

Record of Officer's Decision

The Openness of Local Government Bodies Regulations 2014 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Date of Decision:	8 April 2021
Decision Maker (Officer):	Mike Carran
Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):	Part 3, Schedule 3 – Responsibility for Executive Functions delegated to Officers paragraph 4.3 (1) – the Corporate Director has delegated authority to discharge executive functions within their respective service areas (Part 3.38). All delegations are subject to consultation where considered appropriate in the circumstances (paragraph 4.3 (4)(ii) – Part 3.39).
Identify which Portfolio Holder(s)/Committee Chairman consulted?	Portfolio Holder for Leisure & Tourism - Cllr Alex Porter
Ward Member(s) consulted?	Cllr Terry Allen and Cllr Nick Turner
Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	<p>Following the national restrictions imposed by Government to manage the Covid-19 pandemic, a significant upsurge in the number of horses was experienced at Frinton Beach during the 2020 visitor season. That was compounded by an increase in other beach users arriving earlier than had previously been experienced, leading to conflict between horse riders and other beach users. Further to that, it has been commonplace over the last season for horse owners to ride on the beach during high tides, which further increased the risk of conflict and accidents.</p> <p>The bye law to manage public safety with regards to riding on the beach states, '<i>no person shall on the seashore break in or ride or drive any horse or other animal in a race or so as to cause danger or</i></p>

	<p><i>annoyance to any person using the seashore.</i> Following on from the lessons learnt last season, in order to ensure compliance with this bye law in relation to danger an annoyance, temporary additional measures are considered necessary to reduce the risk of accidents and maintain public safety.</p> <p>Following the loosening of national restrictions on 29 March to enable outdoor sports to take place as part of the Government roadmap, the Council is asking horse riders not to use Frinton Beach for a short, temporary period, whilst we work with the local equestrian community to implement the measures required to maintain public safety. This will include managing access and times of arrival, to include when the tides are appropriate for riding safely. As such, officers will continue to engage with the community, including working in conjunction with the local riding community to implement such measures and manage the risk which increased over the course of the last 12 months.</p> <p>This Officer decision is being taken following a health and safety risk assessment and prior consultation with members of the local riding community, including Tendring Hundred Riding Club, Essex Committee of the British Horse Society and others. It is acknowledged that these restrictions can only be informal requests whilst the Council considers the best way to formalise additional requirements either through the existing byelaw or other remedies such as a Public Spaces Protection Order, both of these require decisions at Member level with the necessary reports attached.</p>
<p>Reason for Decision (if a report was produced to support the Decision, refer to or attach it):</p>	<p>To manage public safety.</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>Any interim restrictions are purely by informal request until a code of conduct is agreed by the local riding community.</p>
<p>Details of any Alternative Options Considered and rejected (together with reasons):</p>	<p>N/A</p>

<p>Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision)</p> <p>If relevant, a note of the dispensation granted by the Monitoring Officer:</p>	<p>N/A</p>																						
<p>Reason Decision, or supporting Report, is not published:</p> <p><i>Tick one or more of the specific exemptions,</i></p> <p><u>and</u></p> <p><i>Give more information in the final box with regards to why the exemption applies and outweighs the public interest test (which is in favour of disclosure).</i></p>	<table border="1"> <tr> <td data-bbox="576 622 635 658">X</td> <td data-bbox="635 622 1380 658">Not applicable – Decision to be published</td> </tr> <tr> <td colspan="2" data-bbox="576 658 1380 734">If Report is not to be published – tick one of the following boxes:</td> </tr> <tr> <td data-bbox="576 734 635 810"></td> <td data-bbox="635 734 1380 810">The report supporting the Decision contains confidential information</td> </tr> <tr> <td data-bbox="576 810 635 922"></td> <td data-bbox="635 810 1380 922">The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:</td> </tr> <tr> <td data-bbox="576 922 635 963"></td> <td data-bbox="635 922 1380 963"> <ul style="list-style-type: none"> • Relates to an individual </td> </tr> <tr> <td data-bbox="576 963 635 1003"></td> <td data-bbox="635 963 1380 1003"> <ul style="list-style-type: none"> • Likely to reveal the identity of an individual </td> </tr> <tr> <td data-bbox="576 1003 635 1115"></td> <td data-bbox="635 1003 1380 1115"> <ul style="list-style-type: none"> • Relating to financial or business affairs of a person or organisation </td> </tr> <tr> <td data-bbox="576 1115 635 1227"></td> <td data-bbox="635 1115 1380 1227"> <ul style="list-style-type: none"> • Relates to a claim for legal professional privilege in legal proceedings </td> </tr> <tr> <td data-bbox="576 1227 635 1451"></td> <td data-bbox="635 1227 1380 1451"> <ul style="list-style-type: none"> • Reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment </td> </tr> <tr> <td data-bbox="576 1451 635 1601"></td> <td data-bbox="635 1451 1380 1601"> <ul style="list-style-type: none"> • Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime </td> </tr> <tr> <td colspan="2" data-bbox="576 1601 1380 1892"> <p><u>And</u> is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> <p>Reasons:</p> </td> </tr> </table>	X	Not applicable – Decision to be published	If Report is not to be published – tick one of the following boxes:			The report supporting the Decision contains confidential information		The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:		<ul style="list-style-type: none"> • Relates to an individual 		<ul style="list-style-type: none"> • Likely to reveal the identity of an individual 		<ul style="list-style-type: none"> • Relating to financial or business affairs of a person or organisation 		<ul style="list-style-type: none"> • Relates to a claim for legal professional privilege in legal proceedings 		<ul style="list-style-type: none"> • Reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment 		<ul style="list-style-type: none"> • Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime 	<p><u>And</u> is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> <p>Reasons:</p>	
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Officers

Signed: Mike Carran

Title: Acting Corporate Director (Place & Economy)

Signed:

Title:

In consultation with:

Signed: Alex Porter

Portfolio Holder for Leisure & Tourism

Signed:

Section 151 Officer (if required)

Signed:

Monitoring Officer (if required)

Dated: 8 April 2021