

## 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  
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### 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 Licensing 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**