

A LICENCE TO SUFFER



A critical analysis of
regulatory protection of
animals in zoos in England



CAPS

Captive Animals' Protection Society

www.captiveanimals.org

WORKING FOR A WORLD
WITHOUT CAGES
SINCE 1957

Contents

- 2 Foreword by Marc Bekoff
- 3 Introduction
- 4 Objectivity and assumptions
- 4 Methods
- 4 The law on zoo licensing in England
- 5 Section 1A - What the law says a zoo must do...
- 5 Section 1A - What the law says local authorities must do...
- 6 Inspecting zoos and granting licences
- 7 Assessing standards during inspections
- 7 Rectifying Problems
- 8 The system in practice
- 10 Starting out on the right foot
- 10 The forgotten animals: out of sight, out of mind
- 11 An impossible task
- 12 It's a simple YES or NO answer (except for when it isn't, which is most of the time)
- 12 Breaches of existing conditions
- 14 An incomplete picture
- 14 Issuing licence conditions...or not, as the case may be
- 15 Inspection reports – are they worth the paper they are written on?
- 16 Exploring enforcement
- 16 Turning recommendations into conditions
- 16 Turning conditions into actions
- 17 Recurring failures and indefinite timescales
- 17 Closing substandard zoos
- 17 Conclusion
- 18 Appendix: Zoo C: An interpretation of the system in practice



Ethical Policy:

The Captive Animals' Protection Society tries to be as ethical as possible. We will not knowingly accept money from any company or individual that we believe is involved in the abuse of humans, animals or the environment.

A LICENCE TO SUFFER

Foreword by Marc Bekoff

Many people visit zoos for a variety of reasons. While there are "better" and "worse" zoos, animals residing in captivity live highly compromised lives often being kept in very small cages and unnatural groups without family and friends while suffering losses of freedom of movement and the ability to control their own lives. Some can't get out of the public eye and are on constant display during visiting hours during which time they eat, urinate, defecate, rest and sleep, and sometimes mate under constant scrutiny. Many are simply bored and some, like African elephants for example, die at a significantly younger age than their wild relatives. Elephants in captivity lived an average of 19 years compared to 56 years in the wild.

You might disagree with me on this issue and argue that animal welfare in zoos is guaranteed by strict legislation and that zoos are essential tools for education and conservation. Indeed, some might argue that the very survival of endangered species lies in the hands of zoo experts across the globe.

Whatever your view on this rather divisive issue, you should read this report. The findings serve as an important reminder that the existence of rules and regulations has little meaning if coupled with a failure to ensure that they are followed. The old adage "rules are made to be broken" might spring to mind, but when the rules in question are the only safeguard of the wellbeing and welfare of many thousands of sentient, living, breathing creatures who cannot enforce those rules in their own right, this failure takes on a deeply disturbing character.

If a nation is to insist on keeping animals in zoos in order to entertain the paying public they should, at the very least, be able to guarantee without a shadow of a doubt that the most basic welfare needs of those animals are being met. Clearly this is not the case and I implore you to change things for the better immediately.

Marc Bekoff is the Professor Emeritus of Ecology and Evolutionary Biology at the University of Colorado, Boulder and an acclaimed author on animal behaviour and sentience.



Introduction

Nothing is more destructive of respect for the government and the law of the land than passing laws which cannot be enforced.

Albert Einstein, *The World As I See It*, 1921

Britain prides itself on being a nation of animal lovers and so it is perhaps not surprising that the UK is home to some of the most comprehensive animal protection legislation in the world – particularly when it comes to animals in zoos. Presently, there are 280 zoos in England alone and over 400 in the whole of the UK. With the Zoo Licensing Act 1981 having been in force for over thirty years, the EC Zoos Directive serving to reinforce and develop the original legislation since 2003 and animals in zoos being further protected by the Animal Welfare Act 2006, in theory, zoo visitors should feel reassured that standards and scrutiny ensure animals in zoos in England are protected from suffering.

They should be able to rely on the fact that the animals' needs are being met, that zoos deliver on their obligations with regard to public safety and contribute in a meaningful way to conservation and education.

In January 2012, we asked a number of zoos in the UK about their views on the ability of the current legislation to guarantee the protection of animals and below are some of the responses from their elected spokespeople:

"The United Kingdom has possibly the highest level of Animal Welfare Legislation anywhere in the world"

"Whilst any regulatory process can be improved, I believe that the level of regulation protecting animals in UK zoos is about right"

"Standards of welfare within UK zoos are exceptionally high; you would need to explore other regions on an individual basis for comparison purposes. I would imagine we would be high ranking"

"Animal welfare standards in UK zoos are among the best in the world... I think the legal protection of zoo animals in the UK is perfectly adequate"

This protection from suffering, of course, relies on the legislation being correctly and effectively enforced. Without enforcement, the legislation becomes meaningless, as protection on paper is not translated into practice. This report aims to assess this point by answering the question:

Does the zoo licensing system achieve its aim of ensuring that zoos are safe for the public to visit, that high standards of welfare are maintained and that zoos make a contribution to conservation of wildlife in England?¹

In order to explore this question, the Captive Animals' Protection Society (CAPS) commissioned a comprehensive independent study on the UK zoo licensing system, to be carried out by Jordi Casamitjana of the Animal Protection Consultancy (APC). The study, entitled *Inspecting Zoos: A study of the official zoo inspection system in England from 2005 to 2011*², did not involve visits to any zoological collection and information was taken directly from documents provided by the local authorities responsible for licensing zoos and the Department of Environment, Food and Rural Affairs (Defra). The resulting report was published in March 2012 and the main findings, along with CAPS' interpretation and conclusions, are outlined in this document.

Objectivity and assumptions

CAPS holds a strong and well-publicised abolitionist stance when it comes to zoos. The charity's ethical approach aims to see an end to animal captivity and a phasing out of zoos altogether. As such, it was important to ensure CAPS' stance did not influence the results of the study in order to avoid any assumptions of bias. It was for this reason that the source material for the study data was limited to documentation (inspection reports, stocklists and correspondence) produced by Defra officials, local authority officials or the zoos themselves. Anecdotal evidence, results of covert or overt investigation carried out by CAPS, other individuals or NGOs and complaints received by CAPS on particular establishments were not included. As such, the data used in the analysis of this study can be deemed to be without bias on the part of the commissioning organisation.

The study is limited to England as, at present, England is the only UK country for which Defra produces a list of recognised licensed zoos.

Methods

A study period encompassing information from 2005 – 2011 was agreed in order to offer the opportunity to identify long-term trends and to include at least some examples of the licensing process in its entirety (zoo licenses are issued for either 4 or 6 years).

A random sample of 75% of zoos in England was drawn from Defra's official list.

Using the Freedom of Information Act 2000, each local authority responsible for licensing one or more of the selected collections was contacted, and licensing and inspection information for the relevant collection(s) was requested for the six-year period.

The information requested for each collection was:

1. Copies of all reports relating to zoo inspections (including Informal and Special Inspections) carried out under the Zoo Licensing Act since January 2005.
2. A copy of the zoo's current stocklist.
3. Copies of any correspondence between the zoo and the council since January 2005.
4. A copy of the current zoo licence, plus its attached conditions.

5. For the cases with collections with a dispensation, a copy of the inspection carried out under the Zoo Licensing Act 1981 which originally led to the dispensation being granted to the zoo under Section 14 (if this inspection took place prior to January 2005).

The information contained in the documentation received was recorded into two databases, with information subdivided into a number of variables to aid analysis.

Data analysis was carried out to establish results at different points in time (synchronic) as well as trends developing over periods of time (diachronic) in order to gather the fullest possible picture of the system including: frequencies, averages, percentages and similar descriptive statistics for those variables that could be quantified in this way.

Conclusions were then drawn from the results and subsequent discussion was centred on these findings. A full and detailed outline of methodology can be found in the main report.

For the purposes of this report, the collection names have been replaced by unique alphanumeric codes.

The law on zoo licensing in England

The Zoo Licensing Act 1981 (the Act) has been in force for over 30 years and governs zoos in the UK. It is informed by a set of standards devised by the Secretary of State known as *Standards of Modern Zoo Practice*, as well as subsequent guidance from the government department, Defra. In January 2003, the Act was amended to include the provisions of the EC Zoos Directive, which outlined new conservation measures for zoos to ensure that they comply with European standards for conservation of biodiversity, education and animal welfare.

The law broadly states that zoos cannot operate without a licence and that, to be granted (and retain) a licence, it must meet standards laid out by the law covering areas such as animal welfare, public safety, education and conservation of biodiversity. If a zoo persistently fails to meet standards, it must be closed permanently.

A zoo is defined by the Act as: "An establishment where wild animals are kept for exhibition to the public otherwise than for the purposes of a circus and otherwise than in a pet shop"

The Act "applies to any zoo to which members of the public have access, with or without charge for admission, on more than seven days in any period of 12 consecutive months"

Therefore, any establishment falling into the categories listed above must be in possession of a valid zoo licence from its local authority. If it continues to operate without a licence, it is doing so unlawfully.

Local authorities are responsible for enforcing the Act, supported by guidance and advice from Defra.

The main provisions for conservation, education and animal welfare are referred to collectively as "Conservation Measures for Zoos" and can be found in Section 1A of the Act. These are specific points derived from the EC Zoos Directive and it is compulsory that zoos meet all of them.

**89% of zoos
non-compliant
with legal
standards**

Section 1A

What the law says a zoo must do...

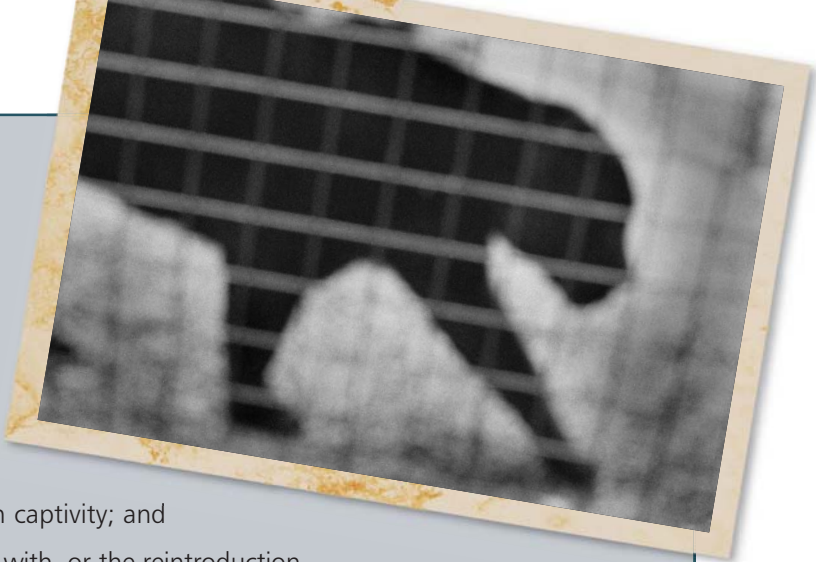
- (a) participate in at least one of the following -
 - (i) research from which conservation benefits accrue to species of wild animals;
 - (ii) training in relevant conservation skills;
 - (iii) the exchange of information relating to the conservation of species of wild animals;
 - (iv) where appropriate, breeding of wild animals in captivity; and
 - (v) where appropriate, the repopulation of an area with, or the reintroduction into the wild of, wild animals;
- (b) promote 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;
- (c) accommodate their animals under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong
- (d) prevent the escape of animals and put in place measures to be taken in the event of any escape or unauthorised release of animals;
- (e) prevent the intrusion of pests and vermin into the zoo premises; and
- (f) keep up-to-date records of the zoo's collection

Arguably, Section 1A is focussed specifically on conservation of biodiversity rather than animal welfare but the delivery of the provisions of this section goes hand-in-glove with delivery of minimum standards of animal welfare. Industry representative, the European Association of Zoos and Aquaria (EAZA), which made this specific statement on the EC Zoos Directive in January of 2011³, appears to share this view:

"While EAZA does not dispute that the Zoo Directive would benefit from having a more explicit welfare component we believe the more pertinent problem pertaining to the Zoo Directive is the failure of a number of Member States to fully and comprehensively implement the Directive. To achieve ex situ biodiversity conservation good welfare is a prerequisite and in that regard if the Directive were fully implemented welfare would be monitored more effectively".

Section 1A is therefore important for the animals, because it is the part of the law that aims to safeguard their welfare; it is important for people, because it ensures that zoos deliver an education function and prevents animals from escaping; and it is important for the environment, because it demands that zoos take part in conservation efforts.

Because the EC Directive mandates minimum standards for the conservation of biodiversity that include animal welfare, delivery of education, fulfilment of conservation efforts and guarantee of public safety, the failure to meet any one of the provisions of S1A has serious consequences.



Section 1A

What the law says local authorities must do...

All of the provisions of Section 1A must be added to every zoo licence in the form of "Mandatory Licence Conditions", which can be found in a circular issued in 2003 to all local authorities from Defra⁴. Zoos found to be non-compliant with any one of these licence conditions at the time of inspection will be issued with a "Direction Order" (under Section 16A of the Act) and given a timeframe within which they must meet the required standard. That timeframe can be up to, but not exceeding, two years. If the zoo continues to fall below standard after the agreed timeframe, the local authority must close the zoo (or the relevant part of it) permanently.

It should be noted that local authorities can add other conditions to zoo licences which do not relate to the provisions of Section 1A. Failure to meet any type of licence condition leads to similar consequences to those outlined above and in the case of conditions which do not relate specifically to Section 1A of the Act, the local authority has more discretion to decide timeframes for compliance and can choose whether to close the zoo or not. With Section 1A conditions, the local authority does not have this flexibility.



Inspecting zoos and granting licences

The law is clear on what a zoo must do in order to be granted and retain a valid licence and what a local authority must do if those things are not carried out to an acceptable standard. In order to decide whether standards are being met, the legislation is underpinned by a system of inspection, assessment and licensing. This system is set out within the Act and can be broadly summarised as follows:

Zoos are inspected periodically by inspectors from both the local authority and from the two official Defra lists. One Defra list is made up of inspectors with expertise on zoos and the other is made up of inspectors who are qualified vets. Inspections by Defra inspectors (accompanied by local authority inspectors) are carried out once every three years, as a general rule. The local authority carries out inspections unaccompanied by a Defra representative in each intervening year. The process of inspection is that which leads to the grant, refusal, amendment or confirmation of compliance with conditions of a licence.

Small zoos which do not have many wild animals might be granted a dispensation under the Act, which has the effect of either reducing the number of inspections required for that zoo, or reducing the number of inspectors required to carry out each inspection. Zoos with no dispensation are considered to have a "full licence". Defra guidance broadly states that zoos that have more than 50 conservation sensitive or hazardous animals in their collection should not be granted a dispensation.

The types of inspections carried out are as follows:

1. First Inspection – carried out to assess whether a new zoo meets the standards laid out in the Act. If it is deemed that the zoo is likely to meet the standards (which is often a hypothetical decision at this point because the zoo should apply for the licence before it starts to operate as such), then it will be recommended that the licence is granted. When a licence is granted for the first time, it lasts for four years. Subsequent licences are granted for a period of six years.

2. Periodical Inspections⁵ – Periodical Inspections are carried out during the first year of a new licence (a four-year licence) and during the third year of a renewed or fresh licence (a six-year licence).

3. Renewal Inspection⁶ – carried out no later than six months before the expiry of a licence.

The three types of inspection above are considered "Formal Inspections" and are usually carried out by a team made up of Defra inspectors and local authority inspectors. The number of each is dependent on whether or not the zoo has been granted a dispensation under the Act but the inspection team cannot exceed five people.

4. Informal Inspections – as a general rule, an informal inspection should be carried out in every year that no other type of inspection is carried out. Special inspections sometimes (but not always) replace an informal inspection. They are carried out by the local authority only, with no Defra representative in attendance.

5. Special Inspections – usually carried out to assess a specific issue or concern, which has arisen outside the normal inspection timetable. This might include a complaint or concern raised about the zoo in question, it might be carried out to confirm compliance with existing licence conditions or for any other reason as the local authority sees fit. These inspections can be carried out without giving the zoo proprietor notice, unlike formal inspections, which are arranged in advance. These inspections can be carried out by the local authority inspectors alone or can be accompanied by Defra inspectors. If the issues to investigate are related to animal welfare, a vet must be in attendance.

Assessing standards during inspections

The description that follows broadly outlines the process of a formal inspection carried out by a Defra inspector and accompanied by local authority representatives. In order to assist inspectors in their assessment of zoos, a number of forms have been devised by Defra, which can be filled in during an inspection. The forms differ slightly, dependent on whether the inspection is for a first licence, or for a renewal or periodical inspection but, as a general rule, the forms ask specific questions, which relate directly back to the legislation.

The forms are designed to offer a YES/NO answer in relation to standards, with an area for notes, recommendations and comments, an area to include any additional licence conditions which the Defra inspector believes should be attached to the zoo's licence, a check to see if existing licence conditions have been met and a tick box to say whether the inspector recommends that a licence is granted, granted with additional conditions, amended or refused. The majority of formal inspection reports are completed using the Defra form.

Formal inspections rules include a requirement for a report to be completed and submitted to the local authority, as do special inspections (albeit an abridged version). Legally, reports do not need to be completed following informal inspections but it is strongly recommended in Defra guidance that a report is completed regardless.

Inspections are carried out over a maximum of two days, by a team of no more than five people though, practically, inspectors work together as a general rule and assess the collections as a group.

Rectifying Problems

If, during an inspection, the inspector recognises any issues that mean the zoo is not meeting the required standards, he or she should make a note of the point and advise the local authority to add a condition to the zoo's licence. This condition gives a clear instruction to the zoo about what it needs to do to bring its practices up to standard, and a timeframe within which it must do it. If this issue was already raised in a previous inspection and a condition was added to the

licence as a result, or the issue is in relation to a mandatory licence condition, the zoo might be found to be in breach of that condition.

As the Defra inspector acts in an advisory capacity, the local authority must choose whether to act on the advice given and must refer to the legislation to ensure that any amendment to the licence is in line with what the Act says the authority must do. Normally, local authorities follow the advice of the Defra inspectors and add any proposed conditions to the licence, as suggested. If the condition relates to a failure to meet Section 1A provisions, the local authority must also issue a Direction Order under section 16A of the Act. If the condition relates to a non-Section 1A provision then a Direction Order is only necessary if the zoo has already been notified of the issue and it already has a condition attached to its licence.

If a Direction Order has been issued and not complied with, the zoo (or part of it) must be closed (if the condition relates to Section 1A) or can be closed, (if the condition relates to something other than Section 1A) at the local authority's discretion.



The system in practice

In order to better explain the way in which all of the factors of the Zoo Licensing System come together, below are two hypothetical situations of how the process might work in practice if it is followed correctly. One refers to an exemplary zoo, which is inspected and given a clean bill of health. The other refers to a zoo that is, for the most part, reaching acceptable standards, but does not meet legal requirements fully.

Zoo A is being inspected for a licence renewal in December 2011. It is a small zoo with 54 animals, of differing species. It has a full licence with no dispensation.

Its present licence has the mandatory conditions suggested by Defra added to it and, in addition, a condition was added to it the previous year during an informal inspection, which says that the perimeter fence must be repaired to prevent the escape of animals. The work must be completed within eight months (by August 2011). When the condition was added to the licence, the local authority issued a Direction Order to the zoo, as a faulty perimeter fence falls under Section 1A of the Act (prevention of the escape of animals).

52 animals are on display to the public. They are all assessed by the inspector and each one appears to be in excellent health. The inspector sees each different species being fed a specially designed diet, which is species-appropriate and feeding practices are carried out to ensure that each member of each social group have equal access to food. All records are impeccably kept and give detailed history of all of the animals.

The inspector asks for health records for two animals which have been removed from public display because they have ongoing ailments and is given a detailed explanation of treatment received, all case notes and information on how treatment is progressing by the zoo's vet. The vet answers all of the inspector's questions thoroughly. The animals in question are seen and their conditions seem to be improving.

The perimeter fence has been repaired to a very high standard and there were no new issues identified during the inspection.

The inspector completes the Defra form, ticking YES to questions such as "Do all animals on display to the public appear to be in good health?" and "Are all animals provided with a high standard of nutrition?" noting that all licence conditions have been met and recommends that the licence is renewed with no new conditions to add.

The local authority grants the new licence to the zoo, attaching the mandatory conditions to the licence but no additional conditions.

Zoo B is being inspected for a licence renewal in December 2011. It is a small zoo with 54 animals, of differing species. It has a full licence with no dispensation.

Its present licence has the mandatory conditions suggested by Defra added to it, as well as a condition added to it two years ago, which says:

A comprehensive veterinary programme must be written and adhered to. The programme must include at least four routine veterinary visits per year and the programme must be submitted to the local authority within six months (by July 2010).

This condition was added as a result of no vets' visits having been carried out for more than eighteen months prior to the 2009 inspection. When the condition was added to the licence, the local authority issued a Direction Order to the zoo, as failure to provide a preventative and curative veterinary programme for the animals falls under Section 1A of the Act.

The 54 animals are all seen and assessed by the inspector and most appear to be in good health. One of the lions appears to be very underweight and suffering from fur-loss and a number of parrots are suffering from feather-loss. The sick animals have remained on display to the public and the zoo staff had not noticed these health issues. The inspector sees the animals being fed and notes that, whilst most of the animals have specially designed diets, the monkeys are fed a very high-fat diet made up of processed food meant for people. All records are well kept with most information on the animals recorded.

The veterinary programme has not been written and a vet has visited twice over the two years in response to specific incidents. The visits focused on the injured animals but no checks were carried out on the rest of the animals. The zoo staff tell the inspector that they didn't get round to writing the vet programme.

The inspector completes the Defra form, ticking YES to most questions but NO to questions: "Do all animals on display to the public appear to be in good health?", "Are all animals provided with a high standard of nutrition?" and "Have all existing licence conditions been met?" In the notes section next to the tick boxes, he notes his observations with regard to the lion, the parrots, the diet for the monkeys and the veterinary programme.

In the area for adding conditions to a licence, he includes the following:

- Consult with zoo vet to diagnose issues with lion and parrots and ensure that treatment is provided. Immediate action required.
- Consult with the zoo vet to devise appropriate diet for all primate species. Diet sheets to be made available to all staff and feeding of processed food to be stopped immediately. Diet sheets required in one week and should be submitted to the local authority.
- A comprehensive veterinary programme must be written and adhered to. The programme must include at least four routine veterinary visits per year and the programme must be submitted to the local authority within one month.

The local authority receives the report, notes that there are issues that need addressing and notes that existing licence conditions have not been met. They approach the zoo operator in order to give them an opportunity to be heard and give reasons for failing to comply. The zoo operator tells the local authority that they didn't get round to writing and implementing the veterinary programme but offer no further explanation.

The timeframe within which the condition could be met has long-passed, the local authority had correctly issued a Direction Order when the condition was added to the licence and, furthermore, the condition relates directly to a

Section 1A provision. As such, the local authority officials make a Zoo Closure Direction as required, under Section 16B of the Act, and the zoo is closed down.

This action is taken despite the fact that the Defra inspector has recommended that a condition be attached to the licence to allow the zoo further time to meet the condition relating to the veterinary programme. This is because the Defra inspector acts in an advisory capacity but the local authority is responsible for ensuring that the legislation is followed. As such, the legal responsibility of the local authority overrides the inspector's suggestion to allow the zoo more time to produce the veterinary plan.

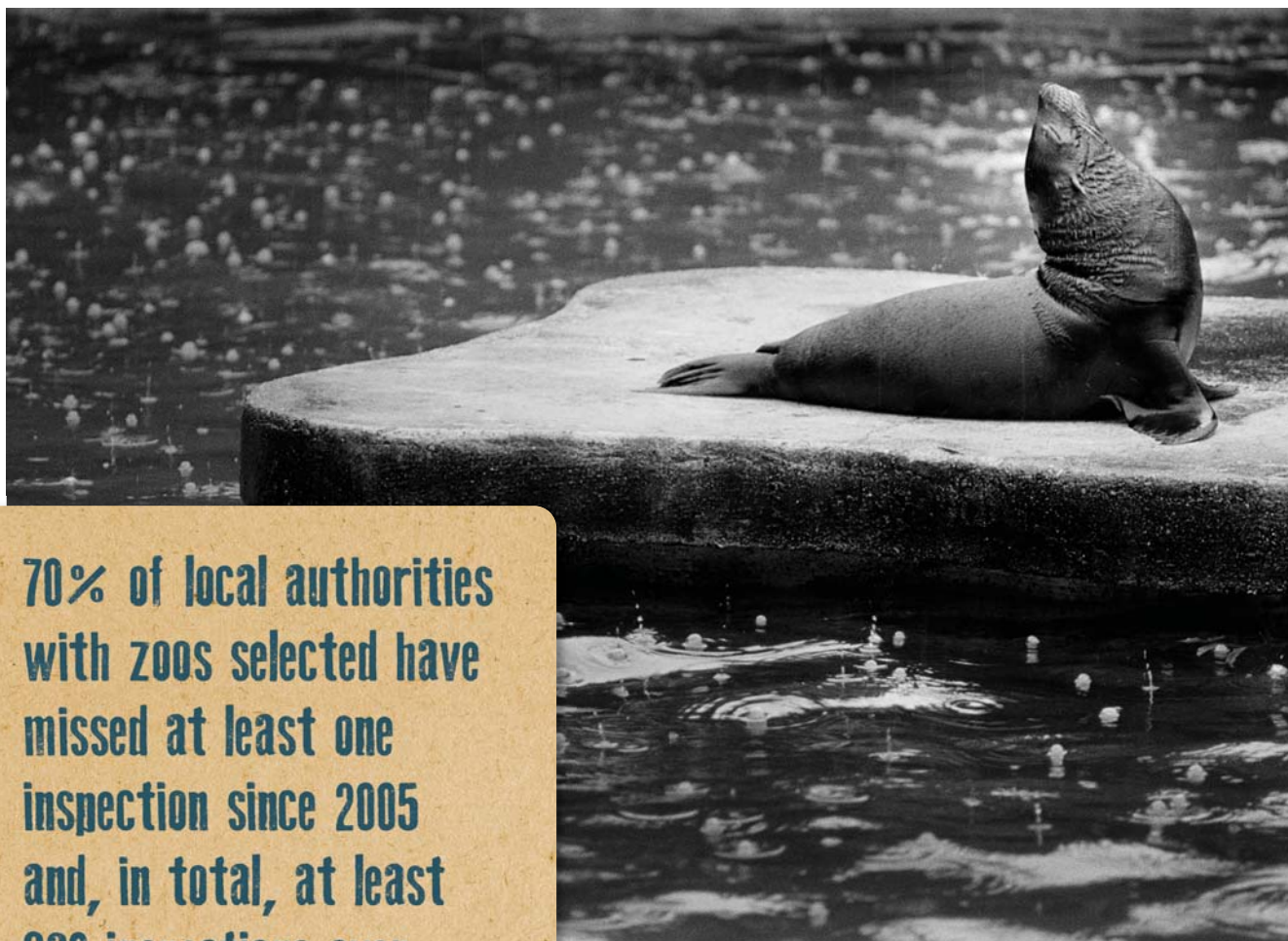
The council notes that an offence under Section 19 of the Act has been committed by failing to meet licence conditions without reasonable excuse.

Zoo A and Zoo B both offer (hypothetical) illustrations of how the licensing system should work in theory.

Zoos that meet the required standards retain their licences and can continue to operate. Zoos that fail to meet standards are given sufficient notice in order to set things right. If they fix the problems within the agreed timeframe, it will not affect their ongoing operation. If they do not meet standards within the specified timeframe and do not give a valid reason for failing to do so, they will be closed down. Defra inspectors act in an advisory capacity but it is the local authority must ensure that the law is being correctly implemented.

One of the reasons we have used these two hypothetical examples to demonstrate the system in practice is that, in reality, it is difficult to find examples of the system working as it should. The study found that there are numerous flaws in the design, delivery and enforcement of the zoo licensing system and legislation in a great variety of areas of its operation. We explore these findings next and, at the end of the report, we offer a final situation (Zoo C) to demonstrate a situation that is much closer to the reality than Zoo A and Zoo B.





70% of local authorities with zoos selected have missed at least one inspection since 2005 and, in total, at least 380 inspections over the period of the study

Starting out on the right foot

Of course, the first step toward the licensing and inspection system working well is the inspections being carried out in the first instance. Unfortunately, the first concern the study highlighted was that this basic fundamental requirement was not being met.

70% of local authorities with zoos selected have missed at least one inspection since 2005 and, in total, at least 380 inspections over the period of the study. 37% of the local authorities missed half or more of the minimum inspections required between 2005 – 2011.

Examples are demonstrated by some of the responses received from Freedom of Information officers:

Hinckley and Bosworth Borough Council: *"Informal inspections did not take place during 2005, 2007, 2008."*

Huntingdonshire District Council: *"informal inspections were not carried out in 2005 or 2006."*

Isle of Wight Council: *"I believe that the 2008 visit was done late (in Feb 2009) . I do not know the reason why 2005 and 2006 were not done"... "There is no record of an informal inspection having been carried out in 2006. The informal inspection for 2008 was carried out on 26/2/09 (late – don't know the reason). The periodical*

inspection was not carried out in 2010 due to the premises being subject to a request for dispensation under Section 14(1)(a)."

Portsmouth City Council: *"The only record of inspections on file are 2008, 2009 and 2010. It would appear that with the exception of complaint visits, no inspections were carried out since 2002."*

Teignbridge District Council: *"There is no record on file of an informal inspection in 2005 or 2006. The 2007 informal inspection was not carried out until May 2008. 2009 informal inspection carried out on 15 Jan 2010."*

The forgotten animals: out of sight, out of mind

As we have seen, the inspection team for a fully licensed zoo cannot exceed five people, and although there is no legal maximum, our information shows that the number of working days for an inspection does not usually exceed one, and never exceeds two. The questions that the inspectors must answer during the course of the inspection include some that refer to *species or groups of animals* and others that refer to *each animal or every animal*. From this very specific wording, it is clear that the intention is that, in order to answer those questions that refer to each or every animal, the inspectors must have seen each animal and made some sort of assessment. This also makes sense when we consider that the questions which refer to individual animals are usually linked to their health or welfare which is, necessarily, something which must consider each case independently.

The study shows that there are currently at least 190,000 animals kept in recognised zoological collections in England. This represents an average of almost 700 specimens per zoo.

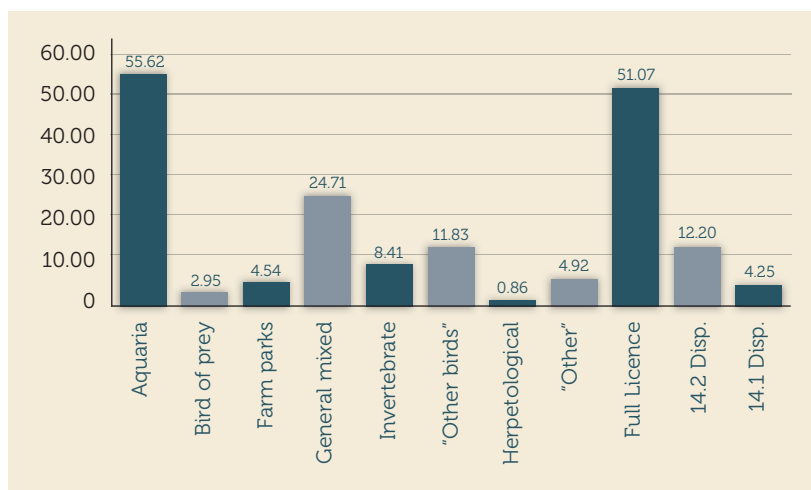
On consultation with veterinary advisors, we have been informed that a visual assessment of an animal is unlikely to prove decisive in assessing its health in any meaningful way. Notwithstanding this, and in order to gain some idea of appearance of good health we were told that inspectors should *“see the animal from all possible angles and be able to see any obvious swellings or skin lesions. They should be able to see both eyes, nose and the mouth for obvious asymmetry, discharge, spasm, drooping etc”*. When we take into account assessment of behaviour as well as this physical exam, then it would seem that ten minutes per animal might, arguably, give time for something more than a cursory assessment. Of course, any timescale given for assessment is somewhat arbitrary as individual animals would require varying degrees of attention, so the ten-minute rule should not be considered an exact science and rather a guide to work to. Furthermore, if we remind ourselves that this might be the only time that the animals are assessed in any way by an external specialist (a Defra inspector) in any given three-year period, then ten minutes of undivided attention every three years seems far from unreasonable.

The study showed that zoos with a full licence hold an average of 2,145 specimens. Given a ten-minute per animal inspection timeframe, it would take an average of 2.6 months to complete nothing more than the inspection of the animals for the average fully licensed zoo. For an average collection with a 14.2 dispensation it would take 12 days.

Comparing this “ideal” situation with the reality, we find some disturbing results. A one-day inspection allows for an average of just 36 seconds per animal. For the collection with the largest number of specimens in England (18,499) each animal would be given just 1.4 seconds of the inspector’s attention. Given that inspectors also need to assess every other area of the zoo’s practice, these figures would be even further reduced in reality.

Approaching the problem from the opposite direction by assuming that each animal requires ten minutes of the inspector’s time and that the inspection must last no more than two days, the maximum number of animals that collections can possibly hold is 42. Just 10% of zoos in England have 42 animals or fewer.

Average number of 7-hour work days it would take to inspect a zoo giving 10 minutes inspection time per individual animal, per type of zoo and stratum.



An impossible task

As outlined above, rather than defining the number of inspectors and amount of time required to inspect a zoo by the size of the zoo and number of animals held there, the Act stipulates an inspection team of no more than five people (and never more than two representatives from Defra, once every three years beyond the initial licence period) for any zoo that has more than 50 hazardous or conservation sensitive animals. What the law fails to stipulate is an upper limit of animals that can be kept, leading to the untenable situation of up to 18,499 animals (in the case of the largest zoo in England) being assessed in no more than two days by just five people.

The consequence of this clear flaw in the system begs the question: how, with the exception of cases whereby the zoo is small enough for the inspector to see each and every individual, the questions on the official inspection form can ever be answered with certainty? To put this question into context, the following questions are examples of just a few of those that an inspector must answer whilst deciding whether or not a zoo meets minimum legal standards. In total, there are 102 different questions outlined in the Defra ZOO2 form, all of which must be answered within the timeframe of two working days, taking into account (in the case of fully licensed zoos) an average of 2,145 animals:

Q1.1 Is each animal provided with a high standard of nutrition?

Q2.1 Is each animal provided with an environment well adapted to meet the physical, psychological and social needs of the species to which it belongs

Q3.1. Is each animal provided with a high standard of animal husbandry?

Q3.2 Do all animals on display to the public appear to be in good health?

Q4.1 Does accommodation appear adequately to meet the biological and behavioural needs of the animals?

The fact that inspectors do answer these questions during the inspection process - from the smallest zoo to the largest - means that, inevitably, there are a large group of animals that are either missed completely during the process or are given such a cursory assessment that the external inspection process becomes meaningless for a significant number of them.

	Full licence	14.2 disp.	14.1 disp.
Average of FALSE YES tick assessments per inspection	6.44	5.18	7.25
STD	5.088	5.025	13.175
Average of NO tick assessments per inspection	2.48	5.31	2.00
STD	3.576	7.604	1.155

Averages of "False YES" and "NO" ticks assessments in inspection reports in England since 2005, per stratum.

It's a simple YES or NO answer (except for when it isn't, which is most of the time)

Having considered the difficulties that the inspectors face in trying to answer the 102 questions posed by Defra as part of the formal inspection process, we come to a further flaw in the system. If the inspector has overcome the problem of timescale and numbers of animals and found a way in which all 2,145 animals in the average fully-licensed zoo can be assessed in all the areas required, he or she is then faced with the prospect of distilling all of this information into a YES or NO answer. Admittedly, there is a grading system of YES 1 – 4 (indicating excellent – barely acceptable), but this grading system is rarely used and adds no real value, context or explanation to questions as complex as "Is each animal provided with an environment well adapted to meet the physical, psychological and social needs of the species to which it belongs" in reference to 2,145 individuals made up of various different species.

Bearing in mind that most questions relate back to a legal requirement on the part of the zoo to meet a standard, the difference between the inspector ticking the answer YES (which, in most cases, is a statement that legal standards are being met) and the answer NO (which, in most cases, is a statement that legal standards are not being met) has significant consequences for the zoo and its operation.

In theory, ticking an answer NO, should lead to a condition being attached to the zoo's licence in order that the issue is rectified. It might also lead to the issuing of a Direction Order, dependent on the issue in question. Following this, the zoo may come into compliance within the timeframe or, if it doesn't, the answer NO on the inspection form might be the first step towards closing down a zoo that persistently falls below legal standards, like Zoo B in our examples.

Ticking an answer YES means the zoo is compliant with standards and no remedial action is necessary. A YES answer may lead to some recommendations, if the inspector believes standards to be barely acceptable and wishes to offer guidance to the staff.

We have already established that inspectors are unlikely to see all animals, and that they have something of an impossible task in even attempting to assess all of the relevant areas for inspection in just one or two working days. It would seem, therefore, that the way in which this issue is dealt with is, necessarily, by making broad generalisations.

The law asks, for example, whether each animal on display to the public is in good health. The inspector in

the case of DUD252 answered YES to this question and then added the note: *But lameness noted in a few Barbary sheep and a few underweight specimens noted in the reptile house.* Clearly in this instance, the inspector has made a decision to generalise. The correct answer to the question should be: *NO, because a few Barbary sheep are suffering from lameness and some of the reptiles are underweight.*

The use of the "YES, but..." answer in place of the "NO, because..." is commonplace in the inspection system and would appear to be the preferred solution to the difficult problem of assessing thousands of animals in just one word. For the purposes of this study, this phenomenon is referred to as the "False YES". Casamitjana found 2,192 "False YES" items in all the inspections, which represent an average of 5.49 per inspection. 82% of the inspection forms had at least one "False YES" item, therefore, it is fair to say that the majority of zoo inspectors showed inconsistencies in their reports.

Seven collections showed inspections with 20 or more False YES answers, with 3 of these collections showing 27 each.

Below are further examples of False YES responses: ENG52 (25/06/2006): This inspection has 19 cases of "False YES". When asked, "Are observations on condition and health made and recorded?" it is ticked as YES, but the note by it says "But not in all cases".

ILF73 (06/06/2005): Questions such as Q.2.1 "Is each animal provided with an environment well adapted to meet the physical, psychological and social needs of the species to which it belongs?" or Q3.1 "Is each animal provided with a high standard of animal husbandry?" are all ticked as YES. In the back of the report the inspector writes "The new life support system works well but a current problem with the system is the [sic] is creating the production of micro bubbles that can be a cause of fish mortalities and diseases".

SOU274 (16/10/2007): Q8.1 "Are there satisfactory measures in place to prevent the escape of animals" marked as YES, while the notes in the box by it show "BUT escapes still occur. Enclosure and thus perimeter effectiveness may be compromised. New perimeter fence in plan".

Breaches of existing conditions

Licence conditions should not be taken lightly. Once added to a zoo's licence, they are legally binding and failure to comply with them can lead to zoo closure and even prosecution of the zoo owner. During the inspection, the inspector must check on compliance with existing licence conditions and make a note of his or her findings.

The study found that, not only is it a regular occurrence that licence conditions are not met, but failure to meet existing conditions is often not flagged up by the inspector.

In 34% of the reports written in ZOO2 forms, the inspectors stated that the existing licensing conditions were met while the information in their own reports suggested otherwise. The most notable cases of this failure to recognise licence condition breaches were found in collections COR46, SEW124, TUR149, and WET155 which showed 5, 10, 5 and 6 breaches of licence conditions respectively. In spite of this, the inspector stated that all conditions had been met.

Below are examples of inspectors stating that conditions had been met when, in fact, they had not:

KIN77 (23/03/2010): The inspector marks "YES" to the answer to Q12.3 (which asks if conditions have been met), but with the note "except conditions 18, 20 and 26".

LON260 (05/05/2010). The inspector of this periodical inspection marks as YES the answer to Q12.3. Also, in question 7.1 about "are the conservation efforts adequate for the resources of the collection?" He responds NO, meaning the zoo is in breach of the conservation licence condition.

COR46 (06/09/2010). Marking the answer to Q12.3 YES, in this informal inspection the local authority informs the zoo operator: "With reference to your conditions you are generally compliant; however there are a few record issues that need addressing. I would to draw your attention to conditions 16, 17, 19, and 30 of your licence..."

HOW256 (13/12/2010): The inspector marks "YES" the answer to Q12.3. He answers Q3.8 "Are on site veterinary facilities adequate?" with a NO tick and the note "see specific additional condition". The condition reads as follows: "The veterinary facility at XXX is considered inadequate for the size and composition of the collection. It should be brought up to a modern standard as a matter of urgency. The floor is difficult to clean and should be provided with continuous sheet floor capable of being effectively cleaned and disinfected. Storage shelving should be removed and replaced with enclosed cupboards with readily cleansable surfaces. Suitable lockable facilities are also required for the correct storage of veterinary medicines – both at room temperature and refrigerated. It is strongly advised that the zoo management discuss these changes with the collection's veterinarian without delay". These issues had been outstanding since 2007, when a series of additional licence conditions relating to veterinary facilities were issued to address it.

YOR170 (21/01/2005): The inspector of this informal inspection marks "YES" the answer to Q12.3. In a letter from the inspector sent to the zoo operator regarding this inspection he includes the following concern with regard to the prairie dogs: "It does not appear that these are breeding but I feel this is just as well because their enclosure is not secured. They are digging out and will live and breed in the wild, which could lead to control issues. Therefore the zoo was in breach of licence condition "preventing the escape of animals and putting in place measures to be taken in the event of any escape or unauthorised release of animals".



An incomplete picture

26% of Defra ZOO2 forms were incomplete and some inspectors (particularly local authority inspectors) did not produce a report at all following inspections.

Issuing licence conditions... or not, as the case may be

So far, it is fair to conclude there is an element of generalisation when it comes to zoo inspections, demonstrated by the tendency towards “False YES” answers and the arguable impossibility of any accurate assessment of zoos with large numbers of animals. Furthermore, reports are sometimes not written, and important omissions or errors can be made in those that are; including failing to recognise when existing licence conditions are being breached. This may or may not have legal repercussions for the zoo whereby substandard zoos are seen to be meeting standards when, in fact, they are not.

Ultimately, it is by adding conditions to licences that informs zoos of issues and gives them the legal responsibility to make changes. It also allows local authorities to issue sanctions, such as Direction Orders or Zoo Closure Directions if they do not. Whilst it is the local authorities’ responsibility to ensure that conditions are added to licences, it is usually the Defra inspectors who make recommendations as to what those conditions should be. The “False YES” and failure to complete the form correctly might indicate poor practice but, as long as the conditions are added to the licence in the end,

all may not be lost. Here we explore whether or not conditions are being correctly recommended.

The average number of licence conditions found attached to zoo licences at the time of the inspections for which we have reports is 16. The highest number of conditions we found attached to a licence was for zoo TUR149, which had 128 added to its 2009 licence, followed by SHA125, which had 106 added to its licence in 2008.

Perhaps unsurprisingly, it is as a result of formal inspections that most licence conditions are recommended as the inspectors are trained professionals with expertise, as opposed to the local authority inspectors who are unlikely to have the same level of experience as their government counterparts. 67% of all formal inspections lead to inspectors recommending additional licence conditions and 68% of all zoos were found to have had additional conditions added to their licences.

This information suggests that issues **are** being identified and conditions **are** being attached to licences in order to rectify them. This might suggest that the system is working, until we compare the number of issues identified during the inspection with the number of recommended conditions resulting from inspections. The numbers of issues noted should, in theory, tally with the number of recommended conditions. If, however, issues are being noted but it is not deemed that the standards are so low that the zoo is non-compliant with the law, the inspector could make a recommendation or give advice. As such, all issues should give rise to either a condition or a recommendation.



	Reports with issues not addressed in conditions in all inspections	Reports with issues not addressed in conditions in <u>formal</u> inspections	Reports with issues not addressed in conditions in <u>Current formal</u> inspections
All zoos	68%	88%	90%
Full licence zoos	67%	94%	91%
14.2 dispensations	71%	87%	90%
14.1 dispensations	17%	67%	50%

Relative frequencies of inspection reports with unsatisfactory issues according to the inspectors not added as additional conditions to be attached to the licence of zoological collections in England since 2005, per stratum and type of inspection reports used in the assessment.

	Reports with issues not addressed in conditions or recommendations in all inspections	Reports with issues not addressed in conditions or recommendations in <u>formal</u> inspections	Reports with issues not addressed in conditions or recommendations in <u>Current formal</u> inspections
All zoos	40%	75%	75%
Full licence zoos	38%	81%	79%
14.2 dispensations	42%	73%	75%
14.1 dispensations	10%	67%	50%

Relative frequencies of inspection reports with unsatisfactory issues according to the inspectors not added as written recommendations or additional conditions to be attached to the licence of zoological collections in England since 2005, per stratum and type of inspection reports used in the assessment.

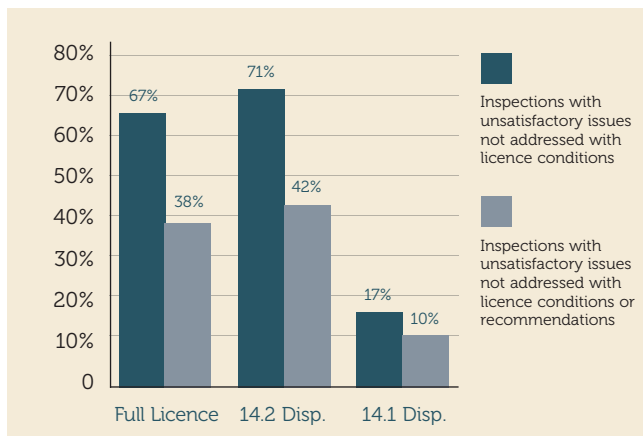
The study found that 68% of inspection reports had unsatisfactory issues found during inspections that did not make it into suggested conditions and 40% of reports had unsatisfactory issues found which were transposed into neither suggested conditions nor recommendations. If we look at formal inspections only, which are carried out by government-appointed specialists, we find 88% of reports had unsatisfactory issues found which were not suggested as conditions and 75% of reports had unsatisfactory issues that did not even warrant a recommendation.

Narrowing it down further to look at the current situation⁷, we find 90% of inspections found unsatisfactory issue(s) that were not turned into suggested (and thus, enforceable) conditions.

Inspection reports – are they worth the paper they are written on?

We have come to the end of our assessment of the practical inspection and the report writing process. What happens after this point is in the hands of the local authority, as they are responsible for enforcing the legislation, but it is worth concluding on what has been discovered so far.

90% of inspections found unsatisfactory issue(s) that were not turned into suggested (and thus, enforceable) conditions.



Relative frequency of inspection reports with unsatisfactory issues not addressed in licence conditions or recommendations, per stratum.

1. Large zoos combined with strict timetables for inspections and small inspection teams leads to animals being missed altogether, or given little more than a cursory assessment. Only 10% of zoos in England would allow for animals to be assessed individually, for ten minutes each.
2. Assessing complex criteria for large numbers of individuals with a YES/NO answer leads to generalisation and a tendency towards "YES, but..." in place of "NO, because..." which, in turn, may lead to legal consequences for zoos which are seen to be meeting standards when, in fact, they are not
3. Failure to recognise breaches in existing licence conditions may lead to lack of enforcement action against zoos that persistently fall below legal standards
4. Failure to transpose issues noted during the inspections into meaningful recommendations for licence conditions leads to zoos continuing to operate below legal standards with no means to enforce change.

Exploring enforcement

The enforcement of the Act falls to the relevant local authority, within whose jurisdiction any particular zoo falls. Notwithstanding our concerns over the thoroughness of zoo inspections themselves, the apparent errors in completing the reports leading to doubts over the value of the reports and information given by the inspectors to the local authority on which they will base their decisions, it is important to explore what local authorities do with the reports and how they go about enforcing the Act.

As local authorities are responsible for carrying out informal inspections, it is often the same person that inspects the zoo and writes the subsequent report (when a report is, indeed, written as it is not a legal requirement to produce one). In the case of the formal inspection, it is usually the Defra inspector who completes the report and sends it to the local authority with their notes, recommendations and advice. Below we explore what happens next in the licensing process.

Turning recommendations into conditions

Fortunately, it seems that local authority officials do follow the guidance of the inspectors, for the most part, with 96% of conditions recommended by inspectors being subsequently added to the licence.

The study found only six collections that did not have the mandatory Defra conditions added to them and, as mentioned above, the average number of conditions is 16. It would appear then, that when conditions are recommended, they **are** added to the licence, which is perhaps a sign that at least this part of the system is working well. However, before deciding to turn a recommended condition from an inspector into a condition on the licence, and before renewing a licence or making any amendment to it, the local authority must make a number of checks as their action might be different depending on what the suggested condition aims to address.

First they must consider whether or not existing licence conditions have been met. If not, then there might have been an offence committed, which must be followed up. Dependent on what a condition that has not been met relates to, the local authority might have to issue a Direction Order or, if a Direction Order has already been issued, the zoo (or part of the zoo) might have to be closed down using a Zoo Closure Direction.

If the existing licence conditions have all been met, the local authority must consider the inspector's recommendations. If the conditions suggested relate to fulfilment of a Section 1A provision, the local authority must issue it along with a Direction Order with a time limit of no more than two years. If the condition does not relate to Section 1A, the local authority must decide the timeframe for compliance.

Only once all of these factors have been considered should the local authority make the decision to issue the licence, or otherwise and to add the conditions, or otherwise.

Turning conditions into actions

Direction Orders are a way in which a meaningful timescale is given to an important condition and the first step along the way of closing a substandard zoo. If the zoo meets the required standard, they are allowed to continue to operate. A Zoo Closure Direction can only be issued if the Direction Order has come before it so it is essential that they are used correctly in order to bring non-compliant zoos into line. The research showed that only two Direction Orders had been issued over the entire study period. As a Direction Order should be issued each and every time that a condition laid out in Section 1A of the Act is deemed to be breached, and bearing in mind that the Section 1A conditions are included as mandatory conditions in all licences (excluding the six zoos which had them excluded by error) then this would suggest that, if the system is working well, the Section 1A conditions are being met effectively. However, the lack of Direction Orders is only a sign of a working system if we find that there are no examples of local authorities failing to issue such an order when required to do so and it would appear from the data that these failings are, in fact widespread.

The study shows 64% of inspections revealed unsatisfactory issues in relation to Section 1A conditions. If we look only at formal inspections, then we find

issues in relation to Section 1A conditions in 87% of all inspections and 95% of the zoos to which these reports relate.

Looking only at the current situation, we find that 89% of most recent formal inspection reports show non-compliance with Section 1A provisions but, despite this, just one Direction Order has been issued in the current period.

We therefore have a situation whereby 95% of the zoos for which we have reports should have had a Direction Order issued at some point since 2005 and 89% of recent formal inspections should have led to a Direction Order being issued. Just two were issued over the entire six years. Rather than the lack of Direction Orders indicating a system working well and effectively maintaining standards, it would appear that the lack of Direction Orders is due to the failure on the part of the local authorities to enforce the legislation. Effectively, zoos are not being held accountable for poor standards and local authorities are not being held accountable for failing in their role as enforcers of the law.

Recurring failures and indefinite timescales

It is clear that local authorities do not issue Direction Orders as they should, and it would appear that, instead, timescales relating to conditions are simply extended, or conditions are added again to the licence as a new issue thus creating an apparently indefinite timescale for compliance. If zoos are given an indefinite period of time in order to comply with legal standards, then the legislation becomes little more than guidance to be followed voluntarily. This is clearly in direct contravention with the legislation.

Casamitjana found that 74% of inspection reports over the course of the study had recurring unsatisfactory issues. If we only look at formal inspection reports, which are the inspections where most problems are identified, then we find 91% of the inspection reports and 89% of the collections with formal inspection reports had recurring unsatisfactory issues.

Closing substandard zoos

If Direction Orders are not being issued then there is little reason to consider the use of Zoo Closure Directions as one necessarily follows the other. Unless local authorities get the Direction Order correct, then substandard zoos will continue to operate.

Even so, it is worth noting that Casamitjana found no evidence of Zoo Closure Directions being used, despite ample examples of non-compliance. We cannot put a figure on the number of zoos (or parts of zoos) that might have been closed down had the system been followed correctly because we cannot assume to know what would have happened if Direction Orders had been issued correctly. All of the zoos may have complied within the given timeframe leading to no reason to issue any Zoo Closure Directions. Given the evidence of recurring failures and breaches of condition though, it seems unlikely that this would have been the case.

Conclusion

Having considered the inspection process from start to finish, and bearing in mind that this short summary does not cover all of the areas that the study investigated, it is, in our opinion, abundantly clear that there are serious issues with the zoo inspection and licensing system in England.

The inspection and licensing process for zoos in England is underpinned by robust legislation, which says all of the right things and offers all of the right tools for the system to be delivered. If it can be agreed that the delivery of conservation aims of the legislation go hand-in-glove with the delivery of the most basic welfare needs of the animals (provision of food and water, veterinary care, an appropriate environment etc), then this system should afford the animals at least a minimum level of protection. And this would be fine if all of the zoos were like Zoo A, if all zoos had a small number of animals, if all of the inspectors were accurate and diligent in their assessments, if all local councils were well-versed, well-staffed and competent in the delivery of their obligations and if the raft of problems identified were areas that could be rectified by training or improved practice alone. It is clear, however, that Zoo A is an exception rather than a rule, and if we conclude that an enforcement system can only work well if the establishments being assessed are already meeting the required standards then we are left with a system which is, at best, tokenistic and, at worst, meaningless.

We are dealing here with a system that not only is not working, but that is fundamentally unworkable. Notwithstanding the views and opinions of CAPS, which believes that no animals should be held captive in zoos, the system, which purports to protect 190,000 animals in zoos in England alone, cannot possibly function as it is designed to; there are simply too many zoos, too many animals, too little training, too little understanding of the legislation, too little enforcement and a culture of hand-holding and encouraging improvements rather than sanctioning poor practice and holding zoos accountable.

We return now to the original question: Does the zoo licensing system achieve its aim of ensuring that zoos are safe for the public to visit, that high standards of welfare are maintained and that zoos make a contribution to conservation of wildlife in England? Based on Casamitjana's findings, we can give no other response than: No.

This leads on to an important moral dilemma for anyone who might consider visiting a zoo in England and who might have been previously reassured by a belief that standards were effectively enforced. CAPS argues that the answer to this dilemma is simple: that when it has been shown that an industry cannot offer meaningful and proven guarantees that the individuals under its care are being provided for, and that their legal obligations are being met in full, this industry should not be supported.

Appendix: Zoo C: An interpretation of the system in practice

The final, hypothetical, situation below aims to offer an interpretation of what the zoo licensing process in England looks like in practice. It covers the many of the areas of concern raised above (highlighted in bold), with references to the relevant data included.

Zoo C is being inspected in December 2011. It is a large zoo with 2,145 animals, of 92 differing species. It has no dispensation and is considered to have a full licence.

Background

When the current zoo licence was issued in 2005, **the council failed to attach all of the mandatory licence conditions (page 16)** which implement Section 1A of the Act. The mandatory conditions which relate to prevention of escape of animals, prevention of intrusion of vermin and conservation and research were not added to the licence.

The zoo's last formal periodical inspection was carried out in December 2008 when a number of additional conditions were added to the licence. Since then, **no informal inspection was completed in 2009 (page 10)** and one special inspection was carried out in June 2010.

The special inspection was carried out as a result of a complaint from a visiting member of the public with regard to a lion that appeared to be very underweight and suffering from fur-loss. A vet appointed by the local authority went to the zoo, the lion was assessed and advice given to the zoo operators. No other animals were checked, nor were any records or general practices. **The special inspection replaced the informal inspection for 2010 and, as a result, the 2011 inspection in question is the first time that the zoo has been inspected fully for three years (page 6).**

The conditions that had been added to the licence in 2008 were as follows:

- 1. A comprehensive veterinary programme must be written and adhered to. The programme must include at least four routine veterinary visits per year and the programme must be submitted to the local authority within six months (by July 2009).*
- 2. The perimeter fence is in need of repair, following the escape of two animals in October 2008. It should be made safe immediately and fully repaired within three months (by March 2009)*
- 3. Stand-off barriers for jaguar and tiger insufficient and should be made safe by ensuring that the distance between the public barrier and the enclosure is extended by at least 1 metre. Action required within 1 month (February 2009)*
- 4. There are currently no hand washing facilities in the petting barn. Adequate facilities must be installed at the entrance and exit. Action within 1 month (February 2009)*
- 5. Quarantine area needs upgrading to ensure that it is easily cleaned. Surfaces and floor need to be replaced to ensure that they can be easily disinfected. Action within six months (July 2009).*

6. Areas not accessible to the public should be clearly marked. Action within one month (February 2009)

Both Conditions 1 and 2 were issued in order that the zoo meets provisions of Section 1A of the Act. **A Direction Order under Section 16A was not issued in 2008 in relation to either of these conditions (page 16).** As the mandatory condition with regard to prevention of escape of animals was not part of the original licence, if the local authority had considered issuing a Direction Order with regard to Condition 2, they would have been unable to at this point.

On the day of the inspection...

The inspectors have **one full working day to carry out the inspection and the team is made up of four people (page 10)**; made up of two Defra inspectors (one from each list) and two licensing officers from the local authority, conduct the inspection in the company of the zoo proprietor and the zoo's vet. The team work together during the course of the day and are informed by the pre-inspection audit, which they received in advance from the zoo, which gave some background information on current practices.

Due to the large number of animals in the zoo, which is set out over a number of acres of land, the inspectors take a tour of the premises, looking at the animals that they see out and about in their enclosures, whilst making a note of any areas of concern and discussing these points with the zoo proprietor as they go along. **Due to the nature of the enclosures and access, it is possible to see some animals at close quarters and others can be seen from a distance, though it is difficult to identify individuals in some of the larger enclosures (page 11).** If any animals they see appear to be in poor health, the inspectors question the zoo vet and the staff for more detail. **Not all animals are seen by the inspectors (page 11).**

The inspectors visit the zoo kitchen and check the diet sheets for a handful of species, which they select at random. They do not see animals being fed but most diet sheets appear to be appropriate for the species and the food appears fresh and in line with the diet sheets. The diet sheets for the primates included some high-fat processed food meant for humans and in the food storage area there were jars of crisps and marshmallows. When questioned, the zoo proprietor told the inspectors that they were used as treats.

The inspectors ask to see how records are kept, and are shown the detailed records of a number of animals, including the stocklists, post mortem records and other relevant paperwork. Everything appears to be in order.

The education officer for the zoo explains the projects that are currently being carried out and leaves the inspectors with a detailed written plan for the coming year. The conservation officer gives a short presentation on the work being carried out by the zoo in this area and the proprietor and vet answer questions in relation to this during the course of the day.

Much of the information on what the zoo is or isn't doing is provided by the zoo staff but not witnessed by the inspectors (page 11).

Despite the licence condition, the veterinary programme has not been written (page 12) and a vet has visited twice over the two years in response to specific incidents: the first being the special inspection where the lion was assessed (this was not carried out by the zoo vet, but an independent vet, at the request of the local authority) and the second when the zoo staff called the vet out to see to an macaque monkey which was injured in a fight with a member of its social group. The zoo staff tell the inspector that they didn't get round to writing the vet programme but are confident that the animals are all well-cared for and they speak regularly to the vet on the phone if they need advice.

Bearing in mind the vast majority of animals that were seen appear to be in good health, the inspector completes the Defra form, answering YES to most questions. Next to the YES tick for the question: "Do all animals on display to the public appear to be in good health?" the inspector makes the note: Apart from the lions, which appear to be underweight, and two African Grey parrots who are suffering from feather loss (see Conditions)

Next to the YES tick for the question: "Are all animals provided with a high standard of nutrition?" the inspector makes the note: Apart from the primates, which should not be fed processed food and marshmallows and crisps should not be used as treats. (See Conditions) (page 12).

The inspector ticks NO to answer the question: "Have all existing licence conditions been met?" and makes the note next to it: Veterinary programme not written (see Conditions).

In the notes section of the report, under the heading "Recommendations", the inspector writes:

The conservation efforts for a zoo of this size are inadequate with some discussion of conservation efforts being carried out, but no evidence to back this up. Zoo to ensure that conservation plans are meaningful, sufficient and are being effectively implemented.

Despite conservation contribution being one of the mandatory conditions that should be added to every licence, this recommendation is not added to the licence conditions for the zoo (page 14).



In the area for adding conditions to a licence, he includes the following:

1. Consult with zoo vet to diagnose issues with lion and parrots and ensure that treatment is provided. Immediate action required.
2. Feeding of processed food to primates and other species as treats to be stopped immediately. Diet sheets for primates to be rewritten in consultation with vet and should be submitted to the local authority within one month.
3. A comprehensive veterinary programme must be written and adhered to. The programme must include at least four routine veterinary visits per year and the programme must be submitted to the local authority within three months (page 17).

Other conditions added in 2008 have all been complied with and can be removed from the licence.

Following the inspection...

The local authority receives the report, notes that there are issues that need addressing and notes that existing licence conditions have not been met.

The zoo submits the veterinary programme to the local authority in the interim between the inspection being carried out and the licence being issued. **The final licence is issued (page 6)** with the following two additional conditions as well as all of the mandatory conditions in the Defra guidance:

1. Consult with zoo vet to diagnose issues with lion and parrots and ensure that treatment is provided. Immediate action required.
2. Feeding of processed food to primates and other species as treats to be stopped immediately. Diet sheets for primates to be rewritten in consultation with vet and should be submitted to the local authority within one month.

Yes! I'd like to support CAPS!

Please fill in this form and return. You can call us if you would prefer to pay securely over the phone **0845 330 3911** or **0161 869 0020** (Monday-Friday 9am-5pm) or visit www.captiveanimals.org/online/donate to pay via a secure payment site.

Name _____
Address _____

Postcode _____
Telephone _____
E-mail _____

I'd like to join CAPS

- ☐ £24 Standard Membership (UK)
☐ £30 Standard Membership (Overseas)
☐ £18 E-Membership (you will download your copy of *Release* online)

I would like to make a donation instead

☐ I would like to make a donation to CAPS to the value of
£ _____ (please enter)

Gift Aid Declaration

☐ Please tick to include Gift Aid at no extra cost to you
I am a UK taxpayer and want any donations that I have made in the last 4 years and all future donations, until I notify otherwise, treated as Gift Aid donations (You must pay an amount of Income/Capital Gains Tax equal to the tax we reclaim on your donations, currently 25p in the £1)

Method of payment

☐ I would like to pay by **standing order** (please fill in the details below):

To the Manager of _____
Bank/Building Society _____
Bank **FULL** address _____

Please pay Captive Animals' Protection Society the sum of £ _____
from my account each **month/year** (please select) Commencing on
_____/_____/_____ until further notice.

Account number _____ Sort Code - -

Signature _____ Date ____/____/____

☐ I would like to pay by **credit/debit card** (please fill in details below)

Please debit my Visa/Mastercard/Maestro Card £ _____

Card number _____

Expiry Date ____/____/____ Valid From ____/____/____

Issue Number _____ 3-digit code _____

Signature _____ Date ____/____/____

☐ I enclose a **cheque/postal order** payable to
Captive Animals' Protection Society for £ _____

References

- ¹ Legislation (Zoos) <http://www.defra.gov.uk/wildlife-pets/zoos/>
- ² Casamitjana, J. 2012. *Inspecting Zoos: A study of the official zoo inspection system in England from 2005 to 2011*. The Captive Animals' Protection Society, Manchester
- ³ EAZA Response to the Evaluation Report of the EU Policy on Animal Welfare, January 2011 (http://ec.europa.eu/food/animal/welfare/actionplan/docs/pp_eu_ass_zoo_aquaria.pdf)
- ⁴ Government Circular 02/2003 – Zoo Licensing Act 1981 (<http://archive.defra.gov.uk/wildlife-pets/zoos/documents/zoo-gc022003.pdf>)
- ^{5 & 6} Legally, a Renewal Inspection is a type of Periodical Inspection and therefore is governed by S10 (3) of the ZLA. Practically, and in relation to inspection reports, Defra splits this type of inspection into two. For the purpose of this report, and for ease of interpretation of the data, any referral to a "Periodical Inspection" is made in reference to the inspections carried out during year one (for a four year licence) and year three (for a six year licence) and any referral to a "Renewal Inspection" is made in reference to the inspection carried out no later than six months before the expiry of a licence. This differentiation has no bearing on the interpretation of the data or legal consequences flowing from them.)
- ⁷ For the purpose of the study the term "current situation" refers to data from the last formal inspection report that the local authority had in their possession by the end of the first quarter of 2011

Photographs: © Britta Jaschinski

Design: www.designsolutions.me.uk



CAPS

Captive Animals' Protection Society

PO Box 540, Salford, M5 0DS

Phone: 0845 330 3911 (local-call rate)
or 0161 869 0020

E-mail: info@captiveanimals.org
www.captiveanimals.org

The Captive Animals' Protection Society is a
registered charity in England and Wales No.1124436

Please return this form to:
CAPS, PO Box 540, Salford, M5 0DS.

Many thanks