

7. LICENCE CONDITIONS – DANGEROUS WILD ANIMALS

REPORT OF: Lynne Standing
Contact Officer: Paul Thornton, Senior Licensing officer
Email: paul.thornton@midsussex.gov.uk Tel: 01444 477428
Wards Affected: All
Key Decision: No
Report to: Licensing Committee
Date of meeting 17 September 2014

Purpose of Report

1. The purpose of this report is for Mid Sussex District Council to adopt a set of conditions for the licensing of Dangerous Wild Animals.

Summary

2. Under Section 1 Dangerous Wild Animals Act 1976 people who wish to keep an animal on the defined list of dangerous wild animals are required to apply for a licence from the Council. It is proposed that the licence conditions at appendix 1 are adopted to ensure the safety and welfare of such animals and the safety of the public.

Recommendations

3. **The Committee is recommended to:**

Approve the adoption of the licence conditions set out at Appendix 1 for immediate introduction.

Background

4. The Council licenses people over the age of 18 years who keep dangerous wild animals as defined in the 1st Schedule to the Dangerous Wild Animals Act 1976. (Appendix 2)
5. The licence is site and species specific and imposes strict conditions upon the keeper of the animal. Before issuing a licence the Council must be satisfied that the keeping of the animal(s) is not contrary to the public interest by reasons of safety, nuisance or otherwise.
6. Further considerations include size and type of accommodation for the animal(s), precautions to prevent and control spread of disease, steps to be taken in case of fire or other emergency and a suitable exercise regime.
7. The Council are also under an obligation to engage a vet to inspect the premises and act on their report during the determination process.
8. During a recent audit of animal licences it was decided to update the conditions for dangerous wild animals.
9. Conditions 1-3 at appendix 1 are mandatory to ensure the licence holder keeps the animal(s) at the address specified, does not move the animal(s) except by permission of the council and has a valid acceptable policy of insurance.

10. The Act also allows the Council to place other conditions they see necessary or desirable and a number of further conditions is recommended to ensure compliance with the Act and maintain the safety of the public.

Policy Context

11. The Council licenses those who seek to keep dangerous wild animals. The licences are subjected to compliance with conditions. A breach of the licence could result in the Council taking legal proceedings and seizing the animals concerned.

Other Options Considered

12. The proposed conditions reflect current welfare standards and practices for this type of licence.

Financial Implications

13. None.

Risk Management Implications

14. None.

Equality and Customer Service Implications

15. None identified.

Other Material Implications

16. None

Background Papers

- Appendix 1 – Licence Conditions
- Appendix 2 - Schedule of dangerous wild animals.

**DANGEROUS WILD ANIMALS ACT 1976
MID SUSSEX DISTRICT COUNCIL LICENSING CONDITIONS**

1. While any animal is being kept under the authority of the licence:
 - i) the animal shall not be kept by any person other than the person or persons specified on the licence
 - ii) the animal shall only be kept at such premises as are specified in the licence
 - iii) the animal shall not be moved from the premises except in the following circumstances, namely, where that movement is subject to a specific variation of this licence granted by the Council
 - iv) the person to whom the licence is granted shall hold a current public liability insurance policy which insures him and any other person authorised to keep the relevant animals under the terms of the licence and shall produce the relevant policy document to the authority for inspection at the time of application or renewal.
 - v) the insurance policy at iv) will only be accepted by the council if in their opinion the terms of it are deemed to be satisfactory.
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 licence.
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.
4. The Council may attach any other supplemental conditions it thinks fit to a licence having regard to the specific type of animal to be kept. Any supplemental conditions will be based on the recommendations of a veterinary surgeon or veterinary practitioner, which will be sought prior to the issue of a licence, and which will vary depending on the species of animal to be kept and the proposed accommodation. For the avoidance of doubt different conditions may apply to different species of animal held at the same premises under the terms of the licence granted.
5. Any variation of the licence for movement of animals from the premises must be sought by notifying the Licensing Officer on telephone number 01444 477419 as soon as possible and at least 24 hours before the movement is to take place. The application for variation need not be in writing, but must contain the following information:-
 - a) the destination
 - b) the Local Authority in whose area the animals will be staying
 - c) the duration of the stay
 - d) the species and number of animals concerned.
6. The person to whom the Licence is granted shall ensure that, by virtue of keeping the animals specified in the licence, all reasonable precautions are taken:

- to protect the safety of the public; and
 - to ensure that no nuisance is caused to the public.
7. The Licence holder will comply with the requirements of the Animal Welfare Act 2006, including the code of practice for the welfare of privately kept non-human primates and in respect of issues including, but not limited to, the need for relevant animals to:
- a) be kept in a suitable environment
 - b) be provided with a suitable diet
 - c) exhibit normal behaviour patterns
 - d) be protected from pain, injury, suffering or disease etc.
8. Any animal which is being kept under the authority of the Licence shall be:
- held in accommodation which secures that the animal will not escape, which is suitable as regards its construction, size, temperature, lighting, ventilation, drainage and cleanliness, and which is suitable for the number of animals proposed to be held in the accommodation; and
 - supplied with adequate and suitable food, drink and bedding material and be visited at regular daily intervals by a competent person.
9. Adequate proposals shall be made for the protection of animals in case of fire or other emergency. Such proposals will be submitted in writing for approval at the time of application and again with each renewal application.
10. All reasonable precautions shall be taken to prevent and control the spread of infectious diseases. The licence holder shall be guided by any specific recommendations made by a veterinary surgeon or veterinary practitioner. For the avoidance of doubt, the advice of veterinary surgeon or veterinary practitioner shall immediately be sought in the event of an outbreak of any infectious diseases.
11. Adequate provision shall be put in place to secure that animals kept at the premises can take adequate exercise within the confines of the accommodation they occupy.
12. Where pursuant to clause 1(iii), transportation of animals from the premises to another location necessary, all vehicles and cages used as part of that process must be suitable for the number and species of animals transported and all reasonable steps shall be taken to avoid unnecessary suffering of the animals whilst in transit. Where appropriate the vehicle shall be fitted with double security doors and windows to prevent any part of the animal protruding.
13. Whilst in transit and other times when necessary, the animal(s) shall be in the charge of a suitable experienced person capable of controlling them. That person shall not be less than 18 years of age.
14. The holder of a licence shall be deemed to be the keeper of an animal and all references within these conditions to the term "the person to whom the licence is granted" shall be construed accordingly.

15. A person is deemed to be the keeper of the animal if he has the animal in his possession and the presumption of possession continues even if the animal escapes or it is being transported whether under the keeper's authority or not.
16. Where an animal is transported outside of the Council's administrative area, the person to whom the licence is granted shall comply with any reasonable instructions in respect of the animal given by an authorised officer of the Council or the Council in whose area the animal is for the time being present within, and shall provide a copy of this licence for the information of the said authorised officer(s).
17. The person to whom the licence is granted must be 18 years of age or over and shall not be disqualified from holding a licence under the Dangerous Wild Animals Act 1976 ("the 1976 Act"). Where a person has been convicted of an offence under the 1976 Act or under any other animal welfare or animal licensing legislation, or has been disqualified from keeping animals, no licence shall be issued.

18. If a dangerous wild animal is kept in contravention of a licence condition, the Council may seize the animal and retain it, destroy it or otherwise dispose of it. The Council shall not in consequence of exercising the powers under the provision be liable to pay compensation, and may recover its costs incurred in exercising those powers from the keeper of the animal at the time of this seizure.
17. A person authorised by the Council may, upon production of his authority for inspection by the keeper, enter a premises that are either licensed under the 1976 Act or specified in an application for a licence, at all reasonable times, for the purpose of inspecting the premises whether to assess its suitability for the issue of a licence or to assess its compliance with the terms of a licence, whichever may be applicable.

**THE DANGEROUS WILD ANIMALS ACT 1976 (MODIFICATION) (NO.2) ORDER
2007 2007 NO.2465**

The following is a list of animals for which, when kept privately, a licence is required under the Act.

Scientific name of kind	Common name or names
MAMMALS	
Marsupials	
Family <i>Dasyuridae</i>: The species <i>Sarcophilus lanarius</i> .	The Tasmanian devil.
Family <i>Macropodidae</i>: The species <i>Macropus fuliginosus</i> , <i>Macropus giganteus</i> , <i>Macropus robustus</i> and <i>Macropus rufus</i> .	The western and eastern grey kangaroos, the wallaroo and the red kangaroo.
Primates	
Family <i>Cebidae</i>: All species except those of the genera <i>Aotus</i> , <i>Callicebus</i> and <i>Saimiri</i> .	New-world monkeys (including capuchin, howler, saki, uacari, spider and woolly monkeys). Night monkeys (also known as owl monkeys), titi monkeys and squirrel monkeys are excepted.
Family <i>Cercopithecidae</i>: All species.	Old-world monkeys (including baboons, the drill, colobus monkeys, the gelada, guenons, langurs, leaf monkeys, macaques, the mandrill, mangabeys, the patas and proboscis monkeys and the talapoin).
Family <i>Hominidae</i>: All species except those of the genus <i>Homo</i> .	Anthropoid apes; chimpanzees, bonobos, orang-utans and gorillas.
Family <i>Hylobatidae</i>: All species.	Gibbons and Siamangs.
Family <i>Indriidae</i>: All species of the genera <i>Propithecus</i> and <i>Indri</i> (<i>Avahi laniger</i> is excepted).	Leaping lemurs (including the indri and sifakas). The woolly lemur is excepted.
Family <i>Lemuridae</i>: All species except those of the genus <i>Haplemur</i> .	Large lemurs. Bamboo or gentle lemurs are excepted.
Edentates	
Family <i>Dasypodidae</i>: The species <i>Priodontes maximus</i> .	The giant armadillo.

<p>Family Myrmecophagidae: The species <i>Myrmecophaga tridactyla</i>.</p>	<p>The giant anteater.</p>
<p>Carnivores</p>	
<p>Family Canidae: All species except those of the genera</p>	<p>Wild dogs, wolves, jackals, the maned wolf, the bush dog and the dhole.</p>
<p><i>Alopex, Cerdocyon, Dusicyon, Otocyon, Pseudalopex, Urocyon, Vulpes</i> and <i>Nyctereutes</i>. The species <i>Canis familiaris</i>, other than the subspecies <i>Canis familiaris dingo</i>, is also excepted.</p>	<p>Foxes, raccoon dogs and the domestic dog (but not the dingo) are excepted.</p>
<p>Family Felidae: All except—</p> <ul style="list-style-type: none"> (a) the species <i>Felis silvestris</i>, <i>Otocolobus manul</i>, <i>Leopardus tigrinus</i>, <i>Oncifelis geoffroyi</i>, <i>Oncifelis guigna</i>, <i>Catopuma badia</i>, <i>Felis margarita</i>, <i>Felis nigripes</i>, <i>Prionailurus rubiginosus</i> and <i>Felis silvestris catus</i>; (b) a hybrid which is descended exclusively from any one or more species within paragraph (a); (c) a hybrid of which— <ul style="list-style-type: none"> (i) one parent is <i>Felis silvestris catus</i>, and (ii) the other parent is a first generation hybrid of <i>Felis silvestris catus</i> and any cat not within paragraph (a); (d) any cat which is descended exclusively from any one or more hybrids within paragraph (c) (ignoring, for the purpose of determining exclusivity of descent, the parents and remoter ancestors of any hybrid within paragraph (c)); (e) any cat which is descended exclusively from <i>Felis silvestris catus</i> and any one or more hybrids within paragraph (c) (ignoring, for the purpose of determining exclusivity of descent, the parents and remoter ancestors of any hybrid within paragraph (c)). 	<p>All cats including the bobcat, caracal, cheetah, jaguar, leopard, lion, lynx, ocelot, puma, serval and tiger.</p> <p>The following are excepted:</p> <ul style="list-style-type: none"> (a) the wild cat, the pallas cat, the little spotted cat, the Geoffroy's cat, the kodkod, the bay cat, the sand cat, the black-footed cat, the rusty-spotted cat and the domestic cat; (b) hybrid cat which is descended exclusively from any one or more species within paragraph (a); (c) hybrid cat having as one parent a domestic cat and as the other parent a first generation hybrid of a domestic cat and any cat not within paragraph (a); (d) any cat which is descended exclusively from any one or more hybrids within paragraph (c); (e) any cat which is descended exclusively from a domestic cat and any one or more hybrids within paragraph (c).
<p>Family Hyaenidae: All except the species <i>Proteles cristatus</i>.</p>	<p>Hyænas. The aardwolf is excepted.</p>

<p>Family Mustelidae: All species of the genera <i>Amblonyx</i>, <i>Arctonyx</i>, <i>Aonyx</i>, <i>Enhydra</i>, <i>Lontra</i>, <i>Melogale</i>, <i>Mydaus</i>, <i>Pteronura</i> and <i>Taxidea</i>. The genus <i>Lutra</i> except the species <i>Lutra lutra</i>. The species <i>Eira barbara</i>, <i>Gulo gulo</i>, <i>Martes pennanti</i> and <i>Mellivora capensis</i>.</p>	Badgers (except the Eurasian badger), otters (except the European otter) and the tayra, wolverine, fisher and ratel (otherwise known as the honey badger).
<p>Family Ursidae: All species including the species <i>Ailuropoda melanoleuca</i> and <i>Ailurus fulgens</i>.</p>	All bears including the giant panda and the red panda.
<p>Family Viverridae: All of the genus <i>Civettictis</i>.</p>	The African, large-spotted, Malay and Indian civets and the fossa.
<p>All of the genus <i>Viverra</i>. The species <i>Cryptoprocta ferox</i>.</p>	

Pinnipedes	
Family Odobenidae: All species.	The walrus.
Family Otariidae: All species.	Eared seals.
Family Phocidae: All species except <i>Phoca vitulina</i> and <i>Halichoerus grypus</i> .	True or earless seals. The common seal (or harbour seal) and grey seal are excepted.
Elephants	
Family Elephantidae: All species.	Elephants.
Aardvark	
Family Orycteropodidae: The species <i>Orycteropus afer</i> .	The aardvark.
Odd-toed ungulates	
Family Equidae: All species except <i>Equus asinus</i> and <i>Equus caballus</i> .	Asses, horses and zebras. The donkey and domestic horse are excepted.
Family Rhinocerotidae: All species.	Rhinoceroses.
Family Tapiridae: All species.	Tapirs.
Even-toed ungulates	
Family Antilocapridae: The species <i>Antilocapra americana</i> .	The pronghorn.
Family Bovidae: All species except any domestic form of the genera <i>Bos</i> , <i>Bubalus</i> , <i>Capra</i> and <i>Ovis</i> .	Antelopes, bison, buffalo, gazelles, goats and sheep. Domestic cattle, buffalo, goats and sheep are excepted.
Family Camelidae: All species of the genus <i>Camelus</i> .	Camels.

Family Cervidae: All species of the genera <i>Alces</i> and <i>Rangifer</i> , except any domestic form of the species <i>Rangifer tarandus</i> .	The moose or elk and the caribou or reindeer. The domestic reindeer is excepted.
Family Giraffidae: All species	The giraffe and the okapi.
Family Hippopotamidae: All species.	The hippopotamus and the pygmy hippopotamus.
Family Suidae: All species except any domestic form of the species <i>Sus scrofa</i> .	Old-world pigs (including the wild boar and the wart hog). The domestic pig is excepted.
Family Tayassuidae: All species.	New-world pigs (otherwise known as peccaries).
Hybrids	
Any hybrid of a kind of animal specified (other than by way of exception) in the foregoing provisions of this column where at	Any mammalian hybrids with at least one parent of a specified kind, and any animal of which at least one parent is such a hybrid.
least one parent is of a kind so specified, and any animal of which at least one parent is such a hybrid. This does not include an excepted hybrid of the Family <i>Felidae</i> .	This does not apply to excepted cat hybrids.
<u>BIRDS</u>	
Cassowaries	
Family Casuariidae: All species.	Cassowaries.
Ostrich	
Family Struthionidae: All species.	The ostrich.
<u>REPTILES</u>	
Crocodylians	
Family Alligatoridae: All species.	Alligators and caimans.
Family Crocodylidae: All species.	Crocodiles and the false gharial.
Family Gavialidae: All species.	The gharial (otherwise known as the gavial).
Lizards and snakes	
Family Atractaspidae: All species of the genus <i>Atractaspis</i> .	Burrowing asps, also known as mole or burrowing vipers and stiletto snakes.

<p>Family Colubridae. All species of the genera <i>Malpolon</i> and <i>Thelotornis</i>. The species <i>Dispholidus typus</i>, <i>Rhabdophis subminiatus</i>, <i>Rhabdophis tigrinus</i>, <i>Elapomorphus lemniscatus</i>, <i>Philodryas olfersii</i>, <i>Tachymenis peruviana</i> and <i>Xenodon severus</i>.</p>	<p>Certain rear-fanged venomous snakes, Montpellier snakes and African vine snakes (otherwise known as African twig or bird snakes). The boomslang, the red-necked keelback, the yamakagashi (otherwise known as the Japanese tiger-snake), the Argentine black-headed snake, the South American green racer, the Peruvian racer and the Amazon false viper.</p>
<p>Family Elapidae: All species.</p>	<p>Certain front-fanged venomous snakes including cobras, coral snakes, kraits, mambas, whipsnakes and all Australian poisonous snakes (including the death adders).</p>
<p>Family Hydrophiidae: All species.</p>	<p>Sea snakes.</p>
<p>Family Helodermatidae: All species.</p>	<p>The gila monster and the (Mexican) beaded lizard.</p>
<p>Family Viperidae: All species.</p>	<p>Certain front-fanged venomous snakes (including adders, the barba amarilla, the bushmaster, the fer-de-lance, moccasins, rattlesnakes and vipers).</p>

INVERTEBRATES

Spiders

<p>Family Ctenidae: The genus <i>Phoneutria</i>.</p>	<p>Wandering spiders.</p>
<p>Family Hexathelidae: The genus <i>Atrax</i>.</p>	<p>The Sydney funnel-web spider and its close relatives.</p>
<p>Family Sicariidae: The genus <i>Loxosceles</i>.</p>	<p>Brown recluse spiders (otherwise known as violin spiders).</p>
<p>Family Theridiidae: The genus <i>Latrodectus</i>.</p>	<p>The widow spiders and close relatives.</p>

Scorpions

<p>Family Buthidae: All species.</p>	<p>Buthid scorpions.</p>
<p>Family Hemioscorpiidae: The species <i>Hemioscorpius lepturus</i>.</p>	<p>Middle-Eastern thin-tailed scorpion.</p>