

Hampshire County Council
Policy for Management of Fly Grazing

Aim

1. The aim of this policy is to ensure best practice and a consistent and structured approach to responding to and managing illegally placed horses across the Hampshire County Council responsible area to ensure outcomes that are practical, sufficiently adaptive, protect the animal's welfare and are in compliance with legislation.

Application

2. The County Council will apply this policy when responding to instances of fly grazing on land owned or occupied by the County Council or where a complaint is received by the County Council in relation to fly grazing on land within the Hampshire County Council responsible area.
3. Fly grazing is the term applied when horses are placed on land without permission. Their presence can give rise to issues of public safety, nuisance within the communities affected and impacts on agricultural and environmental land uses, as well as potential animal welfare concerns.

Animal welfare

4. When managing an occurrence of fly grazing, the County Council will:
 - Consider animal welfare at every stage and ensure that suitable welfare assessments are central throughout the process.
 - Ensure appropriate oversight from specialists, including removal and livery arrangements, to ensure the best outcome for detained horses.
 - Be responsible for the welfare of horses that are detained under the County Council's statutory powers.
 - All decisions concerning the welfare, care and treatment of detailed horses will be guided by veterinary advice.

Initial response

5. Following receipt of an initial complaint, a site visit will be carried out to assess circumstances, including risk, welfare and hazards, and to record evidence and actions, including photographic records.
6. The County Council will seek to identify and contact the owner of the horse(s) and request removal from the site.

Removal and detention

7. The removal and detention of fly grazed horses will be undertaken when deemed appropriate and taking account of all prevailing circumstances.

8. The removal and detention of fly-grazed horses shall be undertaken under the County Council's powers as a local authority under the Animals Act 1971 as amended by the Control of Horses Act 2015.
9. Prior to removal or detention of fly grazed animals the County Council will:
 - Liaise with the landowner to establish their approach to the incursion on their land.
 - Post a warning notice on site.
 - Formally appoint specialist horse bailiffs who have the experience and expertise to manage animal removal, carry relevant certification and insurance and have access to appropriate green livery to ensure suitable care of detained animals.
 - Ensure that Notice of Detention is served and the police are notified.
 - Fly grazed horses will only be removed by the County Council if the owner fails to remove the horse in response to notices posted.
10. Clear records shall be maintained of all actions undertaken by or on behalf of the County Council.

Reclaiming and disposal of detained horses

11. The owner of a detained horse shall be able to reclaim it within 96 hours (4 working days (Monday to Friday)) of detention subject to payment of reasonable expenses for keep and/or damages.
12. Where a detained horse is not reclaimed within 96 hours (4 days) the ownership shall pass to the County Council who shall dispose of it through the most appropriate means.

Costs

13. Clear and accurate record of costs will be maintained and claims for costs incurred pursued when achievable.
14. Costs associated with the incursion onto land and any associated or consequent damage shall be the responsibility of the landowner.
15. Costs associated with the detention and subsequent care of animals will fall to the County Council. The County Council will seek to recover these costs through the following statutory options:
 - Payment by the owner of the horse(s) where it is reclaimed within 96 hours of its detention, together with all costs for damage to the land and property on which the horse was fly grazed.
 - Receipt from the sale of the horse where it has not been claimed within 96 hours of its detention.
16. Where applicable, the owner of the horse may claim damages for any loss or injury during the period of detention.