

## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### REPORT TO LICENSING AND PUBLIC PROTECTION COMMITTEE

13 JANUARY 2026

**Report Title:** Animal Welfare (Primate Licences) Regulations 2024

**Submitted by:** Service Director – Neighbourhood Delivery

**Portfolios:** ALL

<b><u>Purpose of the Report</u></b>	<b><u>Key Decision</u></b>	<b>Yes <input type="checkbox"/></b>	<b>No <input checked="" type="checkbox"/></b>
To inform the Committee of forthcoming changes in legislation specifically in relation to new primate licensing requirements.			
<b><u>Recommendation</u></b>			
<b>That the Licensing and Public Protection Committee receive and note the content of the report.</b>			
<b><u>Reasons</u></b>			
To ensure members are aware of the changes in legislation with regard to primate licensing requirements.			

#### **1. Background**

- 1.1 The Animal Welfare (Primate Licences) Regulations 2024 introduced a licensing regime to protect the welfare of primates kept in England. The regulations apply to the keeping of any non-human primate in England on or after the 6<sup>th</sup> April 2026 unless the primate is kept under a Zoo Licensing Act 1981 licence or an Animals (Scientific Procedures) Act 1986 licence.
- 1.2 The regulations require a person who keeps any such primate to hold a primate licence. Existing and prospective keepers of primates will be required to be licensed by the local authority for the area in which the primate is or is proposed to be kept. Only a person (not an organisation) can keep a primate under this primate licence.

#### **2. Newcastle-under-Lyme Borough Council– Licensing Authority**

2.1 Local authorities are responsible for administering and enforcing this licensing regime. Local authorities must make sure that:

- Individuals who apply for a licence are likely to meet the licence conditions
- Licences are not granted to individuals that are disqualified from keeping primates
- They take appropriate enforcement action against those individuals who do not have licence when they should
- They monitor compliance with the licence conditions themselves

Local authorities must have regard to this government guidance when exercising functions under the regulations.

The licence conditions set out a range of requirements on the care and management of primates to protect their welfare. Any person who is responsible for a primate also has a legal duty of care under Section 9 of the Animal Welfare Act 2006 to provide for the needs of an animal for which they care for. These include the need:

- 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.

2.2 Existing and prospective primate keepers must ensure that they comply with the law including their primate licence conditions. A person who keeps a primate in England on or after the 6<sup>th</sup> April 2026 and does not have a primate licence or other suitable licence as referenced above will be committing a criminal offence. Licences will need to be applied for and obtained before the 6th April deadline.

2.3 Local authorities are responsible under the Regulations for granting primate licences. It is recommended that licensing inspections are carried out by a Tier-one Inspector (zoo keeper, specialist primate keepers, or a veterinarian) or an inspector who works within the local authority that carries out inspections for the Dangerous Wild Animals Act 1976 or Zoo inspections. For Newcastle, these inspections will be undertaken by the Senior MMF Officers within the Neighbourhood Delivery Team. Additional training has recently been completed by these officers.

2.4 The process to apply for or renew a primate licence is as follows:

- Local authority provides an application form to applicants.
- The applicant submits an application to the relevant local authority, along with the local authority fee. (These are included as part of the proposed Scale of Fees and Charges for 2026-2027)

- An inspection date will be confirmed to inspect the premises where the primates are kept or are to be kept.
- The appointed inspector will visit the premise and produce a report, the decision is then made to grant or refuse the licence application unless additional information or further steps are required.
- The applicant will be notified of the outcome of the application and will be advised of any additional information or steps required.
- The applicant has the right to make representations to the local authority if the licence is refused.

2.5 Under Regulation 12, the local authority will arrange for a further inspection of the premise during the licence period to determine whether the licence holder is meeting the licence conditions. There must be at least one inspection during the licence period if the licence is granted for one year or longer.

2.6 The local authority must investigate non-compliance and take relevant action when non-compliance is suspected or identified. Officers must consider the primate welfare when applying enforcement actions and should seek to initially address non-compliance through rectification conditions where possible. More serious breaches or concerns would need to be dealt with accordingly.

2.7 Under Regulation 18, breach of a licence condition is treated as a relevant offence with regards to the powers of entry under Section 23 of the Animal Welfare Act 2006. This includes entry and search under warrant in connection with the offence.

### **3. Recommendation**

3.1 **That the Committee receive and note the content of the report.**

### **4. Reasons**

4.1 To ensure that members are aware of the changes in legislation with regard to primate licensing requirements.

### **5. Options Considered**

5.1 Do nothing – this not applicable as this is a statutory legislative change which falls on the local authority as the licencing authority.

### **6. Legal and Statutory Implications**

6.1 Under Regulation 21, all local authorities must report the following information to the Secretary of State by 1 April each year:

- The number of primate licences in force in its area on the 1<sup>st</sup> April of that year

- The number of primates by species in the authorities area kept under primate licences.
- The level of fees and charges for licences it has granted or renewed in each reporting period.

## 7. Equality Impact Assessment

7.1 An Equality Impact Assessment has been updated in relation to enforcement activities undertaken by the Council.

## 8. Financial and Resource Implications

8.1 It is not currently possible to determine the impact that this may have in relation to resources as the number of primates that are currently being kept within Newcastle-under-Lyme is unknown. Whilst demand is anticipated to be low for this licencing activity, the situation will be monitored and kept under review.

## 9. Major Risks & Mitigation

9.1 There are no current known major risks in relation to this report.

## 10. UN Sustainable Development Goals (UNSDG)

10.1 The proposal contributes towards the following UNSDGs:



## 11. One Council

Please confirm that consideration has been given to the following programmes of work:

One Commercial Council

One Digital Council

One Green Council

Consideration has been given to all of three elements of One Council – however this matter does not directly link with any of these programmes.

**12. Key Decision Information**

12.1 Not applicable.

**13. Earlier Cabinet/Committee Resolutions**

13.1 Not applicable.

**14. List of Appendices**

14.1 None

**15. Background Papers**

15.1 Animal Welfare (Primate Licence) Regulations 2024