

Annex A

BRACKNELL FOREST COUNCIL STATEMENT OF POLICY IN RELATION TO CONTROL OF HORSES ACT 2015



This Policy sets out the approach that will be taken by Council when horses are suspected of being fly grazed on public space or private land. The Policy reflects the new discretionary powers to the Council available within this Act as both a regulatory authority and a landowner.

Legal Definitions

Fly Grazed: Horses left to graze on a piece of private land or public space without the permission of the owner or Local Authority.

Public Space: Any common land or town or village green, and any highway (and the verge) of any Highway)

Overview

1. Responsibility for making and implementing decisions on 'fly grazed' issues is delegated to the Director of Environment, Culture and Communities who is authorised to undertake all Council functions arising from this policy
2. This Policy provides the framework to guide officers in deciding how to deal with fly grazing issues. It is to be read in conjunction with any agreement with Thames Valley Police, Royal Society for the Prevention of Cruelty to Animals and other organisations or charities that might be engaged.
3. The Council will at all times act in a humane and compassionate fashion. Each case will be considered in its own right. In making decisions the officers will balance the relative weight given to the legislative responsibilities that rest with the Council.

The Council's responsibilities as a landowner – approach to be taken

4. Where horses are being fly grazed on public space the council will take all practical measures and employ the full provisions of the legislation and give due notice to the owner of the council's intentions should they not remove the horses from the land within the minimum period permitted in the legislation (96 hours). During this period the Council will consider the need to provide for basic welfare care if there is evidence that the horses are suffering. Where there is evidence of a serious welfare issue consideration will also be given to the need to take possession of a horse under the welfare provisions and remove them prior to the expiry of 96 hours.
5. Once the legislative period has expired the Council will take legal ownership of the horses and appropriate measures will be taken to remove and dispose of them as quickly as possible and with the least cost to the public purse.

Responsibilities as a Regulatory Authority – approach to be taken

6. The Council has no power to take action where horses are located upon land other than public space.
7. In such circumstances the Council will subject to available resources do no more than to attempt to identify the owner of that land, inform them of the incident and advise them of the legal options available.