

<b>Meeting:</b>	Council
<b>Meeting date:</b>	17 July 2025
<b>Report of:</b>	Director of Governance
<b>Portfolio of:</b>	Licensing and Regulatory Committee, Chair Cllr Rachel Melly

## **Decision Report: Primate Licensing**

### **Subject of Report**

1. The report seeks approval by Council of a fee for primate licensing applications. It follows a resolution by Members of the Licensing and Regulatory Committee on 10 April 2025, that Council should approve the fees agreed by the Committee. NB eight Members were present at the Committee they all voted for the resolution.
2. The reason for the resolution was to set a fee for a new licensing function that has been introduced as part of the Animal Welfare (Primate Licences) (England) Regulations 2024 (2024 Regulations).

### **Benefits and Challenges**

3. There is provision within the 2024 Regulations for licensing authorities to charge an application fee and a fee in respect of any inspections.
4. The licensing of primates is a new function, the proposed fees estimate the recovery costs of undertaking the licensing function, including an inspection, the fees are based on fees set by the Council for other animal welfare licensing. If they proposed fee does not cover the costs of undertaking the licensing function they will be reassessed at the end of the financial year.

### **Policy Basis for Decision**

5. By complying with the requirements of the 2024 Regulations the Council are supporting new and existing licence holders, as well as

residents and businesses. The functions support the Council's Plan 'One City, for all'.

## **Financial Strategy Implications**

6. There are no financial strategy implications.

## **Recommendation and Reasons**

7. That in accordance with Option 1 below, Council approves the new fee as recommended by Members of the Licensing and Regulatory Committee.

Reason – To Meet the legislative requirements of the Animal Welfare (Primate Licences) (England) Regulations 2024.

## **Background**

8. In 2024, the Department for Environment, Food and Rural Affairs (Defra), through regulations made under the Animal Welfare Act 2006, introduced the Animal Welfare (Primate Licences) (England) Regulations 2024 (Regulations). The licensing authority for the purposes of these Regulations is the local authority in whose area the premises at which a primate is kept or is to be kept are situated.
9. The Regulations introduce a licensing scheme, setting strict rules to ensure that only private keepers, who can provide zoo-level welfare standards, will be able to keep primates.
10. The Regulations come into force on 6 April 2025, at which time existing private primate keepers can apply for a primate licence. From the 6 April 2026, all private primate keepers and people proposing to keep primates will be required to hold a licence.
11. The Regulations set out the application process and the conditions that must be placed on the licence if granted – further conditions may be stipulated in and statutory guidance.
12. An inspection must be carried out prior to an application being determined, and a further inspection is required on at least one occasion during the duration of the licence, if a licence is issued for more than twelve months. These inspections must be conducted by a "suitable person" which is defined by the Regulations as being:

- a) a veterinarian; or
  - b) any other person who, in the view of the local authority, is suitably qualified and competent to carry out the inspection
13. A licence must be granted for a period of three years or where the applicant has requested a licence for a period of less than three years, for such shorter period that the applicant has requested.
14. There are provisions in the Regulations for the holder of a primate licence to request to vary or surrendered the licence.
15. There are also provisions in the Regulations for licensing authorities to revoke or vary the primate licence.
16. An application fee may be charged, and a fee can be charged in respect of any inspections. The proposed fees in the table below estimate the cost recovery of undertaking this licensing function. These fees will be reviewed annually when all discretionary licensing fees are reviewed.

1 year	2 year	3 year
£386.00	£485.00	£499.00

17. Official statutory guidance is expected, similar to that provided under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. At the time of writing this report the guidance has not been published by Defra.

## Consultation Analysis

18. A consultation has not taken place with regards to this matter. Defra undertook a formal [consultation](#) on the proposals for the introduction of a specialist licence for private primate keepers from 20 June – 18 July 2023.

## Options Analysis and Evidential Basis

19. Option 1 – That Council approves the new fee as recommended by Members of the Licensing and Regulatory Committee.

20. Option 2 – Council does not approve the new fee as recommended by Members of the Licensing and Regulatory Committee, giving reasons for the decision.

### Analysis

21. The fees proposed are based on fees set by the Council for other animal welfare licensing functions under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and Dangerous Wild Animals Act 1976.

## **Organisational Impact and Implications**

22. The implications arising from this report are:
- **Financial:** - The Chief Finance Officer contacted. There are no direct financial implications associated with this report. The proposed fees estimate the cost recovery of undertaking the licensing function and are based on fees set by the Council for other animal welfare licensing functions.
  - **Human Resources (HR):** - The Head of HR contacted. There are no HR implications associated with this report.
  - **Legal:** 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 licensing of those that keep primates in their area.
  - **Procurement:** - Head of Procurement contacted. There are no procurement implications associated with this report.
  - **Health and Wellbeing:** - Director of Public Health contact. There are no health and wellbeing implications associated with this report.
  - **Environment and Climate action:** - Director of Transport, Environment and Planning, and Head of Carbon Reduction contacted. There are no environment and climate actions implication associated with this report.
  - **Affordability:** - Director of Customer and Communities Contacted. There are no affordability implications associated with this report.
  - **Equalities and Human Rights:** - Assistant Director of Customer, Communities and Inclusion contacted. There are no equalities and human rights implications associated with this report.

- **Data Protection and Privacy:** [information.governance@york.gov.uk](mailto:information.governance@york.gov.uk) contacted. The data protection impact assessment (DPIAs) screening questions were completed for the recommendations and options in this report and as there is no personal, special categories or criminal offence data being processed to set these out, there is no requirement to complete a DPIA at this time. However, this will be reviewed following the approved recommendations and options from this report and a DPIA completed if required.
- **Communications:** - Head of Communications contacted. There are no communications implications associated with this report, the fees will be available on the Council website.
- **Economy:** - Head of City Development contacted. There are no economy implications associated with this report.

## Risks and Mitigations

23. The 2024 Regulations allow licensing authorities to set a fee to undertake this licensing function, fees can be challenged by an applicant or licence holder, meaning the impact of a successful legal challenge is 'major' and the likelihood is 'possible'. This gives a risk score of '19' and is an orange risk on the Council's Risk Management Matrix. The proposed fees estimate the cost recovery of undertaking this licensing function and have been set in line with fees set by the Council for other animal welfare licensing functions, meaning the impact reduces to 'minor' and the likelihood reduces to 'remote', which gives a risk score of '2', and is a blue risk.

## Wards Impacted

24. All wards will be impacted by the Regulations.

## Contact details

For further information please contact the authors of this Decision Report.

### Author

<b>Name:</b>	Bryn Roberts
<b>Job Title:</b>	Director of Governance
<b>Service Area:</b>	Governance
<b>Telephone:</b>	01904 555521

<b>Report approved:</b>	Yes
<b>Date:</b>	08/07/2025

## Co-author

<b>Name:</b>	Lesley Cooke
<b>Job Title:</b>	Licensing Manager
<b>Service Area:</b>	Public Protection
<b>Telephone:</b>	01904 551515
<b>Report approved:</b>	Yes
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## Background papers

[The Animal Welfare \(Primate Licences\) \(England\) Regulations 2024 Report](#) taken to Licensing and Regulatory Committee on 10 April 2025.