

**EAST AYRSHIRE COUNCIL**

**LOCAL GOVERNMENT LICENSING PANEL**

**31 OCTOBER 2001**

**APPLICATION FOR GRANT OF ZOO LICENCE**

**Report by Director of Community Services**

**1. PURPOSE OF REPORT**

- 1.1 To invite the Licensing Panel to consider an application for the grant of a zoo licence.

**2. BACKGROUND**

- 2.1 The Zoo Licensing Act 1981 makes it unlawful to operate a zoo except under the authority of a licence issued by the local authority for the area within which the zoo is situated. A zoo is defined as an establishment where wild animals are kept for exhibition to the public, otherwise than for purposes of a circus or a pet shop, and to which members of the public have access, with or without charge for admission, on more than 7 days in any year.

- 2.2 In terms of Section 3 of the Act the local authority, on considering an application for licence, shall take into account any representations received from any of the relevant persons detailed below:-

- (a) the applicant
- (b) the Chief Constable
- (c) the Firemaster
- (d) the governing body of any national institution concerned with the operation of zoos
- (e) 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
- (f) any other person whose representations 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.

- 2.3 Before granting or refusing an application for a zoo licence the local authority shall consider inspectors' reports on the zoo applied for.

- 2.4 The local authority shall refuse to grant a zoo licence if they are satisfied that 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.

- 2.5 The local authority may refuse to grant a zoo licence if 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.
- 2.6 A licence may also be refused if the applicant or any person employed as a keeper has been convicted under various specified enactments or of any other offence involving the ill-treatment of animals.
- 2.7 If the local authority are not satisfied that any planning permission required for the zoo has been granted they shall either refuse the application or grant the licence but suspend its operation until the necessary permissions are granted.
- 2.8 An application in terms of the Act may be refused only on the grounds detailed above.

### **3. DISCUSSION**

- 3.1 An application has been received from Loudoun Castle Theme Park Ltd. for the grant of a zoo licence in terms of the Zoo Licensing Act 1981. In accordance with Section 2 of the Act the applicant, before making the application, gave notice of the intention to apply for licence. Such notice of intention was advertised in The Herald on 5 October 2000 and in the Kilmarnock Standard, Ayrshire Post and Irvine Herald on 6 October 2000.
- 3.2 Following publication of the notice of intention one representation was received from a member of the public. The letter of representation dated 6 December 2000 is enclosed as appendix 1 to this report.
- 3.3 A copy of the application for licence was forwarded to the undernoted consultees for comments:-
- Head of Planning and Building Control
  - Principal Officer – Environmental Health and Waste Management
  - The Federation of Zoological Gardens of Great Britain and Ireland
  - Divisional Commander, Strathclyde Police
  - The Firemaster, Strathclyde Fire Brigade
  - The Scottish Executive Justice Department – for the attention of the nominated Scottish Ministers' vet.
- 3.4 No adverse comments were received from the consultees detailed in paragraph 3.3. The Head of Planning and Building Control confirmed that planning permission was granted in 1997 for the buildings to be used for the purposes of accommodating zoo animals.
- 3.5 A dispensation under Section 14(2) of the Act was applied for and obtained thus enabling an inspection to be carried out by only one of

the Ministers' vets. This was considered appropriate in view of the small size of the zoo.

- 3.6 The zoo was inspected by Anna Meredith, MA, VetMB, CertLAS, CertZooMed, MRCVS, on 20 September 2001. She was accompanied by Alison J Smith, Principal Officer – Licensing and Community Safety and Ivor Clark, on behalf of the applicant. Ms Meredith recommended that the zoo be licensed in terms of the Act and subject to the Standard Conditions determined by the Secretary of State. A copy of the Inspection Report, together with a copy of the application form, is attached as Appendix 2 to this report.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 Nil.

#### **5. LEGAL IMPLICATIONS**

- 5.1 The provisions of the Zoo Licensing Act 1981.

#### **6. POLICY IMPLICATIONS**

- 6.1 Nil.

#### **7. CONCLUSIONS**

- 7.1 An application for a zoo licence has been received in respect of the Loudoun Castle Park, Galston. The consultees detailed in paragraph 3.3 of the report have indicated that they have no adverse comments to make. Following an inspection, the Scottish Ministers' vet, Anna Meredith, recommended that the application be granted subject to standard conditions.

- 7.2 One representation has been received from a member of the public which, in accordance with Section 3 of the Act, must be taken into account by the local authority in considering the application.

#### **8. RECOMMENDATIONS**

- 8.1 It is recommended that the Licensing Panel members take into account the information provided in this report in determining the application for grant of a zoo licence.

William Stafford  
**Director of Community Services**

12 October 2001  
alvar5/zoo licensing/Cttee.report.311001

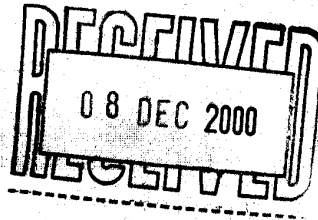
## **LIST OF BACKGROUND PAPERS**

1. Application file M/19 retained by Licensing and Community Safety Section.

Any person wishing to inspect the background papers listed above should telephone 01563 576111 and ask for Mr John Crawford, Head of Protective Services or email at [john.crawford@east-ayrshire.gov.uk](mailto:john.crawford@east-ayrshire.gov.uk).

APPENDIX 1

STRATHMILL COTTAGE  
NEWMILNS  
KA16 9LW



6 December, 2000

The Licensing Officer  
East Ayrshire Council  
London Road  
KILMARNOCK

Dear Sir,

**LOUDOUN CASTLE THEME PARK – ZOO LICENCE APPLICATION**

I understand you have received an application for the above Licence.

I wish to make complaint to this on two counts:


that it is not an area suitable for this type of facility as there are several Public Rights of Way which are in the close proximity of the proposed zoo  
and

that on 13<sup>th</sup> November I was asked if I had seen two German Shepherd dogs which had escaped from Loudoun Castle

I feel that if the Company are unable to control two dogs used for security purposes, it hardly inspires confidence for them to look after animals associated with a zoo.

I await your comments.

Yours faithfully,

  
M.L. ANDERSON (MRS)

# APPENDIX 11

## Zoo Licensing Act 1981

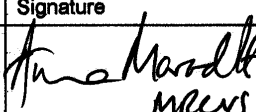
### Inspection Report

Date: 20<sup>th</sup> September 2001

Name of applicant or current licence holder Loudon Castle Theme Park Ltd Loudon Castle Park Galston Ayrshire  Tel no – 01563 822296 Fax no – 01563 822408
--

Date of last inspection N/A Type of last inspection N/A
--

Type of inspection today	Statutory composition of inspection team
Tick	
Full new application <input checked="" type="checkbox"/>	DETR nominees
Full renewal	2 listed via DETR, 1 LA vet. Option of <2 more from LA
Full periodical	2 listed via DETR, 1 LA vet. Option of <2 more from LA
Full informal (annual intermediate)	1 competent LA appointee Licensing/HSE/Vet
Special	Any number of competent authorised LA appointees
Clause 14(2) dispensation, periodical	1 or more DETR appointees
Clause 1 (2) dispensation, informal	

Name & designation of Inspector	Signature	Name(s) of Zoo Representative(s)
Anna Meredith MA VetMB CertLAS CertZooMed MRCVS. Section 1		Ivor Clark

Copies:  
 Original to Local Authority  
 1st copy to applicant/operator

Purpose of next inspection - informal  
 Timing of next inspection -  
 2nd copy to DETR

## RESULTS OF INSPECTION

	Yes	No	N/A	Notes
<b>1. Provision of food and water.</b>				
1. Is food appropriate for the species/individual supplied?	y			Marmoset diet needs improvement – Anna Meredith to advise
2. Is natural feeding behaviour adequately catered for by established practices?	y			Must provide ad lib hay for rabbits and degu
3. Are feeding methods safe for staff and animals?	y			
4. Are supplies of food and water: kept hygienically?	y			Staff and animal food must not be kept in the same fridge
Prepared hygienically?	y			
Supplied to the animal hygienically?	y			
5. Is feeding by visitors permitted and properly controlled?	y			Sheep and goats only
<b>2. Provision of suitable environment</b>				
1. Are temperature, ventilation, lighting and noise levels appropriate?	y			
2. Do animal enclosures have sufficient shelter?		N		No shelter in lower paddock (emu). Other paddocks have tree cover at edges. Raccoons and rabbits must be provided with boxes etc to provide cover and bolt-holes
3. Do animal enclosures provide sufficient space?	y			But chipmunk enclosure is overcrowded. Stocking density must be reduced to a maximum of <b>twelve</b> , with a one to three male:female ratio and one nestbox per individual
4. Are backup facilities for life support systems adequate?	y			
5. Is the cleaning of the accommodation satisfactory?		N		Some indoor enclosures are dirty and have a build-up of cobwebs etc which must be cleaned – eg marmosets and rabbits
6. Is the standard of maintenance of buildings and fences adequate?	y			
7. Is all drainage effective and safe?	y			
<b>3. Provision of animal health care</b>				
1. Are observations of condition and health made and recorded?		N		Record system TBA
2. Do all animals receive prompt and appropriate attention when problems	y			

*Secretary of State's Standards of Modern Zoo Practice*  
are noted?

3. Are enclosures designed and operated in such a way that social interaction problems are avoided?

y

Bolt holes for rabbit enclosures must be provided

	Yes	No	N/A	Notes
<b><u>On/site facilities</u></b>				
4. Are catch-up and restraint facilities adequate?	y			Race available but most large animals would be darted
5. Are on-site veterinary facilities adequate?			N/A	No specific facilities available
6. Is darting equipment satisfactory?			N/A	Not held on site
7. Are controlled drugs used and recorded satisfactorily?			N/A	
<b><u>Veterinary Care</u></b>				
8. Is a satisfactory programme of veterinary care established and maintained?		N		A 3-monthly visit TBA
9. Are appropriate veterinary records kept?		N		Record system TBA
10. Are medicines correctly kept?		N		Cabinet must be kept locked
11. Are appropriate antidotes available?			N/A	
12. Are post-mortem arrangements satisfactory?	y			
<b><u>Quarantine</u></b>				
13. Is adequate reserve accommodation available for isolation of animals for assessment, treatment, recovery etc?	y			
<b><u>Sanitation</u></b>				
14. Does it appear that general sanitation and pest control are effective?	y			
15. Is transport and movement equipment in good order?			N/A	Not seen at time of inspection
<b>4. Provision of an opportunity to express most normal behaviour</b>				
1. Does accommodation appear adequately to meet the biological and behavioural needs of the animals?	y			See note above re bolt holes for rabbits and raccoons
2. Are active efforts made to enrich animal environments where necessary or advantageous?	y			
3. Are enclosure barriers effective in containing animals?	y			
4. Will the perimeter deter unauthorised entry and aid the confinement of zoo stock?	y			
5. Are animals kept within the perimeter of the zoo?	y			
6. Is captive breeding properly managed?	y			

Secretary of State's Standards of Modern Zoo Practice

	Yes	No	N/A	Notes
<b>5. Provision of protection from fear and distress</b> 1. Are the animals handled only by or under the supervision of appropriately qualified staff? 2. Is physical contact between animals and the public consistent with the animals' welfare? 3. Are interactions between the animals such that they are not excessively stressful?	y			
<b>6. Conservation, Education and Research</b> 1. Are on-site education facilities commensurate with the collection and adequate for the purposes? 2. Are the conservation efforts adequate? 3. Are the research efforts adequate?	y			Farm talks are given  N/A Not appropriate for this collection, except for rare farm breeds  N/A
<b>7. Public Safety</b> 1. Are adequate provisions made to contain hazardous animals within enclosures? 2. Do stand-off barriers appear adequate? 3. Are adequate warning signs provided? 4. Does maintenance of buildings appear adequate? 5. Are exits clearly marked and accessible? 6. Do public areas and walkways appear safe?	y			Need additional sign on racoon enclosure
<b>8. Records</b> 1. Are daily diaries maintained? 2. Are animal stock records clear and up-to-date? 3. Are annual inventories maintained and submitted to the Local Authority? 4. Are animal source and destination records kept? 5. Are archived records secure?		N		New record system as per Standards must be instituted

	Yes	No	N/A	Notes
<b>9. Miscellaneous</b>				
1. Do staff numbers appear adequate?	y			
2. Are effective risk assessments carried out where appropriate?	y			Assumed – to be checked by LA
3. Is adequate Public Liability Insurance current?	y			Copy to be sent to LA
4. Are toilet facilities adequate and serviced?	y			
5. Are the reasonable needs of disabled met?	y			
6. Are prohibited areas appropriately signed?	y			
7. Is an accident reporting and recording system in use?	y			Need written escape protocol
8. Is a First Aid Policy in effect?	y			
<b>Associated legislation</b>				
1. Is electrical equipment routinely serviced?	y			
2. Have fire precautions been agreed and implemented?	y			To be checked by LA
3. Is refuse disposed of correctly?	y			
<b>Compliance check</b>				
1. Is current licence on display at entrance?			N/A	
2. Have there been any escapes since last inspection?			N/A	
3. Have there been any significant accidents?			N/A	
4. Have existing licence conditions been met?			N/A	

**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 FOR WHICH SEE OVER)
- ANY GENERAL REMARKS WHICH THE INSPECTING TEAM MAY WISH TO RECORD

**INSPECTING TEAM'S RECOMMENDATION TO THE LOCAL AUTHORITY**

Having inspected Loudon Castle Theme Park

on : 20<sup>th</sup> September 2001

The inspecting team make the following recommendation:

- It is recommended that the above collection be licensed in accordance with the Act subject to the Standard Conditions

Signed :

  
.....

**EAST AYRSHIRE COUNCIL**

**ZOO LICENSING ACT 1981**

**APPLICATION FOR GRANT/RENEWAL OF LICENCE TO KEEP A ZOO**

**APPLICANT**

1. Name of applicant LOUDOUN CASTLE THEME PARK LTD.

2. Address of applicant LOUDOUN CASTLE PARK  
GALSTON  
AYRSHIRE.

Tel No 01563 822496 Fax No 01563 822408

3. Address of premises AS AT 2.  
to be licensed \_\_\_\_\_  
\_\_\_\_\_

4. Have you been convicted of any offences under any of the following:-

- |   |   |                    |
|---|---|--------------------|
| A | Protection of Animals Act 1911 to 1964                  | <del>Yes</del> /No |
| B | Protection of Animals (Scotland) Act 1912 to 1964       | <del>Yes</del> /No |
| C | Protection of Birds Acts 1954 to 1967                   | <del>Yes</del> /No |
| D | Animal Boarding Establishments Act 1963                 | <del>Yes</del> /No |
| E | Riding Establishment Acts 1964 to 1970                  | <del>Yes</del> /No |
| F | Breeding of Dogs Act 1973                               | <del>Yes</del> /No |
| G | Conservation of Wild Creatures and Wild Plants Act 1975 | <del>Yes</del> /No |
| H | Dangerous Wild Animals Act 1976                         | <del>Yes</del> /No |
| I | Endangered Species (Import & Export) Act 1976           | <del>Yes</del> /No |

If yes, please give details

NOT APPLICABLE.  
\_\_\_\_\_  
\_\_\_\_\_

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**TYPE OF ANIMALS**

Please list all the animals which will be housed within these premises which come under the remit of the Zoo Licensing Act 1981. (If you are unsure if an animal should be included please include it. The Local Authority will determine inclusion, or otherwise, after consultation with various bodies.)

COMMON NAME	SCIENTIFIC NAME	NUMBERS TO BE KEPT
WALLABY	ONYCHOGALEA	4
EMU	DROMAIUS NOVAEHOLLANDIAE	8
MARMOSET	CALLITHRIX JACCHUS	2 - IN RORY'S FARM.
RACCOON	PROCYONIDAE	2 - IN RORY'S FARM.
BISON	BISON BISON	3
<del>MOUNTAIN DEER</del>		<del>2</del>
LLAMA	CAMELIDAE L. GLAMA	5

Continue on a separate sheet if required

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**STAFF MEMBERS**

1. How many members of staff will have duties involving the care and welfare of animals? **FOUR**
2. Applicants are advised to consult the Secretary of State's Standards of Modern Zoo Practice - Section 9, before compiling the following:-

**PREMISES ACCOMMODATION**

Please supply plans of the proposed zoo detailing type, design and construction of animal enclosures or other accommodation including arrangements for public and employee safety etc.

**ANIMAL CARE**

**WELFARE**

Please supply details of:-  
Stock Recording **ALL BIRTHS, DEATHS, ARRIVALS & DEPARTURES ARE LOGGED.**  
Feed Regimes and Procedures **SEE LETTER ATTACHED**  
Handling Procedures etc.

**SAFETY**

Please supply details of:-  
Perimeter Boundaries **SEE DRAWING NO 2025 ZOO (1) ATTACHED**  
Warning Signs **WILL BE PROVIDED TO COMPLY WITH SECTIONS 8.44 - 8.50 OF STANDARDS\***  
Escape of Animals etc. **L.C.T.P. WILL COMPLY WITH PARAS 8.25 - 8.40 OF STANDARDS\***

**INSURANCE**

Please give details of your insurance against liability for damage or injury by animals whether inside or outside the zoo.

<b>A. Insurers</b>	<b>QBE FER YATES &amp; SON LTD 14-16 WELLS ROAD, ILKLEY LS 23 9JD</b>
<b>B. Type of Insurance</b>	<b>BUSINESS COMBINED INCORPORATING EMPLOYERS' AND PUBLIC LIABILITY.</b>
<b>C. Upper Limit</b>	<b>PUBLIC LIABILITY - £5m EMPLOYERS' LIABILITY - £10m.</b>

**\* STANDARDS = SCOTTISH MINISTERS' STANDARDS OF MODERN ZOO PRACTICE.**

## ADVERTISEMENT

I declare that I have placed an advertisement, advising of my intention to apply for a zoo licence, in the following newspapers published on the dates specified below, viz:-

(National Circulation) THE HERALD on 5 OCTOBER 2000


(Local Circulation) KUMARNOOK STANDARDS on 6 OCTOBER 2000,  
AYRSHIRE POST  
RVINE HERALD.

## DECLARATION

I declare that the above information is correct.

I hereby make application for a Licence to keep a Zoo and enclose the appropriate fee\*.

Signed (Applicant)



\*Appropriate fee includes the following:-

- plus
- (a) A Licence fee set by the Local Authority
  - (b) Any fees imposed by veterinary surgeons for inspection(s) carried out in terms of the Zoo Licensing Act 1981.

## **MAINTENANCE AND WELL-BEING OF ANIMALS**

### **ACCOMMODATION**

The animals will be provided with secure and suitable accommodation to fulfil the requirements of the species which are to be kept in that particular enclosure. In the case of herbivores [or carnivores/omnivores requiring a large enclosure] this would be a grass paddock with self filling water baths securely fenced [double fenced] to prevent the animals escaping as well as denying access to the animals by the public. Within these areas handling facilities will be provided to allow routine veterinary care as safely and stress free as possible. Small animals such as monkeys will be kept in secure accommodation within the building at "Rory's Farmyard".

Winter accommodation will be provided by either shelter built within enclosures or by removing the animals to a pen inside the top shed in the grounds of Loudoun Castle theme park. Bedding will be provided most likely in the form of deep litter straw. Where possible fields out with the summer grazing areas will be used for wintering to help prevent the build up of worms and other parasites.

### **VETERINARY SURGEON**

Veterinary advice and treatment shall be provided by the parks present veterinary surgeon, S.Pritchett, 6 Isles Street, Newmilns. Veterinary facilities to allow the vet to work shall be provided to Scottish Office requirements.

### **NUTRITION**

Nutritional requirements will be met by supplying the animals a suitable diet for the species concerned, ie. Fruit and vegetables will be provided for the animals that require them, hay and concentrate feeding for the herbivores, meat for the carnivores. Mineral and vitamin supplements to be provided either in feed or by free access blocks. The foodstuffs will be prepared in clean and separate surroundings ie. the meat preparation area shall be different to the vegetable area.

The foodstuffs shall be stored and prepared with in the buildings of "Rory's Farmyard."