



Classification	Item No.
Open / Closed	

Meeting:	Licensing and Safety Committee
Meeting date:	16 December 2021
Title of report:	Review of Conditions in respect of Dangerous Wild Animals Licences
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

Through the Council Constitution the determination of conditions to be attached to licences is reserved to the Licensing and Safety Committee. This report requests the Committees approval of amended conditions in respect of Dangerous Wild Animals licences issued under the Dangerous Wild Animals Act 1976.

Recommendation(s)

Introduction

This report relates to conditions that will be attached to Dangerous Wild Animals Licences.

Recommendation

- To amend and update the conditions relating to Dangerous Wild Animals Licences as attached at appendix 2

Key considerations

This is a Council Function that is delegated to the Licensing and Safety Panel by the Council's Constitution.

This paper is in the public domain.

Community impact / Contribution to the Bury 2030 Strategy

Not applicable

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Not Applicable	.

Consultation:

Not applicable

Legal Implications:

The report is in accordance with the appropriate legislation.

The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.

Members are advised that Licences are regarded as possessions within the terms of the Human Rights Act 1998. Under the Act everyone is entitled to the peaceful enjoyment of one's possessions and so actions interfering with those possessions must be lawful, reasonable and proportionate. It is lawful to impose reasonable conditions as a way of protecting the safety of the public, so long as it is not out of proportion. It is a balancing act between the public interest and the individual's rights.

Financial Implications:

There are no specific issues from the report other than potential costs/risks associated with legal appeals.

The proposed changes are not anticipated to result in any significant change to resource requirements.

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Background papers:

None

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
None	

1.0 Background

- 1.1 The Dangerous Wild Animals Act 1976 permits local councils to grant licences to keepers of dangerous wild animals.
- 1.2 Before granting a licence, an inspection is undertaken by the Council and a veterinary surgeon to ensure compliance with the legislation.
- 1.3 In granting the licence the council may attach conditions.

2.0 Issues

- 2.1 The Council has existing conditions relating to Dangerous Wild Animals establishments which are attached at Appendix 1.
- 2.2 The conditions have been revised and the new proposed conditions are attached at Appendix 2. If agreed, they will replace the existing conditions, giving more specific control in respect of Dangerous Wild Animal licensing, with no detriment to existing controls.

3.0 Conclusion

- 3.1 Members are requested to approve the recommendation below:-
 - To amend and update the conditions relating to Dangerous Wild Animals Licences as attached at Appendix 2

Appendix 1

Current Conditions

1. While any animal is being kept under the authority of the Licence: -
 - (i) the animal shall be kept by no other than the person or persons specified above;
 - (ii) the animal shall normally be held at such premises as are specified above;
 - (iii) the animal shall not be moved from those premises [except in the following circumstances, namely,
XXXXXX
 - (iv) the person to whom the Licence is granted shall hold a current insurance policy which insures him, and any other person entitled to keep the animal under the authority of the Licence, against liability for any damage which may be caused by the animal, the terms of such policy being satisfactory in the opinion of the authority.
2. The species and number of animals of each species which may be kept under the authority of the Licence shall be restricted to those specified in the Schedule.
3. The person to whom the Licence is granted shall at all reasonable times make available a copy of the Licence to any person entitled to keep any animal under the authority of the Licence.

Appendix 2

New Proposed Conditions

This licence is issued subject to the following conditions.

Any animal /animals concerned being kept under the authority of the licence shall –

- 1 Be held in accommodation which secures that the animal will not escape, and is suitable as regards construction, size, temperature, lighting, ventilation, drainage and cleanliness.
- 2 The accommodation is suitable for the number of animals proposed to be held in the accommodation.
- 3 Be supplied with adequate and suitable food, drink and bedding material and be visited at suitable intervals.
- 4 Appropriate steps will at all such times be taken for the protection of any animal concerned in case of fire or other emergency.
- 5 All reasonable precautions will be taken at all times such to prevent and control the spread of infectious diseases.
- 6 While any animal concerned is at the premises where it will normally be held, its accommodation is such that it can take adequate exercise.
- 7 The animal shall be kept by no person other than such person or persons as is or are specified in the licence.
- 8 The animal shall normally be held at such premises as are specified in the above licence.
- 9 The animal shall not be moved from those premises or shall only be moved with prior consent of the licensing authority.
- 10 The person to whom the licence is granted shall hold a current insurance policy which insures him/her under the authority of the licence against liability for any damage which may be caused by the animal. The terms of any such policy shall be satisfactory in the opinion of the Authority.
- 11 The licence or a copy of the licence shall be kept on the premises and shall be produced to an authorised officer upon demand.