

Committee: **Community Services Scrutiny Committee**
 Date of meeting: **19th July 2021**
 Report Subject: **Position Report – Straying Animals**
 Portfolio Holder: **Cllr Joanna Wilkins / Executive Member
Environment**
 Report Submitted by: **Corporate Director – Regeneration & Community
Services
Matthew Stent – Service Manager
[Neighbourhood Services]**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
22/06/21	23/06/21	08.07.21			19/07/21			

1. Purpose of the Report

1.1 To provide Members with an overview on the issue of straying animals within the County Borough. The report will outline the scale of the issue, including identifying geographical locations where the problem is often reported and set out an Action Plan from which officers / Stakeholders operate to resolve incidents. **This report is a multi-departmental report and the Action Plan clearly sets out those responsible for each action.**

2. Scope and Background

2.1 Straying animals has been a recurring issue within the County Borough for many years, however, instances / reports on this issue appear to have risen over recent months. Reports of straying animals are indicated in 10.2 but perhaps more significantly have also made National news headlines of late.

2.2 Historically the Local Authority could utilise its Animal Impounding Service to remove straying animals, which were often the source of complaints either because of their persistent or recurring nature, road safety or because of the welfare concerns around the animals themselves. However, since the termination of this service, officers ultimately have to rely on informal action to ensure animals are removed.

2.3 The cessation of the Animal Impounding Service was agreed as part of the Revenue Budget Savings 2014/15. If this service were to be restored now, it would cost in the region of £100,000 per year [2 FTE's, vehicle, plant] not including premises for storage of animals **[for clarity, this report is not recommending this service is restored].**

2.3 In the majority of instances, the Council are contacted by the public to report the animals, the Contact Centre attempt to contact the relevant Farmers in the locality and the animals are removed. However, very often, ownership cannot be determined or contact cannot be made with the farmer, resulting

in the animals being ushered off the Highway by the Police or Council operatives and as a result, they can often end up returning to a location or just moving the problem elsewhere.

- 2.4 An initial meeting was held on Wednesday 12th May with Officers and the Executive to discuss the issue and how best to resolve it. Subsequent meetings have been held, with many service areas of the Council represented, along with Gwent Police [Working Group]. Due to the wide and varying input required from all areas and stakeholders, it was agreed to formulate an Action Plan and present this to Community Service's Scrutiny Committee in July 2021.
- 2.5 The Working Group agreed that this issue cannot be resolved without working closely with Farmers, landowners, Commoners and other stakeholders, including the Police. Following some initial discussions with the Police and Farmers, it seems the primary cause of straying animals is as a result of broken / damaged fence lines.
- 2.6 Estates receive some reports/complaints but the majority of complaints are via the contact centre. Estates only action repairs to those fence lines that the Council are responsible for and/or notify our tenants if the issue is with land they currently occupy. We do not notify private land owners but we do provide Land Registry information to other departments of land owners if requested. However, following recent discussions, it is evident that as soon as repairs are carried out, they are damaged again soon thereafter.
- 2.7 The working Group have identified some offenders when it comes to who is damaging fence lines, dog walkers and off road bikers being the main offenders.
- 2.8 Gwent Police have held its first meeting with Stakeholders [including Blaenau Gwent] to discuss the issue around off road bikes and more recently have carried out a number of Gwent wide Operations to take enforcement action on the matter.
- 2.9 The Working Group looked at what processes other Local Authorities have to deal with this same issue [Appendix 2] and also agreed a set of actions [Action Plan – Appendix 1], both of which are attached to this report.

3. **Options for Recommendation**

- 3.1 Option 1- That Members support and recommend approval of the approach / Action Plan set out in this report.
- 3.2 Option 2- That Members make recommendations for changes to the approach / Action Plan set out in this report.

4. **Recommendation(s)/Endorsements by other Groups**

- 4.1 Corporate Leadership Team and Regeneration & Community Services Leadership Team have considered this report.

5 **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

5.1 Well-being Plan, Objective 2 – Blaenau Gwent wants safe and friendly communities. The prevention of straying animals ensures members of the public feel safe so that animals are not roaming on open spaces and near public Highways.

5.2 Corporate Plan – Strong and Environmentally Smart Communities Priority objective It is felt that by dealing proactively with problematic / hotspot locations of damaged fence lines where recurrent offending behaviour often occurs will result in fewer incidents occurring.

6. **Implications Against Each Option**

6.1 **Impact on Budget (short and long term impact)**

6.2 No one service area holds a specific budget for dealing with this issue so any costs associated with any ongoing actions would come from the relevant service area Revenue budget. If the extra costs could not be managed within existing budgets, then this would be reported to CLT accordingly. Many of the actions involve additional staff resource, so there will likely be an impact of other service delivery in some service areas resulting in delays.

7. **Risk including Mitigating Actions**

7.1 Reputational risk- Straying animals does generate a number of complaints from Members and the public. It often results in damage to open spaces, concerns about the welfare of the animals themselves, street cleansing issues and public safety concerns around road safety. Failing to tackle the problem proactively could lead to significant reputational damage to the Authority.

8. **Legal**

8.1 There are a number of legal provisions available to deal with the issue of straying livestock which are outlined below. Discussion with the Legal Section has identified that this issue is not straightforward when it comes to the Authority's potential liability. If the Authority are taking steps to remove the stray animals and the fences are maintained, the Authority are acting with reasonable care. If fences etc are subsequently damaged/removed by others (bikers, walkers etc), and animals stray onto the highway this intervening act may break the causal chain and the Authority may not be liable.

8.2 Other legal provisions include:

- Animals Act 1971- Under the Animal Act 1971, where livestock strays onto land in the ownership of another person (including the Local Authority), the landowner can detain the livestock whilst ownership of the straying animals is being established and reclaim any reasonable costs in doing so. The land owner can claim the costs of any damage, and sell the animal at a market or public auction after 14 days, unless steps are being taken by the owner of the livestock to pay any money

owed [Whilst the Animals Act covers liabilities for animals where the owners are known, it doesn't cover those where the owners cannot be found. As such, should an unowned sheep stray onto a highway and cause damage or injury, this would fall under the common law of negligence.]

- Town Police Clauses Act 1847- If any cattle (including horses, asses, mules, sheep, goats, and swine) are straying in any street within the limits of the Act then a constable or officer of police, or any person residing within the limits of the Act, may seize and impound the cattle until the reasonable expenses incurred in impounding the cattle are paid.
- Highways Act 1980- Section 155 of the Highways Act 1980 states if any horses, cattle, sheep, goats or swine are at any time found straying or lying on or at the side of a highway their keeper is guilty of an offence; but this subsection does not apply in relation to a part of a highway passing over any common, waste or unenclosed ground.

9. **Human Resources**

9.1 Dealing with complaints, visiting sites, attending call outs, repairing fence lines identifying owners and posting notices is time consuming.

10. **Supporting Evidence**

10.1 **Performance Information and Data**

10.2 Service Requests

From 1st Feb to 7th May 2021 there were a total of 2189 calls:

- 78% - Ebbw Vale [e.g. Bypass road near Tesco is common place]
- 12% - Tredegar
- 10% - Blaina / Abertillery [e.g. Roseheyworth Ind Est]

11 **Expected outcome for the public**

11.1 Improved proactive response to service requests in relation Straying animal incidents.

12 **Involvement (consultation, engagement, participation)**

12.1 Relevant internal colleagues in Estates, Community Safety, Regeneration, Planning, Public Health, Technical Services, C2BG, legal, as well as Gwent Police have been consulted on the content of this report.

13 **Thinking for the Long term (forward planning)**

13.1 The process outlined in this report is necessary to ensure long-term improvements in response to the issue of straying animals and to create safer public open spaces / Highways.

14 **Preventative focus**

14.1 The process will help to change cultural attitudes to straying animals by ensuring a more proactive approach by all relevant stakeholders.

15 **Collaboration / partnership working**
15.1 The process will involve working with local Farmers, Commoners, The Police, NRW and many internal service areas of the Council to ensure the effective containment and removal of animals from public areas / highways.

16 **Integration (across service areas)**
16.1 The scheme contributes to relevant well-being and environment Agendas.

17 **EqIA (screening and identifying if full impact assessment is needed)**
17.1 The proposals will no adverse effects against the protected characteristics.

18. **Monitoring Arrangements**
The scheme will be monitored by Neighbourhood Services Managers and by way of relevant reports to the Corporate Director Regeneration & Community Services, CLT and Scrutiny Committee, as necessary, but with an Annual Review.

Background Documents /Electronic Links

Appendix 1 – Action Plan

Appendix 2 - Local Authority comparison