

AGENDA ITEM

REPORT TO CABINET

21 JANUARY 2021

**REPORT OF CRIME
AND DISORDER
SELECT COMMITTEE**

CABINET DECISION

Lead Cabinet Member – Access, Communities and Community Safety – Cllr Steve Nelson

SCRUTINY REVIEW OF FLY-GRAZED HORSES

SUMMARY

The attached report presents the outcomes of the Crime and Disorder Select Committee's review of Fly-Grazed Horses.

REASONS FOR RECOMMENDATION(S) / DECISION(S)

This topic was included in the Scrutiny Work Programme for 2019-2020, though as a result of the COVID-19 pandemic, the evidence-gathering was paused during the review which had an impact on the originally intended timescales for reporting to Cabinet. The review is now complete, and the recommendations have been endorsed by the Crime and Disorder Select Committee for submission to Cabinet.

RECOMMENDATIONS

The Committee recommend that:

- 1) Cleveland Police, Stockton-on-Tees Borough Council (SBC) and other relevant partners, in conjunction with any other interested Tees Valley Local Authorities, develop a joint formal policy document to address the fly-grazing of horses on both Council and non-Council land, clearly outlining the roles and responsibilities of the relevant organisations.
- 2) The agreed joint formal policy is made publicly available, with specific awareness-raising work undertaken with local horse-owners.
- 3) There is improved presence (e.g. dedicated webpage) on the Council website around the issue of fly-grazed horses, including key (non-personal) contacts (Council and other partners) / links to guidance / tips for landowners / formal policy (once finalised), etc.
- 4) Where identified, SBC continue to work with landowners (particularly those previously / currently affected by this issue) to reinforce their rights and obligations, as well as avenues of wider support and guidance.

- 5) Further investigation of potential Council land for a licenced grazing pilot scheme be undertaken as part of the wider SBC Asset Review (ensuring input from the Council's Environmental Health department).
- 6) Relevant SBC departments identify specific areas of Council land requiring a zero-tolerance approach based on location alone, along with an assessment of the resources required to support the enforcement of the new formal policy on these pieces of land and any other land where a horse's presence poses an identified risk.
- 7) Consideration be given to arranging a future microchipping clinic in the Borough (in conjunction with the British Horse Society).
- 8) An Officer network group to encourage regular collaboration (including the sharing of best practice around this issue) between the Council and relevant partners regarding fly-grazed horses be created.

DETAIL

1. Fly-grazed horses are those that are being deliberately allowed to graze on land without the landowner's (private or Local Authority) permission – this can either be on a tether or allowed to roam free on the land. Fly-grazing differs from abandonment, which is where a horse is deliberately left by an owner on a permanent basis, or for a long enough period, with no intention to provide for their horse's needs that leads to unnecessary suffering.
2. Due to the nature of land used for fly-grazed horses, this practice can lead to welfare concerns for the horse and also pose a risk to public health / safety. Welfare issues can arise from the lack of suitable grazing, water, environmental issues and physical injury. Fly-grazed horses pose a real risk to public health; whether wandering onto roads due to being grazed on land with inadequate or poorly maintained fencing (as happened during an incident on Durham Lane, Eaglescliffe in October 2019), or breaking free from tethers. Horses may also be left to graze in public spaces, making footpaths, play areas and nature reserves unsafe for users / pedestrians, and create significant restoration costs caused by damage to Council assets / land.
3. Whilst the Council currently deals with incidents for which it is responsible in a responsive and effective manner, there is currently no formal policy regarding fly-grazed horses. In addition, there is currently no dedicated budget provision for responding to such horse issues, which has implications both for responding to incidents and developing a formal policy.
4. This topic raises a number of questions about the roles and legal responsibility of various individuals / organisations (e.g. the Council, Police, RSPCA, landowners, horse-owners) depending upon various factors such as the condition of the horses, where they are grazing and when they get loose. There are also financial and staff resource implications for the Council if others with responsibility do not fulfil their legal obligations.
5. The aim of this review comprised several important elements, the first of which involved the establishment of the Council's and other relevant organisations' roles and responsibilities for fly-grazed horses on both Council and non-Council land. Other aspects included identifying the extent of concerns across the Borough in relation to fly-grazed horses, understanding the costs to the Council in undertaking its statutory responsibilities (and beyond), and considering more proactive means of addressing fly-grazed horses via education or enforcement options which may be used with horse-owners. Finally, the intention was for this review to provide conclusions and recommendations which could inform the creation of a formal Council fly-grazed horses policy.

6. The Committee took evidence from key stakeholders including Stockton-on-Tees Borough Council (Environmental Health and Land & Property), Cleveland Police, Thirteen Housing Group and the Royal Society for the Prevention of Cruelty to Animals (RSPCA). Further information was obtained from other Local Authorities and Police Forces in relation to how they had approached this issue, and local horse-owners also provided views from their perspective.

COMMUNITY IMPACT IMPLICATIONS

7. As outlined previously, the fly-grazing of horses can lead to welfare concerns for the horse and can pose a risk to public health and safety. The Committee respect the rights of individual's to own horses, but also the rights of other residents across the Borough not to be affected by a horse being fly-grazed near to their property, or for people to be at risk of horses escaping from fields after being placed there. The recommendations within the final report promote the establishment of clearly defined processes, supported and adhered to by all key stakeholders and made available to increase public awareness, to provide a framework for effectively managing future cases.

CORPORATE PARENTING IMPLICATIONS

8. There are no direct implications in the report.

FINANCIAL IMPLICATIONS

9. Developing a joint formal policy with Cleveland Police and other relevant partners is a key outcome from this review, but enacting and enforcing this policy will be necessary and thus require appropriate resourcing. The potential implementation of a licensed grazing pilot scheme would have an initial cost implication (some of which could be offset through an appropriate fee for horse-owners), though may bring future financial savings as the Council is required to deal with less uncontrolled incidents across the Borough.

LEGAL IMPLICATIONS

10. There are no legal implications identified at this stage.

RISK ASSESSMENT

11. The review is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

WARDS AFFECTED AND CONSULTATION WITH WARD/COUNCILLORS

12. Incidents of fly-grazed horses have been, and continue to be, documented at numerous locations across the whole Borough, therefore this review was not Ward-specific.

BACKGROUND PAPERS

13. None.

Name of Contact Officer: Gary Woods

Post Title: Scrutiny Officer

Telephone No. 01642 526187

Email Address: gary.woods@stockton.gov.uk