

Report to Environment & Licensing Committee

Subject: Implementation of Primate Licensing

Date: 7th July 2026

Author: Director of Place

Purpose

To advise Members of the changes in animal welfare licensing legislation following the implementation of Animal Welfare (Primate Licences) (England) Regulations 2024

To advise Members of the changes in the procedures for the grant and administration of licences relating to the licensable activities;

To approve the proposed fees for the processing and enforcement of licences issued by the Council under Animal Welfare (Primate Licences) (England) Regulations 2024

Recommendation(s)

THAT:

- 1) Members note the contents of the report and the procedural changes being made by the Council to administer the new animal activities licensing regime.**
- 2) Members approve the fees attached at Appendix 1 for the new animal licensing process.**
- 3) Members delegate authority to the Director of Place to exercise all functions under Animal Welfare (Primate Licences) (England) Regulations 2024, including authority to appoint named Officers as Inspectors under the Regulations.**

1 Background

Changes in Legislation

- 1.1 Under Section 12 of the Animal Welfare Act 2006 the Secretary of State for Environmental Food and Rural Affairs (DEFRA) have the power to create new regulations to Promote the welfare of animals.
- 1.2 The Secretary of state has elected to regulate the keeping of primates by private individuals via the Animal Welfare (Primate Licences) (England) Regulations 2024. The Regulations will not apply to licensed Zoos or where a primate is kept for prescribed temporary purposes. The regulations have seen a soft implementation for voluntary applications to obtain a licence from 6 April 2025 and will become a requirement for all keepers of primates on 6 April 2026. No contact has been received to date regarding this.
- 1.3 The regulations require the keeper of any species of primate other than human beings (*Homo sapiens*) to hold a licence which will include conditions requiring the keeper to provide for the needs of the animals they care for including:
 - for a suitable environment
 - for a suitable diet
 - to be able to exhibit normal behaviour patterns
 - to be housed with, or apart from, other animals
 - to be protected from pain, suffering, injury, and disease
- 1.4 To keep some species of primate already requires a licence under the Dangerous Wild Animals Act 1976. No such primates are currently licensed within the Gedling district. The Council hold no record of primates not falling within the 1976 Act so have no indication on the numbers of licences which will be applied for however, numbers are expected to be low.
- 1.5 Inspection

The Regulations require a 'qualified inspector' to carry out these inspections. A qualified inspector must hold a level 3 certificate granted by an approved training provider relating to inspection and licensing of animal activity businesses. This will be carried out by suitably qualified Officers

within the team.

- 1.6 In addition to the qualification requirements mentioned, in the case of the primate licences the inspector must still be accompanied by a veterinary surgeon.
- 1.7 The regulations stipulate that a licence must be for a three-year period unless the applicant requests it for a lesser period. It is proposed that as well as granting a three-year licence the Council will allow applications for a two-year licence to align with any Dangerous Wild Animals Act 1976 licence to reduce overall licensing and veterinary inspection costs for the applicant. Where an applicant does not require a DWA licence, a three-year licence will be issued which will reduce the cost and administrative burden on both the licence holder and the Council.
- 1.8 Having undertaken an inspection of a premises the Council must attach the general conditions and the relevant activity specific conditions before granting the licence.
- 1.9 When considering the conditions that are placed on a licence the Regulations state that the licensing authority may: suspend, vary or revoke a licence if they are satisfied that a) The licence conditions are not being complied with b) There has been a breach of the Regulations c) Information provided by the applicant was false or misleading d) It is necessary to protect the welfare of an animal
- 1.10 Where the authority chooses to issue, renew, vary, suspend or revoke/refuse a licence, the licence holder has 28 days, from the date the Council issues the decision, in which they can make written representations to the authority. These representations will be considered by the appropriate Service Manager and the applicant notified of the decision. If the applicant is still aggrieved with the decision they have 28 days from the date of the receipt of the decision to appeal to the first-tier tribunal.

1.11 **Fees**

The regulations require the Council to introduce licences for the keeping of primates. The Council have the power to charge fees in relation to any application relating to a primate licence under the regulations. Fees are proposed on the same basis as those for existing animal activities licences, that they shall consist of an application fee (payable on application) and a licence fee (payable on approval of application). This process ensures an applicant who applies for, but is ultimately refused, a licence pays only for the time spent considering that application and not for the full duration of the licence.

- 1.12 It is not lawful for the Council to make a profit from its licensing functions, and the proposed fees have to be set, based on cost recovery, and a reasonable estimate of the costs of undertaking this.
- 1.13 The fees are split into two parts. An 'application fee' payable at the time of submitting an application to cover the Council's costs in considering and determining the licence, and a 'grant fee' payable on the grant of a licence to cover ongoing costs incurred by the Council for enforcement and compliance. The proposed fees are set out in Appendix 1. In addition to the appendix 1 licence fees the applicant will also have to pay separately for the costs of a specialist vet to assist with the inspection.

2 Proposal

2.1 It is proposed;

- That Members note the implications of the Regulations and the procedural changes being made by the Council to administer the new licensing regime.
- That Members approve the Animal Activity Licensing fees attached at Appendix 1.
- That Members delegate authority to the Director of Place to exercise all functions under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, including authority to appoint named Officers as Inspectors under the Regulations.

3 Alternative Options

- 3.1 Licensing for Primate ownership will be mandatory under legislation after 6 April 2026. As this is a statutory requirement the council must administer licence applications and should not delegate authority to officers the determination of licence applications, renewals, revocations, refusals, variations and suspensions would need to be determined by the Environment and Licensing Committee.,

4 Financial Implications

- 4.1 The proposed fees and charges are designed to ensure that the service operates on a full cost recovery basis. A reconciliation will take place to ensure that the fees do meet full cost recovery and does not generate a surplus. The fee will be reviewed annually in line with other General Licensing fees.

5 Legal Implications

- 5.1 From 6 April 2026, the Council, as licensing authority, must administer the Animal Welfare (Primate Licences) (England) Regulations 2024, including determining applications, granting/refusing licences, attaching and enforcing conditions, and (where the statutory tests are met) varying, suspending or revoking licences. Decisions must be lawful, reasonable and procedurally fair, supported by the required inspection evidence. Applicants must be allowed to make representations and appeal to the First-tier Tribunal within the timescales in the Regulations. The Regulations set out detailed provisions regarding the scope of licensable activity, application and renewal processes, mandatory licence conditions, inspection arrangements, enforcement powers, and offences.
- 5.2 Local authorities are required to have regard to statutory guidance issued under Regulation 20 when exercising any function under the Regulations. This guidance provides detailed direction on inspection, decision-making, enforcement, and the application of the minimum welfare standards.
- 5.3 Failure to obtain a primate licence, failure to comply with licence conditions, or obstruction of authorised inspectors constitutes an offence, and may result in sanctions including licence revocation, rectification notices, and prosecution. Regulation 18 also provides powers of entry, and Part 3 provides for additional post-conviction powers to protect animal welfare.
- 5.4 The delegations sought are necessary to ensure the Council can meet its statutory obligations, administer licences efficiently, and enforce compliance to uphold the welfare standards mandated by the Regulations. They will also ensure alignment with the statutory guidance, which local authorities are legally required to follow when discharging their responsibilities.
- 5.5 Fees must be set in line with the Regulations and on a cost-recovery basis, supported by an auditable rationale, with appropriate delegations, guidance and records to reduce the risk of complaint, appeal or judicial review.

6.1 Local Government Reorganisation Implications

- 6.1 Once LGR has been implemented and the new council has been established the licence fees will be reviewed to reflect the new costs of providing the service. The licence conditions should remain the same as the council proposes to use the conditions in the legislation until these are updated by Government.

7 Equalities Implications

- 7.1 The Council must have due regard to the Public Sector Equality Duty under section 149 of the Equality Act 2010 when implementing and administering the primate licensing regime. The proposals are not anticipated to have a disproportionate adverse impact on any group with protected characteristics; however, the Council will ensure that application information and processes are accessible, provide reasonable adjustments where required, and monitor any equality-related issues arising through enquiries, applications, inspections and enforcement activity.

8 Carbon Reduction/Environmental Sustainability Implications

- 8.1 No implications have been identified

9 Appendices

- 9.1 Appendix 1 – Proposed Fees

10 Background Papers

- 10.1 [Licensing process for keeping primates - GOV.UK](#)
[The Animal Welfare \(Primate Licences\) \(England\) Regulations 2024](#)
[Licence conditions for primate keepers \(Schedule 1\) - GOV.UK](#)
[Callitrichids: licence conditions for keepers \(Annex A\) - GOV.UK](#)

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer