

Guidance notes



Dangerous Wild Animals Licence

Updated October 2017

Do you need to apply for a licence with North Devon Council?

The Dangerous Wild Animals Act 1976 aims to ensure that where private individuals keep dangerous wild animals, they do so in circumstances that create no risk to the public and that safeguard the welfare of the animals.

If you want to keep any animal listed in the Schedule of the Dangerous Wild Animals Act 1976 in North Devon, you must obtain a Dangerous Wild Animals Licence (DWA Licence) from North Devon Council.

The Act does not apply to any dangerous wild animal kept in:

- a zoo
- a circus
- premises licensed as a pet shop
- a place (which is a designated establishment within the meaning of the Animals (Scientific Procedures) Act 1986).

A person is held to be the keeper of the animal if they have it in their possession. They remain the 'keeper' and therefore are responsible for the animal, even if it escapes or it is being transported.

Considerations for applicants

To apply for a DWA licence, you must:

- be at least 18 years old
- own and process, or propose to own and possess, all of the animals that are to be included on the licence, unless there are circumstances which North Devon Council consider exceptional
- not have been disqualified under the Dangerous Wild Animals Act 1976 from keeping any dangerous wild animal

Before you apply for a Dangerous Wild Animals Licence, we advise you to consider the following:

- Keeping any animal of the type listed in the Dangerous Wild Animals Schedule will require a great deal of commitment to ensure its well being. You should be certain that you are prepared to take on this commitment and have carried out the necessary research to ensure you are fully aware of the care and facilities that the type of animal you are going to keep requires.
- Some animals of the types listed in the Schedule can grow quite large and need adequate space for exercise. You should consider whether you have the space and adequate facilities to house the animal correctly. If you do not currently have adequate space or facilities, you may need to make a substantial investment to provide them and it may require planning permission.
- A condition of a Dangerous Wild Animals licence is that adequate insurance cover is provided. Please take this into account in determining whether or not you can afford to keep an animal listed.
- Consider whether you are able to afford to pay for vets bills. The animal you may be proposing to keep might require treatment from a specialist veterinary practitioner. You could find this will cost more than simply going to your local veterinary practitioner.
- Consider if you should discuss the issue of having an animal that requires a Dangerous Wild Animals Licence at your premises with your immediate neighbours. Some applications may involve also making an application for planning permission, the processing of which could involve taking into account their comments and concerns.
- You may need to source a supplier for the type of food required to satisfy the dietary requirements for the animal you intend to keep.
- Some animals will produce waste products that are difficult to dispose of – for example, big cat excreta. You will need to make arrangements for this. We suggest you contact the Environment Agency to discuss (telephone 08708 506 506).
- You will need to make adequate arrangements to ensure that all feed kept on site is stored in suitable vermin proof containers and that all waste food is removed regularly so as not to attract vermin. You may wish to seek advice from an appropriate pest control contractor in relation to adequate means of vermin control/proofing.

The application process

To apply for a Dangerous Wild Animals Licence, you must complete and submit an application form with the relevant fee. These can be found on the council's website.

North Devon Council will arrange for an authorised veterinary surgeon/practitioner to undertake an inspection of the premises and produce a report, which the council is

legally obliged to consider when determining the application.

The fee for this service is additional to the standard licence fee. You are welcome to request that the premises are inspected by the vet you normally use for the treatment of your animals. If you do not wish to do this, the council will appoint an appropriate veterinary surgeon or practitioner as it sees fit.

North Devon Council will not grant a licence unless satisfied that:

- it would not be contrary to the public interest on the grounds of safety, nuisance or otherwise
- you are deemed to be a suitable person to hold a licence and are adequately insured
- animals will be held in secure accommodation to prevent them from escaping
- accommodation for animals is suitable with regards to the construction, size, temperature lighting, ventilation, drainage and cleanliness, and which is suitable for the number of animals proposed to be held in the accommodation
- animals are provided with adequate food, drink and bedding materials and will be visited at suitable intervals
- appropriate steps will be taken for the protection of any animal concerned in case of fire or other emergency
- appropriate steps will be taken to prevent and control the spread of infectious diseases
- while any animal is at the premises where it will normally be held, its accommodation is such that it can take adequate exercise.

How long will it take to process your application?

If we have not contacted you to make arrangements to authorise a veterinary surgeon to inspect your premises within 14 days of your application, please contact us to check that your application was correctly made and received.

Applicants are advised the application process can be fairly lengthy due to the necessity for a veterinary inspection, and in addition some applications may need to be determined by the council's Licensing Sub-Committee. The council will aim to issue a licence within a period of 10 weeks from receiving your application. However, if we have been unable to determine your application within this time, a licence will not be automatically granted due to animal welfare implications.

For renewals, please be reassured that if we have received your application form and fee before the expiry date of your existing licence, we will treat your premises as if they are in possession of a valid licence whilst the application is being processed. If you are late in requesting renewal, thereby allowing your licence to lapse, you are advised to contact us immediately.

What conditions will be attached to a licence?

The Dangerous Wild Animals Act 1976 provides standard conditions that must be specified on a licence and these can be found on our website. In addition to these conditions, North Devon Council may impose others as they think fit.

If North Devon Council inserts a provision in a licence, permitting an animal to be held at a premises outside of North Devon for a continuous period of more than 72 hours, it shall consult the authority in whose area those premises are situated.

As part of the licence conditions, you are required to ensure that you have adequate Public Liability Insurance, which provides cover for any animals which you have on site.

You must ensure that any policy you take out provides sufficient cover against any damage that may be caused by the animal, should it escape. The level of insurance will depend on many factors, which may include the species and number of animals you wish to keep.

North Devon Council may at any time vary the licence by specifying any new conditions of the licence or varying or revoking any condition of it (exceptions apply to those conditions specified by section 1(6) of the DWA Act 1976).

Rights of entry

Local authorities may authorise competent persons to enter premises either licensed under the Act or specified in an application for a licence, at all reasonable times, producing if required their authority, and the authorised officers may inspect these premises and any animal in them.

Powers of seizure

In addition to powers of inspection, the Dangerous Wild Animals Act 1976 also gives the council powers to seize any animal being kept on premises that are unlicensed, or if you have failed to comply with a condition of your licence.

Animals may then be either retained in the council's possession or be destroyed or otherwise disposed of. The authority shall not be liable to pay compensation to anyone in respect of these powers.

Where we incur any expense in seizing, retaining or disposing of an animal, as the keeper of the animal, you will be liable for those costs.

How long does a licence last?

Licences are valid for two years.

You will receive a written reminder from North Devon Council approximately four months prior to the expiry of your licence. To renew, you should apply prior to your licence expiry and in good time.

Your new licence will come into force immediately upon it being granted, except for when you renew your licence prior to the expiry of your current one. In these cases, the subsequent licence will come into force on the date your old one expires.

If the grant or refusal of a renewal application occurs after your existing licence has expired, the existing licence shall be deemed to be still in force until the grant or refusal.

In the event of a licence-holder dying, the licence shall remain in force for up to 28 days. After this time, the licence will expire, unless an application for a new licence is made within that time. In this case, the licence will continue until the new application is determined.

Offences and penalties

The following offences and penalties apply:

- Any person found guilty of keeping an animal covered by the Dangerous Wild Animals Act 1976 without a licence shall be subject to a fine not exceeding level 5 (currently £5,000)
- any person found guilty of failing to comply with any licence condition shall be subject to a fine not exceeding level 5 (currently £5,000)
- any person found guilty of obstructing or delaying an inspector or authorised veterinary practitioner or veterinary surgeon shall be subject to a fine not exceeding level 5 (currently £5,000)

If you are convicted of any offence under the Dangerous Wild Animals Act 1976, or of any offence under:

- The Protection of Animals Acts 1911
- The Performing Animals (Regulation) Act 1925
- The Pet Animals Act 1951
- The Animals (Cruel Poisons) Act 1962
- The Animal Boarding Establishments Act 1963
- The Riding Establishments Acts 1964 and 1970
- Breeding of Dogs Act 1973
- Animal Welfare Act 2006, Sections 4,5,6(1)(2), 7 to 9 and 11

the court by which you are convicted may cancel any licence held by you under the Dangerous Wild Animals Act 1976. They may also, whether or not you are the holder of

such a licence, disqualify you from keeping any dangerous wild animal for such a period as the court thinks fit. The cancellation or disqualification may be suspended by the court in the event of an appeal.

Right of appeal

If you wish to challenge a refusal to be granted a licence, or any conditions, variation or revocation relating to the licence, you may appeal to the magistrates courts.

Complaints

If you want to make a complaint about any dangerous wild animals establishment, please contact us.

If you feel we have failed to provide you with good service or are concerned about the progress of your application, please telephone Customer Services and we will try to resolve any concerns you may have.

The council also has a formal complaints procedure.

Further information

Copies of the Dangerous Wild Animals 1976 can be purchased from Her Majesty's Stationery Office.

The Animal Welfare Act 2006 places responsibilities for care and welfare of an animal on people who are in charge of an animal, whether on a permanent or temporary basis. More information can be found on the DEFRA website.

Relevant trade associations:

- [WAZA](#) - World Association of Zoos and Aquariums
- [BIAZA](#) - British and Irish Association of Zoos and Aquariums
- [RCVS](#) - Royal College of Veterinary Surgeons