

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY 24TH MARCH 2025, AT 6.00 P.M.

PRESENT: Councillors J. Elledge (Chairman), J. Clarke, A. M. Dale, D. J. A. Forsythe, D. Hopkins, B. Kumar, P. M. McDonald, B. M. McEldowney (substituting for Councillor C. A. Hotham) D. J. Nicholl (substituting for Councillor S. M. Evans and S. R. Peters

Officers: Mr. M. Howarth, Ms. M. James and Mrs. P. Ross

26/24

PRIMATE KEEPER LICENSING

The Interim Principal Licensing Officer, Worcestershire Regulatory Services (WRS) presented a report on the Primate Keeper Licensing; and in doing so informed the Committee that the Animal Welfare (Primate Licences) (England) Regulations 2024 were made in March 2024 and were due to take effect from 6 April 2025. The regulations introduced a new licensing regime for those that kept primates in England.

The Animal Welfare (Primate Licences) (England) Regulations 2024 was due to come into force in two phases on 6 April 2025 and 6 April 2026. Giving keepers of primates 12 months to get the required licence.

Under these regulations, the Council would be responsible for considering and determining applications for licences as well as undertaking compliance and enforcement activities.

The RSPCA estimated that there were up to 5000 primates that were owned privately in Britain. The most commonly kept species were believed to be common marmosets, tamarins and squirrel monkeys.

Primates were highly intelligent, long-lived animals who formed intricate social relationships with each other and experienced emotions, and suffered in a similar way to humans. Meeting the complex physical and

behavioural needs of these wild animals in captivity was incredibly difficult and even modern zoos and research facilities, with all of their resources and expertise, were still trying to overcome serious welfare problems.

Some of the consistent areas of concern for primates kept as pets that could cause serious suffering were:

- Social isolation
- Early weaning
- Cramped and inappropriate housing
- Poor diet

Animal welfare organisations, including the RSPCA and Born Free had campaigned for over 20 years to end the keeping of primates as pets.

At the 2019 general election, the Conservative, Labour and Liberal Democrat manifestos all contained commitments to ban the keeping of primates as pets.

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 persons licensed to keep primates to zoo-level standards.

Measures to end the keeping of primates as pets was 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.

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.

On 5 March 2024, the Animal Welfare (Primate Licences) (England) Regulations 2024 were made under section 13 of the Animal Welfare Act 2006. This was the same primary legislation under which licensing regimes had 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

It would then 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 would be where the primates concerned were being kept in a licensed zoo or a place specified in a licence under section 2C of the Animals (Scientific Procedures) Act 1986.

Applications for licences could be made from 6 April 2025 onwards. The licensing authority for the purposes of the regulations was the local authority in whose area the premises at which a primate was kept or was to be kept were situated.

On receipt of an application for a licence, the local authority would be required to arrange for a suitable person to inspect the premises specified in the application to determine whether the licence conditions were likely to be met if the application were to be granted.

The licence conditions that must be met were set out in Schedule 1 of the regulations and would be supported by detailed guidance that would be given by the Secretary of State in accordance with regulation 20. The conditions would set high care and welfare standards similar to those that were required to be met when primates were kept in licensed zoos.

The regulations also contained provisions relating to inspections and enforcement. A local authority who had 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 were 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.

It would be an offence for a licence holder to fail to comply with a licence condition. The offence carried a penalty of an unlimited fine. Local authorities would also have the power to serve a 'rectification notice' as an alternative to prosecuting a licence holder who failed to comply with a licence condition.

A rectification notice must:

- state that the local authority considered that the holder of the licence was failing to meet a licence condition, and why;
- specify the steps that the local authority considered that the holder of the licence needed to take to comply with the licence condition;

- specify a period not exceeding two years in which those steps were to be taken (“the rectification period”).

Where a rectification notice was given, the local authority could not 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 were taken during the rectification period, no proceedings could 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 did not exceed two years.

A local authority who had granted a primate licence may also revoke or vary the licence if the local authority was satisfied that the holder of the licence had 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.

This reference to varying a primate licence means varying it by:

- reducing the number of any primates of any species that was authorised to be kept under the licence; or
- removing any species of primate specified in the licence

Officers were currently preparing for the implementation of the regulations. A dedicated webpage had been created on the Councils website to provide information about the new licensing requirements. The webpage would continue to be developed as further information became available. The implementation of the licensing regime would also be publicised with the help of the Council’s Communications Team.

An application form was currently being developed and proposed fees had 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

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

Officers were also working to try and gather information and intelligence from relevant professionals and the public in order to try and identify any primates that were being kept in the Council's area and those keepers who needed to apply for a licence.

Members' attention was drawn to the Recommendations, as detailed on page 19 of the main agenda pack.

In response to questions from Members, the Council's Legal Advisor referred to page 23 of the main agenda pack, as follows:-

'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.

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.'

In response to a further query, the Interim Principal Licensing Officer clarified that dependent on whether a 1 year, 2 year or 3 year licence was applied for, that a higher level of requirement would be needed for licences issued for a period longer than one year.

The Interim Principal Licensing Officer explained that she was not aware of any National Publicity Campaign on Primate Keeper Licensing. As detailed in the report, the RSPCA estimated that there were up to 5,000 primates owned privately in Britain. The number of primates kept in Worcestershire was unknown, however, WRS officers would use information gathered and intelligence.

WRS Licensing officers were fully trained under the Animal Welfare Act 2006, however, should the Guidance give responsibility to Licensing officers, then the Interim Principal Licensing officer would

check if officers needed to undergo additional training and any potential costs involved.

Officers responded to questions on:-

- Recovery of costs via licence fees if an animal licensing specialist was required.
- How the proposed licence fees were calculated.
- Noise nuisance from primates.
- Tracking and monitoring primates being sold, especially being sold illegally.

Members were further informed that WRS officers would liaise with the Council's Communications Team with regard to getting the message out on the new licencing regime for primate keepers.

The Interim Principal Licensing Officer further explained that WRS were often asked by Central Government for data on premises, gambling and taxi licences. However, officers were unsure if data on primate licensing would be requested or shared centrally.

Furthermore, the Licensing Authority would not be responsible for removing primate, the primate if removed, would be moved to a location that met the required statutory guidance.

Officers would provide guidance and educate people seeking compliance to keep primates, by giving assistance to people to ensure that they were complaint. With regard to prosecution, as detailed in the report, a rectification notice would initially be given requiring steps to be taken to comply with a licence.

Members questioned what would happen should a licence not be issued or Revoked, who would be responsible for the removal of any primates. The Interim Principal Licensing Officer stated that until the guidance was released this question could not be answered. It could be the Local Authority working in conjunction with animal specialists or other agencies responsibility such as the RSPCA.

RESOLVED that the contents of the report and the implications of the Animal Welfare (Primate Licences) (England) Regulations 2024 on the Council, be noted.

RECOMMENDATION that the fees applicable to Primate Keeper Licences be set, 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

The meeting closed at 7.07 p.m.

Chairman