



Licensing of Dangerous Wild Animals -

To own a dangerous wild animal in South Kesteven you must first obtain a licence from us.

Animals that fall within the definition in the Dangerous Wild Animals Act are detailed in the Schedule to the Act.

<https://www.legislation.gov.uk/ukxi/2007/2465/schedule/made>

The Act aims to ensure that where private individuals keep dangerous wild animals, they do so in circumstances which create no risk to the public and which safeguard the welfare of the animals.

We must be satisfied that the animal will be held in suitable and secure accommodation which prevents its escape and that the applicant is suitable to hold a licence.

Licences must contain certain mandatory conditions prescribed by the Act, but we may also impose such further conditions as considered necessary.

Additional conditions may be determined by recommendations contained in the inspecting veterinary officers report and may be dependent upon the species proposed to be kept.

Applicants must be in possession of public liability insurance.

Licences are granted at the time of approval and are valid for two years. Conditions attached to a licence may be varied at any time (other than those prescribed in the Act).

A licence is not required for dangerous wild animals kept at a pet shop licensed under the Pet Animals Act 1951 or at a zoo licensed under the Zoo Licensing Act 1981.

Guidance notes for applicants

2. In determining whether or not to grant a licence to keep a dangerous wild animal, the LA must have regard to the report of a veterinary practitioner. The local authority must be satisfied, before granting a licence, that:

- It is not contrary to the public interest on the grounds of safety, nuisance or otherwise to do so
- The applicant is a suitable person to hold a licence
- Any animal covered by the licence will:
 - Be held in secure accommodation which will prevent the animal from escape, and is suitable as regards construction, size, temperature, lighting, ventilation, drainage and cleanliness and is large enough for the number of animals proposed to be held in it
 - Be supplied with adequate and suitable food, drink and bedding material and be visited at suitable intervals
- Safeguards will be taken to ensure the protection of any animal in case of fire or other emergency
- All reasonable precautions will be taken to prevent and control the spread of infectious diseases
- The accommodation is large enough for the animal(s) to take adequate exercise.

3. The LA must not, except in exceptional circumstances, grant a licence unless the applicant either owns and possesses, or proposes to both own and possess, the animal(s).

4. The LA must not grant a licence unless its authorised veterinary surgeon or veterinary practitioner has inspected the premises where any animal(s) will normally be held, and it has received and considered a report by the vet detailing the condition and suitability of the proposed premises together with the condition of any animals or 'other thing' found there.

5. When granting a licence, the LA must impose certain conditions:

- Specifying that while any animal is covered by the licence:
 - It shall be kept only by those persons specified (whether by name or description) in the licence
 - It shall normally be kept at the premises specified in the licence
 - It shall not be moved from those premises except in such circumstances as may be specified in the licence
 - The person to whom the licence is granted must hold a current insurance policy which insures them and any other person covered by the licence to keep the animal, against liability for any damage which may be caused by the animal
 - The terms of the policy must, in the LA's opinion, be satisfactory
- Stipulating restrictions on the species (whether one or more) of animal, and number of animals of each species, which may be kept

- Requiring the person to whom the licence is granted to 'at all reasonable times' make available a copy of the licence to any person entitled to keep an animal under the authority of the licence
- Any other conditions which the LA considers to be necessary or desirable in order to ensure that it is satisfied that the requirements set out in paragraph 2 above will be met

The application process

6. A valid application must be submitted by the proposed licensee.

7. The application must specify the species of animal(s) and numbers of each species proposed to be kept, the premises where it is proposed to keep them and be accompanied by the appropriate fee.

8. The LA may not, however, grant a licence to anyone who is under eighteen years of age or is disqualified under the Act from keeping a dangerous wild animal.

Fees

9. The fees will be set under the LA's fee charging structure and may be at a level to recover the direct and indirect costs. The cost of the inspection by the vet may also be recovered from the applicant.

Inspection

10. Inspections should be carried out by a veterinary surgeon or veterinary practitioner or such other person as the LA may deem competent to do, and any such person should be authorised in writing to do so. On receipt of a valid application the LA will contact the approved veterinary officer to arrange for the inspection of the premises.

11. Most of the inspection will be undertaken by the approved veterinary officer, but the LA's officer may accompany and assist the veterinary officer at the inspection, in which case the officer should have access to the following items when carrying out the inspection:

- Application form
- Inspection checklist where appropriate
- Standard licence conditions
- Guidance documents
- Notebook
- Camera
- Safety shoes
- Wet-weather clothing, as necessary.

12. Sufficient time must be allowed to ensure that a thorough inspection of the premises can be carried out to ensure compliance with the requirements of the Act.

Determination of an application

13. Following the inspection, the veterinary officer will give his report to the LA with a recommendation as to whether to grant or refuse the application.

14. Having regard to the inspection findings, the veterinary officer's report and discussion with the applicant, the LA has the following options:

- Grant a licence with appropriate licence conditions attached or
- Refuse the application, giving a clear explanation for the reasons for refusal.

15. Any decision to refuse must be given in writing setting out clearly the reasons for refusal. Any person aggrieved by the refusal of his application or any condition(s) attached to a licence may appeal to the magistrates' court against the LA's decision.

The licence

16. The licence, when granted, should show the following information:

- Name of licensee
- Name and address of premises to which the licence relates
- Start and end dates
- Species to be kept under the authority of the licence (including total numbers for each species)
- All appropriate licence conditions
- Rights of appeal.

Duration of the licence

17. The full licence commences on the day it is issued and lasts for two years.

Renewal of the licence

18. It is good practice for the LA to send renewal reminders at least two months before the expiry of the licence. Applications should be received before the expiry of the existing licence.

19. Renewal applications follow the same procedure as for new applications but applications may not be treated as renewals if they relate to any species of animal other than those for which the original licence was granted.

20. Where an application to renew is made before the expiry of the current licence, that licence is deemed to continue in force until the grant or refusal of the renewal application. The renewed licence takes effect from the date of expiry of the old licence.

Local Procedures

The responsibility for the decision to approve or refuse an application for a licence should be in accordance with the Local Authority constitution.

Enforcement

Section 2(5) of the Act – offence of keeping a dangerous wild animal without a licence granted by the LA in contravention of section 1(1).

Section 2(6)(a) of the Act – offence by licence holder or any other person authorised by the licence to keep a dangerous wild animal if he fails to comply with condition(s) on the licence.

Section 2(7) provides for a defence of due diligence, provided that person took all reasonable steps to prevent a failure to comply.

Section 3(4) – obstruction of an authorised officer in exercise of power of inspection is an offence.

Power of Entry

Section 3(1) - power for authorised officers (including authorised veterinary surgeons/practitioners) to enter and inspect any premises where:

- Any animal is proposed to be held under a licence for which an application has been made under the Act, and
- Any premises where a licence has been granted under the Act (the power of inspection also includes any animal being kept under the licence).

Note: There are provisions under section 19 of the Animal Welfare Act 2006 that provide increased powers of entry to unlicensed premises but only where there is evidence that animals are suffering or likely to suffer. These powers can be used where necessary to gain entry to unlicensed premises, but a warrant from the magistrates' court is required.

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