

Brierley Hill Area Committee – 25th March 2010

Report of the Director of the Urban Environment

Stray and Illegally grazing Horses

Purpose of Report

1. To inform committee of the Council's policy and practice with regard to Illegally grazing and stray horses

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 irresponsible horse owners to tether or just leave their animals on parks, football pitches, nature reserves and other open land.
3. This results in a range of problems including; direct damage to Council or private land, loss of amenities such as football pitches, planted and wooded areas being destroyed and potential injury to the public or motorists.
4. Over the years the Council has tried many different approaches to dealing with the problem. Initially the Council attempted to deal with this by using its own staff to catch the horses and kept them in a pound at the zoo. However staff were regularly threatened, vehicles were vandalised and the pound was repeatedly broken into whilst the owners very rarely claim their horses and the Council was left with significant costs that were not recovered. Then the Council employed a series of local bailiffs/ horse sanctuaries to remove problem horses on an as-and-when-basis. Again there was the problem of intimidation, threats and actual damage to property and lack of success recovering costs. Despite considerable cost and effort these approaches had very limited effect on the core problem of illegally grazing horses which persists to this day.
5. In addition to the health & 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.
6. In the past some illegal graziers have taken up the opportunity to rent grazing land within the Borough, which has, in part, reduced the extent of the problem. Unfortunately the Council has a limited supply of such land and there are currently approx 120 people on the waiting list. Fields are charged out at approx £250/acre/ year and the incidence of non payment of rents has risen over the past

12months. It is believed that the owners of the majority of the illegally grazing horses in the Borough are not on this waiting list.

7. In February 2000 in line with the recommendations of a multi-agency working group, the decision was made to appoint an independent agency to act as the Council's Agent in this matter. They are responsible for managing the situation and impounding selected horses on the Council's behalf. The Agent is very experienced in controlling and removing horses and has assisted the Police, Councils and Government Departments nationwide.
8. 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. In the majority of instances the number of horses significantly reduces without the need for impoundment. Therefore a key part of the Agency's duties are to regularly monitor the borough and post notices throughout the year. However from time to time it is also necessary to make impoundments.
9. Following an impoundment, the Agent provides owners with the appropriate contact details and subsequently the conditions for the return of any animals. Animals are only returned to rightful owners, subject to them reimbursing the Council for all costs associated with the impoundment. In many cases a legitimate claim cannot be established or no one comes forward, in both instances the horses are sold, leaving the Council bearing the full costs.
10. The Agent does not provide a reactive service to deal with straying horses and is not retained to act on Private land. They are retained to deal with the root cause of the problem by stopping the illegal grazing of horses on public open spaces, parks and nature reserves. By taking this approach to the problem over the past 10 years, reported incidents of illegally grazing horses have reduced overall.
11. There have recently been two instances of horses on school grounds. For security reasons school premises are extremely well fenced and locked at night and weekends. As a consequence it is very unusual for them to experience problems with stray horses. In such circumstances schools need an immediate response which is not provided by the Agency. Advice has been given to Children's Services on the options available to them to procure such a service.
12. The Council encourages members of the public to report any incidents to the Council's stray horse reporting line 01384 81 4182 (24 hour answer phone) and all information is forwarded to the Agency at the earliest opportunity. Whilst the Agency regularly monitors the borough this additional information, particularly in respect of straying horses, helps them to establish a pattern of movements and identify which horses are causing the problems. This in turn helps them take effective targeted action.
13. Regular posting of notices and periodic impoundments has effectively reduced the total number of horses illegally grazing in the borough. However there currently remains a serious hot spot in the Fens Pools Area where there are in excess of 30 horses reported as tethered or loose. At this time of the year the grazing is very sparse and horses regularly stray onto other land in search of food, which has resulted in a number of reported road traffic accidents.
14. The Council and the Enforcement Agency are working closely with the Police to

tackle the persistent problems in this area and have recently written to 4500 residents in the Brockmoor, Pensnett and Fens Pools areas reinforcing the message that illegal grazing is unacceptable and that if the practice continues horses will be impounded, a copy of this communication is included in Appendix A of this report

Finance

15. The budget for the impoundment activity detailed in the report is £20,400 in 2009/10 and is held within the Culture & Leisure division of DUE

Law


16. Section 111 of the Local Government Act 1972 authorises the Council to do anything which is calculated to facilitate, or is conducive to, or incidental to, the discharge of its functions.
17. Section 2 of the Local Government Act 2000 allows the Council to do anything that it considers is likely to promote or improve the economic, social or environmental wellbeing of its area.
18. Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 enables the Council to deal with horses found on land within the borough by way of impounding them and where a horse is subsequently collected by its owner, permits the Council to recharge the costs incurred. Where a horse is not collected the Council is permitted, upon the giving of appropriate notice, to sell the horse

Equality Impact

19. This report is consistent with the Council's Equality and Diversity policy. There is no direct impact on children or young people.

Recommendation

20. It is recommended that Area Committee note the contents of the report.



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John Millar
Director of the Urban Environment

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List of Background Papers:

Report to Leisure Committee 29th October 1991

Report to Leisure Committee 25th March 1997

Decision Sheet CPO/L/05/2000 12th March 2000

Decision Sheet CPO/L/21/2002 4th April 2002

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24th February 2010

**STRAY HORSES AT FENS POOL AND THE SURROUNDING
AREAS**

We are writing to you with reference to the above which are grazing without permission on Council owned land.

This situation is totally inappropriate in an urban environment and is presenting a real danger to members of the public, motorists and the horses themselves.

The situation cannot be allowed to continue as the conservative management of these horses appears to be inadequate.

If the owners of these horses fail to remove them in the immediate future the Council's enforcement agency in discussions with the Police have been asked to consider more radical options to control the situation.

We would appeal for any information relating to these horses or their owners to help contain this situation. Members of the public should report any information

either:

By phone, leaving a message on telephone number 01384 814182

OR

In writing to the Council's Enforcement Agency, Sherbond Specialist Enforcement
P.O. Box 9724 CM7 0BL

All information will be dealt with in the strictest confidence

For horses on the highway please contact the local police on telephone number 0845 113 5000 any additional Police intelligence should be reported to Crime Stoppers on telephone number 0800 555 111.



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