
Meeting of the Cabinet – 12th September 2012

Report of the Director of the Urban Environment

Stray and Illegally Grazing Horses – Policy Adoption

Purpose of Report

1. To seek the adoption of the Stray and Illegally Grazing Horses Policy as developed by the Regeneration, Culture and Adult Education Scrutiny Committee.

Background

2. At the meeting held on 8 June 2011 the Regeneration, Culture and Adult Education Scrutiny committee were advised of issues relating to stray horses and illegal grazing in the Borough, the problems being caused by such practices and the action that the Council and its partners were taking in an attempt to address these problems.
3. In order to consider the matters raised in more detail the Committee resolved to set up a working group with 3 Council Members (Councillors K Turner, Islam and Mrs Simms), Police and RSPCA representatives and Council Officers as required. The remit of the Working Group was, in considering the various issues pertaining to stray horses and illegal grazing:-
 - 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'.
4. The performance of the trial 'Reactive Service' was a crucial element in assessing the effectiveness of the Council's approach to tackling the specific issue of stray horses, particularly on the highway. The problems caused by horses straying on to the highway in early 2011 were such that in terms of reports received between 13 January and 12 February 2011, of the 611 service requests received by Dudley MBC Directorates and West Midlands Police 201 calls related to animals out of which 119 were about stray horses. The level of inconvenience being caused was considerable and the importance of finding a solution to the problem was paramount.

5. Consequently in partnership with West Midlands Police, the Council engaged a suitably qualified service provider who was prepared to provide a reactive service as a means of resolving this problem. The Service commenced in April 2011 as a pilot to see whether it was effective in dealing with the 'highway problem' and whether it could also have a positive 'knock on' impact in other respects with the overall problems created by stray/loose horses.
6. The results of the trial period were very encouraging in a number of respects. In the first instance since the trial was started in April 2011 and up to the end of June 2012 over 150 horses were collected and removed from on or adjacent to the highway, thereby significantly reducing the potential for accidents to occur or nuisance and inconvenience to residents.
7. At the same time the Council's Bailiff Service undertook two separate impoundment exercises and these have occurred without any reprisals from aggrieved horse owners. Furthermore the number of illegally grazing horses found on Council land also appears to have reduced. The Fens Pool/Buckpool 'green wedge' had, at its peak some 90 horses grazing on it and whilst this fluctuates, dependent on the activities of owners and traders this has been reduced to more acceptable levels.
8. As well as looking at the issue of controlling horse numbers, the Working Group considered animal welfare issues given that there has been significant levels of public concern expressed regarding this issue. In addition to the horses seized on account of them being either on or adjacent to the public highway or on Council land, the Council and the RSPCA/Redwings have also seized a number of horses on welfare grounds further reinforcing these agencies approach to this issue.
9. Finally the issue of Council grazing land was considered by the Working Group, particularly in the context of its location, condition and suitability. From the evidence submitted to the Working Group it was clear that there were sites that were currently not in use as they required significant levels of investment but that there were opportunities to work with potential graziers in terms of bringing them into use through partnership working. That said even if all of the present unlet sites were made available there would still be a lengthy waiting list given that the supply of land is not able to meet the growing demand for grazing land.

10. Consequently the Working Party developed the proposed Council policy for Stray and Illegally Grazing Horses (attached at appendix 1) and this was approved by the Scrutiny Committee at its meeting on 7 March 2012. In summary the policy endorses the Council and partners current approach as one that appears to have had success in dealing with associated problems of horse numbers on Council land and on the highway. The crucial element in all of this has been the partnership with the Police and the engagement of a service provider. This has ensured a consistent and robust response has been made as and when required which has had added benefits in other aspects of dealing with the stray/illegal grazing problem and as the policy proposes a recommendation that this service is retained.

Finance

11. 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

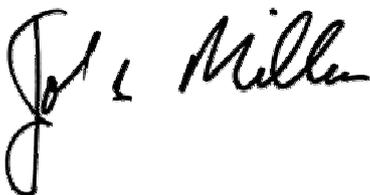
12. Section 111 of the Local Government Act 1972 provides that a local authority shall have power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

Equality Impact

13. 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

14. It is recommended that Cabinet approves the Stray Horses and Illegally Grazing Horses Policy as detailed at Appendix 1.



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List of Background Papers

Report to Regeneration, Culture and Adult Education Scrutiny Committee
7.3.12

Draft Policy for Stray and Illegally Grazing Horses

1.0 INTRODUCTION

- 1.1 The Council does not support the unauthorised use of Council owned land for grazing and believes that horse owners should make alternative suitable arrangements. The purpose of this document is to set out the established practices and state the Council's approved policy for this area of service, commensurate with the level of resources available.

2.0 BACKGROUND

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 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 has 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. The Council monitors the risks associated with stray or illegally grazing horses through its Corporate Risk Register JCAD which is regularly reviewed at Divisional and Directorate level.

2.6 The Council's Animal Welfare Charter which was adopted in 2003 and is currently under review, sets out five basic freedoms to which animals are entitled:

- Freedom from fear and distress
- Freedom from hunger and thirst
- Freedom from pain, disease and injury
- Freedom to express their normal behaviour
- Freedom from physical distress

In addition, with regard to the tethering of horses, the policy states that the Council will enforce the Protection Against Cruel Tethering Act 1988 and will not allow the tethering of horses or ponies over protracted periods and/or without access to adequate water, grazing and shelter, on land owned or managed by the Council.

2.7 Council Officers and the Police are authorised under the Animal Welfare Act 2006 and can be called upon to deal with welfare issues as they have the powers to seize animals.

3.0 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.