Taylor, P. Myers and Mrs. J. Wilkinson

Further Information

For help, advice and information about this meeting please contact:

Natalie Owen, Democratic Services Officer  
Tel: 0161 912 4221  
Email: [natalie.owen@trafford.gov.uk](mailto:natalie.owen@trafford.gov.uk)

This agenda was issued on **Tuesday, 7 May 2013** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH.

## TRAFFORD COUNCIL

**Report to:** Public Protection Sub-Committee  
**Date:** 16<sup>th</sup> May 2013  
**Report for:** Decision  
**Report of:** Head of Public Protection

### Report Title

**Application for a Zoo Licence at Sea Life Manchester**

### Summary

**To advise the Committee on the outcome of the veterinary inspector's report following the application for a Zoo Licence at Sea Life Manchester, and to recommend that the Committee grant the Zoo licence subject to conditions.**

### Recommendation(s)

It is recommended that Members of the Committee;

- a) note this report;
- b) note the Inspector's report;
- c) approve the grant of the Zoo licence with the licence conditions set out in Appendix 2 of this report attached.

### Contact person for access to background papers and further information:

Name: Nigel Smith  
Extension: 4530

### Background Papers:

1. [The Zoo Licensing Act 1981](#)
2. [Zoo Licensing Act 1981: Guide to the Act's provisions](#)
3. [Secretary of State's Standards of Modern Zoo Practice](#)

## **Background Information**

Relationship to Policy Framework/Corporate Priorities	Not applicable.
Financial	There are no financial cost implications and any costs will be contained within existing budgets. The Council sets the licence fee under the Zoo Licensing Act 1981 at a level to fully recover the costs of administration, inspection and enforcement. Local authorities may also charge for reasonable expenses incurred by them in respect of inspections.
Legal Implications:	This report relates to the provisions in the Zoo Licensing Act 1981 which sets out the inspection and licensing regime for zoos. Further detail is included in the body of the report.
Equality/Diversity Implications	None
Sustainability Implications	The Zoo Licensing Act 1981 specifies conservation measures that must be undertaken by zoos. Any licence granted will therefore contain appropriate conditions with regard to these measures.
Staffing/E-Government/Asset Management Implications	None
Risk Management Implications	None
Health and Safety Implications	All health and safety matters that ensure the premises are safe for the public to visit are addressed by Section 8 of the Secretary of State's Standards of Modern Zoo Practice.

### **1.0 Background**

- 1.1 Zoos are places where wild animals are kept for exhibition to the public, and to which the public has access, with or without charge, seven days or more a year. Zoos range from large city Zoos and safari parks to reptile houses, **aquaria** and bird of prey centres. Any zoo displaying wild animals not normally domesticated in Great Britain could be subject to licensing and inspection under the Act.
- 1.2 Merlin Entertainments Limited operate a range of major national and international visitor attractions and their "Sea Life" attractions are the world's biggest aquarium brand with over 30 centres and 3 sanctuaries across Europe and the USA.
- 1.3 An application has been received from Merlin Entertainments Limited for a zoo licence for the new Sea Life Manchester aquarium at Barton Square in the Trafford Centre. There are currently no other licensed zoos in Trafford. The proposed opening date of the Sea Life Centre Manchester is 6th June 2013.
- 1.4 The proposed development, similar to other Sea Life Centres, consists of a number of marine display tanks containing a variety of larger and intermediate

size fish species and turtles, associated educational and conservational displays, a schoolroom area for educational talks, and a retail area.

- 1.5 The attraction will also include Europe's first ever "Sea Trek" Scuba diving experience, where visitors are totally immersed, and wearing specially designed diving helmets, receive a guided tour, walking on the bottom of the main display tank.



- 1.6 Footfall is expected to be in excess of 300,000 visitors per annum. A small number of visitors will undertake the Sea Trek diving experience.
- 1.7 The licensing and inspection of zoos is a matter for local authorities, and licences are granted under the Zoo Licensing Act 1981. The inspection and licensing of zoos ensures that they are safe for the public to visit, that high standards of animal welfare are maintained and that zoos make a contribution to the conservation of wildlife.
- 1.8 Local authorities work in close partnership with the Department of Environment, Food and Rural Affairs (DEFRA) on all aspects of zoo licensing to ensure that national standards are upheld and that zoos comply with the provisions of the Zoo Licensing Act 1981, the Animal Welfare Act 2006 and the requirements set out in the Secretary of State's Standards of Modern Zoo Practice.

## **2.0 Summary of Application Process**

- 2.1 Before starting up a new zoo, the applicant must give the local authority at least two months written notice before applying to the authority for a licence. This was received on 16<sup>th</sup> November 2012.
- 2.2 The applicant must also publish notice of this intention in one local and one national newspaper, and display a copy of the published notice at the site of the proposed zoo. This notice was displayed in the Sale & Altrincham Messenger (local) on the 10<sup>th</sup> January 2013 and the London Gazette (national) on the 4<sup>th</sup> January 2013 (the DEFRA Zoo Licencing guide specifically references that the London Gazette counts as a national newspaper).
- 2.3 An application form must then be submitted to the local authority, and this was received (see Appendix 1) on the 8<sup>th</sup> March 2013.
- 2.4 The applicant must also submit a pre-inspection audit form and supporting documentation outlining how it intends to comply with the zoo licensing requirements, for assessment prior to the inspection. This was received on the 16<sup>th</sup> April 2013.

- 2.5 An inspection of the proposed zoo premises is then required to be carried out by an inspection team which must include a Secretary of State appointed zoo veterinary inspector, to establish compliance with the mandatory licence conditions (see Appendix 2) as set out in the Secretary of State's Standards of Modern Zoo Practice.
- 2.6 This inspection was carried out on the 26<sup>th</sup> April 2013 by an inspection team which also included the Council's appointed veterinary inspector, the Council's Animal Health Officer and an Environmental Health Officer with health and safety expertise.

### **3.0 Grant or refusal of Licence**

- 3.1 A licence can only be refused for one of the following reasons:-
- (i) if, after inspecting the collection, the local authority is not satisfied that the applicant would be able to meet the licence conditions that implement the conservation requirements of the Act.
  - (ii) if the local authority is not satisfied that the standards of accommodation, staffing or management are adequate for the proper care and wellbeing of the animals or otherwise for the proper conduct of the zoo.
  - (iii) the establishment 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.
  - (iv) the applicant has been convicted of an offence under the Act or of any other offence involving the ill-treatment of animals.
  - (v) if planning permission has not been granted for the zoo.
- 3.2 Local authorities are required to consider the inspector's report in reaching a decision on a new licence application. The Secretary of State's Inspector's report was received on the 29<sup>th</sup> April 2013 (see Appendix 3). The report found that the mandatory licence conditions (that implement the conservation requirements of the Act) were all likely to be met. No additional conditions were recommended for the licence.
- 3.3 The report also recognised that Merlin has a good record of achieving high standards in the other centres already opened and intends to maintain a high level of achievement in this new development. It concludes that considerable capital has been expended and the infrastructure is of a high standard, appears well constructed and is designed to meet the requirements for this type of exhibit, that the facilities are well provided and the staff have adequate skills and training to ensure that systems run smoothly and safely, and that considerable thought in the proposed displays has been given to illustrating marine conservation challenges and ways in which the public can contribute to meeting international conservation aims.
- 3.4 The report also included five recommendations regarding the proposed operation of the zoo which are not relevant in terms of grant or refusal of the licence.
- 3.5 A copy of the inspector's report was sent to the applicant for comment. They formally accepted the report with no amendments.

- 3.6 The requirement that the applicant and any current or proposed members of staff have not been convicted of an offence under the Act or of any other offence involving the ill-treatment of animals is addressed by a declaration made on the zoo licence application form.
- 3.7 Local authorities are required to take account of representations made by the police authority, the fire service, the Zoo Inspectorate, any person living in the neighbourhood of the zoo, or any other interested person. However, no representations have been received regarding this application, and there is no duty to consult these people or organisations.
- 3.8 Planning permission for the aquarium was granted on 19<sup>th</sup> October 2012 (see Appendix 4).
- 3.9 Should the decision be to grant the licence, it will remain in force for four years and further periodical inspections will take place as required to ensure compliance with licence conditions.
- 3.10 As this is an application for a new zoo, the first of these periodical inspections will take place within the first year of the licence. The local authority can, therefore, issue the licence prior to the arrival of all the animals provided that the inspector is satisfied that the premises and arrangements in hand will be adequate to meet the Secretary of State's standards. The Inspector's report for the Manchester Sea Life Centre makes it clear that he is satisfied with the premises and arrangements in hand at this premises.
- 3.11 If granted, the local authority must attach to the licence mandatory conditions that implement the conservation requirements of the Act, and may also attach any other conditions it thinks necessary or desirable to ensure the proper conduct of the zoo during the period of the licence.
- 3.12 Should the application be refused the applicant will receive a written statement outlining any grounds for refusal. Applicants aggrieved by the refusal to grant a licence may appeal to a magistrates' court.

#### **4.0 Recommendations**

- 4.1 It is recommended that Members of the Committee;
- a) note this report;
  - b) note the Inspector's report;
  - c) approve the grant of the Zoo licence with the licence conditions set out in Appendix 2 of this report attached.

#### **Appendices:**

1. Application Form.
2. Licence conditions.
3. Zoo Inspection report.
4. Grant of Planning Permission.

## **Appendix 1 - Application Form**

**See below**



## **Appendix 2 - Licence Conditions**

### **Licence conditions (required by section 1A of the Act):**

The operator of the Zoo must ensure that the following measures are implemented in the Zoo:

- 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.
- Accommodating and keeping the animals in a manner which meets the standards set out in the Secretary of State's Standards of Modern Zoo Practice.
- Preventing the escape of animals and putting in place measures to be taken in the event of any escape or unauthorised release of animals.
- Preventing the intrusion of pests and vermin into the premises of the Zoo.
- Keeping up-to-date records of the Zoo's collection of animals, including records of the numbers of different animals; acquisitions, births, deaths, disposals and escapes of animals; the causes of any such deaths; and the health of the animals.

The operator of the Zoo must participate in at least one of the following:

- Research from which conservation benefits accrue to species of wild animals.
- Training in relevant conservation skills.
- The exchange of information relating to the conservation of species of wild animals.
- Where appropriate, breeding of wild animals in captivity.
- Where appropriate, the repopulation of an area with, or the reintroduction into the wild of, wild animals

## **Appendix 3 - Zoo Inspection Report**

**See below**

## **Appendix 4 - Grant of Planning Permission**

**See below**

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\* required information

**Section 1 of 9**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

\* Is your business registered in the UK with Companies House?  Yes  No

\* Registration number

\* Business name  If your business is registered, use its registered name.

\* VAT number   Put "none" if you are not registered for VAT.

\* Legal status

Continued from previous page...

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 9**

**PREMISES TO BE LICENSED**

\* Name of premises/  
trading name

**Address Of Zoo**

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

Continued from previous page...

### Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

rob.wick@merlinentertainments.biz

\* Main telephone number

01305 761465

Other telephone number

### Section 3 of 9

#### TYPE OF NOTIFICATION

Type of notification :

New zoo

Zoo subject to direction under Section 6(1)(b) of the Act

### Section 4 of 9

#### ANIMALS

Information about each group of animals to be accommodated at the zoo can be provided here or by attaching a stock list with your application. Check for local guidance notes and conditions which may clarify exact requirements.

\* Do you intend to submit a separate stock list?

Yes

No

### Section 5 of 9

#### ACCOMODATION

If preferred, this information may be submitted in the form of annotated drawings or plans. In any event, a plan showing the proposed layout of the zoo must be submitted.

\* Give brief details of the animal accommodation to be provided (the number, type, approximate size and security of enclosure, including confined quarters during the night and winter, and the grouping of animals)

Stock list accompanies this document along with details of proposed accommodation and a break down of the animals which are proposed for each of the exhibits.

### MAINTENANCE AND WELL-BEING

\* Give brief details of arrangements to be made for the animals' maintenance and well-being, including information about the provision, storage and preparation of food and arrangements for veterinary care, including preventative measures

Food - A fully equipped food preparation room with fridge and freezers will be provided. Food will be a mixture of fresh and frozen ingredients as well as specially prepared pelletised nutrition as used in other SEA LIFE centres. Company guidelines on the acquisition, storage, preparation and disposal of food items are available on request.

Provision of Veterinary care - SEA LIFE across the globe receives specialist fish care from IZVG (International Zoo Veterinary Group) through a process known as the AHEF System (Animal Health Enquiry Form System). This ensures that any animal welfare issue is dealt with as quickly as possible and that a vet is involved with any treatment that may be required. Full details of this process are available on request. It is SEA LIFE company policy to ensure that animals are sourced ethically and sustainably, quarantined and treated prophylactically, transported efficiently and humanely and put into well designed enclosures with minimal stress. This all builds towards healthy, happy animals.

### Section 6 of 9

**STAFF NUMBERS**

Give the numbers of staff in each category to be employed at the zoo

- \* Directors/managers
- \* Senior administrative staff
- \* Other administrative staff
- \* Keeper staff
- \* Other staff (specify)

**STAFF CONVICTIONS**

\* Does any current (or proposed) member of staff have any convictions under Animal Welfare or Wildlife Legislation?

- Yes  No

**Section 7 of 9****ACCESS**

If preferred this information may be submitted in the form of an annotated drawing or plan

\* Give details of the approximate number and position of the means of access to be provided to the premises

Access information is included on the drawings including entrance/exit elevations.

**VISITOR NUMBERS**

\* Approximate number of visitors who are to be accommodated per day

\* Type and size of car parking facilities

Additional car parking was specified as part of the planning approval (attached). This is in addition to existing car parking measures in place.

\* Is your application for a safari park?

- Yes  No

**CONSERVATION AND EDUCATION**

Provide details of how conservation measures will be implemented at the zoo

SEA LIFE has a long history in customer engagement with conservation. We support conservation efforts in a variety of forms, drive conservation on a local basis by working with organisations such as the Seahorse Trust to protect Studland bay and all of our sites partake in beach cleans, litter picks, habitat surveys and more. We have found that by entertaining people and involving them in the story of conservation our visitors are both enthused about making a difference and feel more engaged with their environment too. Conservation is at the heart of our Breed, Rescue, Protect strategy which will be obvious in our theming, interpretation and the ethos of the site.

\* Provide details of education and research activities at the zoo

All SEA LIFE centres are required to complete research projects each year. These projects are approved by a central ethical



review board and must be of benefit to the animals in question, the care of captive animals or a benefit to the conservation of wild species. We do not undertake any research activities which are likely to be damaging or stressful to our animals under any circumstances.

Education is central to the way in which a SEA LIFE centre works. Our interpretation is bright, fun filled and often interactive. Our staff are on hand to engage our visitors and we use interactions with animals to drive home educational points and really make a difference. We also encourage school visits and offer talks, we have a wide range of static and digital interpretation and will include in SEA LIFE Manchester a 3D projection mapped video of the journey of a turtle.

#### Section 8 of 9

#### ADDITIONAL DETAILS

Provide any additional information which is required or relevant to your application (check for local guidance notes and conditions which may provide details of specific requirements in your area)

The aquarium will (subject to testing and approval) be running a SEA TREK experience which allows members of the public to enter the large central exhibit. Further information about this including our risk management strategy is available on request.

#### Section 9 of 9

#### ATTACHMENTS

#### AUTHORITY POSTAL ADDRESS

##### Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

#### DECLARATION

\* I am aware of the provisions of The Zoo Licensing Act 1981. The details contained in the application form and any attached documentation are correct to the best of my knowledge and belief.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

When you are satisfied that you have completed the form correctly, save it and continue with the application process. If the online application screen is no longer available in your browser, [click here](#) to resume.



**Zoo Licensing Act 1981 (Amendment)  
(England and Wales) Regulations 2002**

**Licence Inspection Report**

Date Report completed:26/04/2013



Name of applicant	Mr Nick Varney
Name of institution	Manchester Sea Life centre , Trafford Park.
Address of institution	Manchester Sea Life Centre, Barton Square, The Trafford Centre, Trafford Park  Postcode
Telephone number (incl. national dialling code)	0161 749 2870
Fax number (incl. national dialling code)	n/a

**Type of inspection**

Licence inspection  
under Section 4(1A)

Significant change inspection  
under Section 16(2B) or 16(3A)

**Statutory composition of inspection team**

One or more Defra nominees

Any number of competent LA authorised appointees

**This form is only for use for inspections before the grant or refusal of a new licence and before any significant alteration to a licence. Please use Appendix 11 (form ZOO 2) for all other inspections.**

Names and designations of Inspectors	Name(s) of zoo representative(s)
Mr M.J.Fielding, Sec of states List Paert 1 ,Inspector	Mr Rob Wick Regional Curator Sea Life G.B.&I.
Ms Helen Hudson Animal Welfare Officer, Trafford Council	Mr Neil Crittenden General manager .
Ms Alison Acton, Environmental Health Officer Trafford Co.	Ms Lucy Handel, BSc Displays Curator.
Mr C Walster MRCVS Local Authority Veterinary Surgeon.	Mr A.G.Greenwood FRCVS, Sea Life Veterinary Advisor.

Copies: Original to local authority, 1st copy to applicant/operator, 2nd copy to Defra, 3rd copy to inspectors

## Useful information available to applicants

Information about the Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002)

Where to find it – available from your local authority who are responsible for administering the Act or from Defra at <http://www.defra.gov.uk/wildlife-countryside/gwd/index.htm> or 0117 372 8209.

Secretary of State's Standards of Modern Zoo Practice

Where to find it - available at <http://www.defra.gov.uk/wildlife-countryside/gwd/index.htm> or from your local authority who are responsible for administering the Zoo Licensing Act 1981 (as amended). A limited number of hard copies are still available from Defra.

Government Circular Guidance 02/2003 on the Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002)

Where to find it – available at <http://www.defra.gov.uk/wildlife-countryside/gwd/zoo.htm#circular>

Alternatively hard copies can be obtained by contacting:

Tom Adams,  
Defra,  
1/16 Temple Quay House,  
2 The Square,  
Temple Quay,  
Bristol BS1 6EB  
Tel: 0117 372 8209  
E-mail: [zoos.branch@defra.gsi.gov.uk](mailto:zoos.branch@defra.gsi.gov.uk)

Zoos Forum Handbook

Where to find it – hard copies of available chapters can be obtained from Tom Adams at the above address (while stocks last). Electronic versions can be downloaded from <http://www.defra.gov.uk/wildlife-countryside/gwd/zoosforum/index.htm>.

## Preamble to inspectors' report

The Zoo is a new (at present ) incompleated development by a nation wide and international aquarium and leisure company, situated in a recently constructed building in the Barton Square area of the Trafford Centre shopping complex, Trafford Park, Nr Manchester.

It contains one large marine tank which will display a variety of larger and intermediate species of fish and turtles. In association with this ,the display also contains several smaller tank exhibits ,some of which are for general education and others which feature particular aspects of conservational and ecological ,present and future challenges in the marine environment. There is also a schoolroom, an area for educational talks and displays and a small supervised "touch" area to extend the experience particularly for children. A retail area is also present on the premises.

In addition it is proposed to introduce the "Sea Trek " experience for a limited number of pre booked members of the public which will allow a brief period of supervised underwater experience within the largest tank.

Footfall is expected to be in excess of 300,000 visitors per annum.

For the attention of the Licensing Authority:

1. Please ensure that a copy of any licence issued together with any conditions attached is forwarded to the Zoos Section AHVLA (DEFRA) , Temple Quay House, Temple Quay , Bristol for the attention of Mr.J Harwood.

## 1. Directive Conditions (In accordance with Section 1A of the amended Act)

Condition	Likely to be met	Not likely to be met	N/A	Notes
1A(a) Participate in at least one of the five activities listed from (i) to (v) below:				
(i) research from which conservation benefits accrue to species of wild animals	✓			This is expected to take place in conjunction with other centres and in some cases, autonomously, but not until all systems and staffing have settled in and are operating effectively.
(ii) training in relevant conservation skills	✓			This will take place as part of the national contribution by the company as well as to some degree on a local basis.
(iii) the exchange of information relating to the conservation of species of wild animals	✓			As above for Staff. Public information on these aspects will be by talks demonstrations and some interactive projects, some of which will be in place by the date of opening.
(iv) where appropriate, breeding of wild animals in captivity	✓			It is intended to breed seahorse, corals jellyfish and other species if the necessity and opportunity arises.
(v) where appropriate, the repopulation of an area with, or the reintroduction into the wild of, wild animals	✓			This will only be considered on a national scale by the Company, alongside the rescue and conservation work undertaken.
(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	✓			This will be done by formal talks , the recreational experience, signage, interactive display etc.and the intention is once operational, to effect contact and liason with local conservation groups.
(c) Accommodating their animals under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong, including:	✓			This should be to a high standard based on the facilities and technology in use at this centre. The staff are well qualified and enthusiastic to ensure environments are well controlled, provide high standard of water quality and ,where required, enrichment for the occupants.
(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	✓			As Above.

Condition	Likely to be met	Not likely to be met	N/A	Notes
(ii) providing a high standard of animal husbandry with a developed programme of preventative and curative veterinary care and nutrition.	✓			The skill levels for monitoring husbandry in the collection are high and the Veterinary operations are managed as part of an overall company policy, using a single provider for all centres, thus ensuring consistency and high quality delivery of required services.
(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	✓			The Tanks provide adequate escape prevention but ,in the case of catastrophic tank failure , risk assessments have been carried out and protocols introduced, to minimise negative outcomes.
(e) Preventing the intrusion of pests and vermin into the zoo premises	✓			This will be outsourced from specialist contractors.
(f) Keeping up-to-date records of the zoo's collection, including records of:	✓			All items indicated below will be recorded on a company wide system, which it is hoped, may be adapted and adopted by other similar institutions in future, and thus encourage uniformity of
(i) the numbers of different animals.	✓			information in the aquarium industry.
(ii) acquisitions, births, deaths, disposals and escapes of animals.	✓			
(iii) the causes of any deaths.	✓			
(iv) the health of the animals.	✓			

## 2. Other/New or Varied Conditions\* (Proposed by the local authority)\*\* \_\_\_\_\_

Proposed condition	Likely to be met	Not likely to be met	N/A	Notes

\* 'Other' refers to conditions for a new licence (section 4(1A)(a)); 'New or Varied' refers to conditions proposed as a result of a significant change to a licence (Section 16).

\*\* The local authority are required to have regard to the Secretary of State's Standards of Modern Zoo Practice when considering what other conditions should be added to a licence. These might include insurance against liability for damage caused by animals (Section 5(3) and Section 5(4) of the Act).

**3. Other Conditions\*\*\* (Proposed by the nominated Secretary of State Inspector(s))** \_\_\_\_\_

Proposed condition	Likely to be met	Not likely to be met	N/A	Notes

\*\*\* This section does not apply to significant change inspections.



## Additional space

The following space is provided for:

- additional notes and comments on the answers to the earlier questions;
- recommendations (other than in respect of grant or refusal of a licence and any specific conditions recommended for a licence - see overleaf); and
- any general remarks which the inspecting team may wish to record.

The company operating the centre has a good record of achieving high standards in other centres already opened and intends to maintain a high level of achievement in this new development. Considerable capital has been expended and the infrastructure is of a high standard, appears well constructed and is designed to meet the requirements for this type of exhibit. The innovative nature of the Sea Trek experience, undoubtedly will provoke some challenges but, the facilities are well provided and the staff has adequate skills and training to ensure that systems run smoothly and safely. The development is well placed to provide additional recreational opportunity for families and organised parties, by nature of its easy access from the adjacent motorway. Considerable thought in the proposed displays, has been given to illustrating marine conservation challenges and ways in which the public can contribute to meeting international conservation aims. The contribution by the centre to the company's rescue and rehabilitation work, will also be illustrated.

Recommendations:

1. The inspectors were concerned that the P.M. Lab as planned, was to be situated adjacent to food preparation areas and to the public "behind the scenes access" and that there was no finite physical barrier between the two. The Company agreed to relocate the P.M. Lab to an alternative area, with appropriate facilities and separation. Thus, attention to this matter is recorded as a recommendation at this point, since this action was agreed before the inspection was completed and before all facilities were open and in use. However, if this relocation is not completed prior to opening of the facility as a whole, then such relocation shall become a condition, with a time limit of 2 months following the licence issue.
2. The inspectors note the proximity of the "rest area" for those animals used in the touch pool to the general flow of public through the facility, and the fact that the wall of this area is a simple studded and panelled construction. Although noise and any vibration of the resting enclosures, is not likely to be so great as to provoke any welfare issues, this should be monitored by the staff in charge of this part of the displays.
3. Although no issues are likely to arise in the large tank if the "Sea Trek" experience is managed as specified and works to plan, the inspectors advise, in addition to the precautionary measures already in place, that the interaction of the Turtle (to be placed in that tank) with the air supply hoses and any other technological apparatus in the tank, be closely monitored, especially in the early stages of the exhibit, to ensure that no unexpected interaction or risk occurs.
4. The inspectors recommend plug blank covers be inserted into any 13 Amp 3 pin sockets in the public areas, which are within reach of children.
5. At the time of inspection no delivery of stock had been effected as tanks were still in the process of preparation and settlement. However, it is recommended that a full stock list of the fish and other animals, likely to be displayed on the opening of the premises to the public, be forwarded to the Licensing Authority, at least 7 days prior to the date of opening and that a comprehensive update of that stock list be forwarded within 8 weeks, of the date of opening of the exhibit.

# The Secretary of State's nominated inspector(s) recommendation to the local authority

Having inspected (name of zoo)

on

the inspecting team make the following recommendation: *Please tick appropriate box*

- it is recommended that a licence be refused .....
- it is recommended that the above collection be licensed in accordance with the Act subject to the Directive Conditions listed in section 1 of this report .....
- it is recommended that the above collection be licensed in accordance with the Act subject to the Directive Conditions listed in section 1 and the Additional Conditions listed in section 2 and/or 3 of this report .....

### Dispensation Status

If it is recommended that the above collection be licensed does the nominated Secretary of State inspector(s) consider that the collection may be suitable for a dispensation under Section 14 of the Act? ..... YES  NO

If YES, please specify type of dispensation recommended:

On the proviso that the numbers and variety of the species specified to be exhibited at this collection is not substantially changed in number or variety , then in my opinion an application by the operator for a dispensation under Ch 14. Section (2) of the Act could be considered appropriate. However it would be wise to reserve a final decision until such time as the first formal inspection takes place, after full stocking and operating for a period of time.

Signature of Secretary of State inspector(s)	Date signed:

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### The Data Protection Act 1998

This form is intended for use by local authorities in England for administering the Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002. Completed forms held by public authorities are subject to the provisions of the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Data Protection Act 1998. Copies of forms may be supplied to the Department for Environment, Food and Rural Affairs for the purpose of providing information on the administration of the Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002.

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## Town and Country Planning Act 1990

### GRANT OF PLANNING PERMISSION

<b>Name and Address of Applicant</b>	<b>Name and Address of Agent</b>
Barton Square Limited  The Management Suite The Trafford Centre Manchester M17 8AA	Deloitte LLP (t/a Drivers Jonas Deloitte) 2 Hardman Street Spinningfields Manchester M3 3HF

#### Part 1 – Particulars of Application

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**Application Number: 78823/COU/2012**

**Ground Floor Level, Part of Unit D, Barton Square, Phoenix Way, Trafford Park, Manchester, M17 8AS**

**Change of use from retail (Use Class A1) to aquarium (Use Class D2).**

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#### Part II – Particulars of Decision

That Trafford Borough Council hereby gives notice in pursuance of the provisions of the Town and Country Planning Act that **PERMISSION HAS BEEN GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted and the following condition(s).

##### **Conditions:**

- 1 The development must be begun not later than the expiration of three (3) years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted drawing no. L(00) 05 Rev A, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To clarify the permission, having regard to Policy L7 of the Trafford Core Strategy.

- 3 The premises to which this relates shall be used for an aquarium and for no other purpose (including any other purpose within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: Other uses within the same Use Class may have a detrimental effect on the neighbourhood and town centres and the restriction to the use proposed will enable the Local Planning Authority to consider any further change of use on its merits, having regard to Policies L4, L7, L8 and W2 of the Trafford Core Strategy.

- 4 The aquarium use hereby permitted shall not be open to the public unless or until an additional 42 car parking spaces have been provided and marked out in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The existing car parking spaces and the additional 42 car parking spaces shall be retained thereafter and made available at all times that the aquarium is open to the public.

Reason: In the interests of highway safety, having regard to Policies L4 and L7 of the Trafford Core Strategy.

- 5 No development shall commence unless and until details of a Travel Plan, which should include measurable targets for reducing car travel, have been submitted to and approved in writing by the Local Planning Authority. On or before the first occupation of the development hereby permitted the Travel Plan shall be implemented and thereafter shall continue to be implemented throughout a period of 10 (ten) years commencing on the date of first occupation.

Reason: In order to reduce congestion, improve road safety and promote public transport, walking and cycling, having regard to Policies L4 and L7 of the Trafford Core Strategy.

#### **Informatives:**

1. Town and Country Planning (Development Management Procedure) (England) Order 2010.

This informative is only intended as a summary of the reasons for the grant of planning permission. For more detail on the decision please contact Planning & Building Control.

2. The proposal would result in a satisfactory form of development that, subject to appropriate conditions, would have an acceptable impact on parking and the highway network. It is also considered that the proposal would have an acceptable impact on residential and visual amenity. It is considered that there are no sequentially preferable sites which are suitable and viable for this specialist leisure attraction and as a consequence it is considered that the proposals are therefore compliant with the provisions of the NPPF, Policies W2

- Town Centres and Retail, L4 - Sustainable Transport and Accessibility, L5 - Climate Change, L8 - Planning Obligations, R3 - Green Infrastructure, SL4 - Trafford Centre Rectangle of the Trafford Core Strategy and Proposals S11 - Development outside Established Centres, S12 - Retail Warehouse Park Development of the Revised Trafford Unitary Development Plan.

**Date of decision: 19 October 2012**

A handwritten signature in black ink, appearing to read 'Simon Castle'.

Chief Planning Officer  
**Simon Castle**

Note: This permission refers only to that required under the Town and Country Planning Act and does not include any consent or approval under any other enactment, byelaw, order or regulation.

Please read notes provided

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