

Briefing on the Role of CYC's Animal Health Team & Dealing with Tethered Horses

Introduction

1. The City of York Council's (CYC) Animal Health service has two aspects:-
 - The Dog Warden Service
 - The Trading Standards 'Animal Health' Service.
2. The team currently consists of 4 full time equivalent (fte) posts; most of the officers cover both aspects of the service. There is however a service review under way and it is proposed to separate the two functions, saving 1 fte post.

The Dog Warden Service

3. This service deals with the council's statutory responsibility to collect stray dogs. There is a contract with a private boarding kennel to house them until they are re-united with their owners or re-homed. In a very small number of cases, dogs which are not suitable for re-homing are destroyed.
4. The team also deals with a number of other issues arising from irresponsible dog ownership. These are not statutory duties. In particular they enforce dog fouling legislation, dealing with dangerous dogs (usually by obtaining 'control orders' from the magistrates court i.e. ordering owners to keep their dog(s) under control).
5. The team are also responsible for enforcing local By-laws requiring dogs to be on leads in certain areas of the city. These By-laws cover most of the city's main roads (bus routes) as well as most parks. There are no plans to introduce new 'dog control orders' under the Clean Neighbourhoods and Environment Act 2005 (not to be confused with dangerous dog control orders) as we would lose the existing by-laws

with no guarantee that the controls they give would be re-introduced. At present, there are no other advantages in introducing these 'dog control orders'.

6. Where the officers come into possession of dogs that have been caused 'unnecessary suffering' they are empowered to enforce the Animal Welfare Act 2006 and take appropriate action against the offender. However, as a rule the team do not deal with general complaints about cruelty to dogs in order not to duplicate the work of the RSPCA.

The Trading Standards 'Animal Health' Service

7. This CYC has a number of statutory duties under various Acts and Regulations to ensure livestock animals are being farmed, transported and traded lawfully. The legislation is aimed at reducing the spread of animal disease, preventing unsafe meat entering the food chain, and ensuring farmers/transporters comply with minimum standards of welfare.

Horses

8. The CYC fully respects the right to own a horse, and understands this is an important part of the culture of the travelling community. It is however acknowledged that horses can be problematic and in some circumstances dangerous, particularly when left unattended by the roadside.
9. The tethering of a horse is not illegal in itself; there is DEFRA guidance on tethering horses. A serious breach of the guidelines may amount to an offence under the Animal Welfare Act and is something that RSPCA officers would be invited to consider. This is because horses do not fall within the remit of the 'dog warden service', and are not caught by most of Trading Standards 'Animal Health' legislation (except when in market, there are also obligations in relation to horse passports).

Can tethered horses be seized?

10. Under the Animals Act 1971, the owner of land can detain a horse for up to 48 hours. In which time they must notify the police and the owner (if known) that the horse has been detained. If the horse is not claimed within 14 days, the horse may be sold to recover the costs incurred. This option is, in theory at least, open to the CYC **on our**

land, but in reality the situation is much more complicated (see paras 13-15 below).

11. If a horse has been mistreated or there are serious concerns about the way it is tethered (concerns for the welfare of the horse not safety of the public) it may be taken into possession under the Animal Welfare Act. The RSPCA would be invited to take the lead. However, many horses are well looked after, and tethering in accordance with the guidelines is acceptable.
12. There are no provisions to seize a horse for failing to comply with the Horse Passport Regulations.

Practicalities of seizing horses

13. Seizing horses is a huge commitment, the costs escalate rapidly. Skilled personnel are required to move horses (police assistance may be required for public safety). If a horse 'bolts', they can be extremely difficult to capture. Suitable transport needs to be arranged, suitable housing/husbandry, feed, vet fees etc. all become CYC responsibility. It is unlikely that CYC will receive its costs back from the owner or at market if subsequently sold.
14. By way of example, the Animal Health Service seized 7 horses on welfare grounds in 2010. Some of those horses were in foal and we were soon in possession of 10 horses - the cost of the operation was over £10k. The horses ended up being put to sleep, and no money was recovered.
15. There is no capacity within existing budgets to handle horse seizures. The CYC approach – led by the Street Environment Service - has therefore been to find the owners and encourage moving on. However, it recognised this is shifting the problem on and horses come back!

New project proposal

16. There is a new project, headed by Steve Waddington, Assistant Director of Housing & Community Safety, to help find a long term solution to the problem of horses on CYC land. There are three strands to the project:-

- i) Firstly, to obtain some land where horses can be kept as an alternative the roadside/ private land. There is a need to consider how this will be managed in practical terms and other issues including liability for welfare/damages. And how we will recover costs?
- ii) Secondly, if horses remain on roadside, owners (assuming they can be identified) will be encouraged to move their horses to the site.
- iii) Thirdly, if the horses are not moved, enforcement action will be taken. There are a number of options to explore:-
 - Engage RSPCA (would be good option, but we've had mixed success in the past)
 - Appoint a contractor to act on our behalf. Different models are employed by different authorities in this respect. Some pay in region of £1500 per month to police (plus £1500 per seizure), others just pay in the region of £2-3k per seizure.
 - One CYC team has responsibility for this work. However this will need additional resources i.e. dedicated officer time, availability of specialist help to remove the horses and somewhere to keep them –feed/veterinary treatment etc.

Conclusion

17. This is a sensitive and complex area. The CYC has done its best to deal with the situation with the resources available. A more effective solution will be available in the longer term providing budgetary support is forthcoming.

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