

Highland Licensing Committee

Meeting - 14 June 2016

Agenda Item	6.1
Report No	HLC/052/16

Application for grant of a licence under The Riding Establishments Acts 1964 and 1970 Glenancross Farm, Morar (Ward 12 – Caol and Mallaig)

Report by Senior Environmental Health Officer, Lochaber and Skye

Summary

This Report relates to an application for the grant of a licence under The Riding Establishments Acts 1964 and 1970.

1.0 Background

- 1.1 In terms of the Riding Establishments Acts 1964, no person shall keep a riding establishment except under the authority of a licence granted under the Act. A person keeping a riding establishment shall be regarded as keeping it at the premises where the horses employed for the purposes of the business concerned are kept.
- 1.2 A Riding Establishment is regarded as the carrying on of a business of keeping horses for either or both of the following: the purpose of their being let out on hire for riding; or the purpose of their being used in providing, in return for payment, instruction in riding.
- 1.3 The Council, as Licensing Authority must ensure that the applicant appears to them to be suitable and qualified, either by experience in the management of horses or by being the holder of an approved certificate or by employing in the management of the riding establishment a person so qualified.
- 1.4 Furthermore, the Council must ensure that the health, safety and wellbeing of the horses is protected in various respects as set out in the legislation. The Council must obtain a report from a veterinary surgeon authorised to carry out inspections advising whether in the view of the veterinary surgeon the premises are suitable for use as a riding establishment and describing the condition of the premises and the horses found there.

2.0 Description of application

- 2.1 Mrs Shelagh Veronica Sharman had applied for the grant of a licence to operate a Riding Establishment at Glenancross Farm, Morar, PH40 4PD. The proposed number of horses for licensing purposes is 8.
- 2.2 Following receipt of the application, the following agencies were consulted:-

- Police Scotland
- Scottish Fire and Rescue Service
- Scottish Society for the Prevention of Cruelty to Animals (SSPCA)
- Ward 12 Members
- Specialist veterinary surgeon

2.3 The consultation response deadline date is 3 May 2016. So far responses, with no objections have been received from Police Scotland, and Scottish Fire and Rescue. The SSPCA is yet to reply.

2.4 A joint visit between the veterinary surgeon and Environmental Health is scheduled to take place on Thursday 12 May 2016 which was the earliest date which was mutually suitable.

2.5 Councillor Henderson has requested that the application should go to the full licensing committee for determination.

2.6 Environmental Health will provide a verbal update on the outcome of the joint visit and consultation responses to the Committee.

3.0 Determining Issues

3.1 Section 1(4) of the 1964 Act allows a local authority the discretion to withhold a licence on any grounds. Planning legislation is not a material issue in the consideration of a licence application. The Act, unsurprisingly for its age, does not state what the general objective of the legislation is but from its terms it would appear to relate to the welfare of horses and perhaps the welfare of customers. Any reasons for refusal should relate to this and the matters detailed in section 1(4) of the Act which can be summarised as the suitability and qualification of the applicant and the welfare of horses.

3.2 It also states that in determining whether to grant a licence, the authority have regard to certain issues relating to the welfare of the horses and that the licence holder possess a valid certificate of insurance. This has been produced by the applicant.

3.3 A licence, if granted, would relate to the year in which it is granted or to the next following year. In the former case, the licence would come into force at the beginning of the day on which it is granted, and in the latter case it would come into force at the beginning of the next following year.

3.4 In any case where the local authority are not satisfied that having regard to all the circumstances they would be justified in granting such licence they may grant a provisional licence which shall come into force at the beginning of the day on which it is granted and shall remain in force for three months.

3.5 Section 1(5) of the 1964 Act states that any person aggrieved by the refusal of a local authority to grant such a licence, or by any condition subject to which such a licence is proposed to be granted, may appeal to the Sheriff who may on such an appeal give such directions with respect to the issue of a licence or, as the case

may be, with respect to the conditions subject to which a licence is to be granted as he thinks proper.

4.0 Timescale

4.1 The acts do not specify a timescale within which to determine an application.

5.0 Powers

5.1 The Committee may grant a full licence subject to the standard conditions, in which case it would last a year; grant a provisional licence lasting for three months or refuse the application.

5.2 If minded to grant the licence, the Committee may attach such reasonable conditions, in addition to the standard conditions, as they think fit.

6. Recommendation

The Committee is invited to determine the application in accordance with the Council's Hearings Procedure.

Designation: Senior Environmental Health Officer

Date: 27 April 2016

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12.05.2016

Dear Mr Murray

RIDING ESTABLISHMENTS ACT 1964 & 1970

SILVER SANDS TREKKING CENTRE, GLEN ROWAN FARM, MORAR, PH40 4PD
Owned and managed by Shelagh Sharman, 1, Marine Terrace, Mallaig, PH41 4RD

Following our joint visit to Mrs Sharman's premises this morning, please find enclosed the Veterinary Inspector's Report.

Mr and Mrs Sharman have a site of some 25 acres or thereabouts of grazing in grass fields plus a large area of hard standing that has been cleared of building and other debris where Mr Sharman has erected a block of four loose boxes and a tack room on concrete hard standing. The Riding Establishment will offer trekking, mainly on the nearby beach, during the spring to autumn part of the year.

Currently there are five horses and ponies to go on the licence, and another three on the premises not intended for use in the Riding Establishment.

Mrs Sharman will manage the establishment with the assistance of Hannah Mackinnon. Both have been on a three-day first aid course and are booked to train with Ruaridh Ormiston at Newtonmore Riding Centre prior to sitting TRSS (Trekking and Riding Society of Scotland) Ride Leader and Senior Ride Leader qualifications in 2 weeks' time. Mrs Sharman has prior experience of working in a riding establishment some years ago. Mr Ormiston was present at the inspection visit today and has provided advice and support to the Sharmans to assist them in setting up and managing the establishment. Mr Ormiston is greatly experienced, respected and knowledgeable in the running of a trekking establishment and in breeding Highland Ponies.

Most of the grazing is in grass paddocks some of which had been previously used for market gardening and free-range hens. In addition there is a small paddock separated by the road with 2 wooden loose boxes sited in it, which is intended for an isolation paddock. Mr Sharman has used a digger to scrape the topsoil and remove the bracken which had been growing there; a few bracken shoots are starting to emerge, and as bracken is toxic to horses, it will be necessary to continually remove the bracken as it re-emerges. The two loose boxes are not sufficiently well ventilated, but this can be readily rectified by the removal of a slat of the wall to allow air to circulate freely. The perimeter fence requires attention, having a loose barbed wire top strand which needs to be replaced. Otherwise this paddock offers excellent isolation accommodation, and in time, an extra bit of grazing.

Much of the fencing in the other grazing areas has been replaced but there is still some requiring work. At the moment there are sheep belonging to a third party in one field, so this is not currently available; however sheep will graze plants left by horses and cross-grazing can be very useful in aiding worm control.

The main block of loose boxes has been purpose-built by Mr Sharman, with four spacious and well ventilated boxes and a tack room on the end, where hard feed is also stored in vermin-proof bins. This is on a concrete plinth, with a large hardcore and sand area in front. Mr Ormiston suggested that an area could be roped off here for clients to be mounted on their horses and an initial assessment of competence made.

Beyond this area, across the track is another area which has largely been cleared of debris, and which could be useful in due course as a sand school or similar. Beyond that are the buildings used by the previous occupant for keeping

commercial laying hens and another shed used for food processing. In due course again, these buildings may be best demolished and replaced as the hen shed in particular has a clearly sagging roof. At the moment they do not present a hazard to the riding establishment as they are sufficiently far away. Beyond the loose boxes are located two mobile homes; the first is to be used as an office. A skip containing wire and other debris was located beyond these mobile homes.

Most necessary signage is in place on the tack room outside wall. There is not a sign at the main entrance yet as the premises is not yet licenced, but Mrs Sharman is aware of the requirements of such a sign (name, address, post code and contact telephone).

The horses and ponies inspected were all in good health and good bodily condition with good footcare. Their tack was well maintained and fitting properly. They are vaccinated and wormed appropriately. Their grazing is ample as the numbers currently stand, and in the worst of the winter weather the loose boxes can be used, although they are largely out-wintered. I would recommend that for the time being only very limited additional animals are taken in (and no liveries) as Mrs Sharman will need to run the establishment for a couple of years to see how the wintering of the horses goes. Field shelters could be erected but would potentially be susceptible to wind damage, and natural shelter would be provided by undulations in the ground and a row of mature deciduous trees along one field perimeter. The ground has the advantage of being very sandy and free-draining, but could easily become "poached" during the long winter months. Often a figure of one acre per horse is quoted, but this depends on the quality and type of grazing. Clearly Mrs Sharman has plenty of extra grazing on that basis, but few establishments in the Highlands can support one horse per acre. Over-grazing can also over time lead to a build-up of parasites on the pasture.

It is clear to see that a significant amount of work has been carried out to clear the site and the grazing, and to improve the premises. There is still some work to do in completing the clearance of debris, and to fence off (with a gate for access) the area that is "off-limits" to the public, beyond the mobile homes. This premises has more space than is usually the case in many riding establishments, and could progress to offer more than just trekking; it could provide a valuable resource for local children and adults alike. The premises as it is just now affords a good start to the riding establishment and the advice and support from Mr Ormiston is invaluable.

I am satisfied that the welfare of the horses and ponies is good and that they are suitable for the use for which they are intended. Mrs Sharman has relevant experience but importantly is also updating her knowledge with an officially recognised training course and qualification. Whilst there is the potential to develop the establishment at this site, it will be necessary to take things gradually and to learn from both formal qualifications and experience, without taking on too much too soon.

In conclusion, I can recommend that a full licence be issued with the following conditions and recommendations:-

Conditions:

Sign at main entrance displaying owner's name, address, post code and contact telephone number(s)

Clearance of remaining debris from main site to avoid hazards to animals and humans.

Fencing or separation of area beyond the mobile homes to avoid hazards to animals or humans

Shelagh Sharman and Hannah Mackinnon to achieve TRSS qualifications as discussed.

Of lesser priority, to be completed before next winter:

Isolation paddock bracken to be removed on ongoing basis as it re-emerges.

Isolation paddock fence top strand of barbed wire to be replaced with plain wire.

Isolation paddock loose boxes to have improved ventilation as discussed.

Recommendations:

Restrict horse and pony numbers at the moment and avoid liveries or "retired" animals. This will benefit the welfare of the working animals by reducing unnecessary grazing pressure.

Possible field shelters in the form of a simple unroofed slatted barrier to the wind.

Continue with a culture of learning from external sources which will benefit the management.

Ensure at least one day off for all horse and staff per week as a minimum during the busy season.

Please do not hesitate to contact me if there are any queries.

Yours sincerely



Charlotte Fraser BVM&S MRCVS

RIDING ESTABLISHMENTS ACTS 1964 AND 1970

Veterinary Inspector's Report

This inspection must only be carried out by approved Veterinary Inspectors on the current RCVS/BVA Inspectorate (see Riding Establishments Act 1964, s.2(3)).

This inspection is made at the request of:

Name of Local Authority: THE HIGHLAND COUNCIL
Date: 12/05/2016 SILVER SANDS TREKKING CENTRE
 GLEN ROWAN
Address of Riding Establishment: ~~GLENACROSS~~ FARM
 MORAR PH40 4PD

Name of owner and address: SHELAGH SHARMAN
 1 MARINE PLACE, MALLATG PH41 4RD

Name of manager and address: SHELAGH SHARMAN (SS)
 and HANNAH MACKINNON (HM)

Are the name, address, postcode and telephone number of the licence holder/manager displayed prominently on the outside of the premises?

YES

NOT YET / NO

A. THE HORSES

- | | |
|--|--|
| 1. Total number of horses on the premises | <input type="text" value="8"/> |
| 2. Number of horses on the premises used wholly or partly (part livery) for hire, teaching, escort or demonstration purposes | <input type="text" value="5"/> |
| 3. Number of horses not used for hire etc (i.e. full livery or for sale) | <input type="text" value="3"/> |
| 4. Number of horses 3 years old or younger (a register of these animals should be seen and signed) | <input type="text" value="One at 3 1/2 yrs."/> |

I hereby confirm that I have presented for inspection all horses as referred to under The Horses item 2.

Signed Shelagh Shorman Date 12/05/16
 (Manager/Owner)

I hereby confirm that I am a current member of the Riding Establishments Inspectorate as maintained by the Royal College of Veterinary Surgeons and British Veterinary Association and that this inspection has been carried out in accordance with the Acts of 1964 and 1970

Signed Charlotte Finser Date 12/05/16
 (Veterinary Surgeon)

B. HORSE INSPECTION

ALL horses on the premises may, at the decision of the veterinary inspector, be inspected under the Acts. All horses in section 2 above **must be inspected**.

- Are they visited at suitable intervals? (see guidelines)
- Are they adequately:
 - rested? (see guidelines)
 - exercised? (see guidelines)
 - groomed? *Isolation boxes have rubber mats + shavings. Same intended for new loose boxes.*
 - supplied with bedding?
 - supplied with food and water

- On site daily; often till quite late in evening.*
- YES NO YES NO YES NO YES NO YES NO YES NO YES NO YES NO
- Starting from new, so discussed regimes of work & rest.*

- Are they routinely vaccinated against: Tetanus? Influenza?

- YES NO YES NO

Vaccination should be discussed and encouraged.

- Is there a satisfactory parasite control programme?
- Is adequate First Aid equipment available?
- Is the farriery and foot care satisfactory?

- YES NO YES NO YES NO
- Twice yearly - spring/autumn*

Condition and type of horses

- Are the horses in good condition?
- Do they appear capable of the work required of them?

- YES NO YES NO

Identify those that may not be and state any recommendations in the comments space at the end of this form

Injured or sick horses

- Have any been found during the inspection? *NO*
- If yes, give details.

C. THE PREMISES

Give a brief description of the premises and the operation of the establishment as a whole. *- see attached letter.*

- For horses at grass:
 - is the pasture adequate?
 - is there adequate windbreak or shelter?
 - is there an adequate water supply?

- YES NO YES NO YES NO YES NO YES NO YES NO
- Same 25 acres undulating sandy fields. Some mature trees, some shelter from undulations. Replacements in progress - significant amount done, still some to do.*

- Are the fences properly maintained?
- Description of the accommodation for housing horses:

4

<u>Loose boxes</u>	Stalls	Barn	Other
<i>(specify)</i>			
Are they:	Purpose built?	Converted buildings?	
Construction:	Masonry	<u>Wood</u>	Other
<i>(specify)</i>			

Do they conform to the provisions of the Act in respect of:

- Construction? YES NC Lighting? YES NO
Drainage? YES NC Water supply? YES NO

Good natural light in main boxes. Can use LED torch/light sources.

Isolation boxes dark - need removal of a stall to ↑ light + vent all!

Ventilation? YES NO *main boxes*
Isolation boxes - see p. 2. at base.

4. Is there sufficient accommodation for all the horses?
(This need not be individual provided that there is plenty of space for one or more occupants) YES NO
5. Are the premises maintained in a clean and tidy state? YES NO *see attached letter.*
6. Is there provision for an isolation box? YES NO
7. Is there adequate accommodation for:
- | | | |
|-------------------|--------------------------------------|--------------------------|
| Feedstuffs? | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| Bedding? | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| Stable equipment? | <input checked="" type="radio"/> YES | <input type="radio"/> NO |

Teaching facilities:

1. Is there:
- | | | |
|-------------------------|---------------------------|-------------------------------------|
| an Indoor School? | <input type="radio"/> YES | <input checked="" type="radio"/> NO |
| an Outdoor School? | <input type="radio"/> YES | <input checked="" type="radio"/> NO |
| a paddock for teaching? | <input type="radio"/> YES | <input checked="" type="radio"/> NO |
2. Are the boundary walls/fences constructed and maintained to avoid injury to the horse and rider? YES NO
3. Is the riding surface properly maintained? YES NO

D. SADDLERY AND TACK

1. Is there adequate accommodation for the saddlery and other tack? YES NO
2. Is it free from signs of defect or damage likely to cause suffering to the horse or accident to the rider? YES NO
3. Is it suitable for use on the horses on these premises? YES NO

E. FIRE PROTECTION

1. Are NO SMOKING notices prominently on display? YES NO
2. Are fire-fighting appliances available?
- | | | |
|--------------------|--------------------------------------|--------------------------|
| Water buckets | <input type="radio"/> YES | <input type="radio"/> NO |
| Hoses | <input type="radio"/> YES | <input type="radio"/> NO |
| Fire extinguishers | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
3. Is a notice prominently displayed advising what action should be taken in the event of a fire? YES NO
4. Have any fire hazards been detected? YES NO
5. Is a visit from the Fire Prevention Officer recommended? YES NO

F. MANAGEMENT

1. To the best of your knowledge, is the manager suitable and/or qualified to hold a licence? YES NO *SS experience when younger, see attached letter.*
2. Qualifications held (if any): IRSS Ride Leader & Senior Ride Leader - End May '16 - HM & SS. *Both done 3 day 1st And*
3. Is the general standard good? or in need of improvement? YES NO
4. If improvements are needed, state recommendations. - *see attached letter.*

G. LICENCE

1. Are the premises suitable within the terms of the Act? YES NO
2. Should a full licence be issued? YES NO
3. Should a provisional licence be issued? YES NO

If a provisional licence only is recommended, please specify the reasons and what improvements should be made during the three months before the next inspection.

COMMENTS AND RECOMMENDATIONS

(It is advised that any recommendations made should be in a separate covering letter attached to this report when it is returned to the local licensing authority).

Not inspected - as not to be used in the RE! -

Mac - 3yo Shetland gelding

Buddy - 17yo Welsh Section D Shewbald (sore back)

Norman - 17yo Irish Sports Horse gelding Shewbald
(lean - "rescued" from unsuitable home)

LIST OF HORSES INSPECTED

NAME	AGE	COLOUR	SEX	APPROX HEIGHT	GENERAL CONDITION	CONDITION OF FEET
FLO	18y	Chestnut Welsh	Mare	13.2	Good	Good
DIPI	17y	Bay Irish Cob	Gelding	15.2	Good	Good
TRIGGER	16y	Shewbald Draught	Gelding	16.3	Good	Good
HARVEY	11y	Bay (Cleveland Bay)	Gelding	17.1	Good	Good - barefoot
ELKIE	20y	Shewbald Irish Sports	Mare	15.2	Good	Good

small deficit in forefeet

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INVOICE

V.A.T. No. 682 953 493

Account Number	Transaction	Invoice Date	Invoice No.		
5615	Invoice Riding Establishment	16 May 2016	00143188		
Date	Vet	Description	Value	Quantity	Amount
12/05/16	cef	EQUINE VISIT 222 miles, 5 hours' travel	215.00	1.00	215.00
		RIDING ESTABLISHMENT INSPECTION (PER H Shelagh Sharman, Silver Sands Trekking Centre, Morar. Time charged is for time on site and in issuing report and covering letter, NB new premises so more lengthy.	100.14	3.00	300.42

RECEIVED
16 MAY 2016
COMMUNITY SERVICES
LOCHABER

NETT	515.42
V.A.T. @ 20.0%	103.08
TOTAL	618.50