

# Licensing Sub-Committee of the Regulatory Committee

10.30am, Tuesday, 26 June 2018

## Request for Fee Reduction – Riding Establishment Licence – Stewarton Polo Club

Item number	5.1
Report number	
Executive/routine	
Council Commitments	N/A
Wards	Almond (11)

### Executive Summary

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The Council has received a request from the proprietors of Stewarton Polo Club to agree to a reduction in the Vet Fee recharge paid as part of their application for a Riding Establishment Licence.

## Request for Fee Reduction – Riding Establishment Licence – Stewarton Polo Club

### 1. Recommendations

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- 1.1 It is recommended that the Committee:
  - 1.1.1 Hears from the licence holder; and
  - 1.1.2 Refuses the request on the basis that, if granted, the full costs of the vet fee would be borne by other licence holders.

### 2. Background

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- 2.1 Stewarton Polo Club has requested that the vet's inspection fee paid for the required Riding Establishment Licence should be reduced from £660 + VAT to £490 + VAT.

### 3. Main report

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- 3.1 Karina Bowlby, Director of Stewarton Polo Club, has submitted a request seeking that the fees paid regarding an application for a Riding Establishment Licence should be reduced. A copy of the relevant correspondence is attached at Appendix 1.
- 3.2 Members are asked to note that this application was made in 2017. The fee structure for 2017/2018 was agreed with effect from 1 April 2017. The fee for a Riding Establishment Licence application at that time was £619, plus the required veterinary inspection fee.
- 3.3 Whilst it had historically been this Council's intention to recharge the veterinary inspection fee in addition to the licence application fee, this has not been implemented in recent years. In 2015 a report was sent to full Council and the Licensing Sub Committee requesting that the inspection costs should be recharged in full to the riding establishments. This was approved.
- 3.4 Riding Establishment Licence applicants for 2017/18 were informed that the inspection fees would be recharged in addition to the licence application fee. For Stewarton Polo Club this amounted to vet fees of £660 + VAT, in addition to the licence application fee of £619.

- 3.5 Riding Establishments are required to be licensed by the Council in accordance with the Riding Establishments Acts 1964 and 1970. When considering the suitability of the premises to be granted a licence the Council must consider an inspection report provided by a suitably qualified inspector.
- 3.6 Under the Riding Establishment Acts, the Inspector is required to examine the premises and to be satisfied that the animals to be used are likely to be maintained in good health. This inspection includes both the premises and the operation of the riding establishment as a whole.
- 3.7 The Royal College of Veterinary Surgeons (RCVS) and the British Veterinary Association (BVA) maintain the official list of approved inspectors, those being suitably qualified equine vets.
- 3.8 Equine veterinary work is a specialist area, and to feature on the approved list, inspectors must spend at least thirty per cent of their practice time in equine work. The vet who advises and supports the Council in all animal health matters spends less than the required minimum practice time on equine practice, and is not on the RCVS/BVA list. He therefore sub-contracts the riding establishment inspection to an approved equine specialist.
- 3.9 RCVS provides guidance on the legislation and best practice in the document RIDING ESTABLISHMENTS ACTS 1964 AND 1970, RIDING ESTABLISHMENT INSPECTIONS.
- 3.10 Traditionally the Council has issued Riding Establishment Licences to run from 1 January until 31 December. Within the 12 months before a licence is granted the Council arranges for the veterinary inspection to be completed and receives a formal report. This report must be no more than 12 months old when used in support of that year's licence application.
- 3.11 Stewarton Polo Club was inspected in April 2017 and a report supporting the establishment's suitability to be licensed was received by the Council. The inspector was paid by the Council. The vet's fee of £660 + VAT was subsequently invoiced to Stewarton Polo Club and has not yet been paid.
- 3.12 If the Committee is minded to grant this fee reduction it is requested that it is made clear to the applicant that this level of fee reduction cannot be sustained, as the cost is being met by other licence holders through their payment of fees, and that the applicant should plan their budget in future years accordingly.
- 3.13 The Council incurs significant inspection costs in dealing with issues arising from licensed premises in the city. These costs are required to be directly recovered from licence fees.
- 3.14 A representative of the licence holder will be invited to address the Committee on the request for the fee refund

## **4 Measures of success**

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- 4.1 The premises are licensed in a proportionate and effective manner.

## 5 Financial impact

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- 5.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2017. Any reduced fee would be required to be absorbed by the licensing budget for 2018/19.

## 6 Risk, policy, compliance and governance impact

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- 6.1 The process outlined takes account of the relevant statutory provisions.
- 6.2 The applicant has a right of appeal against any decision made. The appeal lies to the Sheriff Court.
- 6.3 The fee structure was agreed by full Council. Any reduction risks setting a precedent. However the Committee has discretion in this matter.

## 7 Equalities impact

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- 7.1 There is no equalities impact arising from the contents of this report.

## 8 Sustainability impact

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- 8.1 There is no environmental impact arising from the contents of this report.

## 9 Consultation and engagement

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- 9.1 None.

## 10 Background reading/external references

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- 10.1 None

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## 11 Appendices

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### 11.1 Appendix 1: Email from Karina Bowlby dated 4 April 2018