

Body: General Licensing Committee

Date: 9th January 2017

Subject: Adoption of Standard Licence conditions for Riding Establishments

Report Of: Claire Groves, Senior Specialist Advisor

Ward(s) All

Purpose To assist the Council to ensure a high standard of animal welfare and public safety at Riding Establishments in the Borough.

Recommendation: (1) The committee approve the adoption of the standard set of licence conditions.

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1.0 Introduction

- 1.1 Local Authorities issue licences to proprietors of Riding Establishment under the provisions of the Riding Establishment Act 1964 as amended by the Riding Establishment Act 1970 ("the Act"). Before granting the licence the Council must be satisfied the safety of the public using the establishment and that the animal welfare of the horses are being met.
- 1.2 A riding establishment is defined as "the carrying on of a business of keeping horses to let them out for hire for riding or for use in providing instruction in riding for payment, or both" (RE Act 1964 S.6 (1)). Thus licences are necessary for traditional riding establishments, pony trekking, beach ponies and donkeys and the hiring of horses for hacking and hunting.
- 1.3 A licence is renewed annually following an inspection of the premises by a veterinary surgeon to ensure the welfare needs of the animals are being met.
- 1.4 The Council has the power to adopt its own set of standard conditions to be attached to a licence and inspect riding establishments at all reasonable times in order to ensure that the premises is/remains suitable. Licences are issued for a maximum period of 1 year.

2.0 Background

- 2.1 Under the Act, every local authority may, on application being made to them

for the purpose;

- by a person who is over 18 years or is a corporate body,
- not being disqualified from running a riding establishment,
- on payment of such fee as may be determined by the local authority,

grant a licence to run a riding establishment as such premises in their area subject to an inspection by the Council appointed veterinary practitioner and compliance with such conditions as may be specified in the licence.

2.2

In considering whether to grant a licence, the Council shall have particular regard to section 4 of the Act which states: In determining whether to grant a licence for the keeping of a riding establishment by any person at any premises a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to:-

- (a) Whether that person appears to them to be suitable and qualified to be the holder of such a licence; and
- (b) The need for securing:
 - i. The condition of the horses and that they are maintained in good health and is suitable for the purpose for which it is kept.
 - ii. The feet of all animals are properly trimmed and that, if shod, their shoes are properly fitted and in good condition.
 - iii. Available at all time, suitable accommodation as respects construction, size, number of occupants, lighting, ventilation, drainage and cleanliness.
 - iv. In the case of horses maintained at grass there will be available adequate pasture, shelter and water and that supplementary feeds will be provided as and when required.
 - v. That horses will be adequately supplied with suitable food, drink and bedding material, and will be adequately exercised, groomed and rested and visited at suitable intervals.
 - vi. That all reasonable precautions will be taken to prevent and control the spread among horses of infectious or contagious diseases and that veterinary first aid equipment and medicines shall be provided and maintained at the premises.
 - vii. Appropriate steps will be taken for the protection and extrication of horses in case of fire.
 - viii. That adequate accommodation will be provided for forage, bedding, stable equipment and saddlery.

2.3

Further every licence granted under the Act shall be subject to certain conditions as contained in section 4A of the Act and these are reproduced in

Appendix 1 as conditions 1 to 5.

- 2.4 All premises are inspected in respect of new applications and renewal applications by a Council appointed veterinary surgeon, who may attach premises specific conditions to the grant of the licence. The purpose of the inspection is to ensure that there is suitable qualified and experienced personal running the establishment and the horses are in good health and physically fit, suitable to be hired out and used for riding, provided with adequate food, drink and bedding, regularly exercised and are safeguarded in an emergency.
- 2.5 Further inspections may take place during the term of the licence in order to react to and investigate complaints and allegations.
- 2.6 Under the Act the Council has the power to adopt its own set of standard conditions as there are no model conditions. A set of standard conditions have been drafted, which include the statutory conditions. A copy is attached at Appendix 1.
- 2.7 The conditions have been drawn up with reference to the Royal College of Veterinary Surgeons and British Veterinary Association guideline for Local Authorities and their riding establishment inspectors. A copy of which is attached for your reference at Appendix 2.
- 2.8 Any person aggrieved by the refusal of a local authority to grant such a Licence, or by any conditions subject to which such a licence is proposed to be granted, may appeal to the Magistrate Court.

3.0 Current Position

- 3.1 In September 2016, Eastbourne Borough Council received its first Riding Establishment licence application for a number of years.
- 3.2 Following an inspection by the Council's appointed veterinary surgeon; the licence was granted and issued with the statutory conditions required by the Act and those recommended by the veterinary surgeon.

4.0 Conclusion

- 4.1 A standard set of conditions for Riding Establishments will ensure a consistent approach to the licensing of such premises; improve public safety and welfare of the animals.
- 4.2 This report is to enable members to consider and adopt a set of standard licence conditions to be applied to all existing, a renewal and new Riding Establishment licence issued and administered by the Council.

5.0 Recommendations

- 5.1 That the Council adopt the standard conditions attached at Appendix 1 of this report and attach those conditions to all new and renewed Riding Establishment licences issued by the Council.

6.0 Financial Implications

6.1 Licence fees are charges on a full cost recovery basis and include officer time for processing an application, the inspection of the premises and the enforcement. The additional cost of the inspection by the veterinary practitioner is paid by the Riding Establishment.

7.0 Legal Implications

7.1 The legal implications of this Report have been checked with the Council's Legal section.

8.0 Human Rights

8.1 The provisions of the Human Rights Act 1998, must be borne in mind by the Committee when taking licensing decisions. Particular regard should be had to Article 1 of the First Protocol, which relates to the protection of property and the peaceful enjoyment of possessions and property, and Article 8 - which relates to the right to respect for private and family life, home and correspondence - should also be borne in mind. While the Human Rights Act makes it unlawful for a local authority to act or to fail to act in a way that is incompatible with a Convention right, Article 1 of the First Protocol and Article 8 are both qualified rights which means that interference - to a justifiable extent - may be permitted as long as what is done:

- Has a basis in law;
- Is intended to pursue a legitimate purpose
- Is necessary and proportionate; and
- Is not discriminatory.

Background Papers:

- The Riding Establishments Acts 1964 & 1970
- Royal College of Veterinary Surgeons and British Veterinary Association – Guidelines for Local Authorities and their Riding Establishment Inspectors.

Appendices:

- Appendix 1 – Standard Conditions
- Appendix 2 – Royal College of Veterinary Surgeons and British Veterinary Association Guideline for Local Authorities and their Riding Establishment Inspectors.