The Dangerous Wild Animals Act 1976 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. Any person that wishes to keep any animal as listed in the prescribed list in Gateshead must first obtain a Dangerous Wild Animals Licence (DWA Licence) from the Council.

The Trading Standards Service will fully investigate any information received in respect of any dangerous wild animals being kept in Gateshead without the benefit of the relevant Licence under the Dangerous Wild Animals Act 1976. The animals for which a Licence is required before they may be kept are listed in the Dangerous Wild Animals Act 1976 (Modification) (No.2) Order 2007.

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 etc.

The Applicant

Any applicant for a DWA licence must:
- be at least 18 years old;
- own and possess, or propose to own and possess, all of the animals that are to be included on the licence, unless there are circumstances which Gateshead consider exceptional;
- not have been disqualified under the Dangerous Wild Animals Act 1976 from keeping any dangerous wild animal.

Considerations for Applicants

Before you apply for a Dangerous Wild Animals Licence we advise you to consider the following:
- keeping any animal of the type listed in Schedule will require a great deal of commitment in order 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 which the type of animal you are going to keep requires;
- some animals of the types listed in 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, it may be that a
substantial investment is needed to provide them and it may require planning permission;

- a condition of a Dangerous Wild Animal 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 which requires a Dangerous Wild Animals Licence at your premises with your immediate neighbours (where applicable). 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 which are difficult to dispose of e.g. big cat excreta. You will need to make arrangements for this. We suggest that 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, applicants must complete and submit an application form with the relevant fee, the current application fee is £141.00.

Gateshead 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 the application.

The fee for the vet is additional to the standard Licence fee which you are obliged to pay regardless of whether a licence is issued or not.

Gateshead 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;
- the applicant is a suitable person to hold a Licence and is 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 concerned is at the premises where it will normally be held, its accommodation is such that it can take adequate exercise.

The application for a licence will be heard by the council’s Regulatory Committee as there will be additional conditions to be added as recommended by the vet. Regulatory Committee sits once every six weeks.

How long does a Licence last?

By virtue of the Legislative Reform (Dangerous Wild Animals) (Licensing) Order 2010 SI 2010. No. 839 certain modifications have been made to the provisions of the Dangerous Wild Animals Act 1976. The Order makes two significant changes:
(a) It extends the period of validity of a licence from a maximum of one year to two years (article 2).
(b) It provides that licences will come into force immediately upon their being granted (rather than, as was the case previously, from either the date of grant or the beginning of the next following year), except for renewals of a licence applied for before the expiry of the licence they are to replace, in which case the subsequent licence will come into force from the date of expiry of the licence it replaces (article 2).
Licences must be renewed before their expiry if the Licence holder is to continue to keep the animal(s) named on the Licence. Licence holders will receive a written reminder from Gateshead Council prior to the expiry of their Licence.
In the event of death of anyone to whom a Licence has been granted, the Licence shall continue in force for a period of 28 days as if it had been granted to the personal representatives of the deceased. After a period of 28 days the Licence expires, unless application is made for a new Licence within that time, in which case it continues, until the new application is determined.

What Conditions will be attached to a Licence?

The Dangerous Wild Animals Act 1976 provides standard conditions that must be specified on a Licence. In addition to these conditions Gateshead Council may impose others as they think fit.
If Gateshead Council proposes to insert in a Licence a provision permitting any animal to be for any continuous period exceeding 72 hours at premises outside
of Gateshead 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 the animal(s) which you have on site.
You must ensure that any policy you take out provides sufficient cover against any damage which 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.
Gateshead 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, and 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 which are unlicensed or failing to comply with a condition of their Licence.
Animals may then be either retained in the council’s possession or be destroyed or otherwise disposed of and the authority shall not be liable to pay compensation to any person in respect of these powers.
Where we incur any expense in seizing, retaining or disposing of an animal then the person who was the keeper of the animal shall be liable for those costs.

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 £5000);
- 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 £5000).

Where a person is 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 he is convicted may cancel any Licence held by him/her under the Dangerous Wild Animals Act 1976, and may, whether or not he is the holder of such a Licence, disqualify him from keeping any dangerous wild animal for such period as the court thinks fit. The cancellation or disqualification may be suspended by the Court in the event of an appeal.

How long will it take to process my 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. The Council will endeavour to issue a Licence within a period of 10 weeks from receipt of 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.

How to Apply

Please complete and submit a Dangerous Wild Animals Licence application form:

Any application made to us for a Licence must be made (unless in exceptional circumstances) by the person who proposes to own and possess the animal and must:

(a) Specify the species and number of animals to be kept;
(b) Specify the premises where the animals will normally be kept;
(c) Be made to us for those premises;
(d) be made by a person 18 years of age or over and not disqualified from holding a Licence under the Act; and
(e) Be accompanied by a fee stipulated by us at a level sufficient to meet the direct and indirect costs involved.

Applications not complying with these requirements may not be granted.

The Licence will be issued subject to compliance with the Licence conditions and payment of the Licence fee.

There is an application fee payable upon application and subject to annual renewal. However, should we require the expertise of an animal specialist this may incur further costs at your expense before a Licence is issued.

Right of appeal

The issuing of a licence is not guaranteed. Any person aggrieved by a refusal to be granted a Licence or by any conditions to which a Licence is subject or by
the variation or revocation of any condition of the Licence, may appeal to the Magistrates Courts who may give such directions regarding the Licence or its conditions as it thinks proper.
A court which has ordered the cancellation of a person’s Licence, or his disqualification, in pursuance of the last foregoing subsection may, if it thinks fit, suspend the operation of the order pending an appeal.

I appreciate that this is a lot of information to take in, but you need to be very sure that you can fulfill all of the above obligations before you apply.

If you have any other questions please do not hesitate to get in touch.

Cheryl Hodgson
Animal Health/Enforcement Officer
0191 4333889