



**LANCASTER  
CITY COUNCIL**

*Promoting City, Coast & Countryside*

**INDIVIDUAL CABINET MEMBER AND OFFICER DELEGATED DECISIONS**

**FRIDAY, 12 FEBRUARY 2021**

Please find enclosed Decision Notice in connection with the following:

**ICMD10 LAND EAST OF MIDDLETON ROAD, MIDDLETON, OFF BORRANS LANE -  
ILLEGAL GRAZING OF HORSES (Pages 2 - 5)**

Please note that this is subject to call-in.

**Queries regarding these documents**

Please contact Liz Bateson, Democratic Services - email [ebateson@lancaster.gov.uk](mailto:ebateson@lancaster.gov.uk).

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*Promoting City, Coast & Countryside*

**EXECUTIVE DECISIONS TAKEN BY CABINET PORTFOLIO HOLDER  
NOTICE OF DECISION**

*THIS SECTION TO BE COMPLETED BY THE PORTFOLIO HOLDER AND CONTACT OFFICER*

<b>TITLE OF DECISION:</b>			
LAND EAST OF MIDDLETON ROAD, MIDDLETON, OFF BORRANS LANE ILLEGAL GRAZING OF HORSES			
<b>NAME OF DECISION TAKER:</b>	COUNCILLOR HAMILTON-COX		
<b>POSITION AND RESPONSIBILITY HELD:</b>	PORTFOLIO HOLDER FOR ASSET AND PROPERTY MANAGEMENT		
<b>CONTACT OFFICER:</b>	JULIA GREENWOOD		
<b>TELEPHONE:</b>	01524 582507		
<b>E-MAIL:</b>	jgreenwood@lancaster.gov.uk		
<b>Details of Decision:</b>			
To report and obtain authorisation to issue notices under the Animal Act 1971 (as amended by the Control of Horses Act 2015) on city council owned land.			
<b>Reasons for the decision:</b>			
The report outlines the background and reasons for obtaining authorisation to issue notices for the ultimate removal of illegally grazed horses from city council land.			
<b>IS THE DECISION URGENT</b>			
NO			
I CONFIRM THAT I HAVE BEEN CONSULTED ON THE ABOVE DECISION AND THAT IT IS URGENT AND REASONABLE IN ALL THE CIRCUMSTANCES. (IN ACCORDANCE WITH SECTION 17 OF THE OVERVIEW & SCRUTINY PROCEDURE RULES)			
SIGNATURE OF THE OVERVIEW & SCRUTINY CHAIRMAN: N/A			
I confirm that I have taken account of the options proposed by officers, the various implications set out in the report and the comments of the Monitoring and Section 151 Officers and am authorising the decision as set out above.			
<b>SIGNATURE OF DECISION TAKER:</b>	Cllr Hamilton-Cox		
<b>DATE:</b>	12.2.21		
<i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i>			<b>REF NO.</b>
			ICMD10
<b>DATE DECISION TAKEN:</b>	12.2.21	<b>DATE RECEIVED BY DEMOCRATIC SERVICES:</b>	12.2.21
<b>DATE DECISION PUBLISHED:</b>	12.2.21	<b>IMPLEMENTATION DATE (publication day + 5 working days):</b>	22.2.21

## Lancaster City Council | Report Cover Sheet

<b>Meeting</b>	Cabinet	<b>Date</b>	
<b>Title</b>	Land east of Middleton Road, Middleton, off Borrans Lane Illegal Grazing of Horses		
<b>Report of</b>	Director for Economic Growth & Regeneration		
<b>Purpose of the Report</b>			
To report and obtain authorisation to issue notices under the Animal Act 1971 (as amended by the Control of Horses Act 2015) on city council owned land.			
<b>Key Decision (Y/N)</b>	<b>N</b>	<b>Date of Notice</b>	<b>Exempt (Y/N)</b> <b>N</b>

### Report Summary

The report outlines the background and the reasons for obtaining authorisation to issue notices for the ultimate removal of illegally grazed horses from city council land.

### Recommendations

To issue the necessary legal notices so that illegally grazed horses on city council owned land can be removed and relocated to an animal sanctuary.

### Relationship to Policy Framework

Management of city council assets and deterring unauthorised use.

### Conclusion of Impact Assessment(s), where applicable

<b>Climate</b> N/A	<b>Wellbeing &amp; Social Value</b> N/A
<b>Digital</b> N/A	<b>Health &amp; Safety</b> N/A
<b>Equality</b> N/A	<b>Community Safety</b> N/A

### Details of Consultation

No consultation has been undertaken, as this is an estates management matter. Although the Horse Welfare Collaborative has been in contact and have offered assistance in sourcing a relocation sanctuary for the two mares.

### Legal Implications

Legal Services have been consulted and have no further comments, the legal implications are included in the report.

### Financial Implications

The transport cost of the animals from site to the sanctuary will be met from existing budgets although the Horse Welfare Collaborative has offered to help support the cost of the transport.

### Other Resource or Risk Implications

None

<b>Section 151 Officer's Comments</b>	
The Section 151 Officer has been consulted and has no further comments.	
<b>Monitoring Officer's Comments</b>	
The Monitoring Officer has no further comments.	
<b>Contact Officer</b>	Julia Greenwood
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<b>Email</b>	<a href="mailto:jgreenwood@lancaster.gov.uk">jgreenwood@lancaster.gov.uk</a>
<b>Links to Background Papers</b>	
N/a	

### 1.0 Report

It has been recently reported that there are two fly-grazed mares on city council owned land east of Middleton Road, Middleton. There are no grazing agreements in place on this land so the horses are being illegally grazed. The animals are not chipped and therefore we are unable to trace their owner. However similar problems have occurred in the past and local intelligence has led us to believe who the owner may be.

The Council has written to that individual requesting that if the animals belong to him then he should remove them immediately, but he has failed to do so.

### 2.0

Once the Council has attempted to locate the owner and persuade them to remove the horses it can look at detaining and disposing (relocating) the horses. Therefore, the next step is to issue and fix to the site legal notices under the Animal Act 1971 (as amended by the Control of Horses Act 2015). After 96 hours of the notices being served the animals can be relocated.

### 3.0

Unfortunately, the issuing of such notices under the Animal Act 1971 (as amended by the Control of Horses Act 2015) is not included in the Council's Constitution or delegated to officers, therefore an ICMD from the cabinet member portfolio holder for Asset and Property Management is required to authorise the issuing of these notices.

### 4.0 Options and Options Analysis (including risk assessment)

#### Option 1:

Proceed with the issuing of legal notices so the horses can be removed from site.

<p><b>Advantages:</b>                  Whilst there is no indication that the horses have been totally abandoned, one of the mares is heavily pregnant. They need to be removed to a better and safer location. The land can then be secured and regularly inspected.</p>
<p><b>Disadvantages:</b>                  None.</p>
<p><b>Risks:</b>                  None.</p>
<p><b>Option 2:</b>                  Do not proceed and the horses remain on site.</p>
<p><b>Advantages:</b>                  None.</p> <p>The animals will have to be removed at some stage.</p>
<p><b>Disadvantages:</b>                  As landowners, the Council has a duty of care for these horses' welfare. It has neither the in-house resources nor knowledge to care for these animals.</p>
<p><b>Risks:</b>                  This would lead to a lost opportunity to get the animals removed from site and relocated to a horse and foal sanctuary.</p> <p>The council is continuing to receive phone calls from concerned members of the public about the condition and location of these animals.</p>

**4. Officer Preferred Option (and comments)**

4.1 The officer preferred option is Option 1. To proceed with the issuing of legal notices so the horses can be removed from site.