

## Report of the Chief Environmental Health Officer

**DANGEROUS WILD ANIMAL LICENCE RENEWAL APPLICATION  
STRELLEY, NOTTINGHAMSHIRE**1. Purpose of Report

To advise Members of the application for a renewal of a Dangerous Wild Animal Act Licence and to seek Member's approval to grant renewal of the licence, subject to the conditions outlined in appendix 2.

2. Recommendation

**The Committee is asked to RESOLVE to determine the application for renewal of the Dangerous Wild Animal Act Licence with associated Conditions.**

3. Details of Application

<b>Application Reference:</b>	22/00440/EHDWA and further amendment in January 2023
<b>Location</b>	Home Farm (and land to North of Home Farm), Main Street, Strelley, Nottingham, NG8 6PD
<b>Proposal</b>	To renew a licence to keep dangerous wild animals at the above address. The application includes 4 Lions - (1 Male and 3 female), 1 puma, 1 Lowland Tapir and 2 Asian Short Clawed Otters - (1 male and 1 female). The application also relates to amendment of additional keepers to assist in the care of the animals. A further amendment application received in January 2023 for the addition of 2 ring tailed lemurs (1 male and 1 female).

An application to renew a Dangerous Wild Animals licence was received in May 2022. The application included the addition of 2 Lion Cubs born on site and 2 Otters and specified additional keepers who assist with the care of the animals on site. The application was accompanied by a variety of documentation including a current certificate of public liability insurance.

The Council will consider applications for Dangerous Wild Animal Licences in accordance with the licensing objectives outlined in appendix 2 and in accordance with the procedure below.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no financial implications at this stage, pending the outcome of the decision to grant the licence.

**5. Legal Implications**

The comments from the Head of Legal Services were as follows: Chapter 3, Part 1, paragraph 1.3 of the Constitution states:

‘Where a power has been delegated, the Council, Cabinet or Committee, or in the case of an Officer Sub-Delegation, the delegating Officer, may still exercise that power in a particular instance if considered appropriate. Equally, any matter may be referred up to the source of the delegation for determination’.

Due to there being a significant change of animal accommodation and species held and the wider public interest consideration this application will be considered by the Licensing and Appeals Committee.

**6. Human Resources Implications**

Not applicable

**7. Union Comments**

Not applicable

**8. Data Protection Compliance Implications**

No additional comments have been provided.

**9. Equality Impact Assessment**

The duty to deal with Dangerous Wild Animal Act applications is a longstanding one so an equality impact assessment is not required.

**10. Background Papers**

None.

Licensing and Appeals Hearing Procedure ( Animal Licensing)

1. The Chairman will open the hearing and introduce the Members of the Committee and Officers present.
2. The Chairman will ask the Applicant and his/her representative to introduce themselves.
3. The Chairman will remind (if necessary) the applicant that he/she can be represented by a legal representative at his/her own expense.
4. The Chairman will summarise the reason for the hearing.

**NOTE: The Committee may ask for the relevant officer to present the case, although the report will contain the detail. This will mean that the applicant and members will be able to ask questions of the Officer**

5. The Chairman will ask the applicant or his/her representative to present his/her case and may ask questions of Officers present.
6. The Chairman will invite members of the Committee, the Council's representative and the Legal Adviser to the Committee to ask questions of the Applicant/representative and witnesses to clarify any of the points made.
7. The Chairman will invite the Council's representative to sum up.
8. The Chairman will invite the applicant/representative to sum up.
9. The Chairman will ask the applicant/representative to confirm that he/she has said all he/she wishes to.
10. The Chairman will confirm with the members that they have all the information they require to properly consider the matter.
11. The Applicant and other parties present will leave the meeting so that the Committee can consider the matter in private
12. The Clerk and Legal Adviser will attend to advise the members.
13. If either the Council's representative or the Applicant/his/her representative is asked to clarify any of the points made, both parties must be present.
14. When the Committee has reached its decision, the Council's representative and the Applicant/representative will be invited back into the room. The Chairman will advise of the decision and the reason(s) for reaching it.

The Chairman will inform the Applicant of the date on which the decision will take effect, that it will be confirmed in writing within 5 working days and of any right of Appeal.

**Appeals**

Where—

(a) a person is aggrieved by the refusal of a local authority to grant a licence under this Act, or

(b) a person to whom such a licence has been granted is aggrieved by a condition of the licence (whether specified at the time the licence is granted or later) or by the variation or revocation of any condition of the licence, they may appeal to a magistrates' court; and the court may on such appeal give such directions with respect to the grant of a licence or, as the case may be, with respect to the conditions of the licence as it thinks proper, having regard to the provisions of this Act. An appeal should be made within 21 days of the notice of refusal.

## APPENDIX 2

**Background and Summary**

Keepers of animals listed on the Schedule and Modification Order within the Dangerous Wild Animals (DWA) Act 1976 require a licence. Licences are issued for 2 years. Licences have to ensure the following objectives are met:

- That the animal be kept only by a person or persons named on the licence,
- Ensuring the welfare of any animals kept – including in regards to its exercise, accommodation, food, drink, bedding, supervision/visits, prevention of infectious disease and that they are protected in case of fire or other emergency,
- Ensuring public safety,
- That the applicant is suitable on the grounds of they are over 18 and have not been convicted of an offence or disqualified from holding a licence or keeping animals under the relevant animal and welfare legislation including the Dangerous Wild Animals Act 1976, the Protection of Animals Act 1911 - 1964, Protection of Animals Scotland Act 1912 -1964, The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 (previously including The Pet Animals Act 1951, Animal Boarding Establishments Act 1963, Riding Establishment Act 1964 - 1970, Breeding of Dogs Act 1973), the Animal Welfare Act 2006 and the Zoo Licensing Act 1981
- Ensuring adequate public liability insurance is held,
- Comply with conditions which restrict the number of animals kept,
- Ensuring the welfare and security of the animal including restrictions on the movement of the animals from the premises,
- That arrangements for emergency response are reasonable,
- That an inspection by the Council appointed Specialist Veterinary Officer has taken place.

**The Licensing process cannot consider the moral grounds for keeping such animals, only if they are kept that the above objectives are achieved.**

**Site Overview**

The area containing the large cat enclosure consists of a former agricultural field within green belt. There is a bridleway to the east. To the west is the M1 motorway. Immediately to the south of the site containing the large cat and otter enclosures are two semi-detached brick-built cottages. Over time changes have been made to improve the space, accommodation and welfare of the animals and were also made in consultation with the Licensing Department. The current Large Cat enclosure consists of a 3m high weld mesh fence with overhang and electrified wiring and double entrance lobbies as well as additional security features. This information is provided as it links to the objective relating to the welfare and security of the animals.

The Otter enclosure is located to the side of the existing ménage. The Lemur enclosure is located behind the stable block and near the outdoor lion enclosure.

The Tapir enclosure is located to the south of the main dwelling and extending into the garden area of the property.

An aerial site view is attached at appendix 3.

Photographs of some of the relevant enclosures are attached at appendix 4.

### **Licensing History Overview**

The site was first licensed in May 2018 for a Puma. In January 2019 an amendment was issued for 2 young Lions. In 2020 the licence was renewed for these animals. In August 2021 a Tapir was added. On 1st March 2022, 2 female Lion cubs were born on site. In 2022 2 Otters were also acquired. In November 2022, notification was received regarding the acquisition of 2 elderly ring tailed Lemurs and an application to include the Lemurs on the licence was received in January 2023.

Recommendations relating to the improvement of operating practices and the enclosures to the site, have been completed as requested on an on-going basis.

### **Specialist Independent Veterinary Report (Statutory Consideration Prior to Grant)**

A licence cannot be granted without an inspection from a Veterinary Practitioner and over the course of the licences held, several visits have been made by our independent Specialist Veterinary Officer appointed for that purpose and two Council Officers. The most recent visit being 14 July 2022.

The Specialist Veterinary Advisor has produced a summary report specifically for this committee and the extract of the report is attached at appendix 5.

In summary, the Specialist Veterinary Advisor has recommended issue of the licence.

### **Emergency Services**

In accordance with the conditions, both the Police and the Fire Authority have been notified of all DWA licenced keepers within the Borough and the Police Firearms team has been consulted in regard to the emergency escape plan. Site familiarisation visits will be arranged as necessary or if requested by these Authorities.

### **Proposed Licence Conditions**

The Dangerous Wild Animal Act Licences states are:

- a requirement that the animal be kept only by a person or persons named on the licence;
- restrictions on the movement of the animal from the premises as specified on the licence;
- a requirement that the licence holder has a current insurance policy which ensures both licence holders and others against any liability caused by the animal and in some cases covers any private health medical costs (where the cost of such treatment is unusual and provided at significant cost to the health service) and that;

- arrangements for emergency response are reasonable, but there will be further liaison with the Firearms team at the Police to review these arrangements.

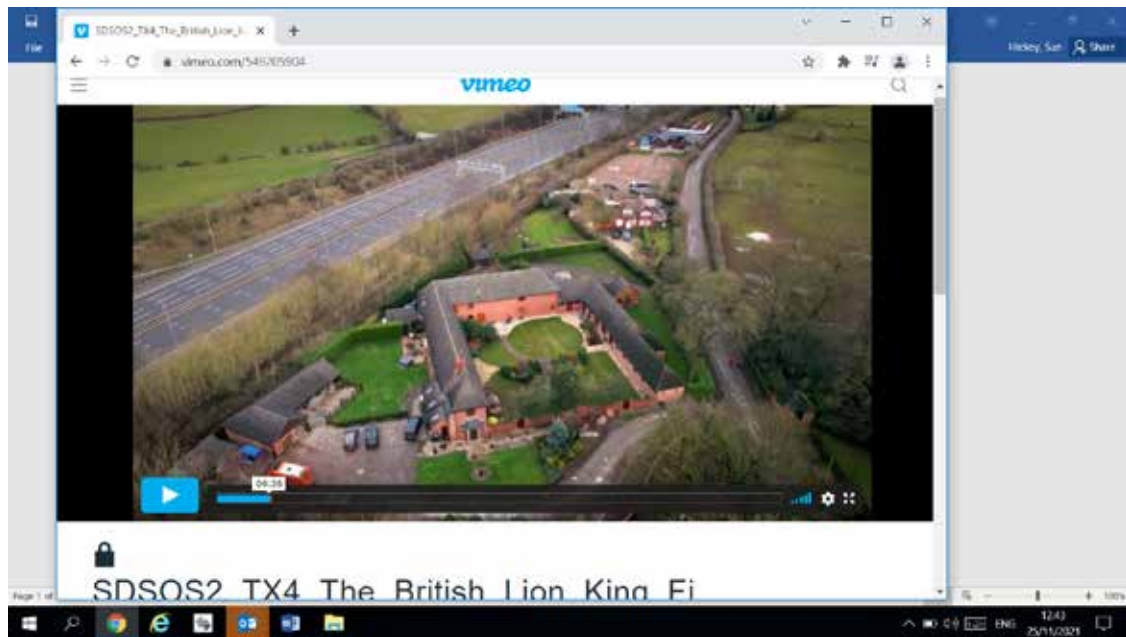
We have developed and refined licence conditions over the last 25 years through our experience of a variety of species and circumstances kept within the area. We have also updated the licence conditions as changes have been made to the activities and other information has become available for example guidance on the welfare needs of particular species, to ensure they remain relevant. A copy of the proposed conditions to be attached to the renewal are attached at appendix 6.

### **Key Changes Proposed from last licence**

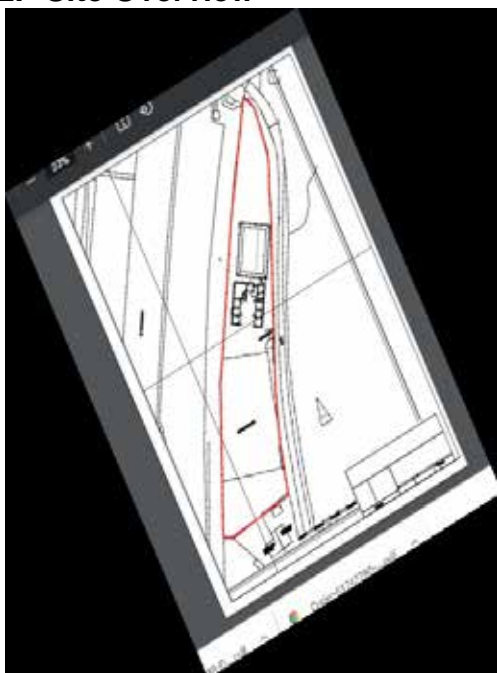
The majority of licence conditions will remain the same but a summary of key licence condition proposed changes are highlighted below;

- An assistant keeper (previously included in the Schedule of assistant keepers) has been removed as has not been on site for some time.
- Addition of 4 additional assistant keepers in the Schedule of assistant keepers (restrictions on animals cared for linked to written authorisation, training and safety procedures). (Licence Conditions 3, 4 and 24).
- Condition 11 has confirmed the lions are still not to breed.
- Due to the addition of a breeding pair of Otters, additional condition to say that any offspring need to be notified to us in writing straight after birth and removed from site within 60 days or as soon as weaned if appropriate – whichever is the soonest, or an application for a variation to licence application submitted at least 21 days before that date. This condition was a standard condition previously.
- Condition 31. **There should be no public viewing of the DWA licensed animals.** (If an application to vary the planning condition relating to public viewing is subsequently approved, we would vary this condition to 'the Licensing Authority must be notified in writing of the proposed open days/animal experiences on site at least 5 working days before they are held'.
- Addition of 2 Lions (growing cubs), a Tapir and 2 Otters to the list of animals kept under the licence.
- Addition of 2 ring tailed Lemurs to the list of animals kept under the licence.
- Requirement to microchip any animals not already microchipped to aid identification and notify the Licensing Authority of the microchip numbers of each of the animals held under licence

1. Overhead Site View



2. Site Overview





Photographs of main enclosures

1. External Lion Enclosure – Left hand View



2. External Lion Enclosure – right hand view from above



3. Otter Enclosure - External



4. Other Enclosure - Pool





5. Tapir and part of external tapir enclosure



6. Lemur enclosure

