

10 January 2019

Agenda Item:6

REPORT OF THE SERVICE DIRECTOR, PLACE AND COMMUNITIES

MANAGEMENT OF ILLEGALLY PLACED HORSES (FLY GRAZING)

Purpose of the Report

1. The purpose of this report is to update the Committee on the Council's approach to the management of illegally placed horses, ponies and donkeys (Fly-grazing) undertaken in collaboration with key partners.

Information

2. Officers from the Trading Standards & Communities Service have been working in collaboration with Newark & Sherwood District Council (NSDC) for some time on the issue of Fly-grazing. NSDC have been the lead partner in this collaboration.
3. As part of this collaborative work, guidance has been developed to help relevant partners understand the most effective way to deal with incidents of fly grazing.
4. 'Fly-grazing' is the term used to describe the illegal placement of horses, ponies and donkeys on land. This can lead to a variety of risks such as:
 - A danger to the public;
 - Animal welfare concerns;
 - Damage and/or nuisance caused by the animal;
 - Trespassing and illegal grazing; and,
 - Risks to staff and the public who get involved in dealing with such situations.
5. Legally land owners and Local Authorities have a range of responsibilities for animals abandoned or fly-grazing on their land. These are detailed within the provisions of the following:
 - Control of Horses Act 2018
 - Animal Welfare Act 2006
 - Highways Act 1980 (section 155)
 - Equine Identification (England) Regulations 2018
6. The cases of fly-grazing most directly affecting the County Council are generally those occurring on highway verges. In the past 2 years, the Council have received 4 reported incidents which have been dealt with in line with the guidance that has been developed.
7. Concerns regarding fly-grazing are generally reported to the Council from members of the public, and the collaboration with NSDC has helped determine the Council's response to

incidents on County Council Land. There have been no reports of incidents on other land owned by the County Council

8. The purpose of the guidance is to make clear the Council's approach so that when an incident occurs within the county of Nottinghamshire, there is an appropriate and swift assessment of the risk posed, and appropriate action is taken to remove the horse or pony. Appendix 1 to this report details the process used to manage Fly-grazing on Highways and County Council land.
9. A video called 'Avoiding Fly-grazing, Healthy Horses and Safe Communities' has also been developed for educational purpose about the dangers associated with Fly-grazing, and how partners are managing this issue. The video can be viewed on the NSDC YouTube channel.
10. In addition, the County Council has also provided funding for the purchase of two microchip readers to aid the tracing of horse owners where the animals have been microchipped. The readers are held by the Community Protection Team at NSDC, and by the Trading Standards & Communities Service.

Other Options considered

11. No other options were considered as they were not viable given the potential dangers to the public and the legal implications for the landowner. It is important that NCC adopts a process for the management of illegally placed horses.

Reasons for the recommendation/s

12. The processes detailed at Appendix 1 to this report provides the County Council with a robust approach for dealing with this issue.

Statutory and Policy Implications

13. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

14. There are no financial implications arising directly from this report.

RECOMMENDATIONS

It is recommended that Committee approve the County Council's approach to the dealing with the illegal placement of horses as outlined.

Derek Higton
Service Director, Place & Communities

For any enquiries about this report please contact: Cathy Harvey, Team Manager
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Constitutional Comments [KK 03/12/2018]

15. The proposals in this report are within the remit of the Communities and Place Committee.

Financial Comments [RWK 05/12/018]

16. The financial implications are set out in paragraph 14.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Members Affected

- All