

Report to:	PUBLIC PROTECTION COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting:	28 July 2020

STREET TRADING CONSENT FOR THE PROVISION OF DONKEY RIDES ON THE SEASHORE

1.0 Purpose of the report:

1.1 To seek the approval of the Sub-Committee of the revised system to regulate the provision of donkeys on the seashore.

2.0 Recommendation(s):

2.1 To approve the issue of 19 consents to operate donkey rides on the seashore and confirm that the provision of donkeys on the beach may not take place otherwise than in accordance with a consent. Each consent will

- Last for a period of 12 months
- Be subject to the standard conditions listed at Appendix 3a
- Entitle the holder to operate donkey rides on an identified pitch in accordance with the rotation procedure detailed in Appendix 3c

2.2 To approve the fee of £50.00 per consent.

2.3 To approve the criteria to be satisfied by applicants for a consent for the provision of donkeys on the seashore attached at Appendix 3c.

2.4 To delegate powers to the Trading Standards and Licensing Manager after consultation with Public Protection Service Manager authority to issue suitable applicants with a consent.

3.0 Reasons for recommendation(s):

3.1 The introduction of the Animal Welfare (Activities involving Animals) (England) Regulations 2018, has changed the way in which local authorities licence any activities involving the hiring out of horses, which includes donkeys. Street Trading Consents would provide a more compatible system for covering the provision of Donkeys on the Seashore than the existing licensing regime.

The Sub-Committee is required to approve Street Trading Consents for Provision of Donkeys on the Seashore and consider whether they wish to deal with future applications themselves or delegate powers to grant suitable applications to the Head of Trading Standards and Licensing.

The Sub-Committee is requested to approve the proposal made by the Licensing Service in respect of conditions, fees and other relevant criteria deemed appropriate.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

To agree the proposals subject to amendments before their approval

The Sub-Committee could determine that there is no requirement for Street Consents for the Provision of Donkeys on the Seashore, however the Licensing Service believes it provides a more robust system of granting permission for providing Donkey rides on Blackpool beach.

4.0 Council Priority:

4.1 The relevant Council Priority is: "The Economy: Maximising growth and opportunity across Blackpool".

5.0 Background Information

5.1 Street Trading is governed by the Local Government (Miscellaneous Provisions) Act 1982. As a result, Blackpool Council, in pursuant to Section 3 of the 1982 Act, adopted Schedule 4 of the Act to control street trading within the Blackpool area. Furthermore, the Council has resolved certain streets including Blackpool Beach are designated as a consent street under the Act.

5.2 The provision for Donkey rides on Blackpool beach has previously been granted under the Riding Establishments Act 1964 and 1970 and the County of Lancashire Act 1984. Historically 25 pitches have been provided on the beach with one riding establishment licence being granted per pitch. As some operators have multiple pitches this meant that more than one riding establishment licence was granted for the stables where the donkeys were kept. The Animal Welfare (Activities Involving Animals) (England) Regulations 2018 which includes the provision for hiring out of horses, now covers the licensing of where donkeys are kept for the provision of being

hired by the public. As the new Animal Welfare Regulations do not confer any rights to operate on the beach a different approach was required.

- 5.3 The Licensing Service in consultation with the Council's Legal Services team conducted a review of the existing licensing regime for allowing the provision of donkey rides on Blackpool beach and concluded that a combination of Animal Welfare Licences and Street Trading Consents would represent a more efficient and robust system of regulating this activity.
- 5.4 There are currently 25 pitches allocated for use on the beach for donkey rides, the Licensing Service would propose to lower this number to 19 pitches, with 6 pitches not currently in use following the revocation of six licences by this Sub-Committee in March 2018. There is insufficient demand to justify the retention of 25 pitches.
- 5.5 The proposed new system is designed to allow existing donkey operators to obtain street trading consents equal to the number of pitches that they currently operate as long as they meet the standards required to obtain a licence under the Animal Welfare Regulations
- 5.6 The proposed consents would be subject to conditions which reflect the existing conditions imposed to regulate the provision of donkey rides on the sea shore. The Licensing Service would recommend that the current system of pitches being rotated throughout the year be maintained under the Street Trading Consents. This allows all consent holders to have an opportunity to operate the provision for donkey rides on the more lucrative pitches over the course of the summer season.
- 5.7 The Licensing Service has devised conditions and set out a criteria that must be met in order to hold a consent which is set out in Appendix 3(a) and (c) respectively.
- 5.8 Does the information submitted include any exempt information? No

5.9 **List of Appendices:**

Appendix 3(a) Standard Conditions

Appendix 3(b) Proposed pitches on Blackpool Seashore

Appendix 3(c) Criteria to determine suitability for a consent

6.0 Legal considerations:

6.1 Local Government (Miscellaneous Provisions Act) 1982

6.2 Representative of the Head of Legal Services will be present at the meeting to advise the Sub-Committee.

7.0 Human Resources considerations:

7.1 None.

8.0 Equalities considerations:

8.1 None.

9.0 Financial considerations:

9.1 None.

10.0 Risk management considerations:

10.1 None.

11.0 Ethical considerations:

11.1 None.

12.0 Internal/ External Consultation undertaken:

12.1 None.

13.0 Background papers:

13.1 None.