

# NEIGHBOURHOOD SERVICES COMMITTEE AGENDA



**Monday 16 December 2013**

**at 9.30 am**

**in Committee Room B, Civic Centre, Hartlepool**

MEMBERS: NEIGHBOURHOOD SERVICES COMMITTEE

Councillors Ainslie, Barclay, Dawkins, Gibbon, Jackson, Loynes and Tempest

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

**3. MINUTES**

- 3.1 To receive the Record of Decision in respect of the meeting held on 11<sup>th</sup> November 2013 (*previously circulated*)
- 3.2 To receive the Minutes and Decision Record of the meeting of the Emergency Planning Joint Committee held on 11<sup>th</sup> June 2013, 6<sup>th</sup> August 2013 and 26<sup>th</sup> November 2013 (*previously circulated*)

**4. BUDGET AND POLICY FRAMEWORK ITEMS**

No items

**5. KEY DECISIONS**

- 5.1 Illegally Grazed Horse Strategy – *Assistant Director (Neighbourhoods)*



**6. OTHER ITEMS REQUIRING DECISION**

- 6.1 Fens Area Proposed 20mph Zone – *Assistant Director (Neighbourhoods)*
- 6.2 Petition Requesting a Loading Bay on Holdforth Road – *Assistant Director (Neighbourhoods)*
- 6.3 Headland Proposed 20mph Zone – *Assistant Director (Neighbourhoods)*
- 6.4 The Collection of Sea Coal (Sea Coaling) – *Assistant Director (Neighbourhoods)*

**7. ITEMS FOR INFORMATION**

No items

**8. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

**ITEMS FOR INFORMATION**

**Date of next meeting** – Monday 20 January 2014 at 9.30 am in Committee Room B



# NEIGHBOURHOOD SERVICES COMMITTEE

16<sup>th</sup> December 2013



**Report of:** Assistant Director (Neighbourhoods)

**Subject:** ILLEGALLY GRAZED HORSE STRATEGY

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## **1. TYPE OF DECISION/APPLICABLE CATEGORY**

1.1 Key Decision. RN 18/13 test (ii) applies.

## **2. PURPOSE OF REPORT**

2.1 To present a strategy for tackling the problems associated with illegally grazed horses in Hartlepool.

## **3. BACKGROUND**

3.1 In recent years, loose, stray, abandoned and fly grazed horses have become an acute and expensive problem for landowners, local authorities, enforcement agencies, welfare charities and tax payers across the UK. It is increasingly clear that this practice is causing welfare problems, blighting public spaces and posing difficulties for landowners and the public; thus, creating a problem to which there is no simple solution.

3.2 Fly grazing refers to the practice of placing a horse or horses on land to graze, without the permission of the landowner.

3.3 Horses are usually, but not always, tethered with ropes or chains to prevent them from roaming. Traditionally they were located in derelict and industrial sites; however, as this practice has become more common and widespread, horses have been found in residential and amenity areas.

3.4 Hartlepool, like many North East Local Authorities, has a long history of illegal or “fly grazed” horses, but in the past few years this practice has increased dramatically. A survey of Council land in April 2013 identified that there were 105 individual horses on Council land; however, an earlier survey by the RSPCA estimated that there were over 150 of these horses across the Borough on council and private land.

- 3.5 The significant rise in the past two years of this practice can be attributed to several factors, most notably the huge decline in the value of horses (they are being exchanged for as little as £5 or 'swapped' for commodities such as tobacco or bikes). This practice has also gained in popularity in some communities and it has become something of a 'status symbol' to own several horses. These contributing factors have meant that frequently inexperienced and very young people become owners of horses, often with very little knowledge of their needs and also the financial means to maintain their welfare and daily upkeep.

### *The Scale of the problem*

- 3.6 The Council, Police and RSPCA have received large numbers of complaints from members of the public concerned about the practice of fly grazing.
- 3.7 In the past 12 months, Cleveland Police have dealt with 1880 incidents involving equine issues, predominantly inappropriate use and nuisance riding, stray animals on the road, or un-tethered animals adjacent to roads with the potential for straying onto roads. Others related to livestock "appearing" on public owned or private land where members of the public were asking for assistance in removal. Of these, 743 were in Redcar & Cleveland, 630 were in Hartlepool, 357 were in Stockton and 140 were in Middlesbrough. 10 were from adjacent force areas.
- 3.8 In early 2013, the RSPCA identified that there was a particular welfare problem with tethered horses in Hartlepool. This is evidenced by the fact that from January to August 2013, they seized over 30 horses on welfare grounds. There have also been a number of horses which have died or had to be destroyed due to illnesses relating to lack of proper care. This year, the RSPCA has successfully prosecuted an owner in Hartlepool under the Animal Welfare Act 2005, in a case involving 2 horses. The defendant received 20 weeks custody (suspended for 2 years), was disqualified from keeping animals for life, ordered to pay £2,500 costs and the horses were signed over to the RSPCA for re-homing. A number of other prosecutions are pending.
- 3.9 Whilst the practice of tethering is not illegal, it is not recommended as a method of containing horses for more than a few hours, as it prevents them from being able to exercise or exhibit natural behaviour. When tethered they are not able to socialise, shelter from extreme weather or to escape from predators or human tormentors. There have been reports of horses in Hartlepool having anti-freeze poured over them and also of youths filming each other punching and kicking tethered horses.
- 3.10 There are many problems associated with the practice of illegally grazed horses, not only is there a high risk of a tethered horse getting loose and being involved in road traffic accidents, but there is also the potential for tethered horses to kick or bite passers-by, both of which may result in costly pay-outs by the land owner/occupier.

- 3.11 Residents and businesses complain about the visual and physical degradation that these horses cause and the potential impact on the area and its image, particularly when they have been tethered within areas of housing and public amenities.

*Mechanisms for tackling this problem*

- 3.12 Unfortunately there is no specific legislation at present which deals with the fly grazing problem and therefore relevant authorities have to address each situation individually.
- 3.13 The Horse Passport Regulations (England) 2009 state that all horses and ponies should have a passport and be micro chipped. Whilst most responsible horse owners may adhere to this requirement, unfortunately weaknesses in the enforcement of this legislation have led to a position where those who carry out the practice of illegal grazing are often able to flout the law. This has led to the majority of the illegally grazed horses not being micro chipped or details being incorrect or out of date. This makes proving ownership (and responsibility) in these instances almost impossible.
- 3.14 The Animal Welfare Act 2006 places a responsibility on landowners to 'ensure the welfare of any animals left on their land once they are aware of their presence'. This legislation can also be used (generally by the RSPCA) if the horses have welfare problems or if a vet determines that they are likely to suffer if their circumstances do not change. As stated previously, over thirty illegally grazed horses have been seized by the RSPCA in Hartlepool under this legislation since January 2013.
- 3.15 The Animals Act 1971 is a civil law that landowners must follow if horses stray onto their land. This gives landowners the right to detain a horse as long as this fact is reported to the police within 48 hours and to the owner (if known). Following detention, the landowner may claim any damages caused by the animal or any reasonable expenses incurred whilst detaining the animal. After 14 days, the animal may be sold at market or by public auction, or otherwise dispose of, in accordance with relevant legislation.
- 3.16 The escape of horses onto the highway may be covered by the Highways Act 1980 Section 55.
- 3.17 The police in Hartlepool have been tackling some of the anti-social behaviour linked to this practice, such as the reckless riding and driving of tethered horses using a variety of legislation. This includes the Highways Act 1835 (S72), which makes it an offence to wilfully ride, lead, drive or tether a horse or horse drawn carriage on a footpath. The Town Police Clauses Act 1847 (S28), makes it illegal to drive a carriage, ride a horse in a street furiously to the obstruction, annoyance endangerment of residents/passengers. Also, the Horses (Protective Headgear for young riders) Act 1990 - makes it an offence to cause or permit a child under 14 to ride on a road without protective headgear.

*Movement of illegally grazed horses onto allotments*

- 3.18 Some of the horses which have been illegally grazed on derelict land have been brought onto Hartlepool Borough Council allotment sites.
- 3.19 Allotment Laws do not give any provision for allotments to be used for any animals other than chickens and rabbits. The allotment team requires that all animals housed on allotments are registered each year. Permission may be granted by the allotment team for other animals such as ducks, pigeons and ferrets and a small number of dogs.
- 3.20 Advice from the British Horse Society and the RSPCA states that allotments are not deemed to be suitable for the long term housing of horses and ponies, as they do not provide adequate turn out space for the horses and are also denied the ability to graze naturally; they are also vulnerable to fires and other forms of abuse.
- 3.21 There is a concern that once horses are evicted from public open spaces, tethered horses will be illicitly moved onto allotment sites. Indeed, in winter 2012, following a report by a concerned member of the public, a number of ponies were found crammed into a small garden shed on Nicholson Field allotment site with no light or adequate ventilation. The RSPCA and British Horse Society have significant concerns about this issue and future consideration should be given to this matter when determining future allotment strategies.

**4. PROGRESS TO DATE**

- 4.1 In February 2013, Hartlepool Borough Council joined together with other partner authorities and organisations to form the 'North East Equine' group. This partnership represents the vast majority of North East Local Authorities, the police, RSPCA and the British Horse Society. The group's aim is to share information and good practice with regards to the problem of fly grazing and to try to lobby for legislative changes to support enforcement agencies in tackling the issue.
- 4.2 In March 2013, the responsibility for dealing with the escalating problem of fly grazing in the Borough was given to the Waste and Environmental Services section of the Council in order to utilise the skills and experience from the Dog Warden Service and the Environmental Enforcement Team.
- 4.3 The need for an immediate, co-ordinated and holistic approach to resolve this problem was identified and a 'working partnership' developed, which included Council officers from a number of departments. These included Environmental Enforcement, Animal Licensing, Economic Development, Estates, Police, RSPCA and local landowners / managers.

- 4.4 The North Coastal Neighbourhood Police team worked closely with Council officers to develop response protocols and deliver training to key frontline staff so they could execute safe, reactive and informed responses to situations. Officers were also trained by the RSPCA in animal welfare in order that they could act as a first response to any welfare concerns.
- 4.5 The success of this partnership was recognised at the Cleveland Community Safety Awards where the North Coastal Police team were presented with a 'Community Safety Contribution to tackling anti-social behaviour' award.
- 4.6 Hartlepool Borough Council and the Police have undertaken two operations to date to analyse the problem and to take action against illegally grazed horses. Warning notices have been posted on Local Authority land and horses which are not removed have been seized by equine bailiffs.
- 4.7 In the first target area, 22 horses were found to be illegally fly-grazing after warning notices were posted. After 7 days this number reduced to just 5, which were removed by bailiffs.
- 4.8 In the second target area, 77 horses were illegally grazing; after notices were posted all but 3 of the horses were removed. Of these, 2 were seized by the RSPCA on welfare grounds and Hartlepool Borough Council arranged for bailiffs to remove the remaining horse, which appeared to have been abandoned and was malnourished to such an extent that it later died.
- 4.9 In partnership with the Police, the Council continues to respond to isolated incidences of loose horse.
- 4.10 In April 2013, there were estimated to be over 150 illegally grazed horses across the town (105 counted on HBC land), following targeted enforcement action, in October 2013 there were only around 40 illegally grazed horses restricted to just two sites. Fly-grazing is now almost exclusively restricted to privately owned land at the Oakesway Industrial Estate and Park View Industrial Estate. Whilst officers do react to any complaints by the public with regards to these sites, horses are primarily the responsibility of the landowners. However, following negotiations with the landowners, Park View has requested the assistance and expertise of the Council to tackle future incidences of illegal grazing on its behalf.
- 4.11 With regards to the situation at Oakesway Industrial Estate, the owners/land managers have so far been reluctant to take responsibility and appropriate action to address the issue; however, the Council continues to pursue a suitable resolve to the illegal grazing issues at Oakesway.

## 5. PROPOSALS

- 5.1 To apply the new strategy and action plan to address issues with illegally grazed horses in Hartlepool. The proposed Strategy is enclosed as **Appendix 1.**

- 5.2 To continue to work closely with, and provide assistance to, internal and external partners such as the Police, RSPCA, British Horse Society and landowners to tackle illegally grazed horses.
- 5.3 To communicate key messages to Elected Members, members of the public and horse owners about the Council's intolerance of illegal grazing and the approach it is taking to address the issue. This will ensure consistency of messages and provide information on how to report a problem and how this issue will be dealt with.

## 6. RISK IMPLICATIONS

- 6.1 The illegal grazing of horses poses a number of risks as detailed below.
- 6.2 *Welfare*  
The Animal Welfare Act 2006 places responsibility on landowners (including the Council) to ensure the welfare of any animals left on their land. This includes ensuring that the animals have adequate access to water, forage and are prevented from straying onto the highway. Any sick or injured horses would also need to be treated to ensure their welfare. Failure to take responsibility for these animals may lead to the landowner being prosecuted.
- 6.3 *Safety*  
Loose horses have been involved in road traffic accidents in the town and the Council receives regular reports of horses straying onto the highway. Horses have also been known to kick or bite passers-by and residents have also been threatened by owners.
- 6.4 *Impact on visual amenity*  
Tethered horses have a detrimental impact on the visual amenity of the town. When tethered in amenity areas (e.g. sports pitches) they can prevent or reduce access to these amenities for residents.
- 6.5 *Potential Liability*  
Owners of land where horses are tethered remain potentially liable where accidents, personal injury or damage to property has occurred.
- 6.6 *Hostile Seizure of Land*  
If a person occupies land they do not own on occasion there may be circumstances where claims for ownership can be pursued.

## 7. FINANCIAL CONSIDERATIONS

- 7.1 *Potential liability*  
If an accident is caused by a horse kept illegally on Council land, or if a horse causes an accident, personal injury or damages property.
- 7.2 *Enforcement costs*



Responding to reports regarding horses takes up local authority and police time, which has cost implications. Call-outs range from checking out welfare reports to rounding up loose horses and trying to find an owner to come and collect them, which can take several hours. The continued monitoring of “hot-spot” sites to ensure any new horses placed on them are dealt with swiftly also has long term cost implications.

- 7.3 The cost of uplift operations can be substantial; however, the initial phase of action has resulted in the other owners removing their horses within 24 hours of notices being posted, so the initial investment has had a good long-term result. Previous experience has shown that where notices are used without the threat of impoundment being followed through they quickly become ineffective and owners soon learn to ignore them.
- 7.4 In the absence of any mainstream funding, the costs associated with policing and impounding illegally grazed horses is currently being absorbed by the Waste & Environmental Service Section.

## **8. LEGAL CONSIDERATIONS**

- 8.1 Unlike stray dogs, there is no clear legislation giving Councils and landowners a simple route to tackle the problem of horses grazing illegally. Most authorities rely on the Animals Act 1971, which gives landowners powers to detain animals that have strayed on to their land and to dispose of them after a period of 14 days.
- 8.2 The Animal Welfare Act 2006 places responsibility on the landowner to ensure the welfare of any animals left on their land once they become aware of their presence.

## **9. STAFF CONSIDERATIONS**

- 9.1 The identification, monitoring and response to calls regarding horses has been carried out by staff from the Waste and Environmental Services Section since March 2013, in partnership with the Police and RSPCA. This partnership working has been extremely effective, producing fast and efficient responses to issues identified. It is envisaged that the resource requirements will decline significantly as this problem is brought under control.

## **10. ASSET MANAGEMENT CONSIDERATIONS**

- 10.1 The Council is responsible for dealing with horses grazing illegally on any land under its control, including roadside verges, sports pitches and open grassed areas in residential estates. As well as causing damage to fencing, horses damage grass surfaces on these sites. Occasionally horses are tethered to street furniture such as lamp posts, which results in them being

pulled down or damaged; they also restrict access for use of these sites by residents.

- 10.2 Licensed grazing schemes are currently offered to a small number of individuals; however, potential does exist to enhance this provision and to realise further additional income for the Council. Durham, Northumbria and Stockton Councils are currently setting up licensed grazing schemes in their areas.

## **11. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 11.1 A number of the horses being grazed illegally in Hartlepool are owned by members of the travelling community. Horse breeding, training and trading forms an important part of their cultural traditions and therefore this will need to be taken into account when implementing a strategy for dealing with illegally grazed horses.

## **12. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 12.1 Where animals stray onto the road or are tethered on roadside verges, this is a breach of the Highways Act 1980 Section 155.
- 12.2 The Horse Passport Regulations (England) 2009 specify that every horse/pony over 6 months old must have an up to date passport and micro chip. The majority of horses either do not have these or the details have not been updated when the animal has changed hands. This also makes tracing the owners for enforcement action very difficult.
- 12.3 There has been anecdotal evidence that some of the horses are being used as collateral for drug dealing and other crime. Some owners have also been involved in anti-social behaviour, such as threatening and abusive behaviour to council staff, residents and the police when dealing with their horses, riding/driving their horses dangerously on the road and pavement to the risk of pedestrians and road users and petty crime such as stealing horse equipment from each other and other owners.
- 12.4 Aside from the potential risks to members of the public, illegally grazed and tethered horses bring down the visual amenity of an area and therefore contribute towards the social decline of communities.
- 12.5 Implementing the strategy will reduce the number of horses being kept illegally in Hartlepool with subsequent reduction in crime and anti-social behaviour.

## **13. RECOMMENDATIONS**

- 13.1 That Members agree the Illegally Grazed Horse Strategy and the proposals in section 5 above (Proposals).

#### **14. REASONS FOR RECOMMENDATIONS**

- 14.1 The absence of an effective strategy to deal with the issue of illegally grazed horses renders the Council liable to civil and criminal proceedings.
- 14.2 The illegal grazing of horses on Hartlepool Borough Council land generates a large number of complaints from residents, councillors and the local police.
- 14.3 Illegally grazed horses damage amenities and are a significant risk to road users and other members of the public; they also bring down the visual amenity of an area and therefore contribute towards the social decline of communities
- 14.4 Failure to address the issue of illegal grazing could result in the loss of Council assets where a person could take adverse possession of land after occupying it for more than ten years without Council intervention.
- 14.5 The co-ordinated approach taken so far since March 2013 is already proving its effectiveness by drastically reducing the number of illegally grazed horses and the number of call-outs to deal with loose horses. Implementing the strategy would give officers the means to continue tackling illegal grazing and prevent a return to the previous situation of over 100 horses grazing illegally on Council land.

#### **15. BACKGROUND PAPERS**

- 15.1 Illegally Grazed Horse Strategy

#### **16. CONTACT OFFICER**

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Hartlepool Borough Council

# Illegally Grazed Horse Strategy



2013





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# Introduction

In recent years, loose, stray, abandoned and fly grazed horses have become an acute and expensive problem for landowners, local authorities, enforcement agencies, welfare charities and tax payers across the UK. It is increasingly clear that this practice is causing welfare problems, blighting public spaces and posing difficulties for landowners and the public, creating a problem to which there is not a simple solution,

Fly grazing refers to the practice of placing a horse or horses on land to graze without the permission of the landowner.

Horses are usually, but not always, tethered with ropes or chains to prevent them from roaming. Traditionally they were located in derelict and industrial sites, but in recent years have also been found in residential and amenity areas.

Hartlepool like many North East authorities has a long history of illegal or “fly grazed” horses, but in the past three years this practice has increased dramatically; a trend which is mirrored nationally.

The two main factors believed to be causing this increase in fly grazing seems to be economics and over breeding. The continued poor economic climate has meant that not only has the price of horses dropped significantly, making them cheaper to purchase, but with less money available more people are fly grazing to avoid expensive livery fees. Despite the drop in value of horses, many breeders continue to breed and import horses, meaning that in the UK there is a substantial surplus of horses, ensuring prices remain low.

A survey of Council land in April 2013 identified that there were 105 individual horses on Council land; however, an earlier survey by the RSPCA estimated that there were over 150 of these horses across the borough on council and private land.

Across the UK reports of fly grazing have increased dramatically in the past 3 years and this trend has been followed by an almost fourfold increase in abandoned horses and welfare cases.

Hartlepool Borough Council and partner organisations such as the police and RSPCA have received large numbers of complaints from members of the public concerned about the welfare of these horses and the potential dangers of them roaming onto the highway or by being ridden recklessly.

In the past 12 months Cleveland Police have dealt with a total of 1880 incidents involving equine issues, predominantly inappropriate use and nuisance riding, stray animals on the road or un-tethered animals adjacent to roads and potential for straying on roads. Of these 630 were in Hartlepool.



The RSPCA have identified that there are particular horse welfare problems in Hartlepool, which is evidenced by the fact that they have seized over thirty horses between January and August 2013. They have a number of pending prosecutions for animal cruelty and have successfully prosecuted one horse owner who received a lifetime ban on keeping all animals; this person also received a suspended prison sentence and a substantial fine.

In early 2013 the council received regular requests for assistance from partner organisations such as the police when dealing with loose horses on the highway, and Hartlepool Borough Council as a land owner became increasingly concerned about the potential liability faced if these animals caused an accident after escaping from Council owned land.

In February 2013, Hartlepool Borough Council along with other local authorities and partner organisations in the North East of England decided to try to work together to tackle the escalating equine crisis in the region and formed the North East Equine Group.

Here in Hartlepool in March 2013, a local collective of partners including the local authority, police, RSPCA and local land owners set up a working group to try and deliver an informed, coordinated, effective and holistic approach to tackle the immediate issues associated with the tethered horse problem and to develop a longer term strategy and action plan for the future.

It is hoped that by taking clear decisive action and making it clear that the practice of illegal fly grazing is not acceptable in Hartlepool, the problem will be eliminated.

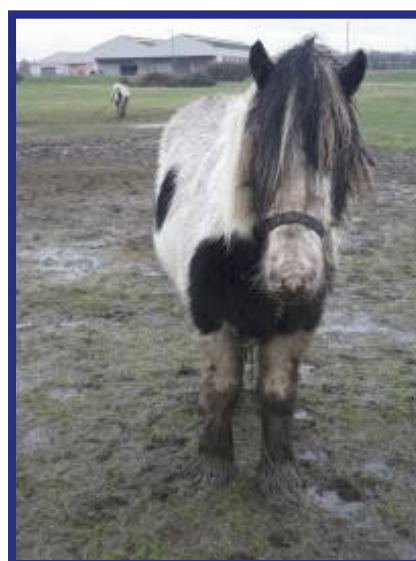


Photo copyright RSPCA

# Context

## Problems caused by stray/tethered horses in Hartlepool



### *Welfare Issues*

Tethering is not illegal in itself, however, it is not recommended as a method of containing horses for more than brief periods (hours rather than days). Horses that are tethered for extended periods will not be able to exercise or exhibit natural behaviour. They will also not be able to escape from predators or human tormentors. There have been reports of horses in Hartlepool having anti-freeze poured over them and of youths filming each other punching and kicking tethered horses.

They are also regularly reported as being left with no grass/hay or water and many don't wear rugs in the winter time despite being tethered in exposed locations.

There is also risk of injury caused by the tether chain being caught up or the horse becoming tangled in it. A horse was recently found dead in Redcar after its chain became wrapped around a lamp post. Severe injuries are also caused by the collar, either from being too tight or from the carrying of the weight of the collar on the sensitive poll joint.



Photo copyright RSPCA

Some of the horses are used for breeding, either deliberately or accidentally, which increases the number of horses potentially being placed on council land and also raises further welfare concerns.

The horses' welfare must be considered paramount at each stage of the process through to the end result. In light of the recent horse-meat scandals steps must also be taken to ensure that these horses do not enter the food chain .

*Adverse possession of land*

If a person occupies land they do not own on occasion there may be circumstances where claims for ownership can be pursued

*Road Safety*

There is a risk of tethered horses getting loose and being involved in road traffic accidents. Many of these horses are tethered near to busy roads such as at the B&Q site, Brenda Road which is directly adjacent to the A689 as it passes through Hartlepool.

*Violence and Intimidation from Owners*

Officers dealing with tethered horses need to be aware of the possibility of threats of violence and intimidation from owners. Private landowners and farmers trying to remove horses are often the victims of threats of violence and arson. Residents remonstrating with horse owners have also been verbally abused and threatened.

A risk assessment has been provided for officers dealing with horses (appendix 1).

*Potential Liability*

Tethered horses have been known to kick or bite passers-by, cause road accidents. Accidents caused to members of the public on council land could incur costly pay-outs. Repairs to local amenities such as to fencing or grass surfaces (e.g. on sports pitches) could also be substantial.

*Impact on the Visual Amenity of Hartlepool*

Tethered horses have a detrimental impact on the appearance of the town, which contributes towards the social decline of communities. Resident complaints include the feeling that the horses “make it feel like living in a shanty town” or that Hartlepool is becoming like “the Wild West”.



There have also been complaints from local businesses that when important international clients come to visit premises they have to try to explain why there are horses everywhere, not to mention churned up grass, mud and horse manure. When a great deal of time, effort and money are being put into bringing business to Hartlepool it is important that the town is presented in the right way.

*Ownership/traceability*

The Horse Passport Regulations (England) 2009 state that all horses and ponies should have a passport and be micro chipped. It is anticipated, however, that the majority of these horses will not be micro chipped and so establishing an owner will prove difficult. If the Council wishes to transport or sell any unclaimed horses they must provide it with a passport and micro chip before it can be moved or sold, which has a further cost implication for each animal the Council wishes to sell.

Unfortunately there is no specific legislation at present which deals with the fly grazing problem and therefore relevant authorities have to address each situation individually in order to decide which is the most appropriate legislative tool to use and how to make sure that individuals can be made accountable.

The Horse Passport Regulations (England) 2009 state that all horses and ponies should have a passport and be micro chipped. Whilst most responsible horse owners may adhere to this requirement, unfortunately weaknesses in the enforcement of this legislation have led to a position where those who carry out the practice of illegal grazing also flout this legislation. This has led to the majority of the illegally grazed horses not being micro chipped, or on the occasions that they are, then almost always the details on the microchips are out of date. This makes proving ownership, and responsibility, in these instances almost impossible.

## Legislation

The Animal Welfare Act 2006 places a responsibility on the landowner to ensure the welfare of any animals left on their land once they are aware of their presence. This legislation can also be used (generally by the RSPCA) if the horses have welfare problems or if a vet determines that they are likely to suffer if their circumstances do not change. As stated previously, over thirty illegally grazed horses have been seized by the RSPCA in Hartlepool under this legislation since January 2013.

The Animals Act 1971, is a civil law that landowners must follow if horses stray onto their land. This gives landowners the right to detain a horse as long as this fact is reported to the police within 48 hours and to the owner (if known). Following detention, the landowner may claim any damages caused by the animal or any reasonable expenses incurred whilst detaining the animal. After 14 days the landowner may sell the animal at market or by public auction or otherwise dispose of the animal in accordance with relevant legislation.

The escape of horses onto the highway may be covered by the Highways Act 1980 Section 55.

The police in Hartlepool have also been tackling some of the anti-social behavioural linked elements of this practice, such as the reckless riding or driving of the tethered horse using a variety of legislative instruments including:

- Highways Act 1835 (S72) – which makes it an offence to wilfully ride, lead, drive or tether a horse/horse drawn carriage on a footpath.
- Town Police Clauses Act 1847 (S28) Driving a carriage/riding a horse in a street furiously to the obstruction, annoyance endangering of residents/passengers.
- Horses (Protective Headgear for young riders) Act 1990 – makes it an offence to cause or permit a child under 14 to ride on a road without protective headgear.

In Wales, new legislative powers are to be introduced in the early Autumn to tackle the problem caused by difficulties in identifying horse owners and irresponsible ownership, a decision supported by the major animal welfare charities who are lobbying for such changes to take place in England.

Although there is a requirement to make legislative changes at a national level, local forums such as the North East Equine Group have a part to play in lobbying for these changes and also looking at a local level through imaginative solutions such as ASBOs and byelaws.

Hampshire County Council passed a byelaw which allowed all Hampshire Districts to take action with regard to horses on their land. The Hampshire Act 1983, allows the district councils to seize any horses on its land. It also allows the councils to recover costs from the owner if they come forward.



# STAKEHOLDERS AND PARTNERS

The strategy will be led by the Council's Environmental Action team and delivered with involvement from the following:

- Animal licensing/trading standards section
- Economic development section
- Cleveland Police
- RSPCA
- British Horse Society
- North East Equine Group (regional working group comprising representatives from local councils, animal welfare organisations and local police)
- Horse owners

## Understanding the scale of the problem

In order to gain an understanding of the scale of the problem “mapping” exercises have been carried out from April 2013. A horse inspection sheet has been developed (appendix 2) to identify and track the movements of individual horses. Each animal is photographed front and side and details of the condition of the horse and its location are recorded, along with owner details if known.



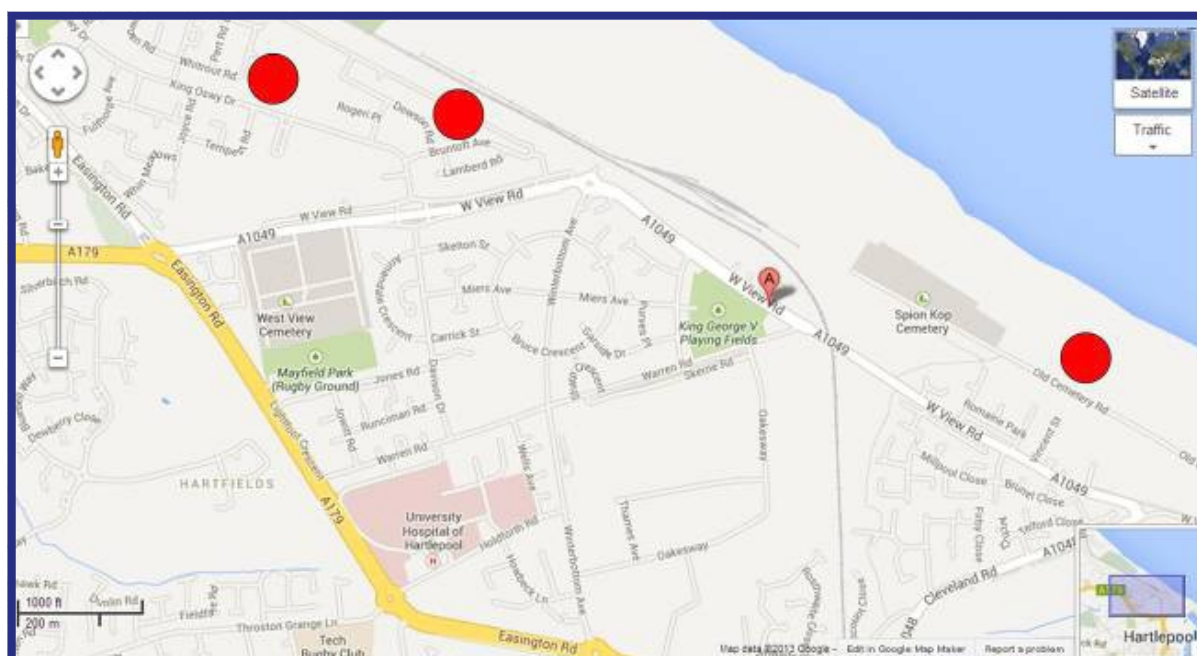
To date, 105 individual horses have been identified but this is ongoing as a number of these animals have recently “disappeared” from the area and been replaced with new horses. It is not known whether this is the result of horse trading amongst established owners or whether new owners are coming onto the scene.

# A Phased Approach

The horses are mainly located in the north and coastal area of the town. In order to tackle the problem effectively a phased approach has been introduced:

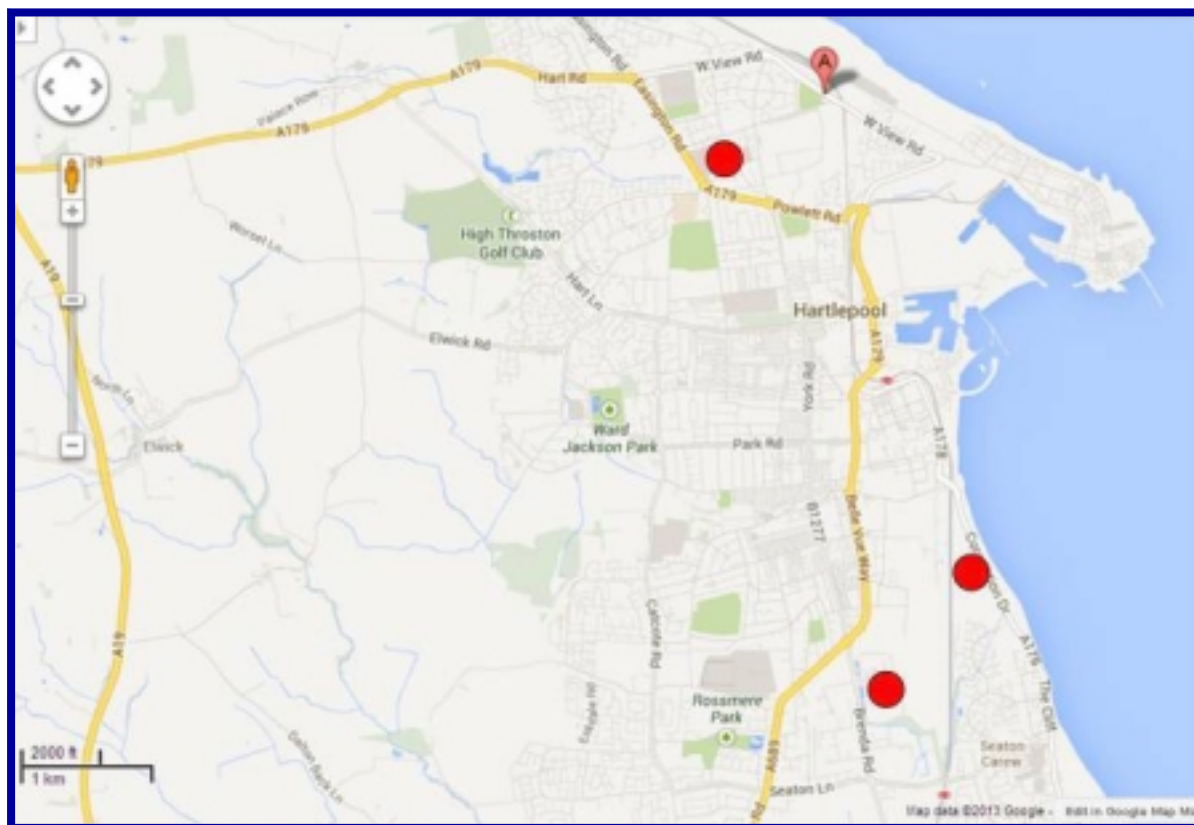
## Phase 1

The area north of West View Road – includes the “hot spot” areas of King Oswy Field, Spion Kop nature reserve and Bruntoft Avenue. On April 29th 2013, 5 horses were uplifted from this area after their owners failed to remove them when warning notices were issued.



### Phase 2

The area between West View Road and Station Lane – includes the “hot spot” areas of the Oakesway industrial estate, Coronation Drive and the area adjacent to Brenda Road known as the “slag banks”. After notices were posted during May/June all horses were cleared from this area so no animals were uplifted.



### Phase 3

Recap of areas previously targeted to ensure no new horses have been brought onto those sites. Also monitor the area south of Station Lane. This area does not have any particular “hot spots” but occasional horses have been sighted in this area and had notices served on them.



## Progress So Far

In March 2013 responsibility for dealing with the stray and tethered horses and the task of developing a strategy to deal with this issue was passed to the Waste and Environmental Services section of the Council in order to utilise skills and experience from its Dog Warden Service and Environmental Enforcement Team.

The need for an immediate, coordinated and holistic approach to resolve this problem was identified, and accordingly a 'working partnership' was developed which included Council Officers from a number of departments (including animal licensing, economic development and estates) , the police, RSPCA and local landowners.

The following actions were taken in order to deal with a wide scale and escalating problem;

- Local authority and police worked together to develop a number of 'response protocols' to establish responsibility and actions required in various scenarios.
- Local authority and police undertook comprehensive mapping exercise to establish the location, the magnitude and the nature of the problems which existed.
- Local authority and police teams trained in 'horse awareness and handling' in order that a safe, reactive and informed response could be delivered.
- Local authority and police teams trained in basic 'animal welfare assessment' by the RSPCA in order that they could identify problems and if necessary support the RSPCA in responding to reports within the borough.
- Problem 'hotspots' were identified and a phased approach was taken to tackle the issue in selected areas in order to maximise the use of resources (i.e. staff and equipment).
- Consultation was carried out to seek advice from other local authorities who were experiencing similar problems and the council joined the regional 'North East Equine' group which was set up in February 2013 in response to similar issues in the region.

# Outcomes

Phase 1	Area north of West View Road
	22 horses were mapped and identified in this area.
	“Notices of Intent” (see appendix 2) were developed and posted for each horse. These instruct the owners to remove the horses immediately or face them being seized.
	17 horses were removed by their owners from the target areas, 5 horses remained and were seized by equine bailiffs and the police in a ‘swoop and seize’ operation.

Phase 2	West View Road to Station Lane
	77 horses mapped and identified in target area
	Horses mapped also included from a number of partner land owners (PD Ports, Sovereign).
	Partners advised on rights and responsibilities and both PD Ports and Sovereign adapted the signage that HBC used and erected notices of intent.
	All but one horse removed from HBC land and from private land where ‘notices of intent’ had been posted
	Information shared with police and RSPCA
	Oakesway Industrial Estate (30 horses alone) advised of their rights and responsibilities and the offer of partnership action has been made. To date, Oakesway have failed to take action (as they state that cost is prohibitive) and there remain approximately 30 horses on this site.
	2 horses seized by the RSPCA on welfare grounds
	1 horse remaining ( which also had considerable welfare issues) was seized by equine bailiffs on behalf of HBC.

Phase 3	Area south of Station Lane and recap of areas 1 and 2
	Monitor cleared areas. Revisit areas in Phases 1 & 2 to ensure that horses do not return.
	Reactive response to issues such as escaped horses
	Set up task force to tackle issues at Oakesway Industrial Estate.

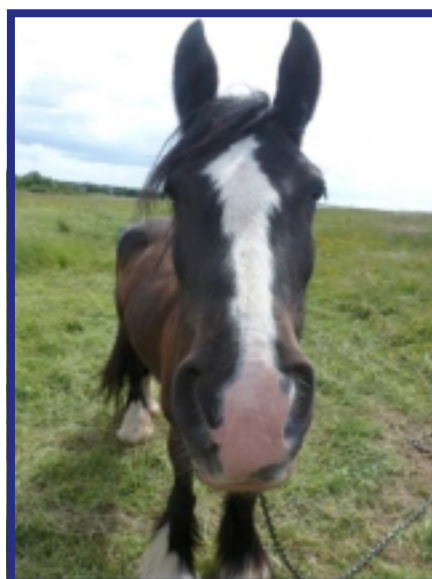
# Aims and Objectives

In order to successfully tackle the problem of stray and tethered horses in Hartlepool it is important to set out a number of strategic aims and objectives. The overall aims of the strategy are to:

- **Reduce/eliminate stray, tethered and nuisance horses in Hartlepool**
- **Prevent any future reoccurrences of this activity by adopting a “zero tolerance” approach**

Theses strategic aims will be met with the following objectives:-

- (1) Identify and record all tethered and nuisance horses in Hartlepool including owner details where possible.
- (2) Provide a fast response service to locate and remove horses from Council land.
- (3) Respond to reports of stray, distressed or nuisance horses from the public and partner agencies within one working day.
- (4) Support landowners/managers within the town in tackling fly-grazing on private land.
- (5) Support partner agencies and internal partners to pursue convictions under the Animal Welfare Act 2006
- (6) Develop a media strategy to communicate the council's zero tolerance approach to stray, tethered and nuisance horses, as well as horse care and animal welfare messages.
- (7) Investigate potential for a licensed grazing scheme to provide grazing land for horse owners.



# Strategy: Action Plan

## Objective 1 - Identify and record all tethered and nuisance horses in Hartlepool including owner details where possible

Action	Status
Develop identification sheet and procedure to record details of individual horses and owners	complete (appendix 2)
Locate, "map", photograph and record details for each horse	ongoing
Develop a database to record this information	ongoing
Develop an information sharing protocol to enable this information to be shared between Council departments and external partners	April 2014

## Objective 2 - Provide a fast response service to locate and remove horses from Council land

Action	Status
Develop procedures for responding to reports of horses on Council land and for removing the horses	complete (appendix 3 and 4)
Investigate the use of anti social behaviour legislation to tackle owners of illegally grazed or nuisance horses	ongoing
Investigate animal transport legislation and the practicalities involved to potentially impound and remove the horses in-house	complete
Compile a response kit containing head collars and lead ropes, horse treats, buckets and useful contact numbers	complete
Develop signage and stakes to post "notices of intention" adjacent to illegally tethered horses	complete
Contract a professional horse bailiff company to uplift those horses not removed by their owners after the notices are posted	December 2013.
Provide basic horse awareness and handling training for all officers working with horses	complete
Provide a comprehensive risk assessment for officers working with horses	complete
Monitor sites where horses are known to have been kept to ensure a fast response should they re-appear or be replaced	ongoing

**Objective 3 - Respond to reports of stray, distressed or nuisance horses from the public and partner agencies within one working day**

Action	Status
Develop a procedure for responding to reports of welfare concerns about horses	complete (appendix 5)
Liaise with partner organisations including the Police and the RSPCA to refer welfare cases where necessary	ongoing
Provide basic welfare awareness training for all officers working with horses	complete
Ensure that equine bailiff contract includes provision for dealing with emergency situations and veterinary provision.	December 2013
Identify and engage with land owners/ managers to enable an effective response if/when required.	April 2014
Set up contractual agreements with private landowners (including a schedule of rates for call outs and for dealing with incidents and arranging bailiff services on private land).	Dec 2013

**Objective 4 - Support landowners/managers within the town in tackling fly-grazing on private land**

Action	Status
Correspond with all relevant local landowners/managers outlining their rights and responsibilities with regard to fly-grazed horses and offering advice on practical action that can be taken to make their site less attractive to fly grazers	complete (appendix 5)
Support private landowners/managers by providing expert knowledge and contractable services to enable them to deal with this problem on their land.	Dec 2013
Invite landowners/managers to join the Hartlepool equine working group	ongoing
Share template signs, warnings and response protocols for dealing with horses for use on their land	ongoing
Investigate alternative approaches for bringing landowners/managers on board to encourage a more proactive attitude	ongoing

**Objective 5 - Support partner agencies and internal partners to pursue convictions under the Animal Welfare Act 2006**

Action	Status
Develop an information sharing protocol to enable information to be shared between Council departments and external partners	to be completed by April 2014
Provide statements and other evidence when required to the Police and RSPCA	ongoing
Refer welfare cases to the RSPCA or other welfare organisations where necessary	ongoing

**Objective 6 - Develop a media strategy to communicate the Council's zero tolerance approach to stray, tethered and nuisance horses. Provide animal welfare information and advice to horse owners**

Action	Status
Liaise with press officers from the Council, Police and RSPCA to develop a procedure and key messages for responding to publicity around tethered horses	Ongoing
Develop a timetable for press releases and other media outlets on various horse issues	Ongoing
Write a webpage for the Council's website to state the Council's approach to dealing with stray, tethered and nuisance horses including links to contact information for the Police and welfare organisations	complete
Apply for funding of £5,000 from the RSPCA to fund a veterinary clinic to offer micro chipping, passporting and castration in order to make it easier for current owners to move their horses into legitimate livery facilities.	complete
Liaise with the RSPCA and British Horse Society to run a microchipping, passporting and gelding event effectively and safely.	Events to be held on 29 <sup>th</sup> October and 5 <sup>th</sup> November 2013.
Develop or compile responsible horse ownership displays and literature to hand out at the event.	To be completed by Nov 2013
Use the event to liaise with owners to identify which horses they own and update contact details	To be completed by Nov 2013
Castrate and micro chip as many horses as possible	To be completed by Nov 13.
Evaluate the event and, if effective, investigate whether similar events can be run in future	To be completed by Nov 13.

**Objective 7 - Investigate potential for a licensed grazing scheme to provide grazing land for horse owners**

Action	Status
Locate potential sites that could be used for grazing and assess for suitability	Completed
Liaise with the Council's estate's and planning departments regarding relevant permissions to use land for grazing	ongoing
Develop a grazing licence agreement with terms and conditions for licensees	ongoing
If required, investigate costs for making potential sites stock-proof (e.g. fencing, gates, etc.)	ongoing



## Risk Assessment

Description of Work:	Dealing with tethered horses on Council owned land				Date of production:	03/04/2013
Work site location:	Various				Review Date:	03/04/2014
Grid Reference	N/A	Assessment prepared by:	Paul Hurwood	Assessment checked by:	Kate Ainger	RA Ref. No:

**IMPORTANT NOTICE - All Employees should:**

1. Follow appropriate systems of work laid down for their safety;
2. Make proper use of equipment provided for their safety;
3. Co-operate with their employer on health and safety matters;
4. Inform the employer if they identify hazardous activities;
5. Take care to ensure that their activities do not put others at risk.

**CONTENTS - What this Risk Assessment covers:**

1. Inspecting Horses
2. Working on the Public Highway
3. Contamination of Skin & Clothing
4. Confrontation

**Personal Protective Equipment, tools and supplies:**

The operative should ensure the following PPE is worn, and the identified tools and supplies can be accessed as necessary to complete the work either by carrying them on their person, in a vehicle or tools carrier that they operate from, or at fixed based of operations regularly returned to during working day:

- **Sturdy footwear WITH TOE PROTECTION** – damage to toes may occur as a result of dropped/falling items or crushing by being stepped on by a horse.
- **High visibility waistcoat, or jacket** – To be worn if carrying out work close to the highway.
- **Access to hand washing facilities** (inc. mild soap and paper towels or hand dryer) or cleansing wipes where there is a minimal health risk of exposure.
- **Radio, or Mobile phone for emergencies** – Supplied to Lone Workers or Teams working together as appropriate.
- **First Aid Kit** - compliant with current requirements and adequately stocked with materials suitable for the number of operatives working from base.
- **Gloves and serviceable working clothes** (one piece overalls or work trousers and durable work shirt or jacket) and steel toe capped safety boots with puncture resistant soles; all of which should cover exposed areas of skin to act as a barrier to potential contamination – Must be worn carrying out work.
- **Microchip scanner, camera, body condition scorecard and recording sheets** – for obtaining and recording information/evidence
- **Removal notice and hammer** – to be erected on site to inform the owner of the need to remove the horse



Significant Hazard(s)	Who could be harmed?	Worst case outcome	Estimation of Risk BEFORE precaution (s) taken	Precautions (controls) to be operation when undertaking work	Estimation of Risk AFTER precaution (s) taken	Notes/ further action
<b>RISK POSED WHEN INSPECTING HORSES (BITING, KICKING, CRUSHING)</b>	Officers, members of the public, horses	Injury / death	High	<p><b>1. Personal Protective Equipment (PPE)</b> Officers must ensure that they are wearing the correct PPE, and that it is in good condition. Any damaged or defective PPE must be reported to the line manager immediately. High visibility clothing may scare horses, so it should only be used if working close to the highway.</p> <p><b>2. Work in Pairs</b> The behaviour of animals can be unpredictable and spontaneous, and the dangers associated with dealing with horses should not be underestimated. It is possible that an injury may occur. For this reason it is important that another person is present to raise the alarm if necessary.</p> <p><b>3. Follow the correct procedure, as outlined below:</b></p> <p><b>4. Correct Procedure for Inspecting Horses</b></p> <p><b>A. Approaching &amp; Handling Horses</b></p> <ul style="list-style-type: none"> <li>- If the owner is present, inform them of your intentions and explain their responsibilities regarding removal of the horse from the land.</li> <li>- Undertake an initial visual check of the horse before approaching. Look out for signs of fear in the horse. If the horse is displaying signs of fear and/or aggression, do not approach.</li> <li>- If the horse is injured, call the vet.</li> <li>- Before approaching, plan an escape route to be used if the horse bolts.</li> <li>- Never shout, wave arms or run near horses. Approach slowly and steadily, and only if safe to do so. Approach the horse from its front, and ensure that the horse is aware of your presence. Never stand at the back end of a horse, as it is liable to kick if scared or startled.</li> <li>- Do not attempt to enter the 'tether circle' as this could lead to injury if the horse bolts.</li> <li>- Do not corner a horse if it is showing signs of distress or aggression. It may try to escape, and could cause injury to you and/or itself.</li> <li>- Take extra care if approaching a horse with its young. Never get between a mare and its foal, as they are likely to attack if feeling threatened.</li> <li>- Do not try to force groups of horses to separate.</li> <li>- If a horse develops signs of fear, distress or aggression at any time during the task,</li> </ul>	Low	

Significant Hazard(s)	Who could be harmed?	Worst case outcome	Estimation of Risk BEFORE precaution (s) taken	Precautions (controls) to be operation when undertaking work	Estimation of Risk AFTER precaution (s) taken	Notes/ further action
				<p>back off and allow the horse to calm down before attempting to approach. If a horse will not calm down or it is not safe to approach, consider whether the horse may be injured.</p> <ul style="list-style-type: none"> <li>- If an injury to an officer is suffered, then the severity should be assessed and the line manager informed at the earliest opportunity. If emergency assistance is required, call 999.</li> <li>- If any injury to the horse is suffered, then the severity should be assessed and the line manager informed at the earliest opportunity. If emergency veterinary treatment is required call the emergency vet on xxxxxx. Line manager approval is required before any non-emergency veterinary treatment can be administered.</li> </ul> <p><b>B. Performing Checks</b></p> <ul style="list-style-type: none"> <li>- Once safe to do so, use the body condition scorecard to establish the overall condition of the horse. Record details on the recording sheet, and take photographs of the horse to aid evaluation in the future.</li> <li>- Check that the collar/tether is not too loose or too tight, and ensure that there are no obstacles that the tether may get tangled up in. Do not touch or put fingers in any chain, as it may cause injury if the chain tightens.</li> <li>- Any concerns about the horse's health must be reported to your line manager. If emergency treatment is required contact the vet on xxxxx. Concerns about welfare issues i.e. non-emergency situations should be reported to the RSPCA on 0300 1234 999.</li> <li>- Scan the horse to check for a microchip and record the microchip number if present. The chip is likely to be on the horse's neck just below the mane (on its left side).</li> </ul> <p><b>C. Installing the Notice</b></p> <ul style="list-style-type: none"> <li>- The notice should be attached to the stake using pins before leaving the office. Once on site, place the notice close to the horse, but not within the tether circle. Ensure that the sign will be clear and noticeable to the owner of the horse. The sign should be light and manageable, and so should not pose a manual handling risk.</li> <li>- The hammer should be used to knock the sign's stake into the ground, taking care to avoid hitting hands and fingers. Use force appropriate for the job - several lighter taps should be used rather than heavy hits.</li> </ul>		
<b>PERSONAL SAFETY</b>	Operatives and other road users	Serious injury,	Medium	<p><b>5. BE SAFE, BE SEEN</b></p> <p><b>A. Park the vehicle in accordance with local parking regulations, remembering that</b></p>	Low	

Significant Hazard(s)	Who could be harmed?	Worst case outcome	Estimation of Risk BEFORE precaution (s) taken	Precautions (controls) to be operation when undertaking work	Estimation of Risk AFTER precaution (s) taken	Notes/ further action
WHEN WORKING ON THE PUBLIC HIGHWAY		and potential ly death		<p>the collection vehicle is larger than the average vehicle. These regulations are in place to protect you and other road users.</p> <p>B. Leave hazard warning lights on throughout the operation to make other highway users aware of your presence.</p> <p>C. Do not block the path or carriage way, either with the vehicle or with items for collection.</p> <p>D. Wear high visibility clothing at all times (waistcoat/jacket).</p> <p>E. Work facing oncoming traffic wherever possible.</p> <p>F. Do not stand in the carriageway unnecessarily. If you need to enter the carriageway, do so cautiously and be aware of other road users.</p> <p><b>6. PERSONAL SAFETY</b> – precautions to be taken when out in the work environment.</p> <p>A. CONSULT THE EPR – the Employee Protection Register (EPR) is a list of all known dangerous or abusive individuals, properties or locations. Consult the EPR before visiting a site.</p> <p>B. THINK AND EVALUATE FIRST – do not go into a situation if you feel at risk.</p> <p>C. BE NON-CONFRONTATIONAL – if confronted, be polite and attempt to resolve the situation. Do not respond in a confrontational manner.</p> <p>D. BE AWARE OF YOUR SURROUNDINGS – keep your wits about you at all times and be aware of the situation you are in. Be aware of your own actions and how others may perceive you. If approached, explain clearly the reason for your presence at the site.</p> <p>E. TRUST YOUR INSTINCT – if you feel threatened, leave at the earliest opportunity. Be sure that you can leave a situation quickly if necessary, and plan your route before beginning the job in hand.</p> <p>F. CARRY A RADIO OR MOBILE PHONE – Before proceeding with the job in hand, let a colleague know where you are. Familiarise yourself with the radio/mobile phone, to be sure you can use it in an emergency situation.</p> <p>G. LET YOUR SUPERVISOR AND COLLEAGUES KNOW WHERE YOU ARE AND AN EXPECTED TIME OF RETURN – make sure someone knows where you are, what time you expect to return to the base, and is prepared to raise the alarm if you do not return and cannot be contacted.</p> <p>H. REPORT ALL INCIDENTS – physical and verbal abuse is unacceptable and will not be tolerated. Report incidents to your supervisor/line manager, and suggest that the incident is recorded on the Employee Protection Register (EPR).</p> <p>I. AVOID LONE WORKING – It may be more appropriate for two people to undertake the job if any risk of physical or verbal abuse exists, or if you have any</p>		



Significant Hazard(s)	Who could be harmed?	Worst case outcome	Estimation of Risk BEFORE precaution (s) taken	Precautions (controls) to be operation when undertaking work	Estimation of Risk AFTER precaution (s) taken	Notes/ further action
				concerns.		
RISK OF CONTAMINATION OF SKIN AND CLOTHING FROM ITEMS ON SITE	Operatives	Skin irritation, illness	Medium	<p>7. It is possible that items hazardous to health may be encountered on site. Follow personal hygiene precautions to avoid contamination – see below:</p> <p>8. <b>PERSONAL HYGIENE</b> – take basic personal hygiene precautions to avoid contaminated items coming into contact with skin:</p> <p>A. WASH EXPOSED SKIN THOROUGHLY – Ensure that any potential contamination is washed from exposed parts, including finger nails and between fingers. Dry washed areas thoroughly with paper towels or a hand dryer. If running water is unavailable, and the perceived health risk is minimal, disinfectant hand wipes may be used. Strong or abrasive cleansers should be avoided, as continued use can lead to irritation or dermatitis. Washing should be undertaken BEFORE AND AFTER: visiting the toilet, smoking, eating, using a phone, drinking, taking medication, inserting contact lenses, wearing gloves.</p> <p>B. DO NOT ALLOW ITEMS TO TOUCH YOUR SKIN UNNECESSARILY – for example, do not place pens, pencils, glasses, tools etc in or near the mouth or behind the ear if they may have come into contact with contamination.</p> <p>C. ENSURE CONTAMINATED CLOTHES ARE STORED CAREFULLY AND CLEANED – remove, replace and wash clothing at the earliest opportunity to avoid spread of any potential contamination.</p> <p>9. <b>SUSPECTED CONTAMINATED ITEMS</b> – If you find an item that you suspect to be contaminated, the area should be zoned off with warning tape or barriers to prevent access by others. Report your concerns to your supervisor/line manager, who will arrange for the item's safe removal.</p> <p>10. <b>HEALTH SURVEILLANCE</b></p> <p>A. All operatives should inspect their hands and arms during the operation for any perceived adverse changes to skin condition.</p> <p>B. Any suspected cases of dermatitis should be reported to your supervisor/line manager and a referral made to the Occupational Health unit for further guidance.</p>	Low	

Significant Hazard(s)	Who could be harmed?	Worst case outcome	Estimation of Risk BEFORE precaution (s) taken	Precautions (controls) to be operation when undertaking work	Estimation of Risk AFTER precaution (s) taken	Notes/ further action
RISK OF CONFRONTATION	Operatives	Verbal and/or physical abuse	Medium	<p><b>11. Officers must Take appropriate personal safety precautions, as outlined below:</b></p> <p><b>PERSONAL SAFETY</b> – precautions to be taken when out in the work environment:</p> <p>A. CONSULT THE EPR – the Employee Protection Register (EPR) is a list of all known dangerous or abusive individuals, properties or locations. Consult the EPR before visiting a site. Once a microchip number has been obtained, perform a check on any name and address associated with the horse.</p> <p>B. THINK AND EVALUATE FIRST – do not go into a situation if you feel at risk.</p> <p>C. BE NON-CONFRONTATIONAL – if confronted, be polite and attempt to resolve the situation. Do not respond in a confrontational manner.</p> <p>D. BE AWARE OF YOUR SURROUNDINGS – keep your wits about you at all times and be aware of the situation you are in. Be aware of your own actions and how others may perceive you. If approached, explain clearly the reason for your presence at the site.</p> <p>E. TRUST YOUR INSTINCT – if you feel threatened, leave at the earliest opportunity. Be sure that you can leave a situation quickly if necessary, and plan your route before beginning the job in hand.</p> <p>F. CARRY A RADIO OR MOBILE PHONE – Before proceeding with the job in hand, let a colleague know where you are. Familiarise yourself with the radio/mobile phone, to be sure you can use it in an emergency situation.</p> <p>G. LET YOUR SUPERVISOR AND COLLEAGUES KNOW WHERE YOU ARE AND AN EXPECTED TIME OF RETURN – make sure someone knows where you are, what time you expect to return to the base, and is prepared to raise the alarm if you do not return and cannot be contacted.</p> <p>H. REPORT ALL INCIDENTS – physical and verbal abuse is unacceptable and will not be tolerated. Report incidents to your supervisor/line manager, and suggest that the incident is recorded on the Employee Protection Register (EPR).</p>	Low	

Significant Hazard(s)	Who could be harmed?	Worst case outcome	Estimation of Risk BEFORE precaution (s) taken	Precautions (controls) to be operation when undertaking work	Estimation of Risk AFTER precaution (s) taken	Notes/ further action
				<p>12. HSE RESEARCH INTO WORK RELATED VIOLENCE – the Health &amp; Safety Executive has identified the most common work-related violence risks to lone workers, as detailed below. Ensure that you are familiar with these, and look for evidence of them as you arrive at a site, as they may inform you of any present risks.</p> <ul style="list-style-type: none"> <li>- Alcohol and drug use, which can lead to aggressive and unpredictable behaviour</li> <li>- Geographical locations – certain areas of towns or cities can have a higher risk of violence. However, crime can happen anywhere, so do not be complacent in areas perceived to be 'safe'.</li> <li>- Late evening/early morning – can be unsafe times, due to less busy highways, less light or a greater chance of encountering those under the influence of drugs or alcohol.</li> <li>- Others, including individual, groups and animals, encountered whilst undertaking the job could potentially put you at risk.</li> </ul>		

Key to use of colour on this document:

Control		Recommended Procedure		First Aid/ Information	
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# Appendix 2 - Horse Identification Sheet

## Horse Visual Inspection Sheet



Date		Time	
Location			
Notice Served		By (Officer)	
Photo ref nos.			

**Species:**

- ☐ Horse/Pony  
☐ Donkey

**Sex:**

- ☐ Mare  
☐ Gelding  
☐ Stallion

**Mane falls on:**

- ☐ Near side (left)  
☐ Off side (right)  
☐ Hogged (shaved)

**Colour:**

- ☐ Bay  
☐ Chestnut  
☐ Roan

- ☐ Brown  
☐ Cream  
☐ Dun

- ☐ Black  
☐ Piebald  
☐ Skewbald

- ☐ Grey  
☐ Palomino  
☐ Appaloosa

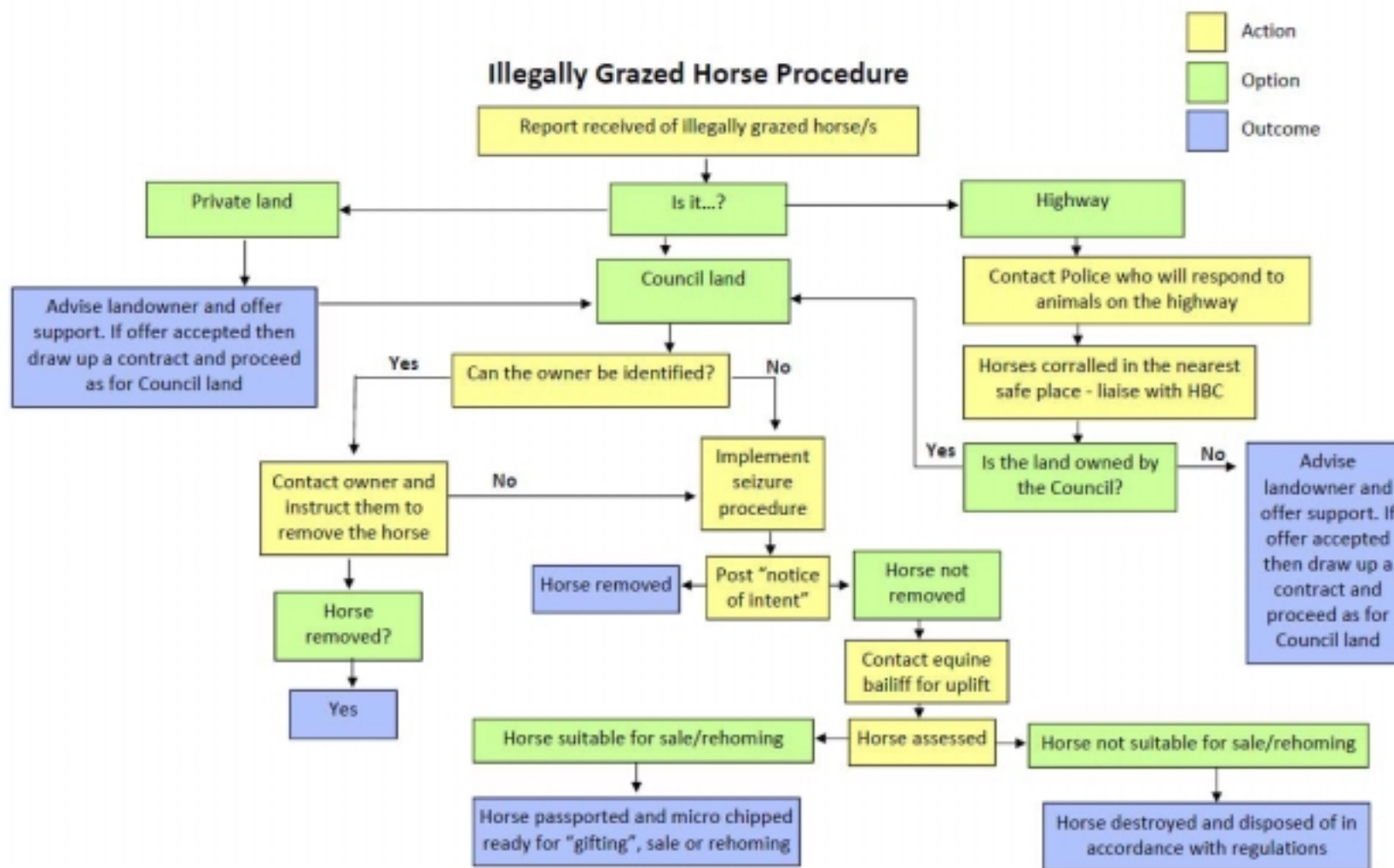
Micro chip Y/N (if yes state no.)	
Rug/tack details	
Freezemark/branding details	
Owner details if known:	

<b>Other details</b> (tethered or loose, locations/directions, health conditions, access issues etc.):
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<b>Notes</b> (removed after notice posted, arrived from other HBC site, etc.):
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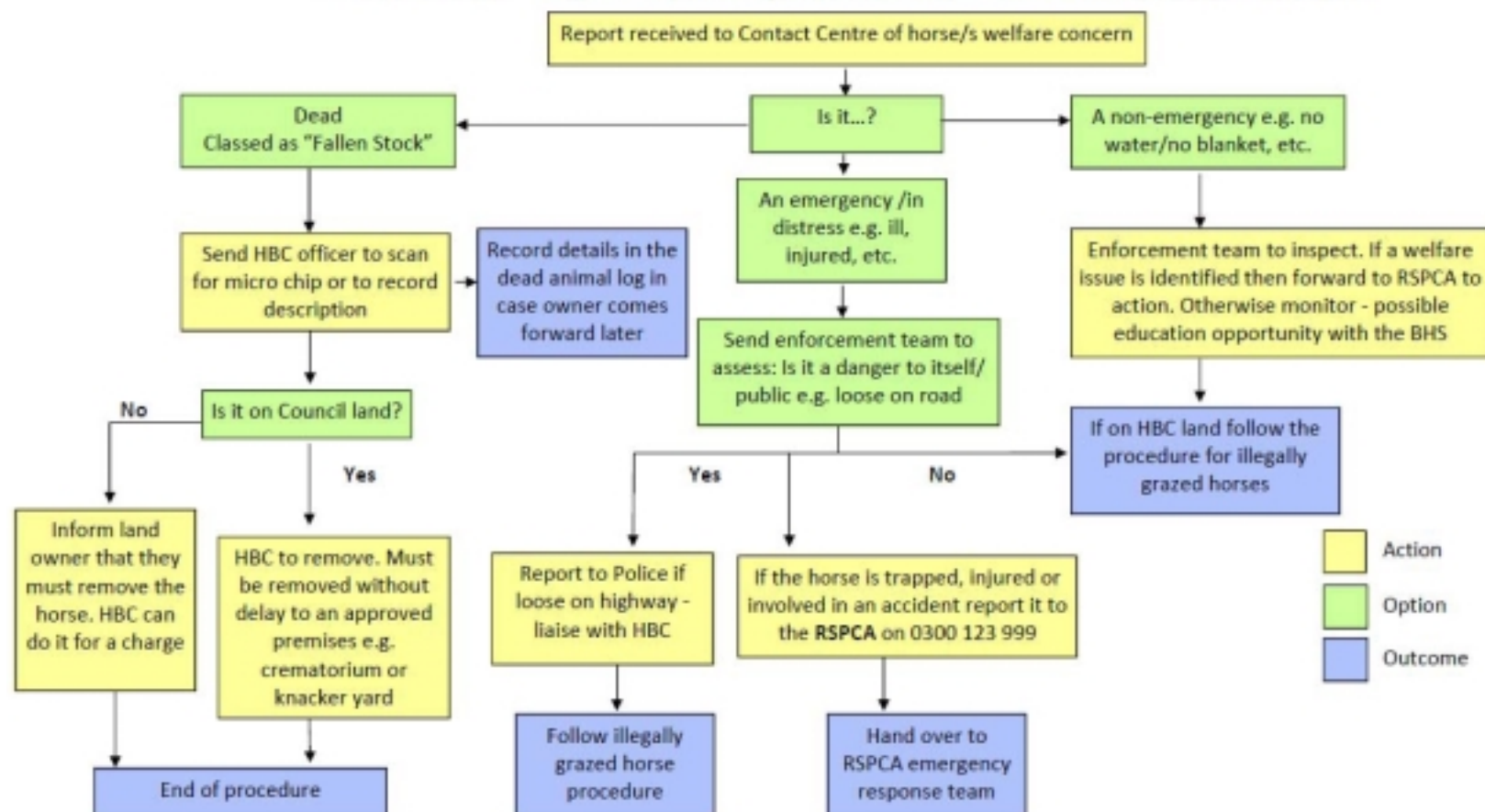


## Appendix 3 - Illegally Grazed Horse Procedure





### Procedure for Responding to Report of Horse Welfare Concerns/in Distress



## Appendix 5 - Letter to Landowners

### REGENERATION & NEIGHBOURHOODS DEPARTMENT

1 Church Street  
Hartlepool  
TS24 7DS

Contact Officer/Email:

Tel: 01429 288522  
[www.hartlepool.gov.uk](http://www.hartlepool.gov.uk)

Our Ref:  
Your Ref:



22<sup>nd</sup> April 2013

Dear Chief Executive/Land Owner,

#### Advice for private landowners dealing with illegally grazed horses

This letter has been sent to you to inform you of the action that the Council is preparing to take regarding the tethered and illegally grazed horses on its land. We are currently posting notices on sites in the town where horses are known to be grazing. I have enclosed a copy of the notice for your information (feel free to copy the notice if you decide to take similar action). The notices inform horse owners that they must remove their animals as soon as possible. Horses that are not removed by their owners will be impounded and removed by the Council.

It is likely that some of these horses will be removed by their owners and shifted onto privately owned land such as industrial estates. We would like to offer private landowners such as yourself or your company the opportunity to work with the Council to tackle any problems regarding tethered horses that occur on your land.

Unfortunately the legislation available to landowners to deal with illegal grazing of horses on their land is complicated. Whilst some legal powers are available to landowners to tackle the problem, the Animal Welfare Act 2006 places an obligation on landowners to ensure that the horses' welfare is not compromised.

This letter aims to outline your rights, and also your obligations, as a landowner. If you would like to discuss any matters around tethered horses on your land please contact Helen Beaman on 01429 523358.

When it comes to illegally grazed horses, prevention is easier and cheaper than cure. Check that the fencing around your land is secure and that gates are securely locked. You could even consider barricading gateways to prevent access. Farmers often place immovable objects such as fallen trees, or dig ditches, across gateways to prevent access so you could consider these measures. If your land is not fenced and this is not an option then regular checks are essential as one horse will soon become many if you do not take action immediately. You could consider ploughing up or otherwise removing unused pockets of grassland to prevent it becoming a magnet for fly grazing.

#### Landowner's rights

You have certain rights under Section 7 of The Animals Act 1971. Where livestock are tethered or grazed on land without the landowner's permission and are not then under the control of any person they are deemed to be trespassing. The landowner (or their authorised agent) may take action to remove the horses by posting notices and possibly subsequently seizing the animals under provisions in the Act.

**Landowner's obligations**

Under the Animal Welfare Act 2006 landowners are legally obliged to ensure that horses left on their land have food and water and cannot stray onto the highway, even if the horses are not your property.

If you have any concerns about the horses' welfare you need to raise them with the RSPCA on 0300 1234 999, the British Horse Society on 02476 840517 or the Council on 01429 523333.

**"Step By Step" action plan**

If you do find that there are illegally grazed horses on your land this Step By Step plan will help you to deal with them. Don't ignore one horse on its own as owners will often tether one horse to "test the water" to see what the reaction is. If you allow one horse to be tethered unchallenged you may find many more suddenly turn up, particularly when they are moved on from other areas.

Keep a record of your actions and also of any costs that you incur. This will help to prove that you acted responsibly should the horse's owner come forward at a later date.

***Step 1***

When exercising your rights under the Animals Act you must give notice to the Officer in Charge of a Police Station. When you report the horses to the Police ask for an incident number and keep a note of it for future reference and to include on your notices. You can also ask for the name and collar number of the local beat officer (the Police are under no obligation to provide this but they may do so to help out) to add to your notice.

***Step 2***

If you can identify the owner you must also give them notice. In practice the easiest way to do this is to display a notice on the land on which they are trespassing. Feel free to copy the enclosed Council notice if you wish to design your own signs. Alternatively, example notices can be downloaded from [www.newc.co.uk](http://www.newc.co.uk) (go to the search box and type in "abandonment". This leads to guidelines and sample notices).

Laminate the notices or place in water proof sleeves before attaching them to stakes, fences or gates on the perimeter of your land. If the identity of the owner is known post a copy to their address.

***Step 3***

Hopefully the horse owners will remove their animals. If not, after 14 days you can legally sell the horse at auction or market. A horse passport and micro chip are legally required before the horse is sold. This will typically take 2-3 weeks to put in place – please contact the British Horse Society for arrangements on 02476 840517.

***Step 4***

If you decide to remove the horses there are companies that can offer an impounding/bailiff service. These can be found on the internet (search for "horse bailiff" or "equine bailiff"). Their services include posting notices, seizure and subsequent sale/disposal of the animal, including organising the passport and micro chip.

If a horse dies on your land they are the landowner's responsibility if the true owner is not known. The collection of dead horses can be arranged through the Council at a charge (please contact 01429 523333 for more information). Alternatively, J Warren ABP will



collect fallen stock, again for a charge depending on the size of the animal. They can be contacted on 01388 488225

**Note:** Often the posting of notices will have the desired effect of the horses being moved on, however, this is not always the case and seizure/disposal procedures need to be in place before notices are posted.

#### **Dealing with intimidation and threats of violence**

If you feel that you are at risk or are being threatened dial 999. If you have been threatened please report the incident to Cleveland Police on the 101 non-emergency number. Your call will be dealt with in the strictest confidence and can be anonymous. If you are unable to identify the individual responsible a physical description, nick name, accent or vehicle description can all help the Police to identify the offender.

#### **Important Advisory Notice**

Please note: if you knowingly release animals onto a highway you will be prosecuted by the Police. You will also be at risk of civil prosecution if injury or damage occurs as a result of your actions.

You are advised to seek independent legal advice with regard to your individual situation. If you would like to discuss problems with tethered horses on your land, or any of the information contained in this letter please contact Helen Beaman on 01429 523358.

Yours sincerely,

Helen Beaman



**Produced by Hartlepool Borough Council  
Date: October 2013**

# NEIGHBOURHOOD SERVICES COMMITTEE

16<sup>th</sup> December 2013



**Report of:** Assistant Director (Neighbourhoods)

**Subject:** FENS AREA PROPOSED 20MPH ZONE

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## 1. TYPE OF DECISION / APPLICABLE CATEGORY

1.1 Non-key.

## 2. PURPOSE OF REPORT

2.1 To seek approval from the Neighbourhood Services Committee, for the implementation of a 20mph speed restriction covering an area of the Fens Estate incorporating Fenton Road, Lincoln Road, Ingham Grove & Wainfleet Road (**See Appendix 1**).

## 3. BACKGROUND

- 3.1 This scheme was requested by local Ward Councillors, and consultation was undertaken regarding the possible introduction of a 20mph speed restriction covering Fenton Road, Lincoln Road, Ingham Grove & Wainfleet Road, due to concerns being raised over the speed of traffic in the area.
- 3.2 Consultation letters were delivered to the listed streets on Tuesday 23<sup>rd</sup> July 2013. Copies were also sent to the three Ward Councillors and the Neighbourhood Manager.
- 3.3 From a total of 150 residential letters, 69 replies were received (46%). The response was positively in favour of the proposal, with 64 replies (93% of those responding) supporting the scheme, and 5 replies (7%) against it.
- 3.4 Some residents requested additional traffic calming measures, such as speed cushions, however, many other residents, who are in favour of lowering the speed limit, were against any type of additional calming measures.

- 3.5 It is proposed that the scheme would be delivered using signage only (replacing all existing 30mph signage with 20mph signs). Any 30mph carriageway markings will also require the appropriate alterations.

#### **4. FINANCIAL CONSIDERATIONS**

- 4.1 The scheme would be funded via the Local Transport budget allocation, and the estimated cost of both schemes will be approximately £500.

#### **5. LEGAL CONSIDERATIONS**

- 5.1 Subject to approval of the scheme, the traffic regulation order will be advertised, in accordance with the statutory legal procedures.

#### **6. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 6.1 There are no equality or diversity implications.

#### **7. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 7.1 There are no Section 17 implications.

#### **8. RECOMMENDATIONS**

- 8.1 The Neighbourhood Services Committee approves the proposed schemes.

#### **9. REASONS FOR RECOMMENDATIONS**

- 9.1 The scheme would improve road safety and encourage slower speeds in the area of the Fens outlined.

#### **10. BACKGROUND PAPERS**

- 10.1 There are no background papers.

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# NEIGHBOURHOOD SERVICES COMMITTEE

16<sup>th</sup> December 2013



**Report of:** Assistant Director (Neighbourhoods)

**Subject:** PETITION REQUESTING A LOADING BAY ON  
HOLDFORTH ROAD

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non- key decision.

## 2. PURPOSE OF REPORT

2.1 To report on the practicalities of the request to create a loading bay at Holdforth Road.

## 3. BACKGROUND

- 3.1 Holdforth Road currently has a number of restrictive / prohibitive parking restrictions in place. The area is regulated due to its close proximity to the hospital. A residential permit controlled scheme has been in place for a number of years in Holdforth Road / Howbeck Lane and Warren Close which was established to ensure a degree of parking availability for residents and prevent the high number of visitors / members of staff from the hospital parking in the residential zone.
- 3.2 The junctions onto Holdforth Road were protected on road safety grounds with prohibition of waiting restrictions to allow good visible sight lines and clear vehicular access.
- 3.3 Kensington Court is part of a group of flats in the area (accessible from Holdforth Road). The site offers some dedicated parking provision on private land within the curtilage of the site which is managed and enforced by a parking contractor on behalf of the housing association. Parking is controlled by permits (issued to residents by the housing association). The land is however non adopted public highway and as such is not under the enforcement jurisdiction of the Local Authority.

- 3.4 A map of the location and layout is shown as **Appendix 1** of this report .
- 3.5 Although the Holdforth Road prohibition of waiting restriction (depicted by a double yellow carriageway marking) was originally adequate for the control of traffic in this area, the Hospital introduced a tariff charge for disabled badge holders parking in the hospital car park. This indirectly increased the volume of traffic parking in Holdforth Road as registered disabled badge holders are afforded a 3 hour parking concession on such On-Street restriction. As a consequence the numbers of vehicle parking at the site became a hazard both in terms of the obscured visibility at the junctions and in terms of obstruction of the highway. The Ambulance Service referred their concerns to the Traffic Liaison Group with respect to access to and from the Hospital.
- 3.6 As a result a further restriction was approved for the introduction of a prohibition of loading restriction on Holdforth Road, removing the three hour parking concession afforded to blue badge holders. The restriction achieved its purpose of providing a clear unrestricted carriageway (without exemption), but in doing so also removed the previous convenient short stay parking provision that residents and visitors to Kensington Court had enjoyed. A number of residents / visitors had parked on Holdforth Road as a drop off / collection point as there is a convenient pedestrian access into Kensington Court. It is for this reason that residents / taxi drivers have requested a “loading bay” at this location.
- 3.7 Although all vehicles are, under the terms of the Traffic Regulation Order, prevented from loading and loading, the legislation does allow drivers to stop on the parking restriction to enable passengers to board / alight. This must however be evident if a vehicle is observed as being stationary on the restriction.
- 3.8 Licensed hackney taxi's may also park in the marked bus stop at this location for the purposes of allowing passengers to board and alight, but they are unable “to wait” as part of this activity. This concession is not however, afforded to private hire vehicles.

#### **4. PROPOSALS**

- 4.1 A petition has been submitted by 29 residents of Kensington Court and 28 Taxi drivers from a number of local taxi firms. The request seeks support for Hartlepool Borough Council to introduce a designated On-Street loading bay on Holdforth Road (outside of Kensington Court). Such parking provision would provide a parking loading area / drop off collection point, with out fear of residents and / or taxi drivers receiving a Penalty Charge Notice for contravention of the parking restriction currently in place at this location.
- 4.2 A copy of the submitted petition will be available to view at the committee meeting.

- 4.3 The prohibition of loading restriction has prevented residents from parking (other than to collect / drop off passengers) and this has indirectly impacted on any taxi drivers who may have been called by residents. The petition suggests the creation of a loading bay would overcome the access difficulties providing a standard 20 minute stay for loading purposes
- 4.4 There are however a number of highway concerns to such a proposal. There is only a limited amount of space between the Kensington Court vehicular access and Holdforth Road bus stop. Locating the loading bay at the most convenient space for residents would raise the previous road safety concerns as both visibility and vehicular access could be compromised. The loading bay would also obstruct an existing pedestrian dropped crossing point.
- 4.5 It is likely that any formal request to create parking at this location which may compromise access will also be opposed by the emergency services.
- 4.6 As boarding and alighting from the vehicle is permissible within the current legislation and longer periods of loading / unloading can be served from the curtilage of Kensington Court's own parking area, the need for a loading bay is questionable.
- 4.7 At present the prohibition of loading restriction can be enforced using the authorities CCTV vehicle, the mobility of the vehicle ensures that such restrictions are patrolled and enforced on a regular basis. Loading bays are however not permitted to be enforced by an approved recording device and this would limit the amount of resource that could be directed to enforcement - the concern being that this would lead to an increased opportunity for misuse of the bay which would be difficult to manage.

## **5. FINANCIAL CONSIDERATIONS**

- 5.1 The revocation of the existing prohibition of loading restriction and the creation of a loading bay would be subject to further approval, requiring legal orders to be formally advertised. The cost to advertise such a proposal is estimated at £250 which would be met from the parking services operational budget.
- 5.2 Any new restrictions will need to be marked and signed in accordance with the requirements of the Traffic Signs and General Directions Order. The cost of the new markings and appropriate signs would be met from the Parking Services road marking maintenance budget.
- 5.3 Any future running and maintenance costs would also be met from the Parking Services operational budget but would be offset by any revenue generated from Penalty Charge Notices issued to motorists in contravention of the restrictions.

**6. LEGAL CONSIDERATIONS**

- 6.1 The Loading bay would be controlled by a formal legal Order. As part of the legal process the restrictions are required to be advertised by the Head of Legal Services for a statutory period. Any objections received during the consultation period would be required to be reconsidered by this committee.

**7. STAFF CONSIDERATIONS**

- 7.1 Enforcement would be carried out by HBC Civil Enforcement Officers (parking) under the jurisdiction of the Traffic Management Act 2004.

**8. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 8.1 There are no equality or diversity implications.

**9. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 9.1 There are no Section 17 implications.

**10. RECOMMENDATIONS**

- 10.1 That the petition to provide a loading bay at Holdforth Road be rejected.

**11. REASONS FOR RECOMMENDATIONS**

1) On road safety grounds – The ambulance service have encountered problems with access to and from the hospital when parking was previously permitted at this location.

2) On highways grounds – The Highways Section have expressed concerns that it would be difficult to safely locate a loading bay at this location without detrimentally affecting the visibility for motorist / pedestrians, particularly at the nearby junction.

3) On access grounds – the most convenient On-Street location would obstruct an existing pedestrian dropped crossing point.

4) The existing legislations already allows for passengers to board and alight from the vehicle.

5) Longer stay “loading” can conveniently be provided from the curtilage of Kensington Court’s parking area removing the need for loading activity to take place from Holdforth Road.

## **12. BACKGROUND PAPERS**

12.1 There are no back ground papers to this report.

## **13. CONTACT OFFICER**

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# NEIGHBOURHOOD SERVICES COMMITTEE

16<sup>th</sup> December 2013



**Report of:** Assistant Director (Neighbourhoods)

**Subject:** HEADLAND PROPOSED 20MPH ZONE

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## 1. TYPE OF DECISION / APPLICABLE CATEGORY

1.1 Non-key.

## 2. PURPOSE OF REPORT

2.1 To seek approval from the Neighbourhood Services Committee, for the implementation of a 20mph speed restriction throughout the Headland. **(See Appendix 1).**

## 3. BACKGROUND

- 3.1 Following requests from The Parish Council, a consultation took place with residents, businesses, etc, regarding the potential implementation of a 20mph speed restriction covering the whole of the Headland. Concerns had been expressed about speeding motorists, particularly those using Northgate and Durham Street.
- 3.2 Consultation letters were hand delivered, throughout the Headland, over the weekend of Friday 4<sup>th</sup> – Sunday 6<sup>th</sup> October 2013. Copies were also sent to the three Ward Councillors, the Headland Parish Council, and the Neighbourhood Manager. A public drop in session also took place on 8<sup>th</sup> October at the Borough Hall.
- 3.3 From a total of 1600 consultation letters, 395 replies were received (25%). The response was positively in favour of the proposal, with 255 replies (65% of those responding) supporting the scheme, and 140 replies (35%) against it.
- 3.4 Some residents had requested additional traffic calming measures, such as speed cushions, as they are of the opinion that the 20mph signage would be ignored by some drivers and that the new speed restriction would not be enforced. However, many of the other residents, who are in favour of

lowering the speed limit, are against any type of additional calming measures.

#### **4. FINANCIAL CONSIDERATIONS**

- 4.1 The scheme would be funded via the Local Transport budget allocation, and the estimated cost will be approximately £1,000.

#### **5. LEGAL CONSIDERATIONS**

- 5.1 Subject to approval of the scheme, traffic regulation orders will be advertised, in accordance with the statutory legal procedures.

#### **6. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 6.1 There are no equality or diversity implications.

#### **7. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 7.1 There are no Section 17 implications.

#### **8. RECOMMENDATIONS**

- 8.1 The Neighbourhood Services Committee approves the proposed scheme.

#### **9. REASONS FOR RECOMMENDATIONS**

- 9.1 The scheme would improve road safety and encourage slower speeds throughout The Headland.

#### **10. BACKGROUND PAPERS**

- 10.1 There are no background papers.

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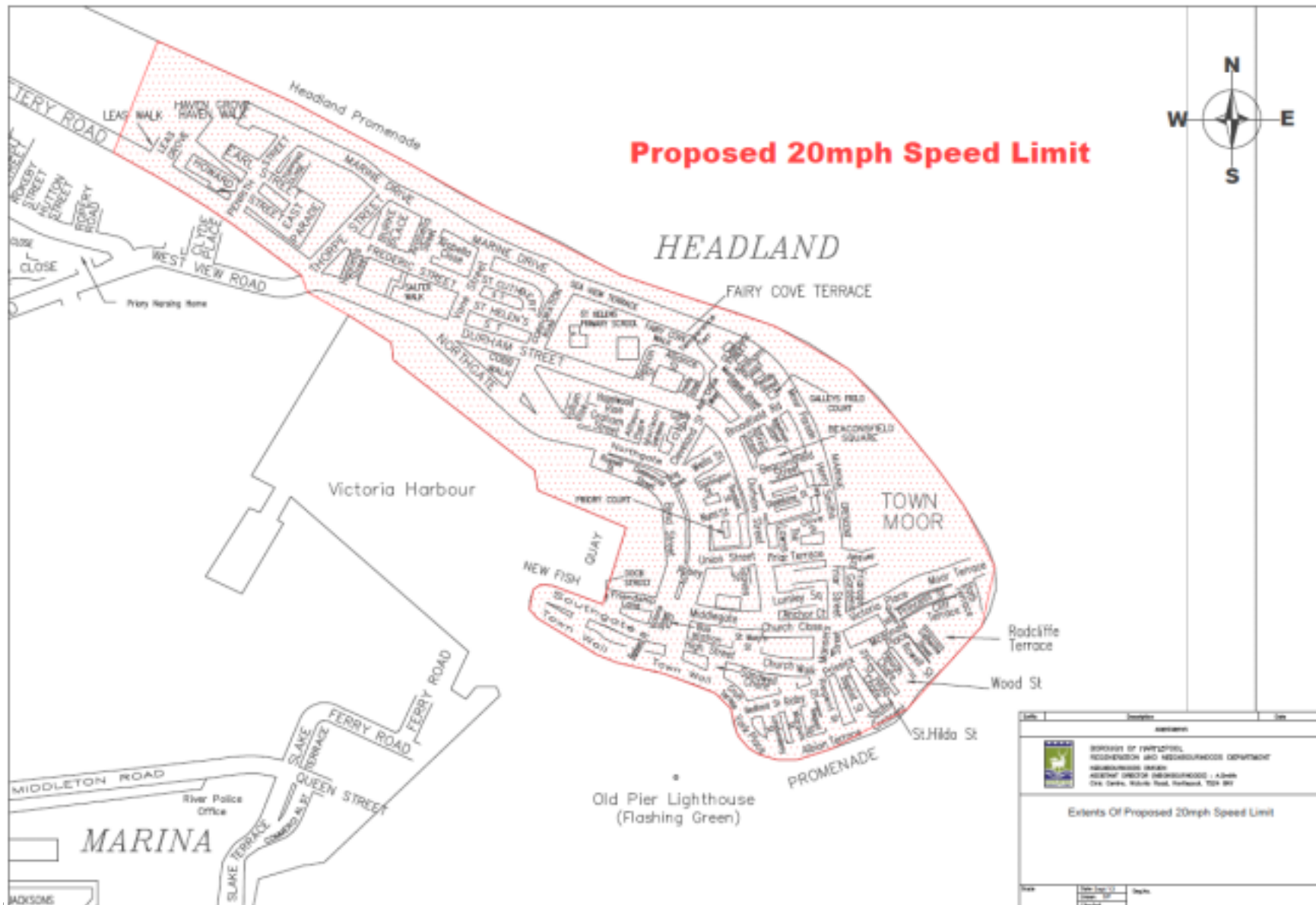
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# NEIGHBOURHOOD SERVICES COMMITTEE

16<sup>th</sup> December 2013



**Report of:** Assistant Director (Neighbourhoods)

**Subject:** THE COLLECTION OF SEA COAL (SEA COALING)

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non-key.

## 2. PURPOSE OF REPORT

2.1 To provide a statement on the current position regarding the practice of 'sea coaling' on the beaches of Hartlepool, and to present proposals for dealing with future related issues.

## 3. BACKGROUND

3.1 The practice of gathering coal washed up on the beach is known as 'sea coaling', which has been carried out in Hartlepool since the 7<sup>th</sup> century; however, the commercial collection of sea coal appears to date from around the end of the Second World War. Sea coal is characterised as a glittering, black, grainy substance and in certain conditions can cover the sand to a depth of several inches. In Hartlepool, it is mainly deposited on the North Sands, the Marina Basin, Middleton Beach and Newburn Bridge.

3.2 In the years up to 1993, when the last colliery on the Durham coast closed, there was a large amount of coal deposited on Hartlepool's beaches as a result of mine waste being washed down the coastline. While the mines were open, around 2.5 million tonnes of spoil were dumped off the Durham coast each year (a total of around 40 million tonnes).

3.3 The amount of coal deposited on the beaches varies depending on the time of year and the weather conditions. Heavy winter storms cause more sea coal to be deposited, making it primarily a winter activity; however, sea coalers will collect the coal at any time of the year provided it is deposited in sufficient quantities to make it worth their while.

- 3.4 In 1997, a partnership of members from 14 separate organisations was set up to tackle the pollution and environmental damage on the Durham coastline. The 'Turning the Tide' project ran until 2002 and successfully regenerated and cleaned up the coastal strip through a £10 million programme. As part of this project, 1.3 million tonnes of coal spoil was removed from an area of 80 hectares on the Easington and Horden coastline.
- 3.5 Despite the clean-up, a quantity of material is still present on the coastline, which is currently eroding at a rate of around 50cm per year. This erosion accounts for the sea coal that is still being washed up on the beaches of Hartlepool, however, the amounts deposited are significantly less than before the clean up operation. In time, coastal erosion will remove all the material and this is likely to bring to an end the presence of sea coal on the beaches of Hartlepool.
- 3.6 The laborious collection of sea coal is carried out by a number of individuals using rakes to collect the coal into piles. This is then shovelled into the back of a converted Land Rover, or similar vehicle, for transporting to the coal depot. A single load equates to around 2 tonnes and it is estimated that an average 10-15,000 tonnes are collected each year. A recent Daily Mail article placed the number of sea coalers at nineteen (*Daily Mail* 5<sup>th</sup> October 2013); however, Neighbourhood Officers and the police report that only two vehicles are regularly seen collecting sea coal from the beaches of Hartlepool.
- 3.7 In the past there were three depots in Hartlepool receiving sea coal, but this has reduced to just one; Offshore Fuels, located on the Longhill Industrial Estate. Sea coal is sold to coal fired power stations where it is burned to generate electricity. It is not well-suited to domestic heating systems or open fires, as the high water and salt content cause it to spit a great deal when burned. This means that the market for sea coal is in decline, particularly in light of governmental and EU moves away from coal fired power stations towards more low-carbon means of generating electricity (EU Large Combustion Plant Directive).
- 3.8 The sea coal is washed up on the beach between the low and high tide marks, which means that it is situated on Crown Estates land, not Council owned land.

## 4 ISSUES

### 4.1 *Complaints from residents*

The majority of coal can only be accessed at low tide, which means that the sea coalers must work shifts around the tides, including through the night. This has led to some informal complaints of noise nuisance at unsociable hours from residents in the Marina and Headland areas.

- 4.2 Responsibility for the management of the foreshore lies with the Council's Parks and Countryside section. This section also oversees and manages the movements of sea coalers at the only authorised entry point located at Station Lane. A risk assessment of vehicle and vehicle-related risks at Seaton Beach has been undertaken and the movement of vehicles is monitored by the Parks and Countryside Section. This section reports no incidents or issues relating to sea coal vehicles.
- 4.3 Issues may exist around the mess left by sea coal vehicles when exiting the beaches; however, the Council's Cleansing Section does not report this as being a particular problem.
- 4.4 The police have pledged to take action against un-roadworthy vehicles carrying sea coal. These actions fall under the Road Vehicles Construction and Use Regulations 1986 and the Road Vehicle Regulations 1988, which cover issues such as roadworthiness and the over loading of vehicles. The police's traffic section undertakes regular patrols of the beach areas and two sea coalers have been prosecuted in 2013 under the aforementioned Act.
- 4.5 In recent years, the numbers of sea coal vehicles accessing the beach have declined dramatically from around twenty a decade ago, to just two today. The declining number of complaints corresponds with this. In 2013 there have been no registered complaints regarding sea coalers either via the Contact Centre, the Parks and Countryside Team, or the Police. The only apparent issues that have been raised have come via the North and Coastal Forum.
- 4.6 *Licensing of Sea Coaling*  
The possibility of licensing the collection of sea coal has been considered in the past as a way of regulating the activities of the sea coalers and reducing the nuisance element. In fact, a licensing scheme was set up in 2003 but was abandoned in 2006 following a cabinet decision. Proposals for a licensing scheme have always fallen down on the question of enforcement and accountability. Also, sea-coaling activities fluctuate throughout the day and night making it difficult to regulate.
- 4.7 *Ecological Impact*  
A further barrier to the issuing of licences for sea coaling comes from an ecological study undertaken by the Council and led by the University of Sunderland in 2004. The study looked at both the impact of disturbance on birds and the impact of the removal of sea coal on potential feeding sources. The results of the study were forwarded on to English Nature (the statutory consultee) for comments.
- 4.8 English Nature concluded that the levels of disturbance could not be classed as *de minimis* and therefore a favourable outcome could not be guaranteed. This means that if the council proceeds with a licensing scheme it will face an objection from English Nature for any licensing of sea coal collection within any Site of Special Scientific Interest (SSSI) or Special Protection



Area (SPA). This covers the Headland beaches and those to the south of Seaton Carew (*Cabinet minutes and decision record, October 2006*).

## 5. PROGRESS TO DATE

- 5.1 Primarily, measures taken to reduce the issues surrounding sea coaling have focused on reducing access to the beaches. There are a number of access slip ways to the various beaches which are there to facilitate access for the emergency services, the launching of boats, etc. Over time these have almost all had bollards installed to prevent unauthorised access. Whilst there have been some instances of the bollards being knocked down, in the main these have proven effective at preventing access to the beach for sea coalers, fly tippers and other unauthorised users.
- 5.2 At present, the only vehicular access is at Seaton beach via an access gate on Station Lane (currently closed due to the sea defence works), Middleton beach (accessed from Ferry Road, via Middleton Road), and to the north end of North Sands (via the Steetley site from Old Cemetery Road). Vehicles have been known to drive across the dunes and even the golf course greens to access areas of beach where the slip ways have been closed off; however, these are now so few in number that vehicular access to the northern beaches has been virtually eliminated.
- 5.3 It appears that the main concentration of sea coaling activities is now limited to the Middleton beach area.
- 5.4 *Other Councils' Approach*  
In the North East of England, sea coal appears to be confined to the Durham and Hartlepool coastlines. To the north of the region, South Tyneside Council reports no sea coal on its beaches; whilst to the south, there does not appear to be a problem along the Redcar to Saltburn coastline.
- 5.5 As outlined above the 'Turning the Tide' project has cleaned up the beaches belonging to County Durham. This area of coast is now known as the Durham Heritage Coast and is managed by Durham County Council. Durham County Council reports no issues with sea coaling and no active sea coalers on any of its beaches. This is attributed to a reduction in the quantities of sea coal available and the closing of all but one vehicular access point.

## 6. CONCLUSION

### 6.1 *Public Concerns*

The concerns from members of the public have historically centred around issues of noise and the driving of vehicles on the beach. As explained above, vehicular access to the beaches has almost been eliminated. The few that now access the beach are being closely monitored by the local police and the Parks and Countryside section of the Council. The reduced number of vehicles involved in the practice of sea coaling has ultimately reduced the nuisance element.

6.2 Despite some historical issues with sea coaling, there is anecdotal evidence that members of the public support this longstanding tradition. It could be argued that sea coalers are in fact keeping the town's beaches clean in areas that are not currently scheduled for cleansing by the Council.

6.3 There have been no recorded complaints to the Contact Centre regarding issues around sea coaling during 2013; nor has there been any direct calls or complaints made to the police during this time. Enforcement action by the police has focussed on vehicles that are unroadworthy or overweight.

### 6.4 *Incidents/Accidents*

There have been no reported or recorded incidents / accidents on the beach involving sea coalers in recent years.

### 6.5 *Damage to Property*

There have been no reported or recorded incidents of damage to private property caused by the sea coalers. Whilst there have been occasions where bollards/barriers preventing access to the beach have been damaged, there is no firm evidence that this damage was caused by sea coalers. There are other people seeking unauthorised access to the beach, for example, fly tippers or off-road drivers, and sea coalers therefore cannot be cited without firm evidence.

### 6.6 *Numbers of Sea Coal Vehicles*

As explained above, the numbers of sea coal vehicles regularly accessing the beach have diminished in recent years. There are now only two vehicles regularly witnessed by officers on the beach.

### 6.7 *Market for Sea Coal*

The market for sea coal is also diminishing and the primary outlet for sea coal collected from the town's beaches remains the coal fired power stations. The government is committed to reducing the number of coal fired power stations in the UK in order to reach carbon reduction targets. The EU's Large Combustion Plant Directive is also signalling an end to coal as a fuel for power stations. As the sea coal is not well suited to burning in domestic open fires or heating systems, the domestic market is limited.

**6.8      *Availability of Sea Coal***

The amount of sea coal being deposited on the town's beaches is reducing as a result of the collieries on the Durham coastline closing. A multi-million pound clean-up operation, as part of the Durham Heritage Coast and the 'Turning the Tide' projects, has also contributed to a significant decline in the levels of sea coal being washed up on the beaches of Hartlepool. It is envisaged that residual spoil deposits of sea coal will be depleted within twenty years.

**6.9      *Positive Aspects to Sea Coaling***

There are a number of positive aspects to sea coaling which need to be considered. In addition to the practice of helping to keep the town's beaches clean, it also provides employment for a number of people, both in the collection of the sea coal and also in the processing of the coal at the coal merchants. This helps to support the town's wider economy. The final remaining sea coal merchant has stated that 50% of the coal that passes through its depot comes from the sea coal trade.

6.10      In addition to the commercial collection of sea coal, there is also the possibility that some individuals are supplementing their winter heating by collecting sea coal for their domestic use, despite its low quality and the fact that Hartlepool is within a smoke free zone. This may be pertinent given the number of families known to be living in 'fuel poverty' within Hartlepool, and is something that should be considered in any discussion around sea coaling.

**7.      PROPOSALS**

7.1      For the reasons outlined above, it is apparent that the practice of sea coaling is in decline and the issues surrounding it are minimal, with no recorded complaints being received from residents, other than the issues raised at the North and Coastal forum meetings. For this reason, issues around sea coaling cannot be considered a priority at this difficult time for the Council.

7.2      It is proposed therefore that the Council continues to monitor sea coaling activities and that an appropriate and balanced response is made to any issues that may arise.

**8.      RISK IMPLICATIONS**

8.1      Failure by the council to consider the implications of sea coaling activities could put members of the public and beach users at risk. Consideration must also be given towards any environmental impact resulting from these activities.

- 8.2 Mitigation for the risks associated with sea coaling activities is made through close monitoring by Hartlepool Borough Council and Cleveland Police; mitigation is also documented in a risk assessment compiled by the Council for the purposes of vehicles accessing the beach.

## **9. FINANCIAL CONSIDERATIONS**

- 9.1 The cost of monitoring the foreshore areas and the activities of the sea coalers will be absorbed by the Parks and Countryside and Waste and Environmental Services sections of the Council.

## **10. STAFF CONSIDERATIONS**

- 10.1 Monitoring the foreshore areas and the activities of the sea coalers will be absorbed by the Parks and Countryside and Waste and Environmental Services sections of the Council.

## **11. ASSEST MANAGEMENT CONSIDERATIONS**

- 11.1 The town's beaches are owned by the Crown Estates and leased by Hartlepool Borough Council. The Council presently cleans the bathing beach at Seaton as part of its scheduled cleansing operations. The Council also maintains the highways, car parks and promenades used to access the beaches.

## **12. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 12.1 As outlined above, there are many reasons why some members of the public try to gain unauthorised access to the beaches and damage or anti social behaviour cannot be attributed to any one group without direct evidence. However, the Council continues to monitor and enforce on crime and anti social behaviour on its land adjacent to the foreshore, including fly tipping and vandalism. The installation of bollards at most of the vehicular access points has reduced these issues substantially.
- 12.2 In terms of offences of crime and disorder, or anti social behaviour carried out on the foreshore, the Police monitor and enforce on issues such as off-road driving, overloaded vehicles and safety issues surrounding vehicles on the beach.

### **13. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 13.1 There are no equality and diversity implications

### **14. RECOMMENDATIONS**

- 14.1 That Members recommended the content of the report and approve the proposals given in Section 5.

### **15. REASONS FOR RECOMMENDATIONS**

- 15.1 Although historically there have been issues around the practice of sea coaling, these have now been mitigated. In addition, the commercial trade of sea coaling is coming to a natural cessation due to a decline in the quantities of coal available. Reduced demand and restricted access to the beach areas is also contributing to its demise.
- 15.2 The Council will continue to monitor the situation as a part of the duties carried out by the responsible sections; however, due to financial constraints, and the fact that sea coaling activities are at a minimum, this issue cannot be considered a priority at this difficult time.

### **16. BACKGROUND PAPERS**

- 16.1 No background papers.

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