

**Report of the Interim Chief Executive**

<b>The Animal Welfare (Primate Licensing)(England) Regulations 2024</b>
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1. **Purpose of Report**

To advise Members of the new duty imposed on the Council to licence private primate keepers and to ensure that new minimum animal welfare standards are achieved.

2. **Recommendation**

**The Committee is asked to NOTE the report.**

3. **Detail**

In accordance with the Animal Welfare Act 2006, Broxtowe Borough Council, in its role as Licensing Authority, is responsible for licensing operators of businesses carrying out prescribed activities involving animals. In addition, the Council is responsible for licensing keepers of animals that are defined as dangerous wild animals ("DWA") and for the licensing of zoos.

The introduction of The Animal Welfare (Primate Licences) (England) Regulations 2024 ("Primate Licence Regulations") places an additional responsibility on the Council to licence private primate keepers. This new licensing regime sets out minimum welfare standards that keepers of primates will be required to meet.

The Primate Licence Regulations state that it will be a legal requirement for all private primate keepers to hold a primate licence by 6 April 2026.

It should be noted that these Regulations do not apply to primate keepers operating under a zoo licence. However, those individuals who currently keep primates under a Dangerous Wild Animals Licence, and/or a licence under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, will be required to hold a primate licence in addition to any other licence. The Council currently licence one keeper of primates under the Dangerous Wild Animals Act 1976, which relates to the keeping of lemurs. This licence holder also keeps species of primates not requiring a dangerous wild animal act licence, namely squirrel monkeys, which will come in scope of the new requirements.

It will be challenging to assess how many of these animals are being kept within Broxtowe. This information is not currently held by the Council, with many private primate keepers not having previously required a licence of any kind. Local vets will be asked to signpost any clients they know to keep primates to the Council and additional communications will be undertaken to further promote this new requirement.

DEFRA statutory guidance issued under Regulation 20 of the Primate Licence Regulations was not published until July 2025. Local authorities must have regard to this guidance which comprises three documents, namely one covering application and inspection procedures and two providing guidance on licence conditions to assist both inspectors and applicants.

Primate licences will be issued for a period of three years or a shorter period if requested by the applicant. Licences will be subject to an extensive list of statutory conditions which are set out in Schedule 1 of the Primate Licence Regulations. The Regulations state that before determining whether to grant a licence, an inspection must be carried out of the premises to determine whether licence conditions will be met. This must be carried out by a vet or a “suitably qualified person”.

The statutory guidance sets out that a suitably qualified person can include an experienced zookeeper or recognised primate expert, or a trained primate or animal licensing officer. It is planned that all initial and most renewal inspections will be carried out with assistance from a specialist vet or other third-party expert. However, once suitably trained, animal licensing officers will carry out some inspections, with the requirement to use a vet or other expert being determined on a case-by-case basis, considering complexity and compliance history. Where a primate keeper also holds a DWA licence requiring a vet inspection, attempts will be made to carry out both inspections at the same time, where feasible, to reduce the costs to the applicant.

The statutory guidance sets out that inspectors will also be required to complete a comprehensive inspection report which includes their assessment of the applicant’s likely compliance with each of the 48 licence conditions.

Local authorities are required to ensure that inspectors are provided with appropriate administrative support to produce their report and having considered the report, will have to be satisfied that all conditions are likely to be met before granting a licence. Under the current scheme of delegation, the Head of Environmental Health, Licensing and Private Sector Housing can determine licences relating to animal activities.

In relation to fees, Regulation 13 of the Primate Licence Regulations sets out that a local authority may: (a) Charge a fee in respect of any application relating to a primate licence and (b) Charge a fee in respect of any inspection which it must or may arrange. In anticipation of the new requirements, fees were set in 2025. The fees are set on a cost recovery basis and applied officer experience of the lengthy and complex inspections likely to be required to calculate the amount. There is no requirement for a consultation to be conducted, or for new fees to be advertised prior to them being implemented.

Specialist veterinary advisor fees will be recharged on an actual cost basis in addition to the application fee. This is consistent with how charges are made for third party inspections in other areas of animal licensing such as hiring out of

horses, dog breeding, the keeping of dangerous wild animals and for zoo licensing.

The fee includes all costs of determining the application and a grant fee covering a contribution to the cost of the required interim inspection. If an application is withdrawn prior to grant, the grant fee of 20% will be refunded to the applicant. It should be noted that Regulation 16(2)(c) provides powers for the Council to suspend or revoke a primate licence for non-payment of any fees due. It is recommended that 28 days is a reasonable time limit to make this payment before the process to suspend or revoke a licence is instigated.

Further training will be required for Officers who are currently authorised to carry out inspections relating to animal licences who are also authorised as Inspectors under Section 51 of the Animal Welfare Act 2006.

Work is currently being undertaken to update the web pages and develop the application form. This will be undertaken within existing resources.

In relation to private primate keepers, the option of issuing fixed penalty notices under the Animals (Penalty Notices) Act will apply for keepers found not to be licensed after 6th April 2026 (an offence under section 13 of the Animal Welfare Act 2006 "AWA"), or for those who have committed an offence under section 9 of the AWA "Duty of person responsible for animal to ensure welfare".

#### 4. Financial Implications

The comments from the Interim Deputy Chief Executive and Section 151 Officer were as follows:

There will only be limited financial implications for the Council. The cost of administering the new primate licensing process will be covered by the appropriate licence fee as outlined above.

#### 5. Legal Implications

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

The Animal Welfare (Primate Licences) (England) Regulations 2024 have been made under section 13 of the Animal Welfare Act 2006 and place powers and responsibilities on the Council in respect of licensing of those that keep primates in their area. The relevant provisions are contained within the report

#### 6. Human Resources Implications

There are no comments from the Human Resources Manager.

#### 7. Union Comments

There are no Union comments.

8. Climate Change Implications

There are no climate change implications contained within the report.

9. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

As this is not a new policy an equality impact assessment is not included in the appendix to this report.

11. Background Papers

Nil.