



CABINET - 19TH MARCH 2014

SUBJECT: CONTROL OF HORSES (WALES) ACT 2014 - AMENDMENTS TO AUTHORISATION OF OFFICERS

REPORT BY: ACTING DEPUTY CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To inform Cabinet of required changes to the legal powers arising from the Control of Horses (Wales) Act 2014 for officers of the Public Protection Division and to seek the necessary authorisation.

2. SUMMARY

- 2.1 Officers within the Public Protection Division require additional authorisation under The Control of Horses (Wales) Act 2014 in order to be able to enforce the legislation which came into force on 27th January 2014.
- 2.2 The purpose of the Act is to provide a legislative tool for local authorities to use in combating and controlling the problems associated with fly grazing including straying and abandonment of horses and ponies, and actions by irresponsible horse owners who intentionally or negligently permit their horses and/or ponies to graze on land where they do not have the consent of the landowner.

3. LINKS TO STRATEGY

- 3.1 The Control of Horses (Wales) Act 2014 provides legal powers which contribute to the Greener Caerphilly, Safer Caerphilly and Prosperous Caerphilly Priorities within the Caerphilly Local Service Board single integrated plan, Caerphilly Delivers, and Objective 3 of the Council's Strategic Equality Plan 2012.

4. THE REPORT

- 4.1 The main issues associated with fly grazing, straying and abandonment of horses and ponies are:
 - a risk to public safety when stray horses are found on highways causing road closures and diversions to motorists and potential accidents
 - a nuisance to communities on public land including parks, playgrounds and other public spaces and private land such as residential property
 - an impact on the agricultural industry when land and fencing is damaged leaving insufficient grazing for the occupier's own stock and creating a potential for the occupier's stock to stray

- an environmental impact when ground is overgrazed and land becomes poached
- welfare concerns linked to the discovery of uncared for, starving and dead horses
- a considerable financial burden to those dealing with the problem.

4.2 The Act provides local authorities with the powers to:

- seize and impound horses which are on land without consent
- sell the horses or dispose of them, including destruction by humane means if appropriate
- recover costs reasonably incurred from the owners of horses in such circumstances.

4.3 Section 15(8) of the Mid Glamorgan County Council Act 1987 which relates to horses, ponies and jennets ceases to have effect but remains in force for other species of animals.

4.4 This Act will provide additional options to officers to deal with the problems associated with fly grazing, straying and abandonment of horses and ponies. As a result of the introduction of new legislation the Council's Constitution requires amendment to include reference to the Control of Horses (Wales) Act 2014 in the Scheme of delegation. This will ensure that the officers have the power to discharge the legislation.

5. EQUALITIES IMPLICATIONS

5.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report.

6. FINANCIAL IMPLICATIONS

6.1 None directly arising from the authorisation of officers under this Act. Local authority costs incurred in looking after horses that have been seized and impounded may be recovered from the owner. However, in many cases it is not possible to identify the owner and therefore costs would fall upon the authority. Estimated costs per horse if impounded are £120 which could increase to £200 if the animal had to be destroyed. Horse charities are at full capacity and the majority of horses involved have no re-sale value. These costs would increase if the owner appealed as the horses are retained until the appeal is determined, and would be significant if large numbers of animals were involved. No funding for enforcing the provisions has been received from Welsh Government.

7. PERSONNEL IMPLICATIONS

7.1 None directly arising from the authorisation of officers under this Act where it is used to supplement existing enforcement activities; however any use of the legislation leading to a greater involvement in the fly grazing issue than at present would have implications for staffing resources. The workload will be monitored and consultation with staff and their representatives will be undertaken as appropriate.

8. CONSULTATION

8.1 The report has been sent to Consultees listed below, and there are no consultation responses, which have not been reflected in the recommendations.

9. RECOMMENDATIONS

- 9.1 That Cabinet note the implementation of this legislation and endorse the recommended changes to the Council's Constitution to be incorporated by the Council's Interim Monitoring Officer
- 9.2 That the Council's Constitution and terms of reference be amended by adding the following:
Control of Horses (Wales) Act 2014.

10. REASONS FOR RECOMMENDATION

- 10.1 In order to ensure proper and effective enforcement of the legislation.

11. STATUTORY POWER

- 11.1 Local Government Acts 1972 and 2000, Control of Horses (Wales) Act 2014. The discharge of duties under the above legislation is a Cabinet function.

Author: Ken Long, Senior Trading Standards Officer
Consultees: Councillor David Poole, Cabinet Member for Community & Leisure Services
Sandra Aspinall, Acting Deputy Chief Executive
Rob Hartshorn, Head of Public Protection
Daniel Perkins, Head of Legal Services
Jacqui Morgan Trading Standards, Licensing & Registrars Manager
Ceri Edwards, Environmental Health Manager
Gail Williams, Interim Monitoring Officer
David A. Thomas Senior Policy Officer (Equalities and Welsh Language)
Sian Phillips, HR Manager
Mike Eedy, Finance Manager