

## Crime and Disorder Select Committee

### Scrutiny Review of Fly-Grazed Horses

DRAFT

**(DRAFT) Final Report**  
**December 2020**

DRAFT

Crime and Disorder Select Committee  
Stockton-on-Tees Borough Council  
Municipal Buildings  
Church Road  
Stockton-on-Tees  
TS18 1LD

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### **Select Committee - Membership**

Councillor Pauline Beall (Chair)  
Councillor Paul Weston (Vice-Chair)  
Councillor Kevin Faulks  
Councillor Clare Gamble  
Councillor Barbara Inman  
Councillor Stephen Richardson  
Councillor Tony Riordan  
Councillor Andrew Sherris  
Councillor Mrs Sylvia Walmsley

### **Acknowledgements**

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- Steve Donaghy (Environmental Health Service Manager) – Stockton-on-Tees Borough Council (SBC)
- SBC Environmental Health Team, specifically the Environmental Health Team Manager and the Animal Health Officer
- Chris Renahan (Inclusive Growth, Planning & Development Manager) – SBC
- Gary Cookland (Police Sergeant) – Cleveland Police
- Helen Ivison (Senior Neighbourhoods Manager) – Thirteen Housing Group
- Mark Gent (Chief Inspector (Cleveland)) – Royal Society for the Prevention of Cruelty to Animals (RSPCA)
- Local Authorities who provided details of their licensed grazing schemes
- Those local horse-owners who contributed to this review

### **Contact Officer**

Gary Woods (Scrutiny Officer)  
Tel: 01642 526187  
Email: [gary.woods@stockton.gov.uk](mailto:gary.woods@stockton.gov.uk)

**Foreword**

**TBC**



**Cllr Pauline Beall**  
Chair  
Crime and Disorder Select Committee



**Cllr Paul Weston**  
Vice-Chair  
Crime and Disorder Select Committee

## Original Brief

### **Which of our strategic corporate objectives does this topic address?**

The review will contribute to the following Council Plan 2019-2022 key objectives:

- Environment and Housing: *Deliver effective environmental services*
- Community Safety: *Deliver effective community safety services*

### **What are the main issues and overall aim of this review?**

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.

Due to the nature of land used for fly-grazed horses, it can lead to issues in terms of 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.

The local environment is impacted by the poor public perception of illegally fly-grazed horses which may deter individuals from such areas, or even future investment or regeneration of an area.

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.

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.

This review aims to:

- Establish the Council's and other relevant organisations' roles and responsibilities for fly-grazed horses on both Council and non-Council land.
- Identify the extent of concerns across the Borough in relation to fly-grazed horses, understand the costs to the Council in undertaking its statutory responsibilities (and beyond), and ascertain any potential sources of future funding.
- Aid in reducing service demand by considering more proactive means of addressing fly-grazed horses via education or enforcement options which may be used with horse-owners.
- Provide conclusions and recommendations that will inform the creation of a formal Council fly-grazed horses policy.

**The Committee will undertake the following key lines of enquiry:**

What are the Council's statutory responsibilities, and how does this compare to partner organisations who are involved with this issue? How does this differ between fly-grazed horses on Council and non-Council land?

What resources does the Council currently have to deal with fly-grazed horses, and how has this changed over time?

Where in the Borough is this issue seen; are there any historical trends in terms of geographical locations? Why are horses fly-grazed? What concerns are the public raising (e.g. damage to land, danger to community, horse welfare)?

What has been done to deal with identified cases and what are the costs involved? How effectively are partners working together and do they understand each other's remits?

How does / has the Council work/ed with landowners and horse-owners to address concerns around the fly-grazing of horses? What options exist to potentially reduce the demand on Council services?

How do other Local Authorities manage this issue and what can be learnt?

Based on the evidence gathered, what are the key principles that should be incorporated into the formulation of a new Council policy on fly-grazed horses?

**Provide an initial view as to how this review could lead to efficiencies, improvements and/or transformation:**

Savings and reducing demand on service will be achieved by considering the Council's policy position and clarifying the legal responsibility of others involved.

There is a risk of reputational damage to the Council as there is a perception held by many that the Council is responsible regardless of where the horses are being fly-grazed. This review will help to clarify the role of all relevant parties.

## **1.0 Executive Summary**

- 1.1 This report outlines the findings and recommendations following the Crime and Disorder Select Committee's scrutiny review of Fly-Grazed Horses.
- 1.2 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.
- 1.3 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.
- 1.4 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.
- 1.5 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.
- 1.6 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.
- 1.7 The Committee found that the issue of fly-grazed horses within Stockton-on-Tees is a longstanding one. In attempting to address the concerns associated with this practice, the Committee discovered a rather short-term and potted historical approach which lacked an overarching policy that made clear who should be doing what and by when.



- 1.8 An important aspect of this review was to establish the roles and responsibilities around the illegal grazing of horses, particularly since there are financial and staff resource implications for the Council if others with responsibility do not fulfil their legal obligations. Moving forward, each key stakeholder identified within this report must fully recognise their own role and responsibility, as well as those of other agencies who may be involved in this issue. Wider public awareness of these responsibilities may also be beneficial so people within the Borough have a better insight into how cases can and should be dealt with (particularly private landowners).
- 1.9 In terms of prevalence, data provided to the Committee indicated that there were 55 horses illegally grazing across the Borough in 2012, compared to 40-42 at the end of 2019. Whilst this demonstrates a decrease, the number of service requests made to the Council has remained relatively consistent since 2016-2017 (around 90 per year), and it is likely that the current municipal year will see a return to the higher levels of requests received between 2013-2014 and 2015-2016 (around 140 per year). Fly-grazing continues to be visible within Stockton-on-Tees, on Council and non-Council land, whether this be horses tethered or left loose in fields (the latter being arguably a bigger problem, with several significant and high-profile incidents highlighted when horses escaped onto the highway).
- 1.10 It was difficult to assess the effectiveness of partnership-working, particularly in light of limited historical reflection from Cleveland Police (who did though acknowledge that they too had no formal policy and had been dealing with cases on an ad-hoc basis). The Committee are encouraged by the Force's willingness to commit to a future joint policy with local Councils and urge the progression of this at the earliest opportunity (irrespective of whether all other Tees Valley Local Authorities wish to be part of it). The Committee also noted the desire of Thirteen Housing Group to strengthen its partnership with the Council around this issue, as well as the observations by the RSPCA from an animal welfare perspective and on the challenges around owner-identification. Interestingly, the targeted initiative in Hartlepool (highlighted by both Thirteen and the RSPCA) may well have had short-term impact, but the area remains the highest in the Tees Valley in terms of RSPCA case involvement during 2015-2019.
- 1.11 Positive relationships between the Council and local horse-owners were demonstrated, and the Committee valued the direct input of horse-owners to this review who spoke with great passion and care for their horses, contrary to what can sometimes be perceived. Channels of communication with horse-owners need to remain open so any new policy and practice is made known. In terms of private landowners, who, like the Council, are often put in a very difficult position when a horse is placed on their property, reinforcement of their legal position (e.g. putting up notices if horse on land, duty of care), what they can do to reduce the risk of this happening (e.g. securing fields) and avenues of wider support / guidance should continue.
- 1.12 Wider research showed that the fly-grazing of horses was very much a nationwide issue, and several different ways of managing this was brought to the Committee's attention. Although a number of Councils appeared to have a formal policy to address incidents, enacting and enforcing such a policy (backed up by the necessary resource) does not necessarily follow, and local partners should not fall into this trap when developing their own future response. The potential of licenced grazing schemes, already established by

other Councils and highlighted by horse-owners, are worth investigating further, though the Committee note the complexities around the availability of suitable land, and the possible sensitivities of nearby residents.

- 1.13 An aim of this review was to aid the creation a formal Council policy around fly-grazed horses, but the Committee recognise that a Cleveland-wide protocol has the potential to benefit neighbouring Local Authorities too, particularly since horses can often be moved to nearby areas. As reflected in other Councils' existing policies, any document should include roles and responsibilities of all relevant partners, key contact numbers, links to legislation / guidance, and easy-to-read flowcharts / diagrams indicating processes to be followed for horses on Council and non-Council land.
- 1.14 As reflected by horse-owners themselves, keeping horses is a tradition and a cultural identity, and without (and possibly even with) alternative options, instances of horses being fly-grazed within the Borough are highly likely to continue. The Council is therefore faced with three main options:
- a) Continue the status quo, with SBC fulfilling its responsibilities via its own in-house process for dealing with horses being fly-grazed on Council land, but without a formal policy in place and no dedicated budgetary provision. However, this does not provide a framework, or the resources, to effectively manage this issue (which is more about trespass on land than animal welfare) either in-house or with other key partners, particularly Cleveland Police.
  - b) Adopt a zero-tolerance approach for cases on all Council land, backed by a formal policy, with a significant resource / funding injection to manage existing and future removal of horses (including contractual arrangements with an identified horse bailiff).
  - c) Implement a balanced approach with areas of zero-tolerance based on designated identified locations and / or risk (e.g. proximity to highway / footpaths, schools, playing areas; potential damage to Council assets), backed by a formal policy and potential areas of licenced grazing.

The Committee does not yet advocate a full zero-tolerance approach (which would necessitate a substantially increased level of resourcing at a time when Council's (and partners) are financially stretched both before and due to COVID-19), but instead a suite of measures including a clear formal joint policy with the Police, continued educative work with horse-owners and private landowners around this policy, and further investigation into a potential licenced grazing pilot scheme (ensuring relevant Council departments, particularly Land & Property and Environmental Health, work together on this).

Those specific areas of Council land requiring a zero-tolerance approach based on location alone should be identified, 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 a significant risk for reasons as highlighted in 1.14(c) above.

- 1.15 The subject of illegal grazing is not an easy one to address. 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. Establishing clearly defined processes, supported and adhered to by all key stakeholders and made available to increase public awareness, will provide a framework for managing future cases.

### **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.**

## **2.0 Introduction**

- 2.1 This report outlines the findings and recommendations following the Crime and Disorder Select Committee's scrutiny review of Fly-Grazed Horses.
- 2.2 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.
- 2.3 The Committee undertook a number of key lines of enquiry which focused on the following:
- What are the Council's statutory responsibilities, and how does this compare to partner organisations who are involved with this issue? How does this differ between fly-grazed horses on Council and non-Council land?
  - What resources does the Council currently have to deal with fly-grazed horses, and how has this changed over time?
  - Where in the Borough is this issue seen; are there any historical trends in terms of geographical locations? Why are horses fly-grazed? What concerns are the public raising (e.g. damage to land, danger to community, horse welfare)?
  - What has been done to deal with identified cases and what are the costs involved? How effectively are partners working together and do they understand each other's remits?
  - How does / has the Council work/ed with landowners and horse-owners to address concerns around the fly-grazing of horses? What options exist to potentially reduce the demand on Council services?
  - How do other Local Authorities manage this issue and what can be learnt?
  - Based on the evidence gathered, what are the key principles that should be incorporated into the formulation of a new Council policy on fly-grazed horses?
- 2.4 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.
- 2.5 Recognising the increasing pressure on the Council's finances, it is imperative that in-depth scrutiny reviews promote the Council's policy priorities and, where possible, seek to identify efficiencies and reduce demand for services.

### **3.0 Background**

- 3.1 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.
- 3.2 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.
- 3.3 The local environment is impacted by the poor public perception of illegally fly-grazed horses which may deter individuals from such areas, or even future investment or regeneration of an area.
- 3.4 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.
- 3.5 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.

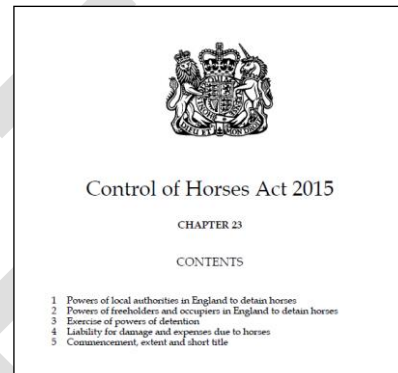
## 4.0 Findings

### Legislation / Roles & Responsibilities

4.1 There are a number of legal powers available to deal with horse-related problems:

4.2 [Control of Horses Act 2015](#): From the 26<sup>th</sup> May 2015, the Animals Act 1971 was amended to include the [Control of Horses Act 2015](#) which provides landowners in England with additional rights to deal with horses that are unlawfully grazing on their land (these two pieces of legislation should be viewed in conjunction).

The aim of the Act is to enable enforcement authorities and private landowners to protect both the public and the environment from the nuisance caused by abandonment, straying and fly-grazing of horses. A private landowner has to give permission for a relevant third-party (Local Authority / equine bailiff) to act on their behalf if they do not intend to remove a horse themselves.



4.3 [Animal Welfare Act 2006](#): This Act creates an offence if a person with responsibility for an animal causes it suffering or fails to ensure its welfare. The power is one of improvement notices, prosecution and / or potential additional powers to deprive or disqualify a convicted person from keeping animals. These powers are therefore useful to address welfare concerns but do not tackle the root issue of the illegal presence of the horse. Whilst the Local Authority has powers to enforce the Animal Welfare Act, this is not a statutory function (neither is there budget resource), and it is common practice for this to be carried out by the Royal Society for the Prevention of Cruelty to Animals (RSPCA). Stockton-on-Tees Borough Council's (SBC) Animal Health Officer does however undertake enforcement action under this Act and also works in conjunction with the RSPCA.

4.4 [The Highways Act 1980 \(Section 155\)](#): This Act makes it an offence for horses to stray or lay on, or graze at, the side of a highway. This does not apply to highways which cross common land, waste or unenclosed ground. The Police have powers to remove horses straying on the highway and either return them to their owner or have them impounded. A person found guilty of an offence can be liable for paying the expenses incurred in removing and impounding the horses. This is the principal tool used to remove horses straying on a highway.

4.5 [The Town & Police Clauses Act 1847 \(Sections 21 – 29\)](#): A similar power to that contained in the Highways Act, which provides powers to the Police to seize and impound horses that are 'found at large in any street', and provides the power to recover reasonable expenses incurred in keeping the horses. The Act also creates a range of specific offences, including a number relating to horses and horse-drawn carriages in streets which cause obstruction,

annoyance, or danger to residents or passengers. A person found guilty of an offence may be fined or imprisoned for up to fourteen days.

- 4.6 [The Equine Identification \(England\) Regulations 2018](#): Equine identification came into force on the 1<sup>st</sup> October 2018 and is a Local Authority enforcement role (though is a low priority nationally) – all horses born after 2009 should legally be chipped and passported. By October 2020, all horses must be chipped and passported.
- 4.7 There are several different agencies that can become involved in responding to and dealing with horse-related issues:

<b>Local Authority</b>	Horses illegally grazed on their land / welfare
<b>Police</b>	Horses causing a danger to highway, footpath or causeway users
<b>RSPCA</b>	Issues or concerns regarding horse welfare or cruelty
<b>Private Landowners</b>	Horses illegally grazed on their land

**SBC Service Provision (past and present)**

- 4.8 On the 22<sup>nd</sup> February 2001, Cabinet agreed a policy of dealing with horses illegally grazing on Stockton-on-Tees Borough Council (SBC) land by employing the services of a specialist equine enforcement company. £30,000, £25,000 and £25,000 for each year of a three-year development bid was allocated. The scheme was put in place in November 2001 following the lifting of Foot & Mouth restrictions and proved to be a successful deterrent to illegal grazing in the Borough. PPS, the appointed company, issued notices on receipt of complaints, and horses were removed by the owners, as by reputation they knew enforcement action would be followed through. Therefore, actual need for removal of horses was minimal and, consequently, the three-year funding was sufficient to last six years.
- 4.9 In 2007, the service was ceased and was identified as a budgetary pressure of £15,000 per year. From 2007 (to 2012), cases of fly-grazed horses were dealt with on an ad-hoc basis, with the threat of impoundment by use of notices either by individual SBC land-managing sections or Environmental Health. From 2008-2009 onwards, no resource was allocated and so land-owning departments (mainly Land & Property and what was Housing Leisure Land) were advised that the service had ceased, and any removal of horses from their land would be their responsibility. No major problems resulted for some time on the back of this period of enforcement, however, numbers of horses tethered on Council land began to increase as horse-owners became aware of the lack of enforcement action.
- 4.10 In 2012, illegally grazed horse numbers were back to a significant level, with 55 horses identified throughout the Borough. On the back of this, SBC Environmental Health secured £14,000 (£7,000 for monthly monitoring and

£7,000 for contingency to fund horse impoundments) 'managed savings' funding from the Community Protection budget to cover an eight-month contract with Rossendales Equine Enforcement, which ran from September 2012 to April 2013. This proved effective in dealing with the horses that were a problem at the time as horse-owners were aware that any notice served would be backed up by impoundment.

- 4.11 From April 2013, the contract ceased and SBC Environmental Health developed an internal procedure where, on receipt of complaints, the Council's Animal Health Officer would initially investigate presence / welfare concerns and then, if required, Neighbourhood Enforcement would issue formal notices requesting horses to be removed. In 2014, a further £10,000 'managed savings' was provided by the Council's Chief Executive to tackle further increases in horse numbers. This involved employing the services of an equine bailiff based in Swindon (GRC), who were used twice in 2014 to deal with specific issues.
- 4.12 In February 2016, due to lack of resources, SBC Environmental Health attempted to create an in-house service based on Animal Health and Enforcement undertaking a significant element of the work, with Security Centre / Enforcement staff dealing directly with horse-owners and the protocol for an owner wanting to reclaim a horse. This tied in with using the services of a private bailiff (based in the north of the country) who would seize horses if instructed, but who did not want to deal with potential horse-owners. However, this never came to fruition due to concerns from Security Centre management.
- 4.13 Therefore, in the last four years, there has been no formal policy or dedicated budgetary provision to deal with fly-grazed horse issues. The few impoundments undertaken in this period (a horse on Council land in May 2017, abandoned horses in October 2018, and those in Hartburn in April 2020 – see paragraph 4.26) were done on an ad-hoc / needs must basis via the bailiff, and absorbed within the current general SBC Environmental Health budget. All service requests around horses being fly-grazed or their welfare are currently dealt with by the Council's single Animal Health Officer, whose statutory role is farmed animal / livestock regulation (note: fly-grazed horses are not considered 'livestock' by the Department for Environment, Food and Rural Affairs (DEFRA)). Officers are dealing directly with horse-owners, and there has become a level of tolerance where there is less of a problem in a particular area, allowing Officers to focus on areas which are considered more problematic.

## **Prevalence and Impact**

### **Frequency**

- 4.14 There were approximately 40-42 horses present in the Borough (as observed) at the end of the week commencing 13<sup>th</sup> December 2019 (note: no exact headcount has been undertaken recently, but numbers are likely to be similar or higher given the lack of horse fairs / sales this year as a result of the COVID-19 pandemic).





*Durham Road Bypass (5<sup>th</sup> December 2019)*

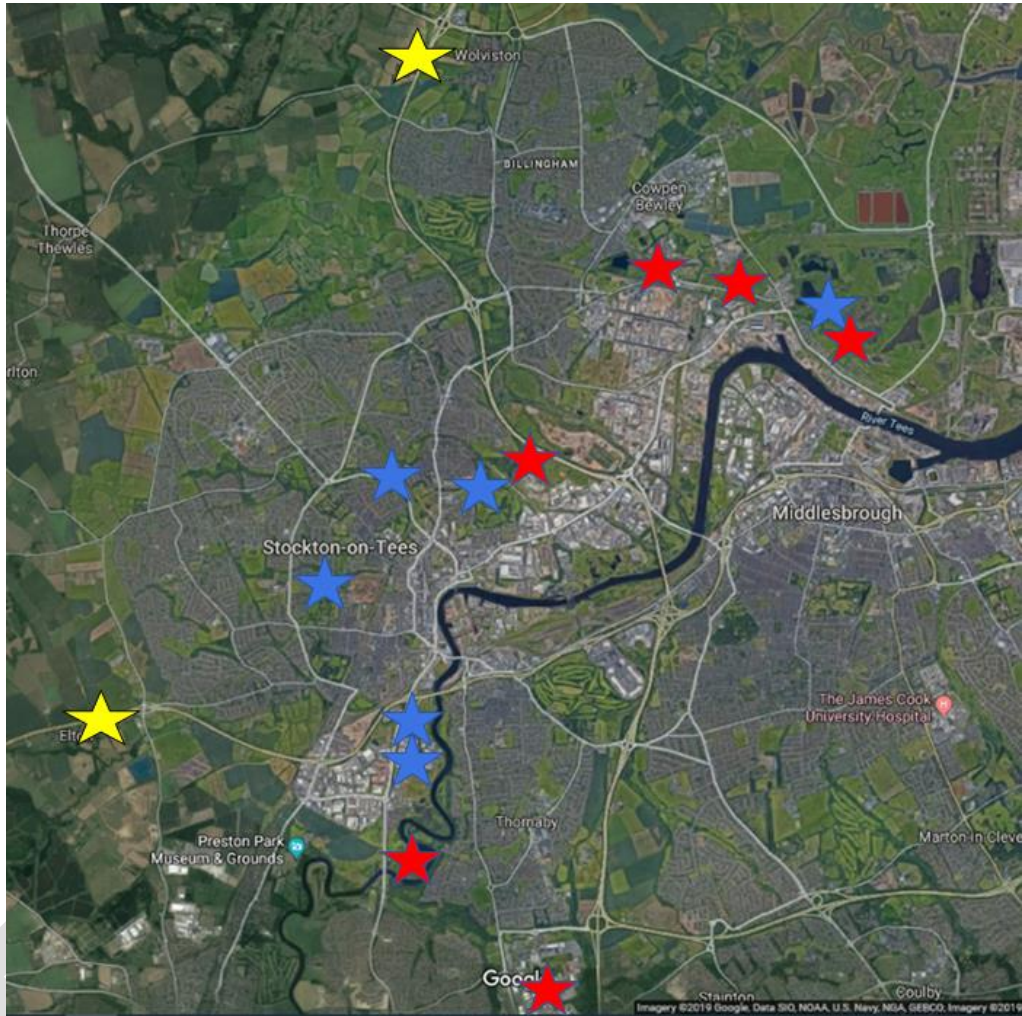
- 4.15 The following table shows the number of service requests received by SBC Environmental Health since 2012-2013 in relation to horses being fly-grazed:

<b>Period</b> (financial year)	<b>Service Requests</b>
2012 - 2013	79
2013 - 2014	132
2014 - 2015	141
2015 - 2016	145
2016 - 2017	95
2017 - 2018	89
2018 - 2019	94
2019 - 2020	74
2020 - 2021 (up to 24 <sup>th</sup> November 2020)	70

The Council receives a number of requests in relation to the mere presence and welfare of fly-grazed horses – however, there is no statutory requirement to provide a service to deal with those issues. If a horse needed to be seized on welfare grounds, the Council would work with the RSPCA.

## Locations

- 4.16 A map demonstrating instances of fly-grazing horses was provided (see below) – this included horses on both Council and private land, as well as road traffic incidents involving escaped horses within the last year (as of January 2020).



	Fly-grazed horses on Council land
	Fly-grazed / tethered horses on private land
	Known RTC's in last 12 months

4.17 The main areas within the Borough for cases of fly-grazed horses are:

Council Land	Private Land
Durham Road Bypass	Greenwood Road, Billingham
Bowesfield	Port Clarence
Lustrum Beck	Teesside Industrial Estate
Primrose Hill Park	Horse Shoe Bend, Ingleby Barwick
Port Clarence	Holme House, Portrack
Land rear of David Road, Tilery / Norton	Robson Street, Haverton Hill
	Ingleby Barwick (Beckfields)

A significant number of the horse-owners are known to the Local Authority and can be contacted when issues arise, or when horses are placed in unsuitable areas. It was also noted that a horse can be left close to the edge of a highway to get it conditioned to traffic and being on or near roads.



*Allison Way (Teesside Industrial Estate) (5<sup>th</sup> December 2019)*

#### **Managing Cases (including costs)**

4.18 The removal of horses from Council land costs the Local Authority approximately £1,000 per horse, and quite often owners would not pay the fee



to the Council to get their horse returned, particularly since buying a new horse can cost as little as £50.

- 4.19 Approximate costs (taking into account seizure, gelding, passport and microchipping if the horse is to be rehomed) incurred by SBC in relation to the removal of horses from Council land were provided as follows:

Period (financial year)	Monitoring	Horse Impoundments
2012-2013	External contract (cost £10,500)	2 (£3,000 cost approx)
2013-2014	SBC Environmental Health	0
2014-2015	SBC Environmental Health	3 (£5,500 cost approx)
2015-2016	SBC Environmental Health	0
2016-2017	SBC Environmental Health	0
2017-2018	SBC Environmental Health	1 (£800 cost approx)
2018-2019	SBC Environmental Health	2 (£1,500 cost approx)
2019-2020	SBC Environmental Health	0
2020-2021 (up to 24th Nov 20)	SBC Environmental Health	3 (£2,000 cost approx)

- 4.20 Following a horse being impounded, the Council must keep the horse for four days to give an owner a chance to reclaim. Once an owner does not come forward to claim the horse, that horse becomes the property of the Council who could either sell it or have it put to sleep. The latter option presented its own issues in terms of negative press.
- 4.21 Once a horse is removed from an area, whoever carried this out becomes liable / responsible. Whilst removing a horse is difficult in itself, doing so can send out a strong message which can act as a future deterrent.
- 4.22 Incidents of horses being left in someone else's field, which puts a landowner in a very difficult position, were highlighted. If a landowner opens a gate to get a horse off their land, they could be liable if an accident subsequently occurs – there may also be ramifications from the horse-owner if they do this.
- 4.23 The Committee asked if a landowner was responsible for the welfare of a horse on its land. Officers stated that, under the Animal Welfare Act, once someone starts to have physical contact with a horse, they can be liable. The Local Authority can seize horses under the Act, but SBC no longer do this – instead, if a horse's welfare is compromised, the Council would look to work with the RSPCA. Historically, there were a very small number of cases where a horse had to be seized. Sometimes the Council receives a complaint about a horse being cold (in winter) or dead (when it is not).

- 4.24 The Committee queried what the horses in question were used for and was informed that, although this can vary, traditionally it was for breeding and may be part of a cultural identity. In response to a further question around the potential risk of disease from fly-grazed horses being spread to the wider community, SBC Environmental Health Officers stated that some diseases are statutorily notifiable, but there is no recognisable database for where horses are kept. There is more chance of disease within livery yards (which are not regulated by the Local Authority as there is no requirement for them to be licensed).



*Tilery – Behind Davenport Road (3<sup>rd</sup> December 2019)*

#### **COVID-19 Update**

- 4.25 Council Officers confirmed a continuation of previously reported issues around fly-grazed horses since the onset of the COVID-19 pandemic, and continued to actively work with key partners, including Cleveland Police, to address incidents. It was noted that the Police were trying to engage with all Tees Valley Local Authorities to ensure a joined-up approach.
- 4.26 Attention was drawn to a specific case which occurred shortly after the national COVID-19 lockdown was implemented. In early-April 2020, three young colts were found to be running loose on Council land at Hartburn Sixfields which backs onto the A66. Temporary barriers were put up around the large site, and Officers contacted a previously-used equine bailiff who was present the following day to round-up the horses. The colts were eventually seized on the Egglecliffe side of the A66 after running loose on a farmer's field – all three have since been rehomed, microchipped and passported. Indications are that the horses may have been abandoned due to the pandemic and its knock-on effects of cancelled festivals / meetings.
- 4.27 There was a fear that the above case may herald a spate of further incidents, though this did not transpire. However, based on the 70 service requests received since the start of April 2020, concerns continue to be raised about both the welfare and the grazing of horses across the Borough.

## Views from Partners

### Cleveland Police

4.28 As a key stakeholder in this scrutiny topic, Cleveland Police was invited to all the Committee's evidence-gathering sessions. Information and subsequent updates from a Force perspective were provided as follows:

4.29 **January 2020:** The Police fully accept that this was an issue across the whole of Cleveland, not just within Stockton-on-Tees. Officers had met with the Force's legal team and became aware of an existing policy in York (circulated to Committee Members – see PDF document at the bottom of the following: <https://democracy.york.gov.uk/ieDecisionDetails.aspx?AllId=31288>) which had similar problems in relation to fly-grazed horses as Cleveland.

The Force were keen to work in partnership to address concerns but needed buy-in from Local Authorities across Cleveland. Most Councils were willing to co-operate, though Hartlepool had yet to commit (the Committee Chair suggested that they be approached on behalf of the Committee to encourage them to join in efforts to tackle this issue). There was a clearer vision of a partnership-approach since the relevant Local Authority Officers and the Cleveland Police representative began working together.

A key problem was not having anywhere to store horses. There was also no active Police protocol currently in place, and any specific incidents were dealt with on an ad-hoc basis. The York protocol covers all aspects and is a good foundation to build from, though geographical differences were acknowledged. In terms of available data, there had been 198 recorded issues of fly-grazed horses across Cleveland (62 within Stockton-on-Tees) in the last six months (as at 30<sup>th</sup> Jan 20). Redcar and Cleveland had the most reported incidents.

4.30 **March 2020:** Supporting the need for a joint approach in tackling this scrutiny topic, the Police representative updated the Committee on developments since January 2020. All Council's within the Cleveland patch had recently expressed a commitment to working together with the Police to address the issue on a regional-basis, an encouraging sign of progress.

4.31 **July 2020:** Cleveland Police remained committed to working with partners to agree and put in place a partnership-approach to tackling this issue. Previous discussions with the Force's legal department and constructive conversations with Stockton-on-Tees Borough Council demonstrated that the Force and Local Authority could quickly come to an agreement around what a local plan should look like and how it could be introduced across the district – the ideal outcome would be for the development of a Force-wide plan.

Contact had been made in the past fortnight with relevant individuals from Hartlepool and Middlesbrough, both of whom were willing to discuss the development of the plan (still trying to get a response from Redcar). Since March 2020, the Police had received in the region of 21 calls for service in relation to horses. Three of these were serious – each incident involved horses getting onto the carriageway, causing problems for road-users. One of these incidents (which took place near to the border with Hartlepool on the A689 near Wolviston roundabout on 11<sup>th</sup> March 2020 just after 10.00pm)

resulted in the deaths of two horses and significant damage to a motor vehicle.

- 4.32 The situation with traveller-owned horses was discussed, something which was specifically referenced within the York policy. It was noted that without a formal policy or adequate financial resources, dealing with concerns is very difficult – however, if everyone is aware of their responsibilities, issues can be more easily addressed, and the Police do have powers to deal with horses.

### Thirteen Housing Group

- 4.33 As the Borough's principal social housing provider, Thirteen Housing Group were asked for their views and experiences around this scrutiny topic. Members were informed that there were no formal agreements currently in place between Thirteen and SBC to deal with instances of fly-grazed horses (of which there have been very few of on Thirteen land in recent years), though Officers from each organisation had started to engage more in recent times regarding this issue. Moving forward, Thirteen would welcome a partnership-approach.
- 4.34 Thirteen's Tenancy Agreement (section 7 – 9.4) states that its tenants are not allowed to keep or tether horses, ponies, donkeys or any livestock on open plan areas or any other land owned by Thirteen. Thirteen would take action if one of its tenants owns a horse that is placed on private or Council-owned land, and could look at an injunction or possession proceedings if the horse was on Thirteen-owned land. The use of injunctions is designed to stop behaviour and has also been considered for cases of horses on private or Council-owned land too.



The services that HBC provide to Thirteen

- Respond to reports of illegally grazed horses from Thirteen or the public on land owned by Thirteen.
- Liaise with Thirteen Neighbourhood Coordinators or nominated representatives who authorise the removal of the horse or action Thirteen's tenancy agreement as required.
- Liaise with appropriate animal welfare organisations on behalf of Thirteen
- Carry out the removal of the horse in accordance with the provision of the Animal Act 1971 as amended by the control of Horses Act 2015.
- Authorise and make arrangements for the contracted horse bailiff to collect and remove the horse and for the horse to be taken to a suitable livery facility.
- Deals with the full Seizure procedure of the horse on behalf of Thirteen. This also includes the arrangement of the equine bailiff services and police support that may be required/ deemed necessary.
- Thirteen pay for all costs associated with the removal and stabling including vet nary fees. We recharge the owner if he/she comes forward.
- A horse is only returned to its owner on production of a statutory passport, microchip details, relevant release papers and payment of appropriate fee.

- 4.35 Work had been previously undertaken with Hartlepool Borough Council (HBC) around the mapping and tracking of where horses were and where they were being moved to – this action sent a strong and effective message to horse-owners across Hartlepool, though did result in horses being relocated to industrial land, which then became the responsibility of the landowner to remove (not the Council's). A rolling contract is in place with HBC's Environmental Enforcement Team (see above graphic) who respond, monitor and take the appropriate action to deal with illegally grazed horses on

Thirteen-owned land throughout Hartlepool. The call-out fee (£75 per horse) includes two Officers to assess the situation and establish the procedure required, with the delivery of response procedure and delivery of seizure procedure each set at £50 per hour.

- 4.36 The Committee questioned how horses were being moved within Hartlepool, and were informed that some were sold, while others were sent to slaughter. It was noted that at some points during the year, owners could not afford to put their horses into a livery. Horses were not highly valuable and changed hands cheaply.
- 4.37 The action in Hartlepool of taking a horse to a suitable livery facility was noted, though the Committee reflected on the potential cost implications of this. Linked to this action was the use of horse bailiffs to initially remove the horse from its location, though the RSPCA subsequently highlighted concerns around what some bailiff companies do with the horses once they are seized. If SBC are considering using such a service, it needs to be confident of what happens to the horse after it is seized, particularly since the horse becomes the property of the Council once the bailiff removes it from its existing location.
- 4.38 Members queried if there had been any issues around identifying the owners of horses. It was thought that the cases seen at Primrose Hill could possibly involve Thirteen tenants, and that if this was proved, Thirteen would take action and were happy to initiate these challenging conversations if required. However, that information was not available.

#### **Royal Society for the Prevention of Cruelty to Animals (RSPCA)**

- 4.39 Another key organisation in relation to this scrutiny topic, the RSPCA addressed the Committee on their role and responsibilities around this issue, their experiences of horses being fly-grazed in the Borough and any work with the Council, and their awareness of alternative approaches in dealing with such horses.
- 4.40 The RSPCA has no legal responsibilities, but uses current legislation to investigate animal cruelty and educate animal-owners on welfare standards. There are eight Officers working daily during the week across the Cleveland patch, and between two and four Officers over the weekend. The RSPCA has no powers of seizure or entry onto land and does not investigate complaints around licensed animal establishments (i.e. pet shops, dog boarding kennels / cateries, etc.) which is the responsibility of the Local Authority (Licensing section).
- 4.41 Lack of enforcement, particularly on equine identification (the responsibility of the Local Authority), has meant that irresponsible owners can get away with illegal fly-grazing (note: despite the Council historically working with local horse-owners, it has been shown that horse identification does not prevent fly-grazing). Compliance with the law is patchy and a significant number of owners neglect to microchip their horses or update their details to passport-issuing organisations, making it almost impossible to link an accountable owner. New legislation introduced in 2018, requiring all horses in England to be microchipped and their up-to-date data held on a central equine database



(enabling Local Authorities to check ownership), allows the use of fixed penalty notices for breaches and has the potential to help rectify this situation.

- 4.42 For each Council area within the Tees Valley, data was presented to the Committee in relation to cases involving the RSCPA from 2015 to 2019 (inclusive) which resulted in the removal of horses:

<b>2015-2019: Cases involving the RSCPA resulting in the removal of horses</b>						
<b>Council Area</b>	<b>Incidents</b>	<b>Horses Removed</b>	<b>Council Land</b>	<b>Private Land</b>	<b>Industrial Land</b>	<b>Unknown / Loose</b>
Darlington	8	18	5	13		
Hartlepool	24	49	7	31	4	7
Middlesbrough	12	17	14	3		
Redcar & Cleveland	10	37	10	17	10	
<b>Stockton-on-Tees</b>	<b>10</b>	<b>14</b>	<b>8</b>	<b>6</b>		

- 4.43 Details were provided around specific equine incidents that had taken place across the Borough since 2015 in several locations including Port Clarence and Norton, as well as three horse fatalities following collisions on the highway in Port Clarence, the A177 just outside Stockton, and Durham Lane, Eaglescliffe. The RSCPA also reported that three horses had been removed from allotments in the Borough, though this may need further exploration as more cases may be found in these locations (not that this is always Council-owned land).
- 4.44 The Committee drew attention to the seemingly increasing number of ponies being raced in the locality, though it was acknowledged that whilst the RSCPA are aware of this, offences are not necessarily being committed.
- 4.45 Liability following an accident involving an escaped horse was discussed – a horse-owner would be responsible for any damage to a vehicle, but a landowner could be responsible for the horse escaping, particularly if the fencing around the land was not adequate and the landowner had been given prior notice of this.
- 4.46 The Committee expressed concern around the lack of a need for a licence if horse-owners intended to breed more horses. The RSCPA confirmed that there are no controls around breeding.
- 4.47 Previous issues between communities were noted, including instances of fencing being removed to allow horses owned by others to escape.

### **Views from Horse-Owners**

- 4.48 The Committee was very keen to understand this issue from the perspective of horse-owners themselves. As such, separate informal meetings were held with two prominent local horse-owners involving representatives from the Committee and relevant Officers. Incorporating questions previously

submitted by Committee Members, topics covered included the reasons for keeping horses and where they were kept, horse welfare and road safety concerns, and thoughts on potential options that the Committee may want to pursue.

4.49 Responses to the range of questions put to the local horse-owners were subsequently circulated to all Committee Members (see **Appendix 1**) and contained several notable comments:

- *‘Keeping horses is part of our history / culture / way of life.’*
- *‘Use tethers to quiet / educate horses and get them used to humans / traffic.’*
- *‘It isn’t right to tether horses, but this is the only option available.’*
- *‘Tradition for travellers to have tethered horses, but nowhere to put them – would happily rent land.’*
- *‘In County Durham, there is a microchipping day – nothing here in the Borough.’*
- *‘If on the correct tethers, horses cannot get off. No problem with malicious untethering, though this can and does happen.’*
- *‘If a horse is seized, would just breed more. Fly-grazing of horses will never stop – Council needs to work with it.’*

4.50 The Committee Chair stated that the informal sessions had provided useful insight into the thoughts of local horse-owners on this issue, and the sense of community and passion they had for their animals was also noted. What was clear was that they will continue to keep horses come what may, and it is up to organisations to work with this rather than against it.

**Approaches of other Local Authorities / Police Forces**

4.51 As part of their information submission, the RSPCA highlighted the approaches of other Local Authorities and Police Forces in the region:

<b>Hartlepool Borough Council</b>	<p>In 2013, the Council launched a successful initiative targeting horses tethered and loose on Council land. This involved a media campaign warning horse-owners and landowners that a crackdown on equines in the area was about to happen. Horses were mapped (identified, photographed and logged) and signs were erected near to all of the horses giving them notice. Out of 30 horses identified, all but five were removed (these were then removed by bailiffs).</p> <p>A second phase (in a much larger area of the Borough) was similarly undertaken, but it was noted that some of the horses from the first phase were now tethered in the second phase area. During the mapping process, a number of horses were moved around so several notices were issued to individual horses at different sites. This led to a number of horses being tethered on private land.</p>
<b>Durham County Council</b>	<p>Very proactive since 2012, they have dedicated wardens who attend incidents in relation to equines – also had a substantial budget to allow them to lift horses with the assistance of bailiffs. This has reduced the number of equine issues in and around</p>

	that area, including a significant reduction in accidents and reports of horses on the highway. There has also been proactive work done with several individuals who have high numbers of equines in that area.
<b>Northumberland County Council</b>	Have lifted a number of horses from areas using bailiffs and have also tried using CPN notices as well.

4.52 Further information outlining some of the measures undertaken by other Local Authorities and Police Forces in relation to fly-grazed horses was presented to the Committee – see **Appendix 2**. It was evident that this issue was by no means unique to the Borough, and that several areas had formalised policies in place to address cases within that locality. Acknowledging that having a policy document did not necessarily mean that its content was being implemented / enforced, Council Officers subsequently followed-up with two other Local Authorities to get further details of their licensed grazing schemes:

#### **Dudley Metropolitan Borough Council**

- Have eight sites and issue annual licences at a cost of £455 per year.
- Each of the eight sites they operate is enclosed designated land that horse-owners lease off the Council; the only responsibility the Council has is the fencing.
- One horse per acre (need to allow land to re-grow).
- Horse-owners have a tenancy-like agreement, with rules / regulations regarding how horses are to be kept – this includes the need for a horse to be microchipped / passported.

#### **Wakefield Council**

- Up to 40 pitches are available for the fly-grazing of horses, but horse-owners only get a designated peg for their horse. Fee for the designated peg is £10-£20 per year (bringing a total income of around £500 per year).
- Provision of water / removal of manure is the horse-owners' responsibility.
- There is much greater demand than the number of pegs available, with around 100-150 horses being fly-grazed across the Local Authority.
- Horse-owners generally compliant as there is a long waiting-list and they fear losing their peg.
- Still have a fly-grazed horse issue in other parts of the Borough as the Council are unable to meet demand – there is a willingness to expand the current offer, but there are also sensitivities around land-use.

4.53 Regarding the latter point above, Members acknowledged the challenges around the differing views on the prioritisation of land for fly-grazing horses over other potential uses. To this end, the Committee queried if there were any sites / locations within Stockton-on-Tees that Council Officers felt may be available for a future licenced fly-grazing scheme. In response, it was stated that, at present, there are no areas across the Borough that appear suitable for such a scheme, though this could be further explored should the Committee recommend it.

4.54 Initial costs for the above licensed grazing schemes involved the basic requirements of a fenced-off field with water and some form of shelter, though further information on any other set-up charges had been requested. Annual

running costs appeared to be covered by the ground rent, and SBC Environmental Health Officers would be interested in conducting a visit to these locations should the Committee wish to pursue this option.

- 4.55 Further follow-up on other Local Authorities with formal fly-grazed horse policies in place had discovered that these published procedures were often not adhered to – available resources and key Officers leaving their roles (losing any momentum that an approach may have had) were some of the reasons identified for a lack of action.

### **Reducing Cases / Future Options**

- 4.56 Two important aims for this review involved the clarification of the roles and responsibilities of all relevant parties that can respond to horses being fly-grazed, as well as the identification of potential ways in which demand on the Council's services could be reduced. To address both these aims, the Committee considered the following future options proposed by Council departments and wider stakeholders:

### **SBC Environmental Health**

- 4.57 Potential solutions to be considered:

- Improving co-ordination between enforcement agencies (Local Authority, Police, welfare charities and other stakeholders (i.e. Thirteen)), with clear chains of communication and understanding of roles, responsibilities and policies.
- Potential for Officer networking group to ensure ongoing co-ordinated approach and intelligence-sharing.
- Linked-in with any agreed policy (i.e. zero tolerance or specified high-risk areas) – seizure of horses from Council-owned land.
- Costing and provision of necessary resource in order to implement any agreed policy.
- Consideration of Council-managed land for grazing licences / rent whereby horses are kept and must comply with licence conditions (passported, microchipped, etc.) – areas of land to be identified for potential use. Third-party organisations administering this in conjunction with the Local Authority.
- Provision for horses traditionally associated with residents of the Local Authority's traveller site.
- Education / sharing of best practice with horse owners / travelling community to encourage responsible horse ownership including better horse care, discounted passport, microchipping and gelding clinics in conjunction with welfare charities (note: from October 2020, every horse will have to be microchipped – enforceable by Local Authorities).
- Future work with private landowners could be developed over time once any fundamental building blocks are in place.

- 4.58 A number of draft Council documents were circulated to the Committee regarding possible future service provision:

- Equine Bailiff Services Specification
- Illegally Grazed Horses on Council Land - Protocol for Security Centre Staff (requires an update, but would not be required if a contractor could provide a full service)
- Land Warning Letter
- Horse Owner Passport / Document Receipt
- Horse Reclaim Instructions

The draft Equine Bailiff Services Specification document could be used should the Council decide to go out to tender for such a service. In 2016, a contractor was in mind, but they did not want to get involved in the reunification of a horse with its owner. Where a contractor is based brings its own challenges – if within or near the Borough, response times would be quicker, but the risk of traceability is higher (owners trying to get back their horse). If a contractor is outside the Borough, there would be a longer response time and increased travel costs to consider.

### **SBC Land and Property**

- 4.59 Recognising the existence of licensed grazing schemes being utilised by other Local Authorities, representatives of the Council's Land & Property team were asked to provide a view on this issue, particularly around the potential viability of any sites for placing horses.
- 4.60 The Committee was informed that SBC was currently undertaking a broader Asset Review of all assets (including Council-owned land, open spaces and playing fields) to identify sites that could be designated as surplus and made available for other uses, development or disposal. If the proposal to investigate land for the fly-grazing of horses was approved, this would be incorporated into the broader Asset Review to understand all possible uses for designated surplus land. Any land identified would be subject to consultation with the relevant Councillors.
- 4.61 Members were provided with a list of key factors that would require consideration should land (Council-owned or private) be identified as a potential area to facilitate fly-grazing, including:

<b>Site requirements</b>	Site would need to be grassed, with vehicular access from the adopted highway or via permitted legal access; be reasonably level and with a water supply (or a supply to be provided at cost).
<b>Initial set-up costs</b>	Install fencing / gates / padlocks / landscape buffer; car parking provision for maintenance vehicles and vehicles with horsebox; shelter and a water supply if required.  Type of fencing and landscape buffer to be agreed: palisade, stock proof, close boarded, trees and / or hedging to screen the site.
<b>Site management</b>	The site would need to be kept clean, tidy and maintained. There would be obligations to ensure the horses are kept safe and secure; that the number of horses are controlled; to remove any deceased horses; that the rents to individual licence holders were reasonable and that there is no other

	<p>use being carried out on the land. In addition, Animal Welfare would require all horses to be Defra registered with a microchip and passport. There are two main options for this:</p> <ul style="list-style-type: none"> <li>• Managed by SBC – this would require the addition of suitable resources (staff, equipment budget etc) to undertake the duties described above.</li> <li>• Ongoing 3rd party management: lease to a responsible 3rd party who take full responsibility for the management of the site. Any breach of these terms would allow the Council to terminate the lease. At the end of the lease the site would be required to return to its original condition and that no individual licence holders exist.</li> </ul>
<p><b>Planning matters</b></p>	<p>Potentially a change of use depending on what land is currently used for and how the use would operate (i.e. if agricultural field and horse are just turned out then might not need permission. If more than that (such as keeping, feeding and exercising horses) then it will). Any animal shelters may also need permission. Site would need suitable access with appropriate sight lines. Suitable hardstanding area to allow for the ability to pull off the highway and leave in forward gear. Fencing, landscaping requirements as set out above.</p>

The need for both the Council's Environmental Health service and Land & Property team to work together to adequately assess any potential land was emphasised.

### **Cleveland Police**

4.62 In October 2020, the Committee received an update on the work being undertaken around the proposed Cleveland-wide formal fly-grazed horse policy. The Officer leading on this from Cleveland Police advised that progress on the previously discussed Force strategy had been limited due to the impact of COVID-19 (and other issues). However, there had been some developments which were noted as follows:

- Individuals with responsibility for this area of work within Hartlepool and Middlesbrough had been identified and contacted, and a willingness (in principal) to enter discussions around the implementation of a Force-wide strategy had been demonstrated. Unfortunately, Redcar and Cleveland had not been so forthcoming.
- After consultation with the Force's legal team, it had been agreed that the Force-wide approach should continue, and that those who want to be involved should look to progress a solution. It was hoped that as this strategy develops, Redcar and Cleveland will join in with the plan moving forward.
- An initial meeting with key Local Authority personnel will be scheduled to take place in the next couple of weeks – this will involve discussions around a strategy based on the York protocol (previously seen by the Committee – see paragraph 4.29). Should those present agree in

principal with the plan, approval from the Force's legal team will be sought before an implementation timeline is set.

### **Royal Society for the Prevention of Cruelty to Animals (RSPCA)**

4.63 Potential solutions to further address the fly-grazing of horses were noted, including:

- Strengthening the link between horses and owners (equine identification) – prioritising resources for enforcement of passport regulations could begin to solve the issue of unidentified horses in the area (equine rescue organisations already undertake training for Local Authorities and would be happy to continue this work).<sup>1</sup>

<sup>1</sup> *Note: Council Officers stated that this is a nationally low enforcement priority for Local Authorities and it does not prevent fly-grazing – compliance with horse identification regulations is not unique to fly-grazed horses; significant proportion of horse-owners do not have up-to-date microchip / passports).*

- Better engagement with horse breeders (helping foster behaviour change, including discounted passport, microchipping and gelding clinics – the RSPCA is keen and happy to work with SBC on this issue).

Underpinning all of this was the need for a joint approach by all key stakeholders, with clear policies and an understanding of each other's role and responsibility.

## **5.0 Conclusion & Recommendations**

- 5.1 The issue of fly-grazed horses within Stockton-on-Tees is a longstanding one. In attempting to address the concerns associated with this practice, the Committee discovered a rather short-term and potted historical approach which lacked an overarching policy that made clear who should be doing what and by when.
- 5.2 An important aspect of this review was to establish the roles and responsibilities around the illegal grazing of horses, particularly since there are financial and staff resource implications for the Council if others with responsibility do not fulfil their legal obligations. Moving forward, each key stakeholder identified within this report must fully recognise their own role and responsibility, as well as those of other agencies who may be involved in this issue. Wider public awareness of these responsibilities may also be beneficial so people within the Borough have a better insight into how cases can and should be dealt with (particularly private landowners).
- 5.3 In terms of prevalence, data provided to the Committee indicated that there were 55 horses illegally grazing across the Borough in 2012, compared to 40-42 at the end of 2019. Whilst this demonstrates a decrease, the number of service requests made to the Council has remained relatively consistent since 2016-2017 (around 90 per year), and It is likely that the current municipal year will see a return to the higher levels of requests received between 2013-2014 and 2015-2016 (around 140 per year). Fly-grazing continues to be visible within Stockton-on-Tees, on Council and non-Council land, whether this be horses tethered or left loose in fields (the latter being arguably a bigger problem, with several significant and high-profile incidents highlighted when horses escaped onto the highway).
- 5.4 It was difficult to assess the effectiveness of partnership-working, particularly in light of limited historical reflection from Cleveland Police (who did though acknowledge that they too had no formal policy and had been dealing with cases on an ad-hoc basis). The Committee are encouraged by the Force's willingness to commit to a future joint policy with local Councils and urge the progression of this at the earliest opportunity (irrespective of whether all other Tees Valley Local Authorities wish to be part of it). The Committee also noted the desire of Thirteen Housing Group to strengthen its partnership with the Council around this issue, as well as the observations by the RSPCA from an animal welfare perspective and on the challenges around owner-identification. Interestingly, the targeted initiative in Hartlepool (highlighted by both Thirteen and the RSPCA) may well have had short-term impact, but the area remains the highest in the Tees Valley in terms of RSPCA case involvement during 2015-2019.
- 5.5 Positive relationships between the Council and local horse-owners were demonstrated, and the Committee valued the direct input of horse-owners to this review who spoke with great passion and care for their horses, contrary to what can sometimes be perceived. Channels of communication with horse-owners need to remain open so any new policy and practice is made known. In terms of private landowners, who, like the Council, are often put in a very difficult position when a horse is placed on their property, reinforcement of their legal position (e.g. putting up notices if horse on land, duty of care), what they can do to reduce the risk of this happening (e.g. securing fields) and avenues of wider support / guidance should continue.



- 5.6 Wider research showed that the fly-grazing of horses was very much a nationwide issue, and several different ways of managing this was brought to the Committee's attention. Although a number of Council's appeared to have a formal policy to address incidents, enacting and enforcing such a policy (backed up by the necessary resource) does not necessarily follow, and local partners should not fall into this trap when developing their own future response. The potential of licenced grazing schemes, already established by other Councils and highlighted by horse-owners, are worth investigating further, though the Committee note the complexities around the availability of suitable land, and the possible sensitivities of nearby residents.
- 5.7 An aim of this review was to aid the creation a formal Council policy around fly-grazed horses, but the Committee recognise that a Cleveland-wide protocol has the potential to benefit neighbouring Local Authorities too, particularly since horses can often be moved to nearby areas. As reflected in other Councils' existing policies, any document should include roles and responsibilities of all relevant partners, key contact numbers, links to legislation / guidance, and easy-to-read flowcharts / diagrams indicating processes to be followed for horses on Council and non-Council land.
- 5.8 As reflected by horse-owners themselves, keeping horses is a tradition and a cultural identity, and without (and possibly even with) alternative options, instances of horses being fly-grazed within the Borough are highly likely to continue. The Council is therefore faced with three main options:
- a) Continue the status quo, with SBC fulfilling its responsibilities via its own in-house process for dealing with horses being fly-grazed on Council land, but without a formal policy in place and no dedicated budgetary provision. However, this does not provide a framework, or the resources, to effectively manage this issue (which is more about trespass on land than animal welfare) either in-house or with other key partners, particularly Cleveland Police.
  - b) Adopt a zero-tolerance approach for cases on all Council land, backed by a formal policy, with a significant resource / funding injection to manage existing and future removal of horses (including contractual arrangements with an identified horse bailiff).
  - c) Implement a balanced approach with areas of zero-tolerance based on designated identified locations and / or risk (e.g. proximity to highway / footpaths, schools, playing areas; potential damage to Council assets), backed by a formal policy and potential areas of licenced grazing.

The Committee does not yet advocate a full zero-tolerance approach (which would necessitate a substantially increased level of resourcing at a time when Council's (and partners) are financially stretched both before and due to COVID-19), but instead a suite of measures including a clear formal joint policy with the Police, continued educative work with horse-owners and private landowners around this policy, and further investigation into a potential licenced grazing pilot scheme (ensuring relevant Council departments, particularly Land & Property and Environmental Health, work together on this).

Those specific areas of Council land requiring a zero-tolerance approach based on location alone should be identified, 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 a significant risk for reasons as highlighted in 5.8(c) above.

- 5.9 The subject of illegal grazing is not an easy one to address. 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. Establishing clearly defined processes, supported and adhered to by all key stakeholders and made available to increase public awareness, will provide a framework for managing future cases.

### **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.**

SCRUTINY REVIEW OF FLY-GRAZED HORSES

**INFORMAL MEETING WITH HORSE-OWNERS**

**Thursday 10<sup>th</sup> September 2020**

Jim Cooke Conference Suite, Stockton Central Library

Responses given in session one (green)

Responses given in session two (purple)

- 1) How long have you kept horses and for what purpose (pleasure, showing, dealing, commercial gain)?  
  
Keeping horses is part of our history / culture / way of life. Take part in horse drives (similar to showing) and go around the country stopping off at pubs. Sell horses now and then.  
  
All my life – use them for pulling carts and going on drives. Have them for pleasure – not for sale.
- 2) How many horses do you keep and why that number?  
  
26-30 – used to cater for all occasions and for different purposes (e.g. events).  
  
4 – for family use.
- 3) Do you breed your own horses, just buy and sell horses, or both? If so, how often and for what purpose?  
  
Bit of everything – breed a few each year and very occasionally buy. If there's a deal to be had, will try to make a deal.  
  
Bought one and bred the rest.
- 4) Where do you currently keep your horses – own land, rented land or fly-grazed location (private or Council land)?  
  
Rented – relative's friend provides use of a field for free. Some horses are tethered – use tethers to quiet / educate them and get used to humans / traffic – use areas close to where live as it is easier to get to.  
  
Keep them on Council land.

## APPENDIX 1: Feedback from informal sessions with horse-owners in Sept 2020

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- 5) Why are some horses left on land not belonging to the horse-owner, and do you think there is anything the Council or other agency could do to prevent it?

Waste of grass.

Tradition for travellers to have tethered horses, but nowhere to put them – would happily rent land. Place them where they are as have other interests in that area that are time consuming – still personally feed the horses every day and look after them well.

- 6) What facilities, if any, are there currently on the traveller site – has this varied over the years, and has there been any plans / discussions that you are aware of to facilitate horse-ownership on the site?

Nothing on the site – never grows, no facilities, very small paddock area.

n/a

- 7) Have you ever sought to rent land to graze your horses on? How much would you be willing / able to spend on land?

Depends how big the field is – bigger the better.

Would be willing to spend £500 per year – some pay this at Gateshead (rent from the Local Authority). Would also share land with a couple of others who couldn't afford it (would pay).

- 8) How regularly would you visit horses to check on their welfare?

Three times a day.

Twice a day (morning and night).

- 9) If tethered, how often would they be moved to a different spot to graze?

Two times a day (morning and night).

Every two days if there is plenty of grass, but currently every day.

## APPENDIX 1: Feedback from informal sessions with horse-owners in Sept 2020

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- 10) Are all of your horses chipped and passported in accordance with the Equine ID Regulations? Are you aware of your legal obligation with regards horse identification?

99% of them – aware of obligations. In County Durham, there is a microchipping day – nothing here in the Borough.

*(Note: Officers commented that such events have previously taken place within the Borough in conjunction with the British Horse Society – will endeavour to continue liaising with the BHS, though these days depend on their resources as they fund them. Some gelding clinics have also been run in the past).*

Yes, even the four-month foal.

- 11) What checks and precautions are taken with regards to road safety?

If on the correct tethers, horses cannot get off. No problem with malicious untethering, though this can and does happen.

Make sure pins are long enough and a proper strap is used (not just chains round neck). Some people have let horses go in the past (malicious untethering).

- 12) Have you had dealings previously with Council departments and, particularly, Animal Welfare?

Yes – mainly with the Council's Animal Health Officer.

Yes, the Council's Animal Health Officer is kept in the loop.

- 13) Equine vet fees are high – how does this equate with the low value of animals?

Vet costs aren't that bad if they know you. Value of horses is high at present.

- 14) If the Council was to consider introducing a pilot scheme to make some plots of land available for official grazing licences, would you be interested in such a scheme?

Yes.

Yes, would be interested, and could 'police' for the Council as a known figure in the area. It isn't right to tether horses, but this is the only option available.

- How would you foresee this working in order for it to be successful, and what locations within the Borough would be preferred?

Anywhere not too close to houses (less likely for people to untether the horses)

Railway, bordering A177 bypass (which the Council bought as they knew we were putting horses on there) – could personally fence it as can get the materials

without any cost to the Council, and could cater for 10 horses. Don't talk with the travellers at Bowesfield – have no relationship with them.

- What facilities would you like to see at a proposed site?

Water and grazing – fencing would help too. Shelters not really necessary unless weather is very rough – horses are hardy and used to the elements.

Bit of shelter so horses can get into a structure or under trees.

- 15) If the Council took a zero tolerance policy to the presence of any horse illegally grazed on its own land by immediately seizing it without prior notification, where would you subsequently tether your horses?

Probably in the same place as don't know who owns what land. If a horse is seized, would just breed more. Fly-grazing of horses will never stop – Council needs to work with it.

Would find non-Council land. Have tried farms before but all are full – if they think you are part of the travelling community, they don't want to know.

- 16) What has been the impact of Covid-19 on horse-owners?

Drives continue to take place all over the country – will join one when feeling can show off. Hasn't affected drives – pubs closed but can fill a van with drinks. People come from far afield to trade – drive taking place in Billingham soon. Horses continue to be cared for and looked after.

## APPENDIX 2: Approaches of other Local Authorities / Police Forces

DUDLEY	
Detail	Further information
<p><b>Dudley Metropolitan Borough Council – Grazing Land Licence</b></p> <ul style="list-style-type: none"> <li>• Dudley Council own a number of grazing sites in the borough. When land is available they are able to rent this land out to the public.</li> <li>• Individual's can express interest in a site or a number of sites and they will be added to a waiting list. The Council then notifies the applicant when there is space available.</li> </ul>	<p><a href="https://www.dudley.gov.uk/business/licences-registrations-and-permits/animal-licences/horse-grazing-land-licence/">https://www.dudley.gov.uk/business/licences-registrations-and-permits/animal-licences/horse-grazing-land-licence/</a></p>
DURHAM	
Detail	Further information
<p><b>Durham Constabulary – ‘Operation Strawberry’</b></p> <ul style="list-style-type: none"> <li>• Designed by Officers in Bishop Auckland following concerns over hundreds of horses which were causing havoc for residents.</li> <li>• Officers from the Force teamed up with multiple agencies in November 2018 to launch Operation Strawberry – as a result, the number of incidents dropped from 147 in December 2017 to just 16 in September 2019.</li> <li>• Operation was recognised as best practice by the National Equine Crime Delivery Priority Group and was mentioned at the World Horse Welfare’s 2019 conference, which was live-streamed globally with its president, HRH Princess Anne also in attendance.</li> </ul>	<p><a href="https://www.durham.police.uk/news-and-events/Pages/News%20Articles/Police-operation-receives-national-recognition.aspx">https://www.durham.police.uk/news-and-events/Pages/News%20Articles/Police-operation-receives-national-recognition.aspx</a></p> <p><a href="https://www.thenorthernecho.co.uk/news/16421382.bishop-auckland-police-inundated-calls-loose-horses/">https://www.thenorthernecho.co.uk/news/16421382.bishop-auckland-police-inundated-calls-loose-horses/</a></p>

**APPENDIX 2: Approaches of other Local Authorities / Police Forces**

ESSEX	
Detail	Further information
<p><b>Essex County Council – Introduction of Policy</b></p> <ul style="list-style-type: none"> <li>• Paper recommending the introduction of a policy for the removal of unauthorised horses from County Council land with immediate effect (July 2015).</li> <li>• Includes proposed policy (Appendix 1).</li> </ul>	<p><a href="https://cmis.essex.gov.uk/essexcmis5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=JxOx89nSwift7GPF1I4IKvlfcaEaylq%2BeM0Ptid05zoYi6nJ91OL6Cq%3D%3D&amp;rUzwRPf%2BZ3zd4E7lkn8Lyw%3D%3D=pwRE6AGJFLDNIh225F5QMaQWCtPHwdhUfCZ%2FLUQzgA2uL5jNRG4jdQ%3D%3D&amp;mCTIbCubSFfXsDGW9IXnlq%3D%3D=hFflUdN3100%3D&amp;kCx1AnS9%2FpWZQ40DXFvdEw%3D%3D=hFflUdN3100%3D&amp;uJovDxwdjMPoYv%2BAJvYtyA%3D%3D=ctNJFf55vVA%3D&amp;FqPIIEJYlotS%2BYGo-Bi5olA%3D%3D=NHdURQburHA%3D&amp;d9Qjj0ag1Pd993jsyOJgFvmyB7X0CSQK=ctNJFf55vVA%3D&amp;WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3D&amp;WGewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJFf55vVA%3D">https://cmis.essex.gov.uk/essexcmis5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=JxOx89nSwift7GPF1I4IKvlfcaEaylq%2BeM0Ptid05zoYi6nJ91OL6Cq%3D%3D&amp;rUzwRPf%2BZ3zd4E7lkn8Lyw%3D%3D=pwRE6AGJFLDNIh225F5QMaQWCtPHwdhUfCZ%2FLUQzgA2uL5jNRG4jdQ%3D%3D&amp;mCTIbCubSFfXsDGW9IXnlq%3D%3D=hFflUdN3100%3D&amp;kCx1AnS9%2FpWZQ40DXFvdEw%3D%3D=hFflUdN3100%3D&amp;uJovDxwdjMPoYv%2BAJvYtyA%3D%3D=ctNJFf55vVA%3D&amp;FqPIIEJYlotS%2BYGo-Bi5olA%3D%3D=NHdURQburHA%3D&amp;d9Qjj0ag1Pd993jsyOJgFvmyB7X0CSQK=ctNJFf55vVA%3D&amp;WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3D&amp;WGewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJFf55vVA%3D</a></p>
HAMPSHIRE	
Detail	Further information
<p><b>Hampshire County Council – Website Information</b></p> <ul style="list-style-type: none"> <li>• Council webpage detailing an individual's rights as a landowner in relation to fly-grazed / trespassing horses.</li> <li>• Includes a link to the laws about grazing or trespassing of horses.</li> </ul>	<p><a href="https://www.hants.gov.uk/business/tradingstandards/consumera-dvice/animalhealth/horsesgrazing">https://www.hants.gov.uk/business/tradingstandards/consumera-dvice/animalhealth/horsesgrazing</a></p>



## APPENDIX 2: Approaches of other Local Authorities / Police Forces

HERTFORDSHIRE	
Detail	Further information
<p><b>Office of the Police and Crime Commissioner for Hertfordshire – Seminars</b></p> <ul style="list-style-type: none"> <li>Commissioner’s office set-up various seminars for partners across the county to come together to talk through the implications of the Control Of Horses (2015) Act, and also to talk through the responsibilities of respective agencies.</li> <li>Hertfordshire County Council led on writing a protocol, which was heavily influenced by the Safer Communities Lincolnshire policy (see below).</li> </ul>	<p><a href="https://www.hertscommissioner.org/2016-02-joint-action-to-tackle-fly-grazing">https://www.hertscommissioner.org/2016-02-joint-action-to-tackle-fly-grazing</a></p> <p><a href="https://democracy.hertfordshire.gov.uk/Data/County%20Council/201503311000/Agenda/cPY07IOG2bDZ6jCBo88dsuJN2f5e.pdf">https://democracy.hertfordshire.gov.uk/Data/County%20Council/201503311000/Agenda/cPY07IOG2bDZ6jCBo88dsuJN2f5e.pdf</a></p>
LINCOLNSHIRE	
Detail	Further information
<p><b>Safer Communities Lincolnshire – Policy for the Control of Horses</b></p> <ul style="list-style-type: none"> <li>Joint policy between key agencies including Lincolnshire County Council, City of Lincoln Council, and various District and Borough Councils, as well as Lincolnshire Police.</li> <li>Includes contact details for Police, various Council departments and a welfare agency, as well as links to information, guidance and advice.</li> </ul> <p><b>North Lincolnshire Council – Protocol for Management of Horses</b></p> <ul style="list-style-type: none"> <li>Includes flowchart on ‘Process for Reporting and Responding to Horse Related Problems’.</li> </ul>	<p><a href="https://www.lincs.police.uk/media/151314/lincolnshire-policy-for-the-control-of-horses.pdf">https://www.lincs.police.uk/media/151314/lincolnshire-policy-for-the-control-of-horses.pdf</a></p> <p><a href="https://www.northlincs.gov.uk/wp-content/uploads/2018/10/Protocol-for-the-Management-of-horses-2016-V2-4.5mb.pdf">https://www.northlincs.gov.uk/wp-content/uploads/2018/10/Protocol-for-the-Management-of-horses-2016-V2-4.5mb.pdf</a></p>

**APPENDIX 2: Approaches of other Local Authorities / Police Forces**

<b>NOTTINGHAMSHIRE</b>	
<b>Detail</b>	<b>Further information</b>
<p><b>Newark &amp; Sherwood District Council and Nottinghamshire County Council – Guidance</b></p> <ul style="list-style-type: none"> <li>Joint initiative providing guidance for the management of illegally placed horses. Acknowledgement that parts of the publication “Protocol for managing Horses in North Lincolnshire© 2015” (see above) have been reprinted with kind permission.</li> </ul>	<p><a href="https://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/informationgovernan-cedc/2017/jan/20160708%20Fly%20Grazing%20Guidance%20MAIN%20DOCUMENT%20%20Version%2016%20-%20LATEST%20CONSULTATION%20COPY.pdf">https://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/informationgovernan-cedc/2017/jan/20160708%20Fly%20Grazing%20Guidance%20MAIN%20DOCUMENT%20%20Version%2016%20-%20LATEST%20CONSULTATION%20COPY.pdf</a></p>
<b>YORK</b>	
<b>Detail</b>	<b>Further information</b>
<p><b>City of York Council – Protocol for Management of Horses</b></p> <ul style="list-style-type: none"> <li>Previously highlighted by Cleveland Police in January 2020.</li> <li>Includes several flowcharts providing clear processes for reporting, responding and removing horses from highways, Council and private land.</li> </ul>	<p><a href="https://democracy.york.gov.uk/documents/s80253/Horse%20Enforcement%20Policy%20-%20Annex%201%20Protocol%20for%20the%20Management%20of%20Horses%20in%20York.pdf">https://democracy.york.gov.uk/documents/s80253/Horse%20Enforcement%20Policy%20-%20Annex%201%20Protocol%20for%20the%20Management%20of%20Horses%20in%20York.pdf</a></p>