

**Regeneration, Culture and Adult Education Scrutiny Committee – 6
March 2013**

Report of the Director of Urban Environment

Stray and Illegally Grazing Horses - Update

Purpose of Report

1. To update Members on the implementation of the Stray and Illegally Grazing Horses Policy.

Background

2. The problem of illegally grazing and stray horses has been endemic within the whole of the Black Country for decades. It has been the practice of horse owners to tether or just leave their animals on parks, football pitches, nature reserves and other open land. The tethering of horses is not prohibited by law, but is unauthorised on Council land.
3. This results in a range of problems including; direct damage to land, loss of amenities such as football pitches, planted and wooded areas being destroyed and potential injury to the public or motorists.
4. In addition to the health and safety problems, stray and tethered horses cause nuisance and result in a considerable volume of complaints from the public which are directed at both the Council and the police. This public concern is also reflected in frequent press coverage given to this subject.
5. Over the years the Council has tried many different approaches to dealing with the problem. These have resulted in repeated threats to staff, damage to vehicles and property and despite considerable cost and effort have had very limited effect on the core problem of illegally grazing horses.
6. It has become clear that the Council cannot eradicate illegal grazing on its land due to the extent of its ownership and the persistent desire, within the local population, to own horses. As a consequence the Council had had to adopt a reasonably practical approach to reduce the risk of injury to persons and damage to property. Therefore priority will be given to situations where there is the highest risk, such as on or adjacent to highways, or well used footpaths, or where the numbers of horses in any one area are increasing to unacceptable levels.
7. Since February 2000, in line with the recommendations of a multi-agency working group, the decision was made to appoint an

independent organisation to act as the Council's Agent (Bailiff) in this matter. They are responsible for managing the situation and impounding selected horses on the Council's behalf. Prior to the removal/impoundment of horses, notices are placed at various sites, where horses are illegally grazing, which advise owners their animals will be impounded if not removed and in the majority of instances the number of horses significantly reduces without the need for impoundment.

8. Therefore a key part of Agency's duties are to regularly monitor the borough and post notices throughout the year, but from time to time it is also necessary to make targeted impoundments. Regular posting of notices and periodic impoundments has effectively maintained the total number of horses illegally grazing in the borough at an acceptable level.
9. However, there remains a serious hot spot in the Fens Pool Area particularly in the winter when grazing is very sparse and these horses stray onto other land or the roads causing the anticipated difficulties that you would expect. This came to a head in the 2010/11 winter period when an influx of horses that were left loose to stray by their owners resulted in high levels of disruption on the highway and across open spaces.
10. **In order to deal with this problem we entered into an arrangement with a reactive bailiff for removal of horses from the highway, undertaken in partnership with the police under legal powers the police can use but that are not available on other than the public highway. This initial trial service proved very effective in dealing with the problem of horses on or adjacent to the highway and reacting quickly to issues as they arose.**

Policy Development

11. In addition the Regeneration, Culture and Adult Education Scrutiny Committee resolved to look into this issue in more detail and established a working group, which comprised both Elected Members and representatives of partner organisations with the following remit:
 - To develop a draft policy for stray horses and illegal grazing on Council land, with due regard to practicalities and cost;
 - To present the draft policy for adoption by the Council;
 - To monitor performance of the trial 'Reactive Service';
12. The working group reported back to the Scrutiny Committee with its findings and recommendations in March 2012 and the policy was adopted by Cabinet at its meeting on 12 September 2012. The policy is attached at Appendix 1 for information.

Recent Activity

13. As has been reported previously to both the Scrutiny Committee, its working group and The Cabinet, the reactive service has proved to be very successful in dealing with problems created by loose horses on or adjacent to the public highway.
14. Initially call outs for this service were on a daily basis with over 120 horses recovered in the period April – December 2011. During the same period the Bailiff Service undertook targeted impoundments on two occasions without any ensuing problems and stray/tethered horse numbers on public land was reduced.
15. More recently in the period October – December 2012 the proactive highways service has been called out to deal with twenty incidents involving stray horses. Across these twenty call outs 35 horses were recovered and taken into care, the majority of these being in a poor physical condition and suffering from a variety of infections.
16. In addition the Bailiff Service has undertaken two impoundment actions where horses have been taken from a small number of sites. The focus of this work is to discourage owners from putting their horses onto public land and there is some anecdotal evidence to suggest that the 'twin-track' approach provided by both services is having some success in this regard.
17. Over the last 12 months calls to the Stray Horse 'Hotline' have reduced dramatically and, whilst the numbers of horses on public land tends to fluctuate to reflect dealings in the local livestock trade, numbers are significantly reduced in areas that have previously been regarded as hot-spots ie Fens Pool, Buckpool, with higher numbers of horses now seen on private land.
18. So far as the issue of animal welfare is concerned this year (April 2012 onwards) the Council's Environmental Health Service has dealt with ten horse welfare complaints which have either been received directly from a member of the public or assistance requested by the RSPCA.
19. The Council had planned to work with the RSPCA and other horse welfare charities to run a horse welfare education day when horse owners could bring their horses to receive a free veterinary check, to be identified in accordance with the Horse Passport Regulations 2009 and for free education and advice. Regrettably, it was not possible to arrange this as the RSPCA specialist horse inspector had an enforced period of absence. However, they have now returned to work and a meeting is scheduled to take place in the near future with both the RSPCA and Redwings to plan such an event and to consider setting up a joint plan to deal with horse welfare cases.

- 20 Despite the direct activity that the Council has undertaken and its work in partnership with animal welfare organisations there is still work to be done to promote responsible horse ownership and improve the welfare of some horses. This will continue to be a focus for the Council and its partners in the coming year.

Finance

21. The enforcement activity detailed within the report in 2011/12 has been funded from resources held by the Directorate of the Urban Environment and has been built into the budget for 2012/13 onwards.

Law

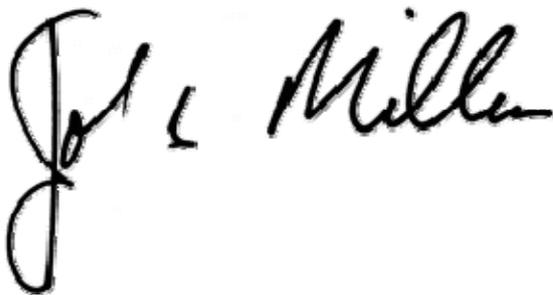
22. Section 111 of the Local Government Act 1972 provides that a local authority shall have power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

Equality Impact

23. This report has taken into consideration the Council's Equality and Diversity policies and in particular its impact on certain sections of the community including Travellers and young people.

Recommendation

24. It is recommended that members of the Regeneration, Culture and Adult Education Scrutiny Committee note the contents of this report and respond accordingly.

A handwritten signature in black ink, appearing to read 'J.B. Millar'. The signature is written in a cursive style with a large initial 'J' and 'M'.

J.B. Millar
Director of the Urban Environment

Contact Officer: Duncan Lowndes,
Assistant Director Culture & Leisure
duncan.lowndes@dudley.gov.uk

APPENDIX 1

POLICIES

The Council's agreed approach to dealing with this issue is set out in the following 4 policies:

POLICY 1 : HORSES ON THE HIGHWAY

The Council in partnership with the Police will endeavour to remove all stray horses reported on, or near the highway , using the legal powers and resources available to them.

In order to deal with the problem of loose horses on or in proximity to the highway, the Council will retain the services of a bailiff who can provide a ***reactive impoundment service***. All action taken by the bailiff will be supported by the Police. The Council and the Police will encourage members of the public to report any incidents directly to the police, information from calls relating to this matter reported to the Council's horse reporting line, will be forwarded immediately to the Police.

POLICY 2: ILLEGALLY GRAZING HORSES

The Council will endeavour to restrict the levels of stray and tethered horses, on publicly owned and accessible land, to a minimum using the legal powers and resources available to it.

This is to be achieved by the retention of an independent service which will provide planned and targeted action. Specifically the service will survey the Borough for illegal grazing and, in conjunction with the Council, will be responsible for posting of prohibition notices and taking planned and targeted action. Priority will be given to situations where there is highest risk, namely adjacent to highways or well used footpaths or where the number of horses in any one area are increasing to unacceptable levels.

The Council will continue to encourage members of the public to report any incidents to the Council's horse **reporting line 01384 814182** (24 hour answer phone) and all information will be forwarded to both the Agency and the Police as appropriate. This number is posted on the Dudley MBC web site and periodically included in press releases. Dudley Council Plus also communicates this number to the public when required. All information will be treated in confidence.

Private property owners, school, or housing land managers retain the responsibility to remedy their issues with stray and illegally grazing horses. However lines of communication with the Directorate of the Urban Environment will be established and advice given on procurement of the services of an appropriate agency.

POLICY 3: COUNCIL GRAZING LAND

Where the Council leases land for grazing it will require that all tenants comply with legislation pertaining to passports and identity chipping and that they hold the appropriate insurance.

The Council will regularly review it's portfolio of grazing land with a view to maximising occupancy and meeting demand.

The Council currently has 112 acres of land across the Borough which is designated for grazing. However this is not sufficient to meet the demand and there are a significant number of people on a Waiting List. In addition a high number of these fields are in need of fencing repairs before they can be re-let.

A significant number of fields are in, or adjacent to, areas of considerable nature conservation interest such as Local or National Nature Reserves, or within recognised wildlife corridors. In both of these cases, the Council is mindful of it's wider duties to protect the natural heritage of the Borough and would wish to retain the land and manage it by grazing as a means to protect its designated Local and National Nature Reserves and Wildlife Corridors, grazing being an expedient means of managing the land.

POLICY 4: PROMOTION OF RESPONSIBLE HORSE OWNERSHIP AND WELFARE

The Council will work with welfare organisations to promote responsible horse ownership and welfare. However where this approach fails the Council will, in partnership with the police and welfare organisations, take more direct action using its powers under the Animal Welfare Act 2006.

The education of horse owners is key to ensuring the welfare of horses and, therefore, minimise any intervention by the Council and/or other agencies. Where appropriate the Council will work with welfare organisations in promoting responsible horse ownership.

Where education is inappropriate or failing, the Animal Welfare Act 2006 provides powers for local authority officers and police officers to take action to deal with welfare issues. These powers include the service of *Improvement Notices* to deal with specific welfare issues (these powers are available only to local authority officers) as well as emergency action which can be taken by both local authority officers and the police. The local authority has the power to prosecute under the Act although private prosecutions by such organisations as the RSPCA may also be brought.

The Council will continue to work with and support the work of horse welfare organisations when responding to any instances of horse welfare. It must, however, be acknowledged that the Council is only able to deal with some of the more serious welfare issues with the help of outside organisations who have the necessary land resources and veterinary expertise available.
