

## **CRIME AND DISORDER SELECT COMMITTEE**

### **SCRUTINY REVIEW OF FLY-GRAZED HORSES**

#### **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 of 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 with the status quo that sees SBC fulfilling its responsibilities via its own in-house process for dealing with horses fly-grazed on Council land where necessary. However, to effectively manage this, a strategic framework needs to be developed with key partners (including Cleveland Police) to deal with trespass on land other than that which is Council-owned.
  - 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 Councils (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.**