

CANNOCK CHASE COUNCIL

LICENSING & PUBLIC PROTECTION COMMITTEE

2 MARCH 2017

REPORT OF HEAD OF ENVIRONMENTAL HEALTH

APPLICATION FOR A DANGEROUS WILD ANIMALS ACT LICENCE

MR THOMAS WILLIAM CHIPPERFIELD

STREETWAY FARM, WATLING STREET, CANNOCK, STAFFS, WS11 8LX

1. Purpose of Report

- 1.1 To consider an application for a Dangerous Wild Animals (DWA) Licence to keep lions and tigers on land at Streetway Farm, Watling Street, Cannock. A copy of the application form is attached as Annex 1 to this report.

2. Background

- 2.1 The animals included in the application are kept under the authority of a licence issued by the Council under the Dangerous Wild Animals Act 1976 ('The Act'). The site was first licensed in June 2015 and during this period there have been no reported issues or concerns regarding the welfare of the animals or public safety.
- 2.2 The current licence was due to expire on 31 December 2016 but, as a renewal application was made before the expiry date, the current licence remains in force until such time as the renewal application is determined.

3. The Application

- 3.1 Following the renewal application, site visits have been made by the Council (Licensing and Health & Safety), Police, a DEFRA appointed vet and Staffs County Council Animal Health / Welfare. In addition, the site has been inspected by an independent veterinary surgeon familiar with big cats engaged by the Council. A redacted copy of the vets report is attached as Annex 2 to this report.
- 3.2 No concerns have been raised over public safety and the vet has raised no significant concerns around the animal accommodation, or other factors relating to the welfare of the animals under the Animal Welfare Act 2006. The vet does mention the benefit of providing additional environmental enrichment and a concern over the length of time animals are allowed out of their sleeping quarters to exercise.

- 3.3 The applicant has responded positively to these concerns and by providing a new accommodation wagon and another exercise area for the lions, he has significantly increased both the amount of environmental enrichment and the time and space provided to the animals for exercise. The Council is able to impose additional conditions which strengthen the licence in relation to these key issues and some proposed conditions are attached at Annex 3 to this report.
- 3.4 The original application, made on 31 October 2016 specified two lions and three tigers. On 8 February 2017, Mr. Chipperfield notified the Council's Licensing Unit that one of the tigers, a 20 year old female named Nadia, had passed away in her sleep. A subsequent post mortem revealed the cause of death to be cardio vascular insufficiency (heart failure). In consequence, the determination now relates to two lions and two tigers.
- 3.5 Articles in national media, both in print and online, and posts on social media, have alleged that the animals' welfare is being compromised and have suggested that such animals should no longer be used in circuses. This coverage appears to confuse the DWA licence with travelling circuses. The Council does not sanction the use of animals for circus performances, and is not responsible for circus licensing – that is a Central Government function currently administered by DEFRA (Department for Environment, Food of & Rural Affairs).

4. Legal Implications

- 4.1 The Act stipulates that a local authority may grant or refuse a licence as it thinks fit. If granting a licence the local authority can impose such conditions as it thinks fit (subject to certain requirements).
- 4.2 The 1976 Act stipulates that the Council shall not grant a licence unless satisfied that:
- a) it is not contrary to the public interest on the grounds of safety, nuisance or otherwise to grant the licence;
 - b) the applicant for the licence is a suitable person to hold a licence under this Act;
 - c) any animal concerned will at all times of its being kept only under the authority of the licence:
 - i) be held in accommodation which secures that the animal will not escape, which is suitable as regards construction, size, temperature, lighting, ventilation, drainage and cleanliness and which is suitable for the number of animals proposed to be held in the accommodation, and
 - ii) be supplied with adequate and suitable food, drink and bedding material and be visited at suitable intervals;

d) appropriate steps will at all such times be taken for the protection of any animal concerned in case of fire or other emergency;

e) all reasonable precautions will be taken at all such times to prevent and control the spread of infectious diseases;

f) while any animal concerned is at the premises where it will normally be held, its accommodation is such that it can take adequate exercise.

4.3 Whilst section 1(3) of the Act stipulates that the Council shall not grant a licence unless it is satisfied in respect of the criteria listed above in 4.2 (a-f), the Act equally does not require that the Council must grant a licence if it is so satisfied. The Act allows the Council discretion in this matter.

4.4 Were the Council to refuse the application, however, any decision would have to be reasonable. If the Council refuse the licence, the applicant has a right of appeal to the Magistrates' and then, possibly, the Crown Court. In the event of an appeal, the Council's reasons for refusal and decision process would be central considerations for the Court.

4.5 Unlike in planning, or some other licensing matters, there is no formal public notification or consultation period. The Act has no facility for interested parties to make objections or representations in respect of applications, nor for objectors' views to be considered when applications are determined.

4.6 The Committee should allow Mr Chipperfield and/or his representative the opportunity to speak in support of his application and to ask questions of officers about the report to satisfy the rules of natural justice.

5. Financial Implications

5.1 There are no direct financial implications for the Council at this stage.

5.2 Mr. Chipperfield has paid a licence application fee of £132.00, together with the sum of £435.75 to cover the Council's costs in engaging an independent veterinary surgeon. These fees are non refundable.

5.3 If the licence application is refused, the applicant has the right to appeal against the decision. In the event of a successful appeal, costs could be awarded against the Council.

6. Matters for Consideration

6.1 Members may wish to consider the following matters when making a determination:

- This is not a new set of circumstances - Chipperfields already hold a DWA licence and are applying to renew;
- There is no evidence to suggest that Mr Chipperfield is not a suitable person;

- Little has changed in terms of the location or accommodation for the wild animals, since the last application to renew (changes made are for the animals' benefit);
- The vet report raises no significant concerns over the animals' welfare;
- The Council does not sanction the use of animals for circus performances, and is not responsible for circus licensing – that is a function of DEFRA;
- Whilst there are individuals and groups who object to the keeping of big cats and their use in circuses on moral grounds, the legislation does not concern itself with these issues.

7. Determination

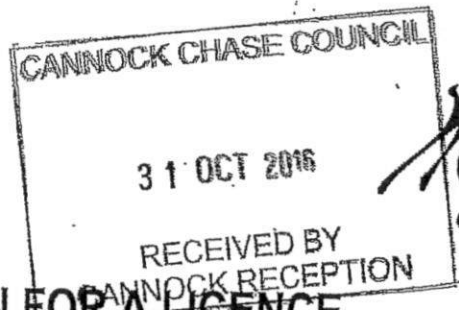
- 7.1 The Committee is asked to determine Mr. Thomas Chipperfield's application for a Dangerous Wild Animals Act Licence.
- 7.2 In reaching a decision, the Committee should consider and determine the application on its own merits.

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Amount Paid: 2132.00

Date Paid: 31/10/16

Receipt No.: 081625



RECEIVED 11 OCT 2016
CANNOCK CHASE

**APPLICATION FOR A LICENCE
TO KEEP A DANGEROUS WILD ANIMAL**
Dangerous Wild Animals Act 1976

PARTICULARS	
<p>1. Full name of the applicant/s and postal address</p> <div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>CANNOCK CHASE COUNCIL ENVIRONMENTAL HEALTH</p> <p>1 - NOV 2016 <i>CS</i></p> <p>PASSED TO</p> </div>	<p><u>THOMAS CHIPPERFIELD</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Post Code: _____</p>
<p>2. Telephone No.:</p>	<p>_____</p>
<p>3. Mobile Telephone No.:</p>	<p>_____</p>
<p>4. Address of premises where animal(s) is/are to be kept.:</p>	<p><u>STREETWAY FARM</u></p> <p><u>WATLING STREET,</u></p> <p><u>CANNOCK.</u></p> <p><u>WS11 8LX.</u></p>
<p>5. Species of animal(s).:</p>	<p><u>PANTHERA LEO. LION.</u></p> <p><u>PANTHERA TIGRIS. TIGER.</u></p>
<p>6. Numbers to be kept.:</p>	<p>Male.: <u>4</u> Female.: <u>1</u></p> <p>Total.: <u>5</u></p>
<p>7. Is it intended to breed or attempt to breed from the animal(s)</p>	<p><u>NO.</u></p>

8. Description and dimensions of accomodation to be used.	TWO LIVING DENS 1 ¹ / ₂ HFT 1 ¹ / ₂ HFT 2 OUTDOOR ENCLOSURES IN EXCESS OF 100 ² M ² EACH.
9. Details of insurance policy to be held in respect of liability of animal(s)	Company: [REDACTED] Policy No.: [REDACTED] Expiry Date.: 30.6.17 Amount.: £10,000.000

DECLARATION

I/We enclose herewith the sum of £132.00, being the amount of the fee payable on the licence for which application is made. In addition, I undertake to pay the non-refundable veterinary inspection fee payable upon invoice, prior to the granting of the aforementioned licence.

I/WE DO HEREBY CERTIFY that, to the best of our knowledge and belief, the above particulars are true. I understand that in considering my application it may be necessary to consult with others outside the Council and I give my agreement to this where necessary

Signed: [REDACTED] Print Name/s: Thomas Chippertield

Dated this 31 day of OCTOBER 2016

Please note that Cannock Chase District Council hold and use data in accordance with the Data Protection Act 1998. You should be aware that by signing this form you are agreeing that the information you have provided within it may be used and shared with other departments and agencies in order to assist in the prevention and detection of crime and to protect public funds.

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Application checked by: CB Date 2/10/16

Fee rec'd & receipt number £132.00 - rec no: 031625 Date 31/10/16

Consultation sent to Health & Safety Team Date

Response rec'd from Health & Safety Team Date

Veterinary Inspection

Veterinary invoice paid

Licence granted Date

Licence number and expiry date

[REDACTED]

30 November 2016

[REDACTED]
Cannock Chase Council
Civic Centre
PO Box 28
Beecroft Road,
Cannock,
Staffordshire WS11 1BG

This is to certify that on the morning of the 30/11/2016 I visited the premises of Mr [REDACTED] on land adjoining the [REDACTED]. The following animals were inspected:

- 2 male Lions named Tsavo and Assegai.
- 3 Tigers one female and two males, named Nadia, Syas and Altai.

A visual examination of each animal was carried out and all five animals were found to be bright alert and active with no signs of distress or anxiety and appeared quite relaxed at all times. No signs of disease or lameness were noted, and all the animals appeared well cared for. The smallest tiger 'Nadia' who is approximately 20 years old is now showing signs of ageing but other than that appears in good health for her age.

A second trailer with an adjoining exercise area was being prepared in order to give the lions a separate larger living and exercise area from that used by the tigers, which should allow for longer periods of exercise. Hopefully this will soon be completed. An area of concern is the amount of time each day the animals are allowed out of their sleeping quarters to exercise and the lack of environmental enrichment.

A daily diary of the health status of each animal has been kept as per my recommendation, this diary was inspected but found to be lacking in any detail. The beginning of the diary consisted of a description of the daily routine for the animals however most of the following entries consisted of 'NDR' (Normal daily routine). I would expect a short description each day of observations of each individual, particularly those that deviate from the norm such as behaviour e.g.; bright, alert, reactive, lethargic, sleepy, unwilling to exercise, a description of the appetite, e.g. amounts given (kgs of meat) and how much was eaten was any food left uneaten, faecal consistency, normal /loose, any vomiting etc. This would enable any abnormal trends to be spotted as well as being a record for any attending veterinary surgeon.

Signed

VET

[REDACTED]

PROPOSED CONDITIONS FOR Mr THOMAS CHIPPERFIELD'S
DANGEROUS WILD ANIMALS LICENCE 2017.

1. While the animals are being kept under the authority of the Licence:
 - (i) The animals shall be kept by no person other than the person specified on the Licence;
 - (ii) The animals shall normally be held at such premises as specified in the Licence;
 - (iii) The animals shall not be moved from the premises specified on the Licence unless 7 days prior notice of the intended destination is given to the licensing authority by the licence holder;
 - (iv) The person to whom the Licence is granted shall hold a current insurance policy which insures him and any other person entitled to keep the animals under the authority of the Licence against liability for any damage which may be caused by the animals, the terms of such policy being satisfactory in the opinion of the authority.
2. The species and number of animals of each species which may be kept under the authority of the Licence shall be restricted to those specified in the Licence Schedule.
3. The animals kept under the authority of this licence shall be held in accommodation which secures that the animals will not escape, which is suitable as regards construction, size, temperature, lighting, ventilation, drainage and cleanliness and which is suitable for the number of animals to be held in the accommodation.
4. The animals kept under the authority of this licence shall be supplied with adequate and suitable food, drink and bedding material and be visited at suitable intervals.
5. Appropriate steps shall be taken at all times for the protection of the animals in case of fire or other emergency.
6. All reasonable precautions shall be taken at all times to prevent to prevent and control the spread of infectious diseases.
7. The person to whom the Licence is granted shall at all reasonable times make available a copy of the Licence to any person entitled to keep any animal under the authority of the Licence.
8. In order to ensure the safety and welfare of the animals kept under the authority of this licence, there shall be a minimum of two members of Chipperfield staff at the Streetway Farm site at all times.
9. All animals kept under the authority of this licence shall have the opportunity for at least 6 hours exercise within any 24 hour period. The exercise should normally take place during the hours of daylight.
10. The separate lion and tiger species shall normally be provided with separate accommodation within separate trailers/beast wagons. Each species shall also have separate exercise areas which must provide a minimum area of 80 square meters of accommodation.
11. In order to ensure the welfare of the animals kept under the authority of this licence, a daily record diary shall be kept for each animal in order to demonstrate that proper care is being provided. The records may be kept by way of a comprehensive "matrix" type schedule which contains a legend which may be used for reference, but it shall also include an additional daily narrative of each animal.

The narrative shall include, but is not limited to, mention of:

 - The normal daily behaviour of each animal including their general appetite, and the amount of any food not eaten by them.
 - The number of hours of opportunity for exercise afforded to each animal and any enrichment activities provided by the licence holder.
 - Any adverse weather conditions or any other issue which prevents the animals being exercised.
 - A short description of any adverse behaviour which might be displayed by any animal held under the authority of this licence including any vomiting or abnormal faecal consistency.