



**North East
Derbyshire**
District Council

DRAFT

Animal Welfare

Licensing Policy

2026

Equalities Statement

North East Derbyshire District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

Access for All statement

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CONTROL SHEET FOR ANIMAL WELFARE LICENSING POLICY

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Animal Welfare Licensing Policy
Current status – i.e. first draft, version 2 or final version	First Draft
Policy author (post title only)	Licensing Team Manager
Location of policy (whilst in development) – i.e. L-drive, shared drive	S Drive
Relevant Cabinet Member (if applicable)	Cllr Steve Pickering
Equality Impact Assessment approval date	TBC
Partnership involvement (if applicable)	N/A
Final policy approval route i.e. Joint Strategic Alliance Committee, Cabinet/Executive/Council	Licensing Committee Scrutiny Committee Council
Date policy approved	TBC
Date policy due for review (maximum three years)	TBC
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	TBC

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PART 1: OVERARCHING PRINCIPLES AND GENERAL FRAMEWORK

1. Introduction

1.1 Background

North East Derbyshire District Council ('The Council') is responsible for the licensing and regulation of animal activities under the Animal Welfare Act 2006, the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, The Animal Welfare (Primate Licences) (England) Regulations 2024, the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981.

The legislation is aimed at protecting the welfare of animals and sets clear, modern expectations for the care and treatment of animals kept or used for certain activities in the district.

There is no legislative requirement for a policy, but it is considered good practice to have a Policy in place.

1.2 Scope

This Animal Welfare Licensing Policy ('the Policy') sets out how the Council will exercise its functions under the legislation. It provides a clear framework to assist the Council, operators and the public in understanding how the animal licensing regime is administered within the district.

The Policy deals with licences that are categorised into the following:

- Animal Activity Licences issued under The Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018,
- Primate Licences issued under the Animal Welfare (Primate Licences) (England) Regulations 2024,
- Dangerous Wild Animal Licences issued under the Dangerous Wild Animals Act 1976; and
- Zoo Licences issued under the Zoo Licensing Act 1981.

The Policy does not cover other animal related activities such as; dog walking, dog training classes, pet sitting (in the pets' home), grooming, rescue centres and animal sanctuaries, charities, livery yards, and circuses. This list is not exhaustive.

In carrying out these regulatory functions, the Council will have regard to the Policy, the legislation and any statutory guidance. Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from this Policy, clear and compelling reasons will be given for doing so.

1.3 Glossary of Terms

In this Policy:

'the Act' means the Animal Welfare Act 2006.

'DBS' means Disclosure and Barring Service.

'The Council' means North East Derbyshire District Council.

'DEFRA' means the Department for Environment, Food and Rural Affairs or the government department responsible for animal welfare Policy and statutory guidance.

'Inspector' means a Council appointed Animal Licensing Inspector.

'Interim inspection' means any inspection carried out during the term of the licence other than a renewal inspection.

'Licensable activity' means any animal related activity which would require a licence under the legislation outlined in this Policy.

'Operator' means any applicant, licence holder, or person who carries on, attempts to carry on, or proposes to carry on a licensable activity which would require a licence under the legislation specified in this Policy.

'Relevant offence' means any offence detailed in Appendix 1 of the Policy.

'Veterinary Inspector' means any veterinarian appointed by the Council under the relevant legislation.

'the 1976 Act' means the Dangerous Wild Animals Act 1976 and any consequential amendments.

'the 1981 Act' means the Zoo Licensing Act 1981 and any consequential amendments.

'the 2018 Regulations' means the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and any consequential amendments.

'the 2018 Guidance' means the [Animal activity licensing process: statutory guidance for local authorities](#) and any subsequent activity specific guidance details of which can be found in [Paragraph 14.2](#) of the Policy.

'the 2024 Regulations' means the Animal Welfare (Primate Licences) (England) Regulations 2024 and any consequential amendments.

'the 2024 Guidance' means the [Licence conditions for primate keepers \(Schedule 1\) - GOV.UK](#).

1.4 Contacts

The Council's Licensing Team is joint with Bolsover District Council. The points of contact for any animal welfare licensing issues or enquiries are:

Licensing Team
Joint Environmental Health Service

North East Derbyshire District Council
District Council Offices
2013 Mill Lane
Wingerworth
Chesterfield
S42 6NG

Telephone: 01246 211111

Email: licensing@ne-derbyshire.gov.uk

Website: <https://www.ne-derbyshire.gov.uk/>

A copy of this Policy is available on the Council's website.

2. Policy Objectives and Welfare Principles

2.1 Policy Objectives

In setting out this Policy the Council seeks to:

- Protect and promote animal welfare standards,
- Protect the environment,
- Safeguard public health and safety,
- Provide a clear and consistent regulatory framework; and
- Provide a reliable, fair, transparent, and accessible service.

2.2 The Animal Welfare Act 2006 and the Five Animal Welfare Needs

The [Animal Welfare Act 2006](#) ('the Act') was introduced to modernise and consolidate outdated animal protection laws and to provide a clear, consistent framework for safeguarding animal welfare. The Act established a statutory duty of care, requiring anyone responsible for an animal to meet its welfare needs.

The Act introduced five overarching principles of animal welfare, commonly known as the 'five needs' of all animals:

- The need for a suitable environment,
- The need for a suitable diet,
- The need to be able to exhibit normal behaviour patterns,
- Any need to be housed with, or apart from, other animals; and
- The need to be protected from pain, suffering, injury, and disease.

The Act strengthened enforcement powers for local authorities and other agencies and enabled early intervention where standards fall short.

The Act bestowed an overarching welfare obligation on those who hold licences under the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981; and provides the legal basis for subsequent regulations, including the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and the Animal Welfare (Primate Licences) (England) Regulations 2024, which set the licensing requirements for animal related activities. Each of these pieces of legislation are explored more in the Legislation Specific Provisions in Part 2 of this Policy.

3. General Administrative Principles

3.1 Pre-Application Advice

Detailed guidance is available to operators on the Council's website. Where an operator is not sure of the requirements for their animal activity, they are encouraged to seek advice at an early stage to avoid delays or unnecessary costs. Contact details for the Council's Licensing Team can be found at [Paragraph 1.4](#) of the Policy.

3.2 Disclosure and Barring Service Checks

All operators are required to submit a Basic Disclosure and Barring Service ('DBS') certificate with their application. The certificate must be no more than 3 months old when a full and valid application is submitted to the Council.

Where an operator is renewing their licence, they should provide an updated certificate with their renewal application.

Where the Council receives notification that an operator has been convicted of a Relevant Offence in line with the Convictions Policy set out in Appendix A, the operator will be required to provide an updated DBS at their own cost.

Any convictions listed on a certificate will be assessed in line with this Policy and the relevant legislation and/or guidance.

You can [Request a basic DBS check - GOV.UK](#) online.

3.3 Animal Licensing Inspectors and Veterinary Inspectors

The Council will appoint a suitably qualified and competent Animal Licensing Inspector ('the Inspector') to carry out assessments under the relevant animal licensing legislation and guidance. Inspectors will be selected based on their qualifications, professional expertise, experience, and ability to assess compliance with welfare standards.

Where a veterinary inspection is required by law, or where the Council determines that specialist veterinary knowledge is necessary to properly evaluate an application or site, a Veterinary Inspector with appropriate species-specific competence will be appointed to undertake the inspection.

Upon completion of an inspection a report will be prepared detailing the findings. Copies of any report will be provided to the operator.

Where a veterinary inspection is required, the operator will be responsible for reimbursing the Council for any costs incurred.

3.4 Timescales

The Council will aim to deal with all applications within 10 weeks of receipt of a full and valid application.

Where the application process is likely to take longer than 10 weeks, the operator will be notified of the reason for delay.

4. Application Processes

All applications should be submitted to the Licensing Team using the forms and templates available on the Council's website.

Applications will be determined by the Inspector acting under delegated powers. The Inspector will consider each application on its own merits and will have regard to this Policy, the relevant legislation and any relevant guidance when determining applications. Where it is necessary for the Council to depart from this Policy, clear and compelling reasons will be given for doing so.

If an operator is dissatisfied with the outcome of their application, they may appeal the decision in line with the appeal procedures outlined in the Legislation Specific Provisions in Part 2 of this Policy.

Application processes are outlined in more detail on the Council website and in the Legislation Specific Provisions in Part 2 of this Policy.

5. Welfare Standards and Conditions

All operators must adhere to a specific set of standards set out in legislation and guidance. These standards form the basis of the conditions which are attached to a licence.

Each type of licence has its own specific set of standards, further details of which can be found in the Legislation-Specific Provisions in Part 2 of this Policy.

Where the legislation allows it, the Council may also require operators to meet additional standards, where they have been recommended by an expert Veterinary Inspector and/or other recognised experts in the relevant field.

6. Safeguarding

Animal licensing legislation has the primary aim of maintaining and improving animal welfare standards. However, there are other safeguarding considerations arising from licensable activities, in particular the protection of children and vulnerable persons.

The Council is aware that some licensable activities may involve unsupervised contact with children and/or vulnerable persons (e.g. the tuition of a young person provided at a riding school or entertaining at a children's party with an exhibition of animals).

The Council expects operators whose activities involve contact with children or vulnerable persons to:

- have a written safeguarding policy and provide training for staff; and
- have a procedure for vetting staff who have unsupervised contact with young/vulnerable persons.

7. Planning

It is the operator's responsibility to ensure that appropriate planning consent is in place for their proposed activity and site.

Planning control and animal activity licensing operate as two separate regulatory regimes, and meeting the requirements of one does not automatically satisfy the other. A licence issued for any animal activity does not grant, imply, or replace planning permission, nor does it authorise any use of land or buildings that would otherwise require planning approval. Likewise, obtaining planning permission does not guarantee that a licence will be granted.

Applicants must comply with both regimes independently, and the Council may take planning status into account when deciding whether the animal activity can be carried out appropriately and in accordance with any legislation or guidance.

8. Commercial Waste

All operators must ensure that any commercial waste arising from their animal related activities is managed and disposed of in accordance with the Environmental Protection Act 1990.

Any person who operates a business must ensure they have measures in place to safely contain and legally dispose of any waste produced by their business. Commercial waste must not be placed in household bins, to do so is an offence.

For more information on commercial waste visit our [website](#).

9. Fees and Charges

Any fees or charges payable can be found on the Council's website.

Operators will also be required to pay any third-party fees for veterinary/specialist inspections as required.

Fees are calculated on a cost recovery basis and consist of a primary fee and a secondary fee:

- The primary fee is due on application and covers the costs of processing the application. This fee is non-refundable.
- The secondary fee is payable once a licence has been approved but before it is issued, and covers the costs associated with the regulation and compliance during the term of the licence.

A licence will not be issued until all outstanding fees are paid.

10. Licensing Registers

The Council maintains and publishes a register of operators licensed to carry out animal activities, which is available on the Council's website.

Information relating to private operators or businesses operating from a domestic address will not be published, to protect personal data and ensure compliance with the General Data Protection Regulation.

11. Enforcement

The main enforcement and compliance role for the Council in terms of animal licensing will be to ensure the welfare of animals. This is done by ensuring compliance with the conditions placed upon any licence and taking action when standards are not met. The Council also investigate and take appropriate action against unlicensed activities.

All enforcement activity will be carried out in line with any relevant legislation, guidance and the Council's own Corporate Enforcement Policy, which is available on the website.

Wherever possible, the Council will adopt a graduated, education approach to enforcement. However, where necessary it will take appropriate and proportionate action against non-compliant operators.

Actions available to the Council include:

- Warnings,
- Informal requests to make improvements,
- Issuing a rectification notice,
- Issuing an improvement notice,
- Varying a licence,
- Suspending a licence,
- Revoking a licence,
- Seizing any affected animals,
- Issuing a formal caution; and
- Prosecution.

12. Delegations

Those Officers of the Council, authorised under the Council's Scheme of Delegations, are responsible for the day-to-day operation of the Council's Animal Welfare Policy, and the enforcement of the legislation and conditions relating to licensable activities.

The Council will appoint a suitable Veterinary Inspector to undertake such inspections and provide any necessary report as required by the legislation. The Council will aim to accompany any Veterinary Inspector appointed by them, to the inspection. Where this is not possible the Veterinary Inspector will be provided with confirmation of their authorisation in writing.

13. Policy Reviews

This Policy will be reviewed every five years; and will be kept under review and amended as and when necessary to reflect changes in legislation and guidance.

Minor changes to this Policy may be made by officers acting under delegated powers, except where not appropriate to do so.

PART 2: LEGISLATION SPECIFIC PROVISIONS

14. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

14.1 Legislation and Guidance

The [Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#) ('the 2018 Regulations') create a single, modern licensing framework for commercial activities involving animals. The 2018 Regulations cover the following licensable activities:

- Dog Breeding,
- Kennel Boarding for Dogs,
- Home Boarding for Dogs,
- Day Care for Dogs,
- Boarding for Cats,
- Selling Animals as Pets,
- Hiring out Horses; and
- Keeping or Training of Animals for Exhibition.

A licence is required where any of the above activities are being carried on in the course of a business. When establishing if the activity is being carried out in the course of a business, the Council will decide each case on its own merits and consider a range of factors including:

- Whether the activity is being conducted as a commercial business
- Whether the operator makes any sales or carries out the activity to make a profit
- Whether the operator earns any commission or fee from the activity
- [HMRC's 9 Badges of Trade](#)
- HMRC's income threshold (currently £1000), and
- Any other relevant factors specific to the case.

To accompany the 2018 Regulations the Department for Environment, Food and Rural Affairs ('DEFRA') publish the [Animal activity licensing process: statutory guidance for local authorities](#). ('the 2018 Guidance').

The 2018 Regulations and Guidance set out the mandatory welfare standards, inspection requirements, and procedures that the Council must follow when licensing and regulating animal activities.

14.2 Standards and Conditions

All operators are assessed against a set of standards. These standards form the basis for a set of mandatory conditions which are attached to the licence. The current standards are set out in the 2018 Regulations and Guidance.

The conditions are divided into two categories, General Conditions applicable to all licences and Specific Conditions relevant to the activity being licensed.

For all licensable activities except ‘keeping or training animals for exhibition’, a number of higher standards are laid down in the specific guidance for each activity. These higher standards are optional but an operator who can demonstrate that they can suitably meet these higher standards will gain a higher star rating.(an explanation of star ratings can be found at [Paragraph 14.5](#) of this Policy).

The higher standards are split into two categories, required and optional. These are clearly marked and differentiated in the 2018 Guidance. To qualify as meeting the higher standards the operator must achieve all of the required standards as well as a minimum of 50% of the optional higher standards.

A licence will not be granted where an operator fails to meet minimum standards. A licence may be renewed where an operator has minor failings of the minimum standards, provided animal welfare is not compromised. Any minor failings must be addressed immediately.

Links to the 2018 Guidance which contains the relevant conditions can be found in Table 1:

Licence Activity	Link to Guidance/Conditions
Selling Animals as Pets	Selling animals as pets licensing: statutory guidance for local authorities - GOV.UK
Providing Boarding for Cats	Cat boarding licensing: statutory guidance for local authorities - GOV.UK
Providing Boarding for Dogs (Kennels)	Dog kennel boarding licensing: statutory guidance for local authorities - GOV.UK
Home Boarding for Dogs	Home boarding for dogs licensing: statutory guidance for local authorities - GOV.UK
Dog Day Care	Dog day care licensing: statutory guidance for local authorities - GOV.UK
Hiring Out Horses (Riding Establishments)	Hiring out horses licensing: statutory guidance for local authorities - GOV.UK
Dog Breeding	Dog breeding licensing: statutory guidance for local authorities - GOV.UK
Keeping or Training Animals for Exhibition	Keeping or training animals for exhibition licensing: statutory guidance for local authorities - GOV.UK

14.3 Application Process

14.3.1 New

An application for a licence should be submitted to the Council's Licensing Team using the relevant application form available on the Council's website. The operator should include a Basic Disclosure and Barring Service certificate no more than 3 months old, any supporting information listed on the application form and pay the appropriate fee.

On receipt of a full and valid application, the Inspector and/or Veterinary Inspector (where appropriate) will attend the site to conduct an inspection and produce a report. Prior to the inspection the operator will be sent a pre-inspection checklist to assist them in preparing for their inspection. Copies of these pre-inspection checklists are available on the Council website.

Following the inspection the Council will determine the application. In reaching a decision the Council will consider:

- The application form and any supporting documentation,
- The Inspectors report,
- The Veterinary Inspectors report (where appropriate),
- The relevant legislation and guidance, and
- This Policy

The Council will notify the operator of the decision in writing and outline any rights of appeal.

14.3.2 Variations

Where an operator wants to make changes to their business, they must submit an application to the Council to vary their licence. Situations which may require a variation to a licence include, but are not limited to:

- Altering the premises (e.g. altering enclosures, moving facilities)
- Changing the number or type of animals
- Updating operating procedures

Operators should contact the Licensing Team for advice prior to submitting an application to vary their licence.

An application for a variation to a licence should be submitted to the Council's Licensing Team using the relevant application form available on the Council's website. The operator should provide any supporting information requested by the Inspector and pay the relevant fee.

On receipt of a full and valid application, the Inspector will assess the application and where necessary, attend the site to conduct an inspection and produce a report. Depending on the nature of the variation a Veterinary Inspector may need to conduct an inspection. A fee may be payable.

14.3.3 Transfers

A licence cannot be transferred from one operator to another. Where a business is to change hands, the new operator must ensure they have applied for, and been granted, a new licence prior to the old operator relinquishing responsibility for the day-to-day operation of the business.

14.3.4 Renewals

The Council will aim to provide operators with four months' notice of when their licence is due to expire. Operators must then apply at least 10 weeks before their licence expires and follow the process for a new application at [Paragraph 14.3.1](#).

It is the operator's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

14.3.5 Surrender

Where an operator wants to surrender their licence, they must notify the Council. Any notification of surrender should be sent to the Council's Licensing Team in writing. Operators will be expected to return their licence and provide an explanation of why they no longer require it.

14.4 Determination of Applications

Under the 2018 Regulations, any individual over the age of 18 who carries on a licensable activity can apply for a licence, provided they are not barred from applying under regulation 11 and Schedule 8. Any application from a person who is barred from making an application will be refused.

To grant an application under the 2018 Regulations the Council must be satisfied that:

- the relevant licence conditions will be met;
- the operator is a 'fit and proper' person to carry out the activity; and
- the appropriate fee has been paid.

Licence Conditions

Each licensable activity has a unique set of licensing conditions which operators are expected to meet. Detailed information about the standards and conditions operators are expected to meet can be found in [Paragraph 14.2](#) of this Policy.

Fit and proper Test

Although the term 'fit and proper' is not explicitly defined in the legislation or guidance, for the purposes of this Policy, the Council will consider the application together with the conduct displayed by the operator, and will consider them to be 'fit and proper' if they can demonstrate, that they have:

- the right to work in the UK.

- not been convicted of a Relevant Offence in line with the Convictions Policy set out in Appendix A of this Policy.
- not been disqualified from holding a licence
- the knowledge, experience, compliance history, and capability to adhere to the licence conditions and ensure the welfare of the animals in their care.
- adequate management and training arrangements in place to safeguard staff and/or members of the public affected by the licensed activity.

This Policy does not limit the scope of the ‘fit and proper’ assessment, and the Council may consider any other reasonable factors relevant to the application.

When considering renewal applications, the Council will also consider information received during the previous licence term. The Council expects operators to act with honesty and integrity and demonstrate appropriate professional conduct at all times.

14.5 Star Ratings and Licence Duration

Licences issued under the 2018 Regulations are given a star rating and issued for a period of one, two or three years depending on the operator’s risk rating and their standards of compliance with the licence conditions.

Licences for the keeping or training of animals for exhibition are issued for three years and do not receive a star rating.

When determining the star rating and duration of the licence an operator will receive a:

1. Risk Rating:

Operators will be rated as either low or high risk. This is determined in line with the 2018 Guidance. New operators will always be considered high, unless they can show compliance history with another local authority or are UKAS accredited. Any compliance history with another local authority will only be considered if that history is for the same activity being applied for.

2. Compliance Level:

Operators will be assessed as meeting either the minimum or high standards. Or in the case of renewals, minor failings. This assessment is determined by an operator’s ability to meet the licence conditions and standards discussed at [Paragraph 14.2](#) of this Policy.

The star rating and length of licence are determined using the matrix table below:

	Minor failings	Minimum standards	Higher standards
Low risk	1 star rating, 1 year licence, at least 1 *unannounced visit within 12 months	3-star rating, 2-year licence, at least 1 *unannounced visit within 24 months	5-star rating, 3-year licence, at least 1 *unannounced visit within 36 months
Higher risk	1 star rating, 1 year licence, at least 1	2-star rating, 1 year licence, at least 1	4-star rating, 2-year licence, at least 1

	*unannounced visit within 12 months	*unannounced visit within 12 months	*unannounced visit within 24 months
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*Subject to the exemptions outlined in [Paragraph 14.7](#) of this Policy.

14.6 Appeals and Re-Inspections

14.6.1 Star Rating Appeals

To ensure fairness, the Council has an appeals procedure in place to allow an operator to dispute the star rating given.

The operator is encouraged to discuss the matter initially with the inspecting officer prior to submitting their appeal.

An operator may appeal a star rating if they consider it to be wrong i.e. it does not reflect the standards found at the time of the inspection. Any appeal to the rating must be made in writing to the Council within **21 days of the date the licence was issued**. Any appeal will consider the standards observed at the time of inspection. If an operator has made improvements since their inspection, the operator will need to apply and pay for a re-rating.

Appeals will be determined by the Team Manager for Licensing in consultation with another suitably qualified Inspector who was not involved with the original decision.

If the operator disagrees with the outcome of the appeal, they may challenge the decision by means of judicial review. The operator also has recourse to the Council's complaints procedure (taking the matter to the Local Government Ombudsman where appropriate) if they consider that the service has not been properly delivered.

14.6.2 Re-rating

An operator can request a re-rating at any time during the term of their licence. There are no limits on the number of re-ratings an operator can request. Any request for a re-rating must be made in writing to the Council and be accompanied by the relevant fee.

Depending on the nature of the re-rating a Veterinary Inspector may need to conduct an inspection. A fee may be payable.

14.6.3 Refusal and Revocation Appeals

Where a decision is taken to refuse or revoke a licence, the operator will be issued with a written decision notice outlining their right to appeal.

The operator has the right to appeal to a First-tier Tribunal within 28 days of the decision.

Guidance on how an operator can appeal can be found at [Welfare of animals: appeal to a tribunal - GOV.UK](#).

14.7 Interim Inspections

The Council is required to undertake an interim inspection at least once during the term of the licence. These visits will be unannounced, except where the business is run from a private dwelling, in which case 24 hours' notice will be given.

Where an operator is failing to comply with the conditions on their licence, appropriate enforcement action may be taken and/or the star rating may be adjusted.

14.8 Death of a Licence Holder

Upon the death of a licence holder, the licence will continue for 28 days as if it had been granted to their personal representative.

Provided the personal representative informs the Council of the death within 28 days of the date of death, the licence will remain in place for three months from the date of death, or for the remainder of the licence period, whichever is shorter. The personal representatives should then apply for a new licence at least one month before the expiry of this new period.

The Council may extend the three-month period by up to a further three months if requested by the personal representative and where they believe this time is required to enable the winding up of the former licence holder's estate.

Where the personal representative does not notify the Council within 28 days of the death of the licence holder, the licence will cease to have effect after the 28-day period.

15. The Animal Welfare (Primate Licences) (England) Regulations 2024

15.1 Legislation and Guidance

The [Animal Welfare \(Primate Licences\) \(England\) Regulations 2024](#) ('the 2024 Regulations') requires individuals who keep primates to obtain a licence from the Council. A primate is defined as any species, other than homo sapiens, which belong to the order Primates.

To accompany the 2024 Regulations, DEFRA publish [Guidance on Licence conditions for primate keepers](#). ('the 2024 Guidance').

The 2024 Regulations and Guidance set out the mandatory welfare standards, inspection requirements and procedures that the Council must follow when licensing and regulating primate keepers.

Any person who keeps or trains primates for exhibition will also be required to hold a licence under the **Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018**.

Any person who keeps a primate considered a dangerous wild animal will also be required to hold a licence under the **Dangerous Wild Animals Act 1976**.

Any primate kept at a licensed zoo or at an authorised research facility is not required to hold a Primate Licence.

15.2 Standards and Conditions

All operators are assessed against a set of standards. These standards form the basis for a set of mandatory conditions which are attached to the licence. The current standards are set out in the 2024 Regulations and Guidance.

The 2024 Guidance which contains the relevant conditions can be found at [Licence conditions for primate keepers \(Schedule 1\) - GOV.UK](#).

15.3 Application Process

15.3.1 New

An application for a licence should be submitted to the Council's Licensing Team using the relevant application form available on the Council's website. The operator should include a Basic Disclosure and Barring Service certificate no more than 3 months old, any supporting information listed on the application form and pay the appropriate fee.

On receipt of a full and valid application, the Inspector and/or Veterinary Inspector (where appropriate) will attend the site to conduct an inspection and produce a report. Prior to the inspection the operator will be sent a pre-inspection checklist to assist them in preparing for their inspection. Copies of these pre-inspection checklists are available on the Council website.

Following the inspection the Council will determine the application. In reaching a decision the Council will consider:

- The application form and any supporting documentation,
- The Inspectors report,
- The Veterinary Inspectors report (where appropriate),
- The relevant legislation and guidance, and
- This Policy.

The Council will notify the operator of the decision in writing and outline any rights of appeal.

15.3.2 Variation

Where an operator wants to make changes to the way they care for their primates, they must submit an application to the Council to vary their licence. Situations which may require a variation to a licence include, but are not limited to:

- Altering the premises (e.g. altering enclosures, moving facilities)
- Changing the number or type of primates
- Updating operating procedures

Operators should contact the Licensing Team for advice prior to submitting an application to vary their licence.

An application for a variation to a licence should be submitted to the Council's Licensing Team using the relevant application form available on the Council's website. The operators should provide any supporting information requested by the Inspector and pay the relevant fee.

On receipt of a full and valid application, the Inspector will assess the application and where necessary, attend the site to conduct an inspection and produce a report. Depending on the nature of the variation a Veterinary Inspector may need to attend the site to conduct an inspection. A fee may be payable.

15.3.3 Transfers

A licence cannot be transferred from one operator to another. Where the care of a primate is to be transferred to another person, the new operator must ensure they have applied for, and been granted, a new licence prior to the old operator relinquishing responsibility for the care of the primate.

15.3.4 Renewals

The Council will aim to provide operators with four months' notice of when their licence is due to expire. Operators must then apply at least 10 weeks before their licence expires and follow the process for a new application.

It is the operator's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

15.3.5 Surrender

Where an operator wants to surrender their licence, they must notify the Council.

Any notification of surrender should be sent to the Council's Licensing Team in writing. Operators will be expected to return their licence and provide evidence of what will happen or has happened to the primates in their care. If the primate is to be transferred to another person, the operator must ensure that the new operator is appropriately licensed.

The Council reserves the right to refuse a surrender if the operator fails to provide sufficient evidence of the proper transfer or disposal of the primate.

15.4 Determination of Applications

Under the 2024 Regulations any individual over the age of 18 who keeps a primate, may apply for a licence, provided they are not barred from applying under regulation 6. Any application from a person who is barred from making an application will be refused.

To grant an application under the 2024 Regulations the Council must be satisfied that:

- the licence conditions will be met;
- the operator is a 'fit and proper' person to keep a primate; and
- the appropriate fee has been paid.

Licence Conditions

To keep primates there are a specific set of conditions which operators are expected to meet. Detailed information about the standards and conditions keepers are expected to meet can be found in [Paragraph 15.2](#) of this Policy.

Fit and proper Test

Although the term 'fit and proper' is not explicitly defined in the legislation or guidance, for the purposes of this Policy, the Council will consider the application together with the conduct displayed by the operator, and will consider them to be 'fit and proper' if they can demonstrate, that they have:

- not been convicted of a Relevant Offence in line with the Convictions Policy set out in Appendix A
- not been disqualified from holding a licence
- the knowledge, experience, compliance history, and capability to adhere to the licence conditions and ensure the welfare of the animals in their care.
- adequate arrangements in place to safeguard staff and/or members of the public affected by the licensed activity.

This Policy does not limit the scope of the 'fit and proper' assessment, and the Council may consider any other reasonable factors relevant to the application.

When considering renewal applications, the Council will also consider information received during the previous licence term. The Council expects operators to act with honesty and integrity and demonstrate appropriate professional conduct at all times.

15.5 Star Ratings and Licence Duration

Licences issued under the Animal Welfare (Primate Licences) (England) Regulations 2024 are not risk rated and are issued for a period of three years, or upon request, for a shorter period.

15.6 Appeals

Where a decision is taken to refuse or revoke a licence, the operator will be issued with a written decision notice outlining their right to appeal.

The operator has the right to appeal to a First-tier Tribunal within 28 days of the decision.

Guidance on how an operator can appeal can be found at [Welfare of animals: appeal to a tribunal - GOV.UK](#).

15.7 Interim Inspections

The Council is required to undertake an interim inspection at least once during the term of the licence. These visits will be unannounced, except where the business is run from a private dwelling, in which case 24 hours' notice will be given.

Where an operator is failing to comply with the conditions on their licence, appropriate enforcement action may be taken.

15.8 Death of a Licence Holder

Upon the death of a licence holder, the licence will continue for 28 days as if it had been granted to their personal representative.

Provided the personal representative informs the Council of the death within 28 days of the date of death, the licence will remain in place for three months from the date of death, or for the remainder of the licence period, whichever is shorter. The personal representatives should then apply for a new licence at least one month before the expiry of this new period.

The Council may extend the three-month period by up to a further three months if requested by the personal representative and where they believe this time is required to enable the winding up of the former licence holder's estate.

Where the personal representative does not notify the Council within 28 days of the death of the licence holder, the licence will cease to have effect after the 28-day period.

16. Dangerous Wild Animals Act 1976

16.1 Legislation and Guidance

The [Dangerous Wild Animals Act 1976](#) ('the 1976 Act') requires individuals who keep species of animals, considered hazardous, to obtain a licence from the Council. Animals considered to be hazardous are listed in the Schedule of the 1976 Act.

The legislation requires operators to ensure their hazardous animals are housed securely, cared for appropriately and kept without risk to the public. The requirements vary depending on the species.

A Dangerous Wild Animal licence is not required if a dangerous wild animal is being kept at a zoo.

16.2 Standards and Conditions

All licences granted under the [1976 Act](#) are subject to the conditions set out in the legislation. The Council may also impose conditions suggested by DEFRA and/or the Inspector/Veterinary Inspector.

Where the Council places conditions on a licence they will be based, wherever practicable, on existing codes of best practice and industry standards produced by, but not limited to, organisations such as, DEFRA, the British Veterinary Association and National Trade Associations.

16.3 Application Process

16.3.1 New

An application for a licence should be submitted to the Council's Licensing Team using the relevant application form available on the Council's website. The operator should include a Basic Disclosure and Barring Service certificate no more than 3 months old, any supporting information listed on the application form and pay the appropriate fee.

On receipt of a full and valid application, the Inspector and Veterinary Inspector will attend the site to conduct an inspection and produce a report. Prior to the inspection the operator will be sent a pre-inspection checklist to assist them in preparing for their inspection. Copies of these pre-inspection checklists are available on the Council website.

Following the inspection the Council will determine the application. In reaching a decision the Council will consider:

- The application form and any supporting documentation,
- The Inspectors report,
- The Veterinary Inspectors report,
- The relevant legislation and guidance, and
- This Policy.

The Council will notify the operator of the decision in writing and outline any rights of appeal.

16.3.2 Variation

Where an operator wants to make changes to the way they care for their dangerous wild animal, they must submit an application to the Council to vary their licence. Situations which may require a variation to a licence include, but are not limited to:

- Altering the premises (e.g. altering enclosures, moving facilities)
- Changing the number or type of animals
- Updating operating procedures

Operators should contact the Licensing Team for advice prior to submitting an application to vary their licence.

An application for a variation to a licence should be submitted to the Council's Licensing Team using the relevant application form available on the Council's website. The operators should provide any supporting information requested by the Inspector and pay the relevant fee.

On receipt of a full and valid application, the Inspector will assess the application and where necessary, attend the site to conduct an inspection and produce a report.

Depending on the nature of the variation a Veterinary Inspector may need to attend the site to conduct an inspection. A fee may be payable.

16.3.3 Transfers

A licence cannot be transferred from one operator to another. Where the care of an animal is to be transferred to another person, the new operator must ensure they have applied for, and been granted, a new licence prior to the old operator relinquishing responsibility for the care of the animal.

16.3.4 Renewals

The Council will aim to provide operators with four months' notice of when their licence is due to expire. Operators must then apply at least 10 weeks before their licence expires and follow the process for a new application.

It is the operator's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

16.3.5 Surrender

Where an operator wants to surrender their licence, they must notify the Council.

Any notification of surrender should be sent to the Council's Licensing Team in writing. Operators will be expected to return their licence and provide evidence of what will happen or has happened to the animals in their care. If the animal is to be transferred

to another person, the operator must ensure that the new operator is appropriately licensed.

16.4 Determination of Applications

Under the 1976 Act any individual over the age of 18 who keeps a dangerous wild animal, as specified in the legislation, may apply for a licence, provided they are not disqualified from keeping a dangerous wild animal. Any application from a person who is disqualified from keeping dangerous wild animals will be refused.

To grant an application under the 1976 Act the Council must be satisfied that:

- the operator owns and possesses or proposes to own or possess the animals,
- the granting of the licence will not adversely affect the public due to safety, nuisance or other concerns,
- the animals will be held in accommodation that is suitable for them and adequate to prevent escape,
- the animals are provided with suitable care and are supervised,
- adequate procedures are in place to ensure the safety of the animals in the event of an emergency (e.g. fire),
- adequate controls are in place to prevent and control the spread of infectious diseases,
- adequate insurances are in place,
- adequate provisions are in place for the provision of antivenom (where applicable),
- the operator is registered with a vet capable of providing veterinary care for the animals,
- the operator is a 'fit and proper' person to keep a dangerous wild animal; and
- the appropriate fee has been paid.

Fit and proper Test

Although the term 'fit and proper' is not explicitly defined in the legislation or guidance, for the purposes of this Policy, the Council will consider the application together with the conduct displayed by the operator, and will consider them to be 'fit and proper' if they can demonstrate, that they have:

- not been convicted of a Relevant Offence in line with the Convictions Policy set out in Appendix A,
- not been disqualified from keeping dangerous wild animals,
- the knowledge, experience, compliance history, and capability to ensure the welfare of the animals in their care; and
- adequate arrangements in place to safeguard staff and/or members of the public affected by the licensed activity.

This Policy does not limit the scope of the 'fit and proper' assessment, and the Council may consider any other reasonable factors relevant to the application.

When considering renewal applications, the Council will also consider information received during the previous licence term. The Council expects operators to act with honesty and integrity and demonstrate appropriate professional conduct at all times.

16.5 Star Ratings and Licence Duration

Licences issued under the 1976 Act are not risk rated and are issued for a period of two years.

16.6 Appeals

Where a decision is taken to refuse or revoke a licence, or to add conditions to a licence, the operator will be issued with a written decision notice outlining their right to appeal.

The operator has the right to appeal to the Magistrates Court within 21 days of the decision.

16.7 Death of a Licence Holder

Upon the death of a licence holder, the licence will continue for 28 days as if it had been granted to their personal representative. If an application is made for a new licence within this period, the licence will remain in force pending the grant or refusal of the new application.

17. Zoo Licensing Act 1981

17.1 Legislation and Guidance

The [Zoo Licensing Act 1981](#) ('the 1981 Act') establishes a legal framework for the licensing and regulation of zoos in Great Britain. It requires any establishment exhibiting wild animals to the public on seven or more days a year to be licensed by the Council, unless exempt.

The 1981 Act sets mandatory standards for animal welfare, conservation, public safety, and management practices, and requires regular inspections by local authorities with specialist veterinary input. It also provides enforcement powers, including the ability to issue directions, vary conditions, or revoke a licence where standards are not met.

To accompany the 1981 Act the [Standards of Modern Zoo Practice](#) are issued by the Secretary of State for Environment, Food and Rural Affairs, and are published and maintained by DEFRA. The current standards are in operation until 23 May 2027. From 24 May 2027 the current standards will be superseded by the [Standards of modern zoo practice for Great Britain](#). Any zoos in the district are encouraged to start working towards these standards as soon as possible.

17.2 Standards and Conditions

All licences granted under the [1981 Act](#) are subject to the conditions set out in the legislation. The Council may also impose conditions and/or directions suggested by DEFRA or required by the Secretary of State's Inspector/Veterinary Inspector.

All zoos are expected to adhere to the [Standards of modern zoo practice for Great Britain](#).

Where the Council places conditions on a licence they will be based, wherever practicable, on existing codes of best practice and industry standards produced by, but not limited to, organisations such as, DEFRA, the British Veterinary Association and National Trade Associations.

17.3 Application Process

17.3.1 New

At least two months prior to submitting an application for a Zoo Licence the operator must give notice of their application. The operator must give notice to the Council using the relevant template on the Council's website. The notice should be published in a local and national newspaper and on the proposed site of the zoo. The Council will also publish a copy of the notice at the Council offices and on our website.

At the expiry of the two month notice period, an application for a licence should be submitted to the Council's Licensing Team using the relevant application form available on the Council's website. The operator should include a Basic DBS certificate no more than 3 months old, any supporting information listed on the application form and pay the appropriate fee.

On receipt of a full and valid application a 28-day consultation period will begin. During this time the Council will consult with any statutory consultees and consider representations from any other interested party. The Inspector and an inspector appointed by the Secretary of State will attend the site to conduct an inspection and produce a report. Prior to the inspection the operator will be given 28 days' notice of the inspection date and sent a pre-inspection checklist to assist them in preparing for their inspection.

Following the inspection the Council will determine the application. In reaching a decision the Council will consider:

- The application form and any supporting documentation,
- The Inspectors inspection report,
- The Secretary of States inspection report,
- The relevant legislation and guidance, and
- This Policy

If the Council proposes to add any conditions to a licence the operator will be consulted prior to reaching a final decision.

The Council will notify the operator of the decision in writing and outline any rights of appeal.

17.3.2 Variation

Where an operator wants to make changes to their zoo, they must submit an application to the Council to vary their licence. Situations which require a variation to a licence include, but are not limited to:

- Altering the premises (e.g. altering enclosures, moving facilities)
- Changing the number or type of animals
- Updating operating procedures

Operators should contact the Licensing Team for advice prior to submitting an application to vary their licence.

An application for a variation to a licence should be submitted to the Council's Licensing Team using the relevant application form available on the Council's website. The operators should provide any supporting information requested by the Inspector and pay the relevant fee.

On receipt of a full and valid application, the Inspector will assess the application and where necessary, attend the site to conduct an inspection and produce a report. Depending on the nature of the variation a Veterinary Inspector may be required to attend the site to conduct an inspection. A fee may be payable.

17.3.3 Transfers

A licence may be transferred from one operator to another.

Where the responsibility for running the zoo is to be transferred to another person, an application for a transfer should be submitted to the Council's Licensing Team using

the relevant application form available on the Council's website. The operator should include a Basic Disclosure and Barring Service certificate no more than 3 months old, any supporting information listed on the application form and pay the appropriate fee.

The new operator must ensure their transfer application has been granted, prior to the old operator relinquishing responsibility for the operation of the zoo.

17.3.4 Renewal

The Council will aim to provide operators with nine months' notice of when their licence is due to expire.

It is the operator's responsibility to ensure that any renewal application is made at least 6 months before their licence is due to expire, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

An application for a renewal should be submitted to the Council's Licensing Team using the relevant application form available on the Council's website. The operator should include a Basic DBS certificate no more than 3 months old should, provide any supporting information requested by the Inspector and pay the relevant fee.

On receipt of a full and valid application, the Inspector and an inspector appointed by the Secretary of State will attend the site to conduct an inspection and produce a report. The Council will notify the operator of the decision in writing and outline any rights of appeal.

Where there has been a substantial change to the zoo, an applicant will need to apply for a new licence in line with [Paragraph 17.3.1](#).

17.3.5 Surrender

Where an operator wants to surrender their licence, they must notify the Council.

Any notification of surrender should be sent to the Council's Licensing Team in writing. Operators will be expected to return their licence and provide evidence of what will happen or has happened to the animals in their care. If the animal is to be transferred to another person or zoo, the operator must ensure that the new operator is appropriately licensed.

17.4 Determination of Applications

Under the Zoo Licensing Act 1981 any individual or organisation over the age of 18 may apply for a Zoo licence,

To grant an application under the 1981 Act the Council must be satisfied that:

- the zoo will not have a harmful effect on the health or safety of people living in the neighbourhood or seriously threaten the preservation of law and order.
- the zoo meets the required [conservation requirements](#).

- The accommodation, staffing and management are adequate for the animal's welfare and running of the zoo.
- The operator has not been convicted of a Relevant Offence in line with the Convictions Policy set out in Appendix A
- the appropriate fee has been paid.

When considering renewal applications, the Council will also consider information received during the previous licence term. The Council expects operators to act with honesty and integrity and demonstrate appropriate professional conduct at all times.

17.5 Star Ratings and Licence Duration

Licences issued under the Zoo Licensing Act 1981 are not risk rated and are issued for a period of four years. On renewal, licences are valid for a period of six years.

17.6 Appeals

Where the Council makes a decision in relation to any licence application, the operator will be issued with a written decision notice outlining their right to appeal.

The operator has the right to appeal to the Magistrates Court within 28 days of the decision.

17.7 Death of a Licence Holder

Upon the death of a licence holder, the licence will continue for three months as if it had been granted to their personal representative.

During this period the personal representatives should make an application to transfer the licence into their name.

The Council may extend the three-month period if requested by the personal representative and there are justifiable reasons to do so.

Where the licence is not transferred within the agreed licence period, the licence will lapse.

Appendix A - Convictions Policy

This section provides guidance on how the Council will assess cautions and convictions when determining if an operator is a 'fit and proper' person. The Council consider the safety and welfare of animals and the public as its primary consideration.

In assessing whether the operator is a 'fit and proper' person to hold a licence, the Council will have regard to the provisions set out in the relevant legislation and will only take into consideration those matters it is legally entitled to, and only in so far as they are relevant to the application.

The Council will have regard to the individual circumstances of the offence, the seriousness and age of the offence, the operators age at the time of the offence, the sentence imposed by the court and whether the offence is isolated and/or shows any patterns of behaviour. Each case will be considered on its own merits.

Offences Involving Animal Welfare/Cruelty

The primary purpose of animal licensing legislation is to ensure the welfare of animals. A licence will not normally be granted where the operator has a conviction for an offence or offences similar to those involving animal cruelty or suffering.

Licensing Offences

The licencing process requires operators to adhere to legislation, processes and conditions. Offences relating to licensing can indicate a reluctance to be regulated and/or work within a regulatory framework. A licence will not normally be granted where the operator has a conviction for an offence relating to licensing.

Other Offences

The Council has broader responsibilities to prevent crime and disorder and to safeguard children and vulnerable adults, as mandated by the Crime and Disorder Act 1998, the Children Act 2004, and the Care Act 2014.

A licence will not normally be granted where the operator has a conviction for an offence that falls in the following categories:

- Offences involving violence.
- Possession of a weapon.
- Sexual and indecency offences.
- Offences involving dishonesty.
- Offences involving drugs.

Any offences or behaviours not specifically addressed by this Policy may still be considered.