

PRIMATE KEEPER LICENSING

Relevant Portfolio Holder	Cllr Kit Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Director of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Animal Welfare (Primate Licences) (England) Regulations 2024 were made in March 2024 and are due to take effect from 6 April 2025. The regulations introduce a new licensing regime for those that keep primates in England.
- 1.2 Under these regulations, the Council will be responsible for considering and determining applications for licences as well as undertaking compliance and enforcement activities.
- 1.3 This report has been prepared to provide the Licensing Committee with information on the background and details of the licensing regime that is coming into effect.

2. RECOMMENDATIONS

2.1 Members are asked to:

- i. **Note the contents of the report and the implications of the Animal Welfare (Primate Licences) (England) Regulations 2024 on the Council.**
- ii. **Recommend to Council that the Fees applicable to Primate Keeper Licences are set.**

3. KEY ISSUES

Summary

3.1 BACKGROUND TO THE REGULATIONS

- 3.2 The RSPCA estimates that there are up to 5000 primates that are owned

privately in Britain. The most commonly kept species are believed to be common marmosets, tamarins and squirrel monkeys.

- 3.3 Primates are highly intelligent, long-lived animals who form intricate social relationships with each other and experience emotions, and suffer, in a similar way to humans. Meeting the complex physical and behavioural needs of these wild animals in captivity is incredibly difficult and even modern zoos and research facilities, with all their resources and expertise, are still trying to overcome serious welfare problems.
- 3.4 Some of the consistent areas of concern for primates kept as pets that can cause serious suffering are:
- Social isolation
 - Early weaning
 - Cramped and inappropriate housing
 - Poor diet
- 3.5 Animal welfare organisations, including the RSPCA and Born Free have campaigned for over 20 years to end the keeping of primates as pets.
- 3.6 At the 2019 general election, the Conservative, Labour and Liberal Democrat manifestos all contained commitments to ban the keeping of primates as pets.
- 3.7 Following the Conservative victory at the 2019 general election, a call for evidence was undertaken in which 98.7% of respondents expressed support for a ban on keeping, breeding, acquiring, gifting, selling or otherwise transferring primates, apart from to persons licensed to keep primates to zoo-level standards.
- 3.8 Measures to end the keeping of primates as pets were then included in the DEFRA “Action Plan for Animal Welfare” and formed part of the Animal Welfare (Kept Animals) Bill laid before Parliament. However the government took the decision in May 2023 to drop this bill amid concerns about “scope-creep.” The government announced that they would instead bring forward measures contained in the bill individually during the remainder of the Parliament.
- 3.9 In June 2023, DEFRA consulted again on making regulations under section 13 of the Animal Welfare Act 2006 to introduce a licensing regime and high standards of care and welfare for primates kept as pets.
- 3.10 On 5 March 2024, the Animal Welfare (Primate Licences) (England) Regulations 2024 were made under section 13 of the Animal Welfare Act 2006. This is the same primary legislation under which licensing regimes have previously been implemented for those involved in:

- Selling animals as pets
- Providing or arranging for the provision of boarding for cats or dogs
- Hiring out horses
- Breeding dogs
- Keeping or training animals for exhibition

3.11 THE ANIMAL WELFARE (PRIMATE LICENCES) (ENGLAND) REGULATIONS 2024

- 3.12 The Animal Welfare (Primate Licences) (England) Regulations 2024 will come into force in two phases on 6 April 2025 and 6 April 2026.
- 3.13 It will become an offence to keep a primate in England without a licence from 6 April 2026. The only exemptions to the requirement to hold a licence will be where the primates concerned are being kept in a licensed zoo or a place specified in a licence under section 2C of the Animals (Scientific Procedures) Act 1986.
- 3.14 Applications for licences can begin to be made from 6 April 2025 onwards. The licensing authority for the purposes of the regulations is the local authority in whose area the premises at which a primate is kept or is to be kept are situated.
- 3.15 An application may not be made by an individual who is under the age of 18 or who is disqualified from keeping primates under any of the following:
- section 34(2) of the Animal Welfare Act 2006
 - section 1 of the Protection of Animals (Amendment) Act 1954
 - section 40(1) of the Animal Health and Welfare (Scotland) Act 2006
 - section 33(1) of the Welfare of Animals Act (Northern Ireland) 2011
- 3.16 On receipt of an application for a licence, the local authority will be required to arrange for a suitable person to inspect the premises specified in the application to determine whether the licence conditions are likely to be met if the application were to be granted.
- 3.17 Following that inspection, if satisfied that the licence conditions are likely to be met, the local authority must grant the applicant a primate licence with effect from such date as it may determine. If the local authority is not satisfied that the licence conditions are likely to be met, it must refuse the application. Licences will normally be granted for a period of up to three years and then expire.
- 3.18 The licence conditions that must be met are set out in Schedule 1 of the regulations and will be supported by detailed guidance that will be given by the Secretary of State in accordance with regulation 20. The conditions will set high care and welfare standards similar to those that are required to be met when primates are kept in licensed zoos.

- 3.19 The regulations also contain provisions relating to inspections and enforcement. A local authority that has granted a primate licence may, during the licence period, arrange for a suitable person to inspect the premises specified in the licence to determine whether the licence conditions are being met and must do so at least once in that period unless the licence was granted for a period of less than one year.
- 3.20 It will be an offence for a licence holder to fail to comply with a licence condition. The offence carries a penalty of an unlimited fine. Local authorities will also have the power to serve a “rectification notice” as an alternative to prosecuting a licence holder who fails to comply with a licence condition.
- 3.21 A rectification notice must:
- state that the local authority considers that the holder of the licence is failing to meet a licence condition, and why;
 - specify the steps that the local authority considers that the holder of the licence needs to take to comply with the licence condition;
 - specify a period not exceeding two years in which those steps are to be taken (“the rectification period”);
- 3.22 Where a rectification notice has been given, the local authority cannot bring proceedings for non-compliance with any of the licence conditions identified in the notice before the end of the rectification period and if the required steps are taken during the rectification period, no proceedings can be brought subsequently for that non-compliance. The local authority may extend the rectification period, and may do so more than once, so long as the rectification period as extended does not exceed two years.
- 3.23 A local authority that has granted a primate licence may also revoke or vary the licence if the local authority is satisfied that the holder of the licence has failed to:
- comply with a licence condition;
 - allow access for an inspection;
 - pay a fee charged; or
 - take the steps specified in the rectification notice.
- 3.24 This reference to varying a primate licence means varying it by:
- reducing the number of any primates of any species that is authorised
 - to be kept under the licence; or
 - removing any species of primate specified in the licence
- 3.26 **PREPARATION AND NEXT STEPS**
- 3.27 Officers are currently preparing for the implementation of the regulations. A dedicated webpage has been created on the Council's website to provide information about the new licensing requirements. This webpage will continue

to be developed as further information becomes available. The implementation of the licensing regime will also be publicised with the help of the Council's Communications Team.

- 3.28 An application form is being developed and proposed fees have been calculated as follows:

Application for the grant of a licence	£366.00
Application for renewal of a licence	£300.00
Application for variation of a licence	£267.00
Inspections fees	£182.00

- 3.29 Back-office systems are also in the process of being updated to enable applications to be logged and processed and to enable licences to be issued.

- 3.30 Officers are also working to try and gather information and intelligence from relevant professionals and the public in order to try and identify any primates that are being kept in the Council's area and whose keepers will need to apply for a licence.

3.31 CONSULTATION

- 3.32 No consultation is required.

3.33 MONITORING

- 3.34 The Secretary of State may require a local authority to provide any of the following information to the Secretary of State:

- the number of primate licences in force in the authority's area;
- the number of primates by species in the authority's area kept under primate licences;
- the level of fees charged by the authority under the regulations;
- any other information relating to the discharge of the authority's functions under the regulations that the Secretary of State may reasonably require.

- 3.35 The Secretary of State may require any relevant information is provided within such period as they may reasonably require, which must be at least a period of one month from the date on which the information was requested.

4. FINANCIAL IMPLICATIONS

- 4.1 Local authorities can charge a fee in respect of any application relating to a primate licence and can also charge a fee in respect of any inspection which it must or may arrange under the regulations. Licence fees should be calculated based on cost recovery and will be reviewed annually to ensure they are set at the right level.

5. LEGAL IMPLICATIONS

- 5.1 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 the licensing of those that keep primates in their area.

6. RISK MANAGEMENT

- 6.1 Failure to implement the new licensing regime correctly would leave mean that the Council is not fulfilling its statutory obligations as the licensing authority for licences issued under the Animal Welfare (Primate Licences) (England) Regulations 2024.
- 6.2 Any primate being kept in the Council's area otherwise than in accordance with the prescribed licence conditions, may experience serious suffering as a result.

7. BACKGROUND PAPERS

- 7.1 The Animal Welfare (Primate Licences) (England) Regulations 2024

AUTHOR OF REPORT

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