

Regeneration, Culture and Adult Education Scrutiny Committee

Date 8th June 2011

Report of the Director of Urban Environment

Stray Horses

Purpose of Report

1. To advise Committee of the issues pertaining to stray horses and illegal grazing in the Borough and to propose possible solutions to mitigate their impact with an agreed management approach in relation to Council owned land.

Background

2. There is a long tradition of horse ownership in the Black Country and there are many responsible owners who legitimately graze animals and whose horses are legally insured, passported and chipped.
3. The amount of grazing land in the borough is limited, and the Council's current waiting list exceeds 200 with little likelihood of many on the list ever obtaining grazing space. The Council has the opportunity to develop more grazing fields, however, there would need to be significant investment in new fencing and infrastructure to release these fields for use.
4. There is also a long history of less responsible horse owners, who often tether their horses on Council land seeking to avoid grazing charges or food costs. Their horses are normally secured with chains and are moved from site to site to feed.
5. The issue of stray horses and illegal grazing has been a long standing problem within the borough. In the latter part of 2010 and early 2011 the borough saw the number of stray and illegally grazing horses reported to the Council increase and in turn this has raised considerable concern within local communities. This is particularly relevant in the Fens Pool area of Pensnett. The cause of this problem was irresponsible horse owners purposely abandoning their horses on open land with no regard to the potential danger to their animals or to the public. Inevitably, these loose animals strayed looking for food and water and got onto the local road network, causing significant upheaval.
6. The practice of impounding horses from off Council land is a tactic used as both a warning and deterrent to horse owners who are illegally grazing their horses on these sites. It is used at times when the numbers of illegal and stray horses has reached a level where action is considered necessary in terms of the long term management of horse numbers, particularly on the Fens/Buck Pool sites.

7. This action has been successfully used by the Council's retained Enforcement Agency over a number of years to keep strays down to a manageable level. This type of approach is identical to that used by the Enforcement Agency around the country.
8. It was an unintended consequence of our Bailiffs impoundment action on Fens Pool last October that one or more horse owners retaliated as their more valuable horses were impounded which incurred release fees that they were unable or not prepared to pay.
9. It is understood that these owners then proceeded to purchase 20 or more very low value horses (for as little as £5 each) from a horse fayre (more likely the streets and pubs around a horse fayre) and it is strongly suspected that these low value horses were deliberately released onto the streets of Pensnett and Kingswinford in an act of retaliation early in 2011. Between early March and mid May the Council received nearly 100 calls from residents reporting sightings of stray horses particularly in the Pensnett/Kingswinford area, with these horses being found on roads and in peoples gardens causing significant disruption to daily life.
10. The difficulties raised by Stray horses are not a problem solely associated with Dudley or the Black Country. Most metropolitan areas in the UK and Ireland have to a greater or lesser degree been affected by the issue. Appendix 1 outlines some of the approaches used by Council's to deal with stray horses.
11. In terms of the legal responsibilities for this problem the following can be said. The Police are legally responsible for public safety on the highway in relation to stray horses. This is despite a public and media perception that it is the Council's responsibility. The Council is responsible for public safety in relation to horses on council owned land, and to enact a management approach to mitigate the risk of accidents and injuries as a result.
12. The Council's use of an enforcement agency (bailiff) has provided some reassurance in this respect as it demonstrates an active approach to the management of the problem on Council owned land. In addition during the period when the problem of horses on the highway etc was at its height, informal arrangements were introduced where such strays were led onto Council land, principally Fens Pool. Subsequent legal advice has recognised that whilst the Council action has been a common sense approach, it has with it an increase in liability. The Council have subsequently ceased this arrangement.
13. Evidence for other areas show that locally agreed solutions offer the best longer term possibilities to help reduce the impact of Stray horses. The legal position helps underpin the need for close partnership working needed in moving towards a reasonable outcome. This will require a concerted effort to bring together not just the Police and the Council but in particular also members of the horse owning community and welfare groups such as the RSPCA.
14. The Council has a limited budget to deal with illegal grazing on Council land (circa £20K) but given the difficulties that have arisen regarding stray horses on highways and in community settings additional funding was found to fund a qualified service provider who would be prepared to provide a reactive service which with Police support could be called out to seize horses found on or adjacent to the public highway. This service is currently the subject of a 6 month trial period and its effectiveness will be assessed. Essential to the trial is Police support 'on the ground'

to the service provider as it is they who are seizing the horses in accordance with their powers. The Police are the first point of contact for reported strays on the streets and are also on site to retain stray horses whilst the service provider travels from outside the borough to collect and remove them.

15. The current 6 month trial `reactive service` is only a short term measure and what the Council, Police, Community Groups and other partners need to develop is a longer term strategy to deal with the issue when the need arises. The obvious constraint on the public authorities is financial resources to meet the essential costs but the aim must be to reduce the problems to more manageable levels in the coming years.

16. In order to move these issues forward it is proposed that;

- (i) A Working Group of Select Committee be set up to include:-
 - 3 Council Members
 - Police Representative
 - RSPCA Representative
 - Council Officers – D.U.E, Marcomms, Legal, Community Safety.
- (ii) To develop a draft policy for stray horses on council land with due regard to practicalities and cost.
- (iii) To present the draft policy for adoption by the Cabinet Member for Environment and Culture by December 2011.
- (iv) To monitor the performance of the trial “reactive service”.

Finance

17. The enforcement activity detailed within the report in 2011/12 can be funded from resources held by the Directorate of the Urban Environment. The ongoing revenue cost of this activity for future years needs to be reviewed following the results of the trial period detailed in paragraph 14 and the findings of the working group detailed in paragraph 16.

Law

18. Section 2 of the Local Government Act 2000 enables the Council to do anything which improves the economic, social or environmental wellbeing of its area.

Equality Impact

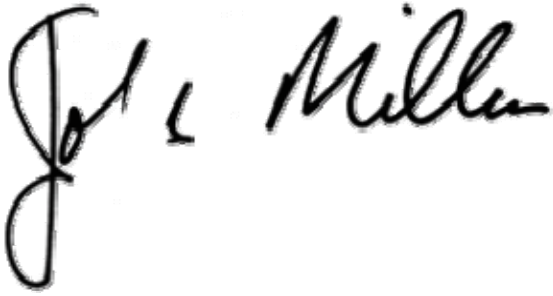
19. This report has taken into consideration the Council's Equality & Diversity policies and in particular its impact on certain sections of the community including Travellers and young people.

Recommendation

20. It is recommended that:-

- The Scrutiny Committee agrees to the proposals outlined in paragraph 16 of the report.

- As and when drafted the policy be put forward for the Cabinet Member Environment and Culture for approval.

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

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Contact Officers:

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List of Background Papers

None

Appendix 1

Approaches tried by Councils include a combination of the below:

- Employ private contractors to collect horses and if not claimed the horses are sold.
- Adoption of “welfare charter” between Council, Police and R.S.P.C.A aimed at protecting horses.
- Review current policies and practices and make public aware of the powers the Council has in removing horses from Council owned land.
- Impound horses found straying or tethered on its land without permission. Use livery yard outside of area.
- Liaison directly with owners (built up over a period of time) to deal with horse problem.