

**Cabinet**

**2<sup>nd</sup> April 2013**

Report of the Cabinet Member for Crime and Stronger Communities

## **Horses – Enforcement Policy**

### **Summary**

1. This report sets out the proposed policy and route for enforcing the removal of horses from Council land where they are illegally grazing and set out how the Council can support private land owners where horses are illegally grazing on private land.

### **Background**

2. In December 2012 Cabinet considered the issue of the increasing number of complaints and incidents relating to horses tethered on council land, in particular highways and grass verges and approved a number of proposed interventions:
  - That the Council develop a joint protocol with the Police, RSPCA and landowners & travellers setting out responsibilities of all parties and detailing a course of action to be taken in the following circumstances:
    - Where a horse is tethered on a highway verge;
    - Where a horse is grazing illegally on CYC land;
    - Where a horse is grazing illegally on private land;
    - Where a horse is found loose on a public highway.
  - The Council consider its land assets to identify areas of land that it feels would be suitable for letting as grazing land.
  - The Council works with private land owners and the NFU the potential for land owners to provide land for grazing.

- The Council's Animal Health Service work with the RSPCA and horse welfare charities to develop micro chipping and re-homing service.
  - The Council review its licence and tenancy agreements and insert a clause that prevents the tethering of horses on council land unless there is an agreement in place as part of the provision of land for grazing.
  - The Council enter into a procurement process to appoint a contractor to manage the seizure and where necessary the sale of any horses.
3. Following Cabinet's approval a multi agency group was established to develop a joint protocol for addressing the issues set out above. Members of this group included CYC staff, RSPCA, British Horse Society, North Yorkshire Police, Traveller Support workers, private vet practice and the National Farmers Union. The Travellers trust were invited to join the group to directly represent travellers but did not attend any of the meetings.
  4. The main focus of the work has been the multi-agency work which has been to develop the joint protocol and process for addressing the problem of illegally tethered / fly grazing horses. That is not to say that work has not been ongoing to support Travellers to reduce the number of horses that they have.

### **The Joint Protocol**

5. The joint protocol attached at Annex 1 has been developed by a multi agency group to ensure all agencies are signed up to the process. The main focus of the protocol is the removal of illegally grazing horses from a public highway, council land or privately owned land.
6. To ensure that the protocol works it will be important to ensure that a contractor (Horse Bailiff) is engaged to support the removal of horses. The contract can take a number of different forms, from an all encompassing one where the contractor will carry out a regular check to ensure horses are not been illegally grazed, posting notices and subsequently arranging the removal of the horses. It is proposed to procure a contract in such a way that allows the council to consider all the elements set out above as required.

7. It is acknowledged that the issue of illegally grazing of horses is not something that just affects the Council; it has a significant effect on private land owners. When considering the removal of horses and the requirements to ensure that the process is carried out in accordance with legislation, it is acknowledged that this can be difficult for private land owners. It is therefore proposed to procure the contract with a Horse Bailiff in such a way that it allows private land owners, to use the basis of the council contract to engage the Horse Bailiff direct if they so wish.

### **Provision of Land**

8. The Council has recently bid and been successful in securing funding from the Homes & Communities Agency to extend the current Osbaldwick Travellers site (subject to planning permission). A key part of these proposals is also to secure land adjacent to the site for the provision of grazing land for the travellers living on that site.
9. The Council is currently considering its other land holdings to identify if there is any land appropriate for use as grazing land.

### **Consultation**

10. The development of the protocol has been multi agency consisting of CYC officers, NY Police, RSPCA, British Horse Society, Traveller Support Workers, Independent Vet's and the NFU. The Travellers Trust were asked to attend to represent Travellers in the development of the protocols but did not attend.
11. The protocol itself has been shared with the Travellers community.

### **Options**

12. Option 1 – To agree the joint protocol as set out at Annex 1.
13. Option 2 - To not agree the protocol and retain the status quo.

### **Analysis**

14. The majority of the analysis is set out within the body of the report, however:
  - Option 1 would enable the council to ensure that an appropriate course of action is taken to ensure the safety and welfare of tethered animals as well as ensuring that a balanced approach to the problem is taken thereby reducing the financial and

reputational risk to the authority. In developing the joint protocol it will be important that there is full consultation with all stakeholders so that full buy in to the proposals and everyone understands the roles and responsibilities of their organisation.

- Option 2 would mean that the council would continue to take a reactive approach to the issue.

## **Council Plan**

15. The proposals set out in the report support the Council Plan, in particular the themes, Build Strong Communities, Protect the Environment & Protect Vulnerable People.

## **Implications**

16. The implications arising from this report are:
17. **Financial** – Procurement costs will be contained within the budget set as part of the 2013/14 budget process.
18. **Equalities** – The proposals will disproportionately impact upon the Gypsy & Traveller community, as part of the development of the joint protocol a full Equalities / Community of Interest impact assessment has been carried out.
19. **Legal** - The legal implications were set out within the 4<sup>th</sup> December report.
20. **Crime & Disorder** – Adoption of the proposed recommendations will have a positive impact on crime & disorder and ensure that a clear protocol is in place which clearly sets out the responsibilities of all stakeholders,
21. **HR** – The draft protocol sets out new duties which are currently not explicit in anyone's duties. As part of the ongoing review of Animal Health and Street Enforcement Services these duties will be embedded into the new roles.
22. **Information Technology** – There are no IT implications arising from this report.
23. **Property** – If the council decides to make land available for grazing, this will impact on the council asset portfolio.
24. **Other** - Adoption of the proposals will ensure that the council has a robust approach to the welfare of tethered horses.

## Risk Management

25. The key risks associated with this report are financial and reputational. Adoption of the proposals will place a financial implication on the council and discussions with other local authorities who have gone down this line have shown that in the majority of cases the costs associated with seizure of horses is not recovered. However adoption of the proposals will have a positive reputational impact on the council, as we will be responding to clear concerns set out by the public, whilst ensuring a balanced approach to enforcement.

## Recommendations

26. The Council is recommended to:

- Agree the protocol set out at Annex 1.

Reason: To ensure that the Council has a robust, yet balanced approach to dealing with tethered horses.

## Contact Details

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	<b>Report Approved</b>	✓	<b>Date</b> 8 March 2013
<b>Specialist Implications Officer(s)</b> None			
<b>Wards Affected:</b> List wards or tick box to indicate all		<b>All</b>	✓

**For further information please contact the author of the report**  
**Annexes**

Annex 1- Protocol for Management of Horses in York