



Environment, Food and Rural Affairs Committee

Oral evidence: [Horse welfare](#), HC 546

Wednesday 3 September 2014

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Members present: Miss Anne McIntosh (Chair); Richard Drax; Jim Fitzpatrick; Mrs Mary Glendon; Sheryll Murray; Neil Parish; Ms Margaret Ritchie; Mr Mark Spencer; Roger Williams

Questions 1-109

Examination of Witnesses

Witnesses: **David Bowles**, Head of Public Affairs, RSPCA, **Lee Hackett**, Director of Equine Policy, British Horse Society and **Roly Owers**, Chief Executive, World Horse Welfare, gave evidence.

Q1 Chair: Good afternoon and welcome. Thank you for agreeing to participate in our one-off evidence session on horse welfare. Could I just ask you in turn to introduce yourselves and give your name for the record?

David Bowles: My name is David Bowles. I am the Head of Public Affairs for the RSPCA.

Lee Hackett: Lee Hackett, Director of Policy for the British Horse Society.

Roly Owers: Roly Owers, Chief Executive of World Horse Welfare.

Q2 Chair: You are all very welcome. Can I just ask how you think the current situation is and if it has got worse for any particular reason in the last seven years?

David Bowles: The current situation is bad, and is certainly getting worse. Obviously one of the problems is that it is very difficult to denote how many horses we are talking about. We have estimated 3,500 to 4,000. What we certainly do know is the number of horses that all the organisations are getting calls about and the number of investigations the RSPCA is doing on horses has reached an all-time high. We have seen the number of cases that we have taken on horses reach the highest it has ever been. The number of horses coming in to us has been at an all-time high.

Why is that? It is difficult to say, but I think there is some connection with the economic climate. Obviously it costs a lot of money to keep horses. If you want to save money, you save money on land—so, you fly-graze it in areas where you are not going to get found out. You save money on vet fees, which is then usually when your horse has problems

and we get called in. You save money by not microchipping the horse as well. Those are connected. There may well be a connection to the horse meat scandal last year as well. It is very difficult to work out, but that is our summary.

Q3 Chair: Are you familiar with the rule change that took place in the Republic of Ireland some seven years ago, about coming down very heavily on fly-grazing in both private and public places? Mr Owers, do you think that has had an impact on more horses coming to this country?

Roly Owers: It is very difficult to create cause and effect here. It would be difficult to say with any certainty. To support what David has just said, what we do know is that one of the other core problems here is that we have an oversupply of horses in this country. There are too many horses for too few homes. The long-term solution is to tackle that. But part of the reason why fly-grazing is getting worse is that it is so easy to get away with. It is a growing problem because the perpetrators can flout the law and create maximum use of the loopholes that the current legislation allows. There can be a relatively simple amendment. It is not going to be a golden wand to solve the whole problem, but it is going to be a very important tool in the toolkit to be able to better tackle the current situation.

Q4 Chair: How is it being tackled in Ireland at the moment?

Roly Owers: Obviously there is the opportunity there to seize animals and have them either put down or re-homed. That is what the Animals Act—which is the Act that is currently most often used in this country—does not allow. It only allows the sale of horses through public auction. What we have often found to be the case is that the owners of the animals then buy them back at public auction, and the spiral continues.

Q5 Chair: Could you just state how wide the problem is at the moment, and whether it is a particular problem on private or public land?

Lee Hackett: I do not think there is a particular difference in terms of public land and private land. The issue is very widespread. We believe it is happening nationally, but there are particular pockets where there are real problems. The north east of England is an area where we have identified very significant problems, but it does spread as far as Hampshire, Surrey and Sussex. These are all areas with significant issues. The West Midlands would be another one. So, it is absolutely nationwide. What we have noticed, and what is quite interesting, is that since the introduction of the Control of Horses Act in Wales we have seen an upsurge in the number of fly-grazed/abandoned horses in Somerset and Gloucestershire—the areas bordering onto Wales. We would anticipate that that is likely to worsen rather than to improve.

Roly Owers: To put some numbers of that, there were close to 2,000 horses in England being fly-grazed and now there are about 3,000 horses in England being fly-grazed. That gives a feel, but they are just estimates, and they are likely to be very conservative estimates.

David Bowles: Part of the problem of looking at the effect of the legislation in Ireland or indeed in Wales is the lack of information in terms of the number of horses being traded, because it is not collected. When the tripartite agreement changes came into effect last month they were very welcome, but they only affect horses coming in from the continent. They do not affect horses coming in from Wales or from Ireland, and it is therefore very difficult to put a cause and affect on the changes in the legislation in those places.

Q6 Chair: You mentioned the north-east. You will be familiar with the Appleby Horse Fair, which is an annual event. It has become quite a tourist attraction in its own right. I am very aware that the fly-grazing increases by a multiple of 10 or 20 before and after the Appleby Fair, but I hope you are not proposing that we close the Appleby Fair down.

Roly Owers: The important point to make is that there are a number of groups involved in fly-grazing. It is not a single group of people that are fly-grazing. An increasing number of groups are. These include people who cannot afford to look after their animals, obviously the Traveller community, and dealers—both large and small scale. There are multiple groups involved in this.

Q7 Chair: If there was one single action that you would wish to see, would that be the change in the law? What particular single action would you call for?

David Bowles: We want to make it easier for anyone who has got this problem, whether it is on private land, i.e. landowners, or on public land, i.e. local authorities or the police. We want to shift the balance. The balance at the moment is all for the person who owns the horse. A lot of the time, because the microchipping legislation is not working properly, we do not know who owns the horse.

We want to shift that balance in terms of letting the local authorities take horses quicker than they can at the moment, and not know who the owner is, and put that onus on the owner rather than the local authority and then be able to dispose of them how they see fit. At the moment, all they can do is put it into auction, and then the merry-go-round just continues because the person arrives at their auction, buys back their horse that has been thankfully legalised by the local authority, and the whole thing starts again.

Roly Owers: The other point is that equine identification is certainly part of the solution. Having a more robust, effective equine identification system is critical. However, whatever system you have, a) it is going to take a significant amount of time to bring that about, and b) you are always going to have people who fall outside that, and who do not comply with that. So, by having an amendment to the Animals Act—which is the most important thing, but not the totality at all—we will be able to better manage that in the short term but also in the long term.

Q8 Sheryll Murray: Could you explain to me the role that colt or stallion castration initiatives have to play in preventing breeding?

Lee Hackett: We have run mobile castration clinics, where we have gone out to areas where we know that there is a particular problem, and where fly-grazing and abandonment is pretty endemic. We do feel quite strongly that they have got a role to play. It is not just about the physical castration and therefore removing horses from the breeding pool. It is also an opportunity to engage with people and to educate. They can and do work incredibly well, but obviously they are quite resource-intensive. So, they are certainly not the solution to the problem, but we have found that they can make and have made a very positive difference. We do plan to continue them.

In conjunction with the partners including the organisations represented here, Redwings, and the Blue Cross, we also do mobile microchipping and passporting days, because we feel that actually getting the horses identified is incredibly important. If they have got a chip in them, should they be fly-grazed further down the line we will know at least somebody who has owned them in the past, even if the passport has not been kept up to

date. The BHS has passported more than 3,000 horses doing that, but unfortunately it is still a drop in the ocean.

Q9 Sheryll Murray: You mentioned education. Do you think public education programmes could reduce over-breeding? If so, how do you think that could work, and how could it be implemented?

Lee Hackett: We have been trying for some time to have some success with that. I know that World Horse Welfare have also done a lot of work. It is incredibly difficult to measure success, because you do not know who has been affected by the campaign and therefore who has not bred their animals. What I would say is that a number of organisations have put a lot of resources into that, and as far as we are aware, the equine population is still increasing. Although it is a complete cliché, there are always elements of truth in clichés: you can only educate people who are willing to be educated. Therein lies the bigger problem.

Roly Owers: Education has to be the long-term answer. There are different audiences, as I have already mentioned, and it is a matter of creating different strategies for those. As Lee says, a number of organisations including World Horse Welfare have looked to focus on the hobby breeder or the one-time breeder.

The other element of this equation is to have more effective enforcement. You have got to have some stick, so that there are consequences for irresponsible ownership. You need to have some stick at one end, as well as long-term education. Issues like stallion licensing are often talked about, but again, the reality is that the law-abiding will comply and the non-law-abiding will not. Who is going to enforce that? Lee already mentioned that education through these castration clinics is really important, because the reality is that you would have to castrate over 80% to have an effect. Research shows that clearly. Clearly, that is never going to happen, but it is an important piece of the jigsaw to be able to have another option for outputting that educational message.

Q10 Ms Ritchie: What more could be done to the existing regulatory framework to ensure that fly-grazing is tackled effectively?

David Bowles: Part of the problem with the existing regulatory scenario, as we have just explained, is that the onus is really against the enforcement agents. Not only do they have to prove whose the horses are, but they have to wait 14 days to then take a horse away. It is not unusual for the horse to be moved on the 13th day, because the perpetrators of this know the legislation very well. They know the loopholes. As I said previously, even once you have done all that, the only option you have as an agency is to put the horse back into the market place. The onus is really against the enforcement agencies.

What would really make it much easier is to put the onus on the other foot. Obviously the other huge issue is money. Local authorities are under huge budgetary issues. I am sure that will come up in their session. At the moment, we have estimated that the cost of removing some of these horses goes into thousands per issue. That is a huge burden for some of the local authorities to undertake.

Roly Owers: What more could be done? There could be greater co-ordination between the key stakeholders: the police, the local authorities, and the charities. That has already been done in parts of the country. Where it has been done, it has proved to be very effective, but there is a huge “but” in it. For example, we already know that in Norwich there was a

good co-ordination between those various stakeholders. What it did was to move the problem down the road, and it is now in the Secretary of State's constituency outside Norfolk. Indeed, one of the horses of that group was on the road yesterday causing a huge public safety concern.

To support David, and in terms of what we are looking for in terms of changes to the law, Government is currently saying that existing legislation, along with the Anti-Social Behaviour Orders and the Policing Act that came in this year, is enough in the cabinet to be able to deal with this problem. However, the issue is that it requires you to prove ownership. As we have just discussed, it is so difficult to do that. We need to change the emphasis onto the owner having to prove ownership, as opposed to local authorities or landowners having to chase around trying to find who those animals are owned by.

Q11 Ms Ritchie: As a follow-on to that—and I think you have probably already answered this—is the major issue in the legislation or in its enforcement?

David Bowles: The legislation is lacking at the moment. It does not matter how much you enforce the present legislation; you will not ever get to a situation where you are reducing the fly-grazing issue. The immediate thing is to change the legislation in the short term. As Roly has rightly said, in the long term there is a need to educate the people who own these horses that there is legislation they need to be abiding by, particularly on identification, and to educate breeders that they cannot make any money from these horses at the moment. Do not forget, they are going for £5 to £10. They are virtually worthless in auction. Those are the long-term issues, but the short-term issue can only be through changing the legislation.

Roly Owers: But obviously whatever regulation you have has got to be enforced, so one goes with the other. We totally understand that there are costs. Obviously, all charities involved have clearly significant costs in this whole thing. An amendment to the Animals Act would still require costs on local authorities and landowners, but it would totally change the emphasis. We believe that if there was a change in the legislation so it was not so easy to fly-graze, that would be a huge deterrent to others to stop fly-grazing.

Q12 Richard Drax: Can we move on to horse passports, equine identification, and traceability? Mr Owers, your organisation, World Horse Welfare, has said, “Where we have proof of ownership, existing legislation works well”. Will the forthcoming improvements to the horse passporting system reduce or remove any need for legislative change?

Roly Owers: It would reduce it, but it would certainly not remove it. As I mentioned earlier, there are two reasons for that. One is that is going to take a long time for those changes to feed through. Secondly, you are always going to have people who fall outside whatever equine identification system you have. There is no doubt that having a more robust equine ID system is paramount both for fly-grazing and for an enforcement of any equine health or welfare regulation. So, it would reduce it but it is certainly not going to remove it.

Q13 Richard Drax: Mr Hackett, do you have anything to add to that?

Lee Hackett: I would fully endorse what Roly has said. Until there is a time when we finally, once again, have a functioning national equine database, we are in an impossible position. It will have a significant effect, and will make life a great deal easier. Sorry to keep repeating what has already been said, but without adequate enforcement, that sort of legislation and database is actually almost meaningless. Without the enforcement we are

not going to get anywhere. There is scope for improvements in the passport regulations, but it certainly will not solve the issue.

Richard Drax: Mr Bowles, do you have anything to add?

David Bowles: Horse passport legislation is one of the least enforced pieces of legislation this House has ever passed. I will mention two issues from it that show the ludicrousness of it. For instance, in Wales the legal advice is that you can move a horse that has not been passported into a position of safety out of being fly-grazed. In England, the legal advice is the opposite. There is another thing that animal welfare organisations find themselves in problems with all the time. When we take a horse in and it has got a microchip in there, we are obviously obliged to find the owner. We can only do that by calling each of the passport-issuing offices. There are about 75 to 80 of those. We have to do that within 14 days. That is an almost impossible task.

Q14 Richard Drax: What role do reduced-rate microchipping and passporting schemes play in preventing fly-grazing? In addition to that, could microchipping be made more affordable, perhaps by allowing trained implanters to insert them as well as registered vets? Mr Bowles, perhaps we can start with you on this occasion.

David Bowles: With any animal, dogs as well as horses, reduced microchipping obviously does help. Don't let's forget that the cost of implanting microchip into a horse is fairly minimal compared to the cost of keeping that horse over a period of time. Therefore, I do not think that is the barrier. The barrier is getting people to understand the legislation, and getting them to do the legislation.

We obviously know from previous years that horses have been microchipped many times. For instance, where a microchip has already been put in the horse and it goes to an abattoir, we know of instances where the horse has then been microchipped on the other side to get it through that abattoir, because the previous microchip was showing that it had had bute in its system. We need to have a system that is enforceable, is understood by everybody, and is clear.

Richard Drax: Mr Hackett, do you have anything to add?

Lee Hackett: I would emphasise the point that I made with regards to castration schemes, in that the subsidised and more accessible microchipping days that we run do offer the additional benefit of engagement and education, which really should not be underestimated. What we found when we run these days is that cost is not the barrier for people, so much as the concern about legitimising their horse ownership in some way and there are genuine concerns about being traceable from the microchip.

We have to do quite a lot of work before we go in and do any microchipping events to reassure the people involved that this is not going to result in problems for them now. We are very careful, if there are welfare issues on the day, not to come down too hard on them on that day and scare people off. We have got to win their trust. I really do not think cost is the barrier. I would also be concerned about the idea of anybody other than a veterinary surgeon implanting a microchip, because obviously in the horse the microchip has got to be implanted into the nuchal ligaments in order to prevent it moving around. Therefore, it is a matter of veterinary surgery, so I do not think that that would offer a solution.

Richard Drax: You could have chips flying in all directions. Mr Owers?

Roly Owers: Mr Hackett has just stolen my line. It is very important that it is maintained as something to be done by a vet, because it is an act of veterinary surgery. However, as part of our improved equine identification regulations, suggestions have been that you bring it in over two years. A horse should be vaccinated every year, so that is an opportunity to have it microchipped, and we bring all animals in this country onto a microchip database within two years, let us say. That is absolutely right. The British Equine Veterinary Association has already indicated that it would support and work with welfare organisations to create an opportunity for reduced period of time. Notwithstanding that, I also do not believe cost is a major issue. The final thing I would say is that with regards to microchips, we have to have a regulation or a co-ordination of batch control. At the moment when we read a microchip it is just a number.

Richard Drax: So you can be trace back.

Roly Owers: You have got to be able to trace them. We must have batch control.

Q15 Roger Williams: You have all said that we need different or new legislation to control fly-grazing, but what exactly would that legislation look like? Have you learnt anything from the Welsh experience?

David Bowles: Yes. We supported the Welsh legislation. We were very pleased that the Welsh legislation went through. It went through extremely quickly. Obviously it has only been in place for something like eight months. It has been used three times, and as far as we can tell it has been used very successfully in those three times. There will always be an issue with the Welsh legislation on two aspects. One is money: the local authorities will obviously still have to pay for enforcement. The other is that it only applies only to local authorities and not to private landowners.

As we have said previously, we would like to see three changes to the legislation. One, a reduction in the time period for confiscation of the horses; two, you are allowed to take horses even if you cannot prove ownership, and the owner has to prove ownership; three, you are allowed to put the horse back into the marketplace or use other methods, including euthanasia. That will make life a lot easier. We would like to see it applied to private landowners as well.

Lee Hackett: The one thing I would like to add is that previously there has been concern amongst some local authorities about the option of euthanasia of the horses, because there is concern that it is effectively bad PR to be destroying what could be potentially quite healthy animals. However, at the British Horse Society we represent over 100,000 people and we have recognised a real sea change in the last two to four years, where the extent of fly-grazing, the extent of the overall population problem that we face, and various other factors have changed public opinion. I think quite strongly now that the horse-owning population recognises that euthanasia is actually an important part of potential new legislation. We would not have the concerns that we would have had previously about objection to it.

Roly Owers: I will just add to that. It is an indication of the seriousness of the problem that you have a coalition of animal welfare organisations and rural organisations coming together and speaking with one voice so loudly on this. We have been working with Defra

over the last couple of years to look at different options. We have searched all the various options and the way local authorities are using eight or nine different pieces of legislation currently to deal with the problem. Other suggestions, like the Localism Act and voluntary protocols, have been made, but none of those have come to anything. #

We recognise that a simple solution is an amendment to the Animals Act, as outlined by David. Notwithstanding that euthanasia is a very sensitive area, it can be the right welfare choice to prevent animal suffering. As I said earlier, an amendment to the Animals Act would create the stick to prevent people wilfully fly-grazing, which they are doing at the moment.

Q16 Roger Williams: Perhaps I should have said at the beginning that I am an officer of the All Party Group for the Horse. It has been suggested that Anti-social Behaviour, Crime, and Policing Act—the ASBO Act—of 2014 could be used in these circumstances. Have you got any experience of that? What would your view be?

Roly Owers: There was certainly one experience in South Gloucestershire where an ASBO was given to two brothers. It took nearly two years to create the evidence trail to be able to do that. Obviously, you just shudder to think how much it cost to create that. ASBOs do have a place where the owner can be identified, but in a significant proportion of these cases the owner is not identified. Therefore, they do not provide part of the solution in those cases.

Lee Hackett: They also do not do anything at all to benefit the welfare of the animals involved.

David Bowles: Absolutely. Do not forget that the ASBO can only be served on a person in a geographical area. They could then just move the horse out of that geographical area. It has just moved it to another place.

Q17 Roger Williams: It does seem to me that sometimes in animal welfare cases the person who commits an offense is told that they cannot keep those animals for a certain period of time, but very often they go back to keeping the animals. Surely imprisonment should be a consequence of that sort of behaviour where they do not pay any attention to the law at all. Would the use of imprisonment, rather than some of the very minor penalties that are imposed upon people, be of any use in deterring the behaviour that we are so concerned about?

David Bowles: You already have imprisonment under the Animal Welfare Act anyway. Indeed, it has been used against one of the worst fly-grazers in Wales. It is very difficult to find any evidence to show how well punishment and sentencing has actually affected the crime rate, but it is already there as a tool in the box under the Animal Welfare Act. It has been used already on a couple of people. I very much doubt that that will be a deterrent for that person in the future. I think he will continue to offend.

Q18 Chair: Can I just ask: were you consulted on the Anti-social Behaviour, Crime, and Policing Act 2014?

David Bowles: Absolutely.

Q19 Chair: So why did you not make these points?

David Bowles: They were all made.

Q20 Chair: You alluded to a potential criminal link to horse meat. Have you got any proof of that, or is that something that you are surmising?

Roly Owers: No, we know from our investigations into the transport of low-value animals in and out of the UK, across the continent and across to Ireland, that the welfare of animals that are not complying with legislation is a very poor priority, and that they are suffering badly. We know that that trade is going on. It is a significant trade and it is below the radar. Unless enforcement picks up that chain more effectively, it will continue.

Q21 Chair: Forgive me for saying this, but if there is a criminal element involved, they are not going to microchip their horses and they are not going to have passports. How would you propose that the Government deals with that cohort?

Roly Owers: The point is that we are changing the emphasis. They may well not microchip, but now there will be real consequences of them not doing that. They cannot go on fly-grazing wilfully. Their animals will be seized and moved on—either sold or euthanised.

Q22 Neil Parish: Further to the Chairman's question, surely we also very much need a national database—both for passporting and microchipping—otherwise it is only as good as what you can trace. You can have whatever microchip you like in it, but if you cannot trace it through 70 organisations what good is it to you? I take it you have been making representations to Government. What is Government doing about it?

Roly Owers: We have been making significant representations to Government. Clearly this issue is a European issue. An amendment to the relevant European legislation, 504/2008, is stuck at the moment in Brussels. We have been working very closely with Defra to make that a realisation, but, as I said earlier, that is still going to take a significant amount of time to feed through. That is part of a longer-term solution, not necessarily the short-term solution.

David Bowles: You can obviously ask the Minister when he comes in front of you, but I think the encouraging thing is that Defra shares our viewpoint that there needs to be a national equine database.

Chair: Thank you very much indeed for participating and being with us this afternoon.

Examination of Witnesses

Witnesses: **Henry Robinson**, President, CLA, **Minette Batters**, Deputy President, National Farmers Union and **Steven Gale**, Animal Health and Welfare Officer, Stockton on Tees Borough Council, gave evidence.

Q23 Chair: Good afternoon and welcome. Thank you very much indeed for being here and contributing to our one-off evidence session on horse welfare. Perhaps if we could just start from Mr Robinson. Could you say who you are and which organisation you are from, for the record?

Henry Robinson: Good afternoon. Henry Robinson, president of the CLA.

Minette Batters: Minette Batters, deputy president of the NFU.

Steven Gale: Steven Gale, representing local authorities for England.

Q24 Chair: You are all very welcome. Thank you for being with us. From what we have heard and what we have read, this appears to be a problem that has increased exponentially over the last seven years. Would you trace it to the laws being changed in the Republic of Ireland, or are there other reasons for this multiplicity of fly-grazing?

Henry Robinson: It is very hard to attribute it to any one particular reason. It is almost certainly a collection of reasons, but it does definitely appear to be a growing problem and it is significantly widespread. We are seeing members all over the country reporting the problem. About 18 months ago we produced a guidance note in response to members' queries, saying what to do if they had a fly-grazing problem.

Chair: Does anybody else want to comment?

Steven Gale: There is an influx of horses into the country. I am not sure whether that is to do with what went on in Ireland, but that has obviously created a decrease in value for the animal. Since the horse meat scandal some of the abattoirs have closed, so the outlets for some of these horses have diminished slightly. That has probably increased the situation.

Q25 Chair: Are you able to give us an estimate of the costs of tackling fly-grazing from a local authority point of view?

Steven Gale: There are three equine bailiffs in the country. For us to go out and use an external bailiff ourselves—which we have to do because we have not got the facilities ourselves—per horse, to seize it, keep it 14 days, and then re-home it is around £2,000.

Henry Robinson: Can I add to that? We have an exact example of a member who had two horses. The cost of removing those two horses and putting them through the system was £7,000.

Q26 Chair: Would you say that from a local authority and public highways point of view you have the resources available currently?

Steven Gale: Some local authorities do, if they deem it to be an issue in their area. However, because of diminishing funding to local authorities, a lot of local authorities are unfortunately struggling to deal with it as a priority. They are prioritising their funds elsewhere. The more proactive certain authorities are, the more it moves the situation into authorities that are not dealing with it. It is really moving the problem. Like our learned colleagues said earlier, it comes down to money. It is all down to funding, which is a huge burden.

Q27 Chair: Do we know what the break-up is between fly-grazing on public land and private land?

Henry Robinson: I do not know, no. We are really only concerned with the private land.

Q28 Chair: I know that the Appleby Horse Fair attracts Travellers from all over the country. We read in the evidence that it does seem to be a particular problem in the north east. Why would you think that is?

Steven Gale: I do not know. It is weird. In the north-east, rather than travelling communities it tends to be static communities who seem to want a horse because their father had one. Rather than finding some land and then getting the horse, they get the horse and then think, "Where are we going to tether it", and tether it on Council land. I do not know. It is probably a different scenario further in the south where they have got the

Traveller community and people with huge numbers. In the north east we have only got ones and twos, but they do cause a problem.

Q29 Chair: From where you sit, do you think that the problem is likely to grow?

Steven Gale: Local authorities are finding funding at the moment, but as the squeeze on local authority money gets tighter it probably will get worse, yes, unless funding is made available, or we have got some changes to the legislation that make it easier for those who want to do it and less burdensome on our funds to deal with it.

Q30 Chair: So there is no single fix. There is no silver bullet.

Steven Gale: Not really, no, because as we have discussed, the horse passport identification is a bit of a mess at the moment as well. That does not help the situation. Then we have got the burdensome time that we have to detain these animals, which is where the costs come in. We have only got the outcome of being able to sell it on once it is not claimed.

Q31 Ms Ritchie: In its July 2013 action plan, the National Farmers Union says that it is aware of problems where horses are left on common land. What issues arise from tackling fly-grazing on common land, and how can they be addressed? Maybe yourself, first of all.

Minette Batters: I have personally got more experience of it on private land than common land. That is predominantly what we deal with. On private land, we have had an instance of a member with 47 horses on 31 acres. That obviously had a significant cost, but I cannot actually answer your question directly on common land.

Henry Robinson: The question of whether it is on private or common land is largely irrelevant on one respect, because either way there is a liability issue that arises. It is particularly keenly felt by CLA members who may have horses fly-grazed on them. If at that stage they then are deemed to have taken ownership or taken care of those horses—perhaps by producing a bale of hay to stop them starving, or whatever, or they are in that 14-day period under the Animals Act whereby they have actually taken control of the horses—they then break out, then they could be liable for any damage caused. There have of course been two fatalities, one in Suffolk and one in Wrexham, where horses have caused fatal road accidents after being fly-grazed.

Steven Gale: With regards to common land, the local authority is required to give a register of who is actually allowed to graze on that land. There will be conditions within that grazing agreement—i.e., the horse should be identified, it should be wormed, etc. If the register does not contain people's horses then authority can actually remove them, but they would obviously have to fall back on the existing legislation, i.e. the Animals Act, to do that. This would be a cost incurred by the local authority.

Q32 Ms Ritchie: What risks does fly-grazing pose in relation to disease transmission, and what can be done to mitigate those risks? I will start with you, Mr Gale.

Steven Gale: It probably does have a big influence on the disease risk, because these horses probably never see a veterinarian throughout their lifetime. They will not be vaccinated. In terms of the way of mitigating it, I am not sure. Obviously we need to deal with the actual fly-grazing issue and try to prevent that happening in the first instance, either with some form of legislation or with some way of making it a criminal offence to actually graze a horse without the owner of that land's permission.

Minette Batters: There is a significant disease risk. Many farms have diversified into horse livery businesses. You have got diseases like strangles that are highly infectious that can be brought on. If a yard goes down with something like strangles then they are put under very tight restriction and have no control. There is also potentially a worm burden where horses are not being wormed regularly and are not being treated properly. That can pass problems to other forms of livestock as well.

Henry Robinson: There is clearly a risk to other horses on the farm or estate. It is all tied in with the horse welfare process. These are not usually valuable animals, so they have probably not been as well looked after as they should have been.

Q33 Chair: Who polices the fly-grazing on common land? Who polices?

Steven Gale: It would be the local authority, because they will keep a register of who is registered to be on that land, and anyone who is not on that register could be removed by the local authority.

Q34 Chair: What is the normal response time in those circumstances?

Steven Gale: Again, it depends how proactive the local authority is and how it prioritises, but I would have thought that it should be pretty immediate. The legislation that sits with the common land states that they should deal with it accordingly, because technically they are the landowner.

Q35 Chair: Does the current regulation—forgive me, it may have been changed last year—not say there are two weeks before the animal can be moved, to allow enough time to contact the owner?

Steven Gale: Under the Animals Act?

Chair: Yes.

Steven Gale: There is, but you can actually also do immediate seizure and then put notices out to say the animal has been taken, as long as you inform the local police station that you have done that, and then provide the course of recovery for the owner through a telephone number or whatever, a contact through a bailiff. We have tried doing it through the fortnightly notice, but it is like David said earlier: on the 13th day the horse will disappear and then pop up somewhere else. As a secondary course, we will just take it and put notices out accordingly.

Q36 Sheryll Murray: Could I follow on with that, Mr Gale? Do organisations of common land owners self-police in some respects? Do they come to you and report?

Steven Gale: I have not got a huge experience of common land, but the knowledge that I have been given is that we would police it because we have to keep a register of whose animals are allowed to graze on that land. It would probably be the graziers who come to us to say, “There is a horse there that technically should not be there”. We then need to follow that up. Again, we are going back to relying on identification to try to find the owner.

Q37 Mr Spencer: Can I just draw attention to my registered interests? On an area of common land such as Exmoor, where you have got wild ponies, how would you distinguish between what is a wild pony and what is fly-grazing?

Steven Gale: It is probably very difficult. They will still be registered as being allowed to graze on that common.

Minette Batters: You would have commoners' rights that are policed.

Steven Gale: They would have commoners' rights, and would be registered with the local authority as a grazier on that land.

Q38 Mr Spencer: But presumably those Exmoor ponies are not tagged.

Steven Gale: No.

Q39 Mr Spencer: So how could you distinguish which is a wild pony and which is owned?

Minette Batters: I imagine that much like in the New Forest, they are rounded up every year in order to be wormed, drifted, and the colts taken off. So they would be monitored on a yearly basis.

Q40 Sheryll Murray: Focusing towards you first, please, Ms Batters, the NFU says that the law is flawed but can be put to good use in many circumstances. What more can be done under the existing framework to tackle horse fly-grazing effectively?

Minette Batters: My father and I have suffered for a long time from fly-grazing. We have a registered camp that is down the road and we have had up to 20 horses being grazed on the farm. It is something that many members have raised as well. You are working in isolation. There is a real difficulty in tackling this head on and saying, "Remove the ponies, remove the horses from this field". Often the fences will have been cut and the gates will have been smashed to get them in there. Often the risk of reprisals for that is really quite threatening. I know that many members have said that they have suffered reprisal attacks, and barns have been burnt down. They might be rare, but they have certainly happened.

We have certainly suffered quite a lot of intimidation as well. We solved our problem by diplomacy, continual talking, and creating a better relationship. We now just have one, which we have tolerated for the last 10 years for an easy life. We have still got one that roams various places. But that said, it is better than having 20 there, and we feel safe. We were getting water troughs that had been tampered with, ballcocks ripped off, and there was a huge, huge cost attached to that.

We do want to see more enforcement. We have certainly got many members who would be saying that they would like to make it illegal, purely because they feel frightened when they go and take groups of people on. I recognise this is only a part of the problem, but this is what members say. It is worth enforcing it more so that they have got some back up there.

Q41 Sheryll Murray: Turning to you first of all, Mr Gale, and then the others can respond if they want to: what is the best way to ensure that local authorities, the police, charities, and other organisations work together to tackle fly-grazing? Does the North East Equine Group provide a model that could be used elsewhere?

Steven Gale: Hopefully. Can I come on to what you asked my learned colleague? From a local authority perspective, it is very difficult for private landowners because they are only one voice. They do suffer from intimidation by these people. Working in a local

authority, we are insulated a little bit within our organisation. That is why I said that provisionally, we need to look at making it a criminal offence that they are unlawfully grazing on someone else's land. That would then probably take their hands more to the police to deal with.

We set the North East Equine Group up because responsibility for tackling fly-grazing sits within different departments within a local authority. It can be the countryside department. I deal with it from an animal health perspective. It could be the land and property management section. We brought together within the north-east region people from the local authorities who actually do deal with it on the ground. We have got support from the British Horse Society, World Horse Welfare, local police officers and the RSPCA. We do try to co-ordinate the responses we make regionally.

I mentioned the cost of bailiffs. We are finding that because they are mostly based in the south, transport is the huge burden of cost. So, working as a group, when the bailiff comes into our area, say, County Durham to see someone, he will then ask the rest of the group, "Have you any problems you want me to deal with?" That then means that we can share costs, which reduces our burden. There is a real need for developing groups in different areas, in order to bring all the agencies together to try to get a co-ordinated approach.

Henry Robinson: I cannot discuss the North East Equine Group, because I do not know about it. However, in terms of working together, it would seem that there is a certain logical imperative for the central database so you have not got to go through nearly 80 different groups to find the right information. More than that, we would say that the whole current law is just not fit for purpose. There are so many loopholes in it, and so many well-established and well-known ways around it, that actually what is required is a change in the law.

Minette Batters: The north-east has been highlighted as very much a problem area. York city was able to be cleared pretty much immediately by bailiff enforcement. You were having a situation where horses were being moved out of a field, with a high risk of going onto a neighbour's property. They were getting tethered on roadsides. You had five very serious road traffic accidents. As a result of that the bailiffs moved in and York city was cleared, but the problem was that they were then moved on elsewhere. However, it did show how they could be cleared, and they were cleared overnight.

Q42 Sheryll Murray: I want to ask all three of you—starting with you, Mr Robinson, because I think you have already answered this—should there be a statutory duty on local authorities to deal with fly-grazing problems?

Henry Robinson: Yes. The minor difference is that there should be a power to deal with it, rather than a statutory duty. I believe there is a difference between the two and I think they should have the power to deal with it. We are very much in favour of the Control of Horses (Wales) Act, which we think has made a great step forward. It is a very useful model to follow.

Minette Batters: Yes, I would agree with that.

Steven Gale: It is a difficult one to answer. I can see why you are asking it, and I can see why my learned colleagues have come back with their response. Again, it comes back to the funding of local authorities. That would be the big stumbling block. You could make

it a statutory function, but the funding would then be moved from different departments to try to help that problem. This then creates voids in other areas. We will assist private landowners as much as we can to try to identify owners of horses, but I feel it is burdensome for local authorities to have to try to deal with it on private land as well as dealing with it on our own.

Q43 Richard Drax: I want to move on to police action. Before I ask you a couple of questions, it would perhaps be helpful if I just briefly outline what the NFU have suggested so that the other two witnesses understand. There are four brief points. The first is for the police to draw up a protocol for dealing with fly-grazing, and agree with local authorities who is responsible for what. The second is for the police to attend horse seizures, due to a fear of the breach of the peace. The third is for the police to actively consider the scope for using ASBOs. The fourth is to develop procedures for dealing with horses on the public highway that take account of the need for good buyer security and respect for property rights. These are the four things that the NFU have put forward. My first question is: how effective are these ASBOs and their equivalent for tackling fly-grazing? Perhaps I could start with you, Mr Robinson.

Henry Robinson: The problem with the ASBOs, as has been said earlier on, is that you have simply got to trace the owner. If you cannot trace the owner, you cannot fix the ASBO on him. There is the problem. You have an unidentified horse arrived on your land, it has no passport and no microchip, and it is probably not a filly by Frankel anyway. So it is of very limited value, and you have no way of contacting the man who put it there.

Steven Gale: I would tend to agree with my learned colleague. Unless we know the owner, it is very difficult. Like Roly intimated earlier, even if we do know the owner it is a long, drawn-out, and costly procedure to take them to task with an ASBO. In the meantime, the horse would still be tethered on that land.

Q44 Richard Drax: You say, Ms Batters, that the police should consider actively the scope for using ASBOs. Your two colleagues think they are a complete waste of time. Can you add anything to the ASBO question, or do you agree with them?

Minette Batters: At the end of the day, people want to be able to have action quickly. A lot of members have raised their fear of intimidation. Certainly having the police present is something that they feel more strongly about than the other points raised.

Q45 Richard Drax: Mr Gale, what other actions should the police be taking, or could they take?

Steven Gale: They have got the remit to deal with an animal on a public highway, and that is about as far as their remit actually does go at this moment in time. We work quite closely with our local police and we have got quite a rapport with them, because they will come to us to try to identify horses as well. As I commented earlier, it is all about trying to create a joined-up approach within an area between police, local authorities, landowners, and different welfare organisations, so that you have got that protocol there and an agreement that they will assist.

As regards the bailiffs, some bailiff companies are quite happy to work on their own without police assistance because sometimes the police do hinder the matter or creates more of a friction between the two parties, but they usually are quite happy to attend in an advisory role.

Richard Drax: Ms Batters, do you have anything else to add?

Minette Batters: It is about having more enforcement, so that we effectively have a carrot and a stick. We want fewer horses fly-grazing. We want to discourage that. Also, we want that threat there that stops it happening.

Q46 Richard Drax: In your view, what powers could the police be given that would help this problem?

Minette Batters: It would add to back-up. It would give security for people tackling the problem. There is this fear of reprisals, which we know happen. If you had a threat that was there, that would hopefully stop it increasing.

Q47 Richard Drax: Would you suggest, for example, that the police take the horse away themselves with the help of someone who knows what to do with horses? Is that one idea? I do not know.

Minette Batters: There are all sorts of ideas. There clearly is not a joined-up approach at the moment. The unitary authority of York city managed to empty York city overnight. That shows that they had the power to do that, but there does not seem to be a joined-up approach across the country. That is what we would like to see.

Henry Robinson: I would just say that, as I understand it, fly-grazing on its own is a civil offence and not a criminal offence. Therefore, if there is no damage then the police are not interested.

Q48 Richard Drax: So are you suggesting it should be a criminal offence not a civil offence?

Henry Robinson: No. I am saying that you do not need to make it a criminal offence if you employ the Control of Horses (Wales) Act, and extend that into England. Then you have got a way of solving the problem without making it a criminal act.

Q49 Roger Williams: For the avoidance of doubt, I am a member of the CLA and the NFU, but I will not be easy on either of you. You have covered many of the issues that I would have liked to ask you a few questions about. There seems to be two approaches. One is to get better identification of horses and a better passport system. The other is bringing in new legislation somewhere along the lines of what has been brought in in Wales. Of those two different approaches, which do you think is most likely to have the biggest effect, and which would be the most likely to be able to be introduced quickly?

Henry Robinson: The short answer is that they are not mutually exclusive. I would definitely anticipate going down both routes. I am not in charge of Government legislation. I would think that it is clearly not that easy to do, but it does have the potential beneficial effect of really helping to solve the problem.

Minette Batters: I would agree with Henry on that.

Q50 Roger Williams: Mr Robinson has covered the issue about whether fly-grazing should be a criminal offence, or if it is okay as a civil offence. I do not know whether the other members would like to add anything.

Steven Gale: Personally, I think it should be a criminal offence because that would bring the police in to deal with it. Going back to your previous question about the ID legislation and tackling the fly-grazing, it is quite paramount that we need changes. Our biggest

problem as local authorities is identifying an owner of a horse, whether it is microchipped or not microchipped. We are finding microchips that are not even registered, so that is very difficult. We need more robust identification regulations, but better powers to deal with the actual fly-grazing as well. To reduce our costs, we need to cut down on the time we have to keep hold of these animals.

Roger Williams: Would you like to add something, Ms Batters?

Minette Batters: To back you up on that point, I know the owner of the fly-grazing animal I have, but there is still nothing I can do about it. I know the owner; I know it does not have a passport; I know it does not have a microchip. But I know who owns it and there is still nothing I can do about it.

Q51 Roger Williams: Can I just ask you one question? In order to make microchipping successful in these aspects, you have got to have this central database and not 70 different organisations issuing these things. Who is going to pay for that? Are local authorities going to pay for that? Is it going to be the owners of horses who pay for that? Or are you going to go back to the good old Government again and say, “Well, you are going to have to pay for it”? Because if you are going to ask Government to pay for it, I think it is going to take an awful long time to come to fruition.

Steven Gale: The problem is that the EU legislation is probably going to force our hand so we have to provide it. So yes, it will probably come from local government. It could be funded by horse owners through the horse industry. It is fundamental to the traceability of these horses, because we have got 70-odd organisations. As a tool for a local authority, the first thing we find is the microchip. That is the only way we can identify that animal.

Q52 Chair: It is a bit like when we had dog licences: 50% of the public paid, and 50% did not. How are you going to force those who do not want to microchip or have a passport? You cannot. You can punish them if they do not, if you can prove the ownership.

Steven Gale: I do not know.

Q53 Chair: Can I just ask: where are the bailiff companies to which you referred?

Steven Gale: The one we use is based in Bristol.

Q54 Chair: So the three are not geographically spread. Would that not be a good idea?

Steven Gale: Unfortunately not. Transportation is our hugest cost; that is the problem.

Q55 Chair: But if you have got the biggest problem in the north-east—private market. I just wonder why there is not a bailiff there.

Steven Gale: I do not know. It is quite a specialised industry because you are dealing with the intimidation, and the clientele you are dealing with is pretty tricky.

Q56 Chair: Were you each consulted on the 2014 Anti-social Behaviour, Crime and Policing Act? Did you make the points that you have made to us today as part of a consultation on the 2014 Act?

Steven Gale: No.

Q57 Chair: Were you not consulted?

Steven Gale: No.

Henry Robinson: Not as far as I know.

Chair: Thank you very much indeed for being here. I am sure we will keep the dialogue going. But thank you very much.

Examination of Witnesses

Witnesses: **Joseph G Jones**, Spokesman, Gypsy Council, the International Romani Union, and the European Romani Union, **Bill Forrester**, Chair, National Association of Gypsy and Travellers Officers and **John Grant**, Spokesman, Traveller and Animal Welfare Issues, gave evidence.

Q58 Chair: I welcome the third panel as part of our inquiry into horse welfare. Perhaps I could just ask each of you to introduce yourselves and give your position.

Joseph G Jones: My name is Joseph Jones. I am a spokesman for the Gypsy Council, the International Romani Union, and the European Romani Union.

Bill Forrester: My name is Bill Forrester, and I chair the National Association of Gypsy and Travellers Officers.

John Grant: John Grant. I am a spokesperson on Travellers and animal welfare issues.

Q59 Chair: Thank you. Mr Jones, can I just ask how many signed-up members of the Council there are?

Joseph G Jones: I am not entirely sure, but I suppose our most public face would be on Facebook, where we have something like 4,700.

Chair: Are they friends?

Joseph G Jones: They are friends, subscribers.

Chair: And are they Travellers or are they in encampments?

Joseph G Jones: We do not actually monitor that. The majority would be Gypsies and Travellers, though. You can tell by the names.

Chair: Mr Forrester, would you say that was the same? Are you able to say how members you have?

Bill Forrester: We have around 150 paid-up members mostly working for local authorities, some working for the police and a few working for voluntary organisations.

Q60 Chair: Turning to the issue before us, from where you sit, Mr Jones, obviously there has been a lot of talk about these people potentially being Travellers—in the press, certainly. What are the main reasons for horse ownership in Gypsy and Traveller communities?

Joseph G Jones: Obviously, the reason why I am here today is that Gypsies and Travellers are very closely associated with horses. It is part of the culture for the people to have and keep horses. In some people's eyes, the more horses you have, the more status you will have within the community.

One issue that does not seem to have been touched on about fly-grazing—in relation to Gypsies and Travellers, anyway—is that there is a requirement on the Gypsy and Traveller community to travel. If Gypsies and Travellers do not participate in a travelling lifestyle, if they do not travel every year, then they will lose their Gypsy status, which is referred to in planning terms. If you want to get planning permission for a Gypsy site, you can only get planning permission if you have Gypsy status, so people are required to travel. If you have horses, logically you are then going to have to take your horses with you or pay someone else to look after them, which is expensive. A lot of people will take their horses with them.

That is apart from people who like to travel to fairs in a traditional way with horses and wagons. There are two different issues there: you have people who are travelling to and from a fair, who are doing it for historic or cultural purposes, and you have people who are required to travel for work to earn a living or for other reasons. They need to travel and they need to take the horses with them.

Q61 Chair: I do not know if I have been to Appleby Fair, but every year I see all the wagons and immaculately kept horses travelling towards Appleby. I would say that the Gypsies and Travellers take immense pride in their wagons and their horses. You have a sense of understanding of property and property rights.

Joseph G Jones: Horses are often like a member of the family. People love their horses; they do not mistreat the horses. They would not leave their horses just tethered up somewhere and just ignore them for days on end in the way you have said that some people do. As I say, it is a matter of status. If someone was mistreating their horses, they would not be respected in the community. I have known someone who had 120 horses, which certainly boosted his credibility.

Chair: Where would he keep the horses?

Joseph G Jones: He kept them in different fields he rented around the place. He had some on his own place; he rented other fields. Actually, he was quite a wealthy man. He could afford to buy land. He had different parcels of land that he had purchased over the years—him, his family, his forefathers.

Chair: Are you saying to us this afternoon that it is not Gypsies' and Travellers' horses that are being kept fly-grazing?

Joseph G Jones: Every community has people within it who are going to be fly-grazing horses, not just Gypsies and Travellers. Yet in certain circumstances it is going to be important that you have the ability to fly-graze your horse. If you are on your way somewhere and you have a wagon, you need the horses to pull your wagon. It cannot go without the horses and you are going to have to graze the horses overnight. You cannot leave them without tethering them.

Q62 Chair: Does it concern you that we have just heard reports of fears of reprisals and why individual landowners and, indeed, sometimes local authorities are concerned about moving fly-grazing horses on?

Joseph G Jones: In any situation where you have people with opposing views, there is going to be confrontation, whether it is Gypsies and Travellers or any other community. There are members of British society who regard the ownership of land as something that

is undesirable and they believe they have a right to use land that does not belong to them. I am not saying that, but there are people who do think like that. Maybe it is those people who are behaving in a socially unacceptable way, using other people's land when they should not. No-one can condone that.

Q63 Ms Ritchie: Over the last two years, it is generally accepted that incidents of fly-grazing across Britain have been increasing. What are the reasons for that growth in fly-grazing, Mr Jones?

Joseph G Jones: I cannot say for sure, but it may be something to do with the fact that recently the Secretary of State has said he is really going to put a big emphasis on the travelling lifestyle, when they apply for planning permission, to ensure that they are travelling. He has said that it is not enough for people to live on a Gypsy site to retain their Gypsy status. He has said they are going to be required to prove they have travelled every year for a period of time. That may be one of the drivers behind it.

Bill Forrester: The sheer number of horses and the low value of horses has quite a lot to do with all of this. It did not used to be an issue for our members five years ago and now it is an issue that a lot of them are very exercised by and are getting very involved with. That says how it has moved. However, the difficulty is that people are not finding the markets for the horses that they used to have. Therefore, there is no throughput happening and therefore there are quite a lot of horses in certain cases accumulating in particular areas. It is becoming an issue about where those horses are going to be.

When landowners are taking effective action to move them in numbers, you have a question about where those horses are going to move to. It is a problem. It is very localised in certain areas; it is not across the country. It is very much in rural areas rather than urban ones. However, those are contributing factors. The same processes are not going on as used to go on a couple of years ago.

John Grant: I agree with everything that has been said before. Generally, for Travellers and Gypsies, over the past 10 years there has been less and less opportunity to put your horse anywhere. The travelling lifestyle has changed a lot. When I was growing up, during the summer months we were travelling all of the time, going to fruit farms. We could take the horses with us. We would put the horses on the farms where we went. Wherever we went, the horses came with us and there was a place to put your horses. Then in the winter months, we would be doing scrap metal and we would find some land near where we worked to put the horses, whether we were tethering or fly-grazing. In those days, however, you could always rent a field or two. I find nowadays that way of life for the Travellers is gone. It is all Eastern European people on the farms now; it is not Travellers anymore, as it used to be. They have the horses; they are still breeding, but they have nowhere else to put them.

Recently, I did a talk. I say "recently"; it was 18 months ago. I went back to where I was brought up as a Traveller and all the places that I put our horses are no longer there. There is less and less land for the Travellers to put their horses on. Therefore, you get more concentration in certain areas, because there is nowhere else to put your horses. That fits in to there being not much market at the moment. A lot of the markets where we used to sell colts have closed down. It is the meat trade, predominantly, that has gone now. There are a lot of reasons why we have this issue.

Q64 Neil Parish: This is further to the Chairman's question about the Gypsy and Traveller community, the number of horses they have and who is to blame for the fly-grazing. People do not object to one horse, well kept, with a caravan. However, what you are getting a lot is when you get a collection of horses—they may be horse dealers or whatever—and they put them into a field and it causes a huge amount of damage. My question to you, really, is this: how much, as a community, can you control the more rogue element, if I can put it like that? We all have rogue elements. Because that is the issue. Very often, those horses are not very well kept and then there is a welfare problem. It is a combination of destruction of land and a welfare problem. Are you able to police that in any way?

Joseph G Jones: There is no such thing as a Gypsy police. We are a community like any other. We do not have vigilantes who go around sorting out rogue elements or anything like that.

Neil Parish: No.

Joseph G Jones: The key to most problems is communication and education. You have to bear in mind that Gypsies and Travellers are at the bottom of every league table: when it comes to health, education, and all those sorts of things. Gypsies and Travellers are still in a situation where a lot of them find it difficult to read a broadsheet newspaper. They might read *The Sun* or something like that; I do not know. However, reading long documents and complicated things like that is a problem for a lot of people. Education is the key to most things.

Q65 Neil Parish: I understand where you are coming from, but a lot of these people—who may be within your community or may not be—who have the large number of horses and are dealing in them know full well what they are doing. Therefore, I accept the argument that there will be parts of your community that are poorly educated, but a lot of these people who are actually dealing in horses and keeping them on other people's land actually know what they are doing. They probably know the law better than I do.

Joseph G Jones: That may be the case. I do not know anyone with 30 horses on someone else's land.

Q66 Neil Parish: What I am trying to say to you politely is this: does that not then give your community a very bad reputation that you do not perhaps necessarily deserve? It is a few elements within your communities that cause the major problems.

Joseph G Jones: I agree with you: negative stereotyping is a problem for the Gypsy and Traveller community. It is perpetuated in the media, but there is not great deal we can do about that. There needs to be something done about that. There needs to be PR; there needs to be publicity to explain to people who Gypsies and Travellers are because they do not know. They have a mythical idea about Gypsies and Travellers and it is not always a good one. People need to realise Gypsies and Travellers now are solicitors and engineers. I know a barrister from the Gypsy and Traveller community. John here works for the RSPCA. There are Gypsies and Travellers in all sectors of society now, but people do not realise that. They think we are all out fly-grazing and we are not.

John Grant: To answer your question, we cannot control the rogue element, because, if you try to do that, you end up with family wars going on for decades. Although they do not approve of what some of them do, they are loathe to say anything to them straight up, because what happens is a row then develops, which will be carried on down to their

children forever. Once Travellers fall out with each other, it tends to last a long, long time and it gets passed down families. If they can help it, they do not really like falling out with each other over it. Some of them do not approve of it and they look down their nose at it. They will not buy horses off them; they have to go outside to do their dealings, but that does not prevent the issue we have.

Q67 Neil Parish: That leads me quite neatly into my next question. If you are not able, and I can understand some of the reasons why you are unable to police your community on this aspect, what should we do with the legal loopholes and what should be doing to make it much tougher for those within your communities and others to exploit the situation on fly-grazing? How can we make it much tighter legally to be able to move these horses on and make sure that, perhaps, some of these horses are put down if they need to be, because they are in a poor animal-welfare state? How do Government and councils get more effective on this?

John Grant: It is a hard one, but from the side of having animals euthanised, there are a lot of colts that Travellers have now that they cannot do anything with. You would probably find, if the law was changed severely and they knew something was going to happen to them, they would be left intentionally places just to get rid of them as well, which could be a downside to it. There are a lot of colts floating around at the moment.

I went to see my brother five weeks ago. He had a little grey pony. I said, “Where did you get that from, David?” He went, “So-and-so’s sons have brought it down. They’ve brought it down in his box, dropped it off because he had nowhere to put it and said, ‘Would you like it?’” He has got a little horse colt that he does not know what to do with. What will happen is, probably in the summer, it will look really nice and the kids will play with it. Someone will come down and say, “I like that horse, David,” and he will give it to that person. A lot of horses at the moment are just going around the communities not actually being sold; they are just being given to each other.

Bill Forrester: It is communication, education and enforcement. Personally, the much better experience is doing things through a care-led approach with the enforcement to back it up, rather than an enforcement-led approach. Enforcement approaches sometimes are the only remedy you can have.

I would like to differ with Joseph to do with the influence that other people in the community can have. I have recent experience of a very large site we have in Kent where we had a problem with neglected horses. We had a number that had to be put down. I was making sure that other people on site were well aware—a number of those people are actually horse owners who look after their horses beautifully and one or two who are not—and, clearly, there was an amount of pressure brought to bear on the particular individual and we have not had a recurrence of the problem for a number of months.

However, it was a pretty horrendous problem at the time, because we had horses that were literally falling down and once they were down for a couple of hours they could not be got up. Some of them had to be put down. Most of the ones taken away by the RSPCA and vets and so on did not make it. That was people effectively shaming someone into looking after their horses better. It is not them directly—

Chair: I am going to move on, because we must finish before the bell.

Q68 Mr Spencer: Is the amount of land available to graze a concern to you in your communities?

Joseph G Jones: It is always difficult for people to find land. People often ask me if I know where there is any land that they can graze their horses on.

Mr Spencer: What can we do, then, to try to increase the amount of land available for horses to graze on?

Joseph G Jones: There used to be a lot of common land where people used to be able to graze their animals, which does not seem to exist now or, if it does, it is very sparse. Councils do own land and some of them do give out or sell licences for people to graze on their land. It might help if, perhaps, councils that are doing that made an effort to make information about the land they are putting out to license more available to the Gypsy and Traveller community.

Q69 Mr Spencer: What is the best way to communicate that availability? Is it via the internet?

John Grant: If the local authority has got Gypsy liaison officers, who go along to the sites and visit, it would not be hard to get that information out there if there were fields available. They would literally fall over themselves.

Joseph G Jones: There are ways. Some 75% of Gypsies and Travellers now use the internet. It is not that difficult to disseminate information. If it is positive information, people are interested. I agree with what the lady from NFU said about the carrot and the stick, but there needs to be the carrot and not just the stick. It cannot just be an enforcement-led thing. There has to be a carrot; there have to be some incentives for people.

Q70 Mr Spencer: How could we use spare Government land, even private land or land owned by companies that is not being used for any purpose at the moment? How could we create a system whereby it would be possible to have a managed agreement to allow the grazing and short-term let of that land? How would that system work?

Joseph G Jones: Councils issue 12-month licences to people to graze their animals. They then renew them annually. I know property developers sometimes buy up land prior to development. They might own it for a few years before they actually do anything with it. Actually, giving licences to Travellers to use it for grazing is a good way of using that land, because other Travellers will not then be tempted to use it for anything else.

Q71 Mr Spencer: Is a 12-month period the right length of time, though? You are saying these are travelling communities; what is the appropriate length of that lease?

Joseph G Jones: You do not need to get confused with the term “Travellers” and the travelling lifestyle. Travellers generally live in one place.

Bill Forrester: There are a lot of static Travellers and static horses.

Joseph G Jones: Travellers is a name, like someone from Iceland is not made of ice.

John Grant: If a Traveller is paying to keep their horse there, they will look after that bit of land and stop others putting theirs on as well. What happens with fly-grazing is that others spot whatever many horses on this area and they realise they are not paying for it,

so then they all join in and you get more push into it, whereas if someone is actually paying for it, they will police it themselves as well.

Q72 Mr Spencer: Are you confident that would work? If I were a member of the travelling community, I would be pretty grumpy if I set up this licence agreement to put my horses on this field and then found out somebody else had come along and stuck another 10 on there, and I had paid to rent that field.

Joseph G Jones: They would never.

John Grant: There would be arguments.

Bill Forrester: I think that would be respected.

Q73 Chair: To clarify, a Traveller stays put, but a Gypsy travels.

Joseph G Jones: No. You have Irish Travellers, Romani Gypsies, Scottish Travellers and so on. They are names for groups of people, but you can call Gypsies “Travellers” also. They are names; it does mean they have to travel all the time.

Chair: You said just now Travellers live in one place, but right at the beginning, Mr Jones, you told us if Travellers do not move they cannot be called Travellers anymore.

Joseph G Jones: No, I was talking about Gypsy status for planning purposes. People can often be very worried about the idea. You are born to be a Romani Gypsy, Irish Traveller, Scottish Traveller, Welsh Traveller or whatever. You are born into that family; you are born with that ancestry. However, if you want to have Gypsy status for planning purposes, which is a legal definition, that is nothing to do with whether you were born a Traveller or a Gypsy or not. That is why what people used to call “new age” Travellers could get Gypsy status although they were not born Gypsies.

Q74 Chair: Thank you. Mr Forrester, can I ask you, in your capacity as an enforcement officer, do you swing into action if a fear of reprisal has been expressed?

Bill Forrester: It is something that our members will get involved with in order to prevent these things arising, working very closely with the police and other agencies where we have that sort of issue happening.

Chair: What sorts of actions do you use to prevent reprisals taking place?

Bill Forrester: Sometimes things arise out of simple misunderstandings that have taken place or people have gone out and got the wrong end of the stick. Sometimes they arise from the particular way that somebody has of carrying on their affairs. In the first case, you can quite often resolve that through discussion. In the second case, they may well need support in relation to dealing with that effectively.

Our members are more liaison officers than they are enforcement, but they get involved with the enforcement. Quite often they are co-ordinating the activity that is going on with different agencies involved. In this sort of area, it is not something that is their particular brief, but it is something that they are getting more drawn into because the issue is greater and when you have a problem you want to have somebody who has the links with particular families.

Chair: Would that be if there was an encampment or two or three fly-grazed horses?

Bill Forrester: Yes, it could be or it could be connected up to a public site. Quite a lot of our members have responsibility for both. Some of the County Council organisations cover unauthorised encampments as well as public sites management.

Q75 Neil Parish: Could I ask you all to what degree do you believe the Gypsy and Traveller community have passports for the horses and the horses are microchipped? Percentage-wise, is it most of them or is it a fraction of them? It is identifying horses as well that is really important, whatever legislation you have in place.

Bill Forrester: That is a difficult question, but, in general, they are less likely to have them. As John said earlier, if horses are being passed between members of the family and not sold to external people, then actually there is not the same expectation.

Joseph G Jones: I remember when the horse passport thing came in. We were sent a big wodge of leaflets about horse passports, but we were never given a way to send those out to the community or anything. I do not know how much people know. People know that they have to have them and a lot of people do have them, because they do not want to lose their horses. One thing that has not really been touched on here so far is the provision of transit sites across the country. This is something that has been spoken about quite a lot over the years. Every local authority is supposed to provide transit sites for the Gypsy and Traveller community when they are passing through their area. With the transit sites, if there were also provision for people to keep their horses on a transit site, that could be a way of also reducing fly-grazing.

Q76 Neil Parish: Could I pursue the passport and chipping issue as well? One of the problems with the welfare of horses very much is the fact of the very low value of the horse. If you do not have a passport or it is not microchipped, there is no value at all to that horse, because technically you cannot sell it.

Chair: They give them away.

Neil Parish: I know, but eventually they become unsaleable or un-giveable-away they have to go somewhere.

Chair: You answered Mr Parish's question on passports. You said you thought that a great many Gypsy owners do not have horse passports; you did not answer on microchips, that I heard.

Joseph G Jones: I have no idea. I have no idea, but the fact of the matter is that in the Gypsy and Traveller community a good horse will still be worth thousands of pounds and a bad horse will not be worth anything, whether it is microchipped or not.

Chair: If you exchange horses, how do you put an economic value on the horse, within your community?

Joseph G Jones: That is decided between people. It is supply and demand, isn't it?

Q77 Ms Ritchie: I just have a quick question. Because of your interrelationship with Irish Travellers—obviously, I come from Northern Ireland—can you elaborate on why many of those horses that you have and that your constituent members have come from Ireland—north and south?

Joseph G Jones: Do you mean Irish Travellers born in this country or born in Ireland?

Ms Ritchie: Yes, Irish Travellers who come here and also Irish Travellers who are born here as well.

Joseph G Jones: I would say the majority of Irish Travellers in this country now were born here, although periodically there are waves of Irish Travellers that come from Ireland. You have to remember 90% of Irish Travellers in Ireland now live in houses. They may not be happy there, because they were probably brought up on sites.

Q78 Ms Ritchie: I have a supplementary question. Have they brought horses with them?

Joseph G Jones: Some people will bring horses with them. This year at Appleby Fair I saw a lot of people come from Ireland with horses.

Ms Ritchie: Can you put an estimate on the number?

Joseph G Jones: No, it is not possible, really, to say. However, you know Irish Travellers come from Ireland directly when they have Irish plates on their vehicles.

Bill Forrester: There are some English horse dealers who go to the Irish horse breeders.

Chair: Mr Grant, and then we are going to wrap. I think you wanted to say something.

John Grant: That was a couple of questions ago. I have lost my train of thought now.

Chair: Thank you very much indeed for participating in our inquiry. Could I ask the Minister, now, to take his place? Thank you all, gentlemen, for being with us this afternoon.

Examination of Witnesses

Witnesses: **Lord de Mauley**, Parliamentary Under-Secretary, Defra, **Sue Ellis**, Head of the Animal Welfare Team, Defra, and **Andrew Bishop**, Head of Livestock and Equine Identification and Animal Movements Teams, Defra.

Q79 Chair: Minister, good afternoon and welcome. Thank you very much indeed for participating in our session on horse welfare. Just for the record, would you like to introduce yourself and your team?

Lord de Mauley: Yes, I am Lord de Mauley; I am the Minister for the Natural Environment and Science. On my right is Sue Ellis, who is the policy lead on horse welfare—and on companion animal welfare, in fact—and on my left is Andrew Bishop, who is responsible for the identification regime for horses.

Chair: Thank you. You understand that in two minutes we will probably have to rise and we will return as quickly as we can.

Lord de Mauley: I do.

Q80 Chair: Obviously, there has been a lot of talk this afternoon on microchipping and passporting that we will come on to. What estimate have you in the Department and the Government made of the increase in horse fly-grazing in England over the last few months and years?

Lord de Mauley: First of all, it is worth saying that fly-grazing—[*Interruption.*] Would you like to start again when you return?

Chair: I will put the question again when we return. We will adjourn for the vote and hopefully come back within 10-15 minutes. Thank you for your understanding.

Sitting suspended for a Division in the House.

On resuming—

Q81 Chair: Thank you for your patience. If I repeat the question, we can start again. Minister, I am very grateful. What estimate has the Department and the Government made of the extent of horse fly-grazing and to what extent has it escalated in the last few months and years?

Lord de Mauley: The problem with horse fly-grazing appears to be quite a local problem to us. There are hotspot areas where, particularly, there is a focus on fly-grazing: for example, parts of Yorkshire, Essex, Kent, the north-west, and the south-west are affected. Overall, the welfare charities estimate there could be 3,000 horses being fly-grazed in England, but that figure has grown dramatically recently. I broadly accept that figure. It is a problem for landowners and farmers whose grazing is affected as a result. It is also, clearly, an issue for local authorities. It is important, also, to divide it into its components; only then can one consider how to tackle it. There is an issue of abandonment; there is an issue of deliberate use of other people's grazing. We should not lose sight of the fact that some horses are simply escapees and their owners are relatively innocent. They need to have the time to be reunited with their horses.

Q82 Chair: We just heard earlier in evidence that there has been a delay on the EU directive on passporting. I wonder if you are able to share with us what the reason for the delay is and how the Government is able to put the new directive on the front burner rather than the back burner.

Lord de Mauley: Yes, it is expected that the proposal will be voted on later on this year. We and a number of other Member States have concerns about how effective the current proposal will be in strengthening the regime. We are working with the Commission to encourage them to reconsider the approach they are taking, so that it delivers the long-term improvements to the regime that we feel is needed.

This is quite a complicated area and they are trying to get 28 different countries to agree on the approach. I would like the Commission to deliver on the commitments made in their five-point plan on horse meat fraud to transfer responsibility for issuing passports to the competent authority. This affects us particularly in this country. For us, the current fragmented issuing model is part of the problem. A more centralised model would go a long way to strengthening the regime.

Q83 Chair: Who would actually pay for the data to be entered?

Lord de Mauley: If I may start to answer and then, when I run out of words, if I can hand over to Andrew. We already have passporting and we have microchipping, with some exceptions that you will be aware of. The issue is one of database. We have looked at how we can do it as inexpensively as possible. Unless I am corrected by Andrew, it would

ultimately be for the owners of the horses to bear the costs. What we would be seeking to do is keep the cost as low as possible. Is that correct?

Andrew Bishop: More or less, Minister. We would pick up the cost of the database itself, whereas the individual would pay for the passport, as they currently do now. The likely business model would be that we would contract a supplier to service a database.

Q84 Chair: How do you tackle the criminal element of those who do not wish to microchip their horse or have their horse passported?

Lord de Mauley: With your permission, it might be worth just stepping back a bit, because it is important we keep in mind that the horse-passporting system is primarily focused on preventing the wrong horses entering the food chain. It is not focused on horse welfare. It can be useful for horse welfare, but the primary purpose of it is as I have said. Having given that caveat, maybe I can ask Andrew if he has anything to add to that.

Andrew Bishop: Indeed, the passports themselves contain veterinary medicine details, which should prevent any horse which has been administered bute from entering the food chain. That is the primary purpose, rather than disease control or criminality.

Q85 Chair: How, then, do you tackle the criminal element or those, as with dog licences before, who do not wish to microchip?

Andrew Bishop: The regulations are enforced by the local authorities and, clearly, there is a responsibility there. Where horses are found to be unidentified, the local authority has the right to prosecute in those circumstances.

Q86 Chair: We heard this afternoon that there may be a criminal element linked to the horse-meat scenario. Are you aware of that and are you monitoring that?

Lord de Mauley: Yes, of course. Certainly, a prosecution has taken place. I am sorry; I came principally this afternoon to talk about welfare. I was hoping you were not going to be pushing me too far into horse meat.

Q87 Chair: Are you able to confirm that the Elliott report will be published tomorrow?

Lord de Mauley: Am I able to confirm that? Imminently, is the answer, I think.

Q88 Roger Williams: Minister, you will be aware that in Wales there has been some recent legislation, the Control of Horses (Wales) Act. That seemed to be largely successful in dealing with fly-grazing on public land, at least. Has that had implications for England at all?

Lord de Mauley: I have been listening to the evidence that has been given to you, so I have heard what has been said earlier this afternoon. My understanding is that it only came into force about a month ago. It is quite early to tell, although I did hear what was said earlier this afternoon. I do understand that it has been used three times.

Q89 Roger Williams: Is the form of that legislation something that the Department has considered for possible use in England as well?

Lord de Mauley: I am certainly looking at it very closely indeed, yes, with great interest.

Q90 Roger Williams: Does the Department or do you, Minister, have any idea of the total cost of fly-grazing? I am now thinking not only about local authorities, farmers, landowners, charities and enforcement agencies. There are all these people involved. It

would be really useful if the Department could give us some idea of the cost of this and how it affects different parts of the community.

Lord de Mauley: I do not have an estimate of it. I have to say that my focus on it has been very much on the welfare issue. We talked earlier about the number of horses. I can see what I can find back at the Department and write to you, if I may, afterwards.

Roger Williams: That would be very helpful because we have heard some very, very large numbers this afternoon. The CLA indicated that an individual member dealing with just two horses cost £7,000. Those are still large figures. That would be very helpful. Thank you, Minister.

Lord de Mauley: Yes.

Q91 Neil Parish: Minister, I know you are working hard on a central database because, in the end, whether it is animal welfare or whether it is what the horse has been given in the way of drugs or whatever, it is the identification of that horse that matters. There are a lot of communities out there that do not actually want their horses identified when they get old, when they have a welfare problem or when they have no value. Therefore, it is the microchipping and the passporting system and a centralised database, but it does not matter whether it is bute or whether it is horse welfare; they are all linked. Where are we on it? Europe can prevaricate on it for as long as they like, but surely we could actually come forward with an actual centralised database if we wanted to.

Lord de Mauley: We thought very carefully about doing that. The reason we have not is that, when Europe comes through with its proposal, which it undoubtedly will—

Neil Parish: Yes, eventually.

Lord de Mauley: If we find we put in place something that did not quite fit with that, we would have incurred a lot of expense, we would potentially have caused the owners of horses a lot of trouble and then we would have to go through the whole thing again.

Neil Parish: Are you going to do anything about the 70 issuing passporting individuals? That means horses have more than one passport very often, do they not? They should not, really.

Chair: We are actually going to come on to this.

Q92 Mrs Glindon: Thank you, Chair. I apologise for not being here earlier in the meeting. Minister, you have already mentioned about the new Act in Wales. Does the Government have any plans to introduce legislation for England that is similar to these new stronger powers in Wales?

Lord de Mauley: That is a very interesting question. As I say, what I was planning to do was to watch very carefully what happened as a result of the Welsh legislation, potentially with a view to seeing if we could in due course bring forward our own. However, as you know, the timetable and programme for legislation is very strictly controlled; you know what was in the Queen's Speech. You probably are also aware that a private Member's Bill has been put down, which could go to this very issue. That is something that I am quite interested in. Legislation is a distinct possibility.

Q93 Mrs Glindon: Going back to the issue about local authorities, it has been suggested that fly-grazing is well down on the list of priorities for many of the local

authorities. Has the Government considered introducing a statutory duty to enforce relevant legislation at that level?

Lord de Mauley: That would place a considerable extra burden on local authorities. I would be very cautious about that. I would prefer to have gone down the route of legislation, but I need to go through the thought process carefully first.

Mrs Glindon: Have you discussed the possibility of strengthening the statutory duty with local authorities?

Lord de Mauley: I certainly had discussions with local authorities. I cannot remember whether that specific matter came up. Can you? No, I am sorry. I cannot remember whether the issue came up.

Q94 Mrs Glindon: Again, in relation to the horse passport system at UK and EU level, what steps will the Government take to ensure that equine-identification legislation is adequately enforced?

Lord de Mauley: The enforcement of the legislation will be for the local authorities. Really, that is a matter for them. Do you have anything to add to that?

Andrew Bishop: No, the legislation is quite prescriptive in terms of where the responsibility for enforcement lies. However, as with all issues, local authorities will prioritise their effort depending on pressures and perceived problems.

Q95 Mrs Glindon: Are you happy with the progress that has been made in reforming the passport system at UK and EU level? Is it progressing to the degree you would like to see?

Lord de Mauley: I expressed before some frustration with the pace of the progress.

Q96 Mrs Glindon: This is the last question from me, Chair. Do schemes for reduced-rate passporting and microchipping offer an effective way of increasing compliance with equine-identification laws? If you think so, could the Government do more to encourage and facilitate them?

Lord de Mauley: If I have understood you correctly, the problem is non-compliance, very often, in the case of fly-grazed horses. Therefore, I am not convinced, actually, that the European legislation is going to make a huge difference to solving the problem.

Q97 Ms Ritchie: There appears to be some uncertainty about whether the 1971 Animals Act, which refers to “stray” and not “fly-grazed” animals, is an appropriate tool for the removal of fly-grazing horses. Has the Government considered clarifying or strengthening the position?

Lord de Mauley: By way of setting the background, first, if I say our advice is that Section 7 of the Animals Act 1971, which refers to stray animals, can be used for animals placed deliberately and case law supports that interpretation. It is worth noting that the title of Section 7 is “Detention and sale of trespassing livestock”. Of course, it is ultimately for the courts to decide, but I do recognise that the issue is not clear-cut. If there is an opportunity to clarify the position, we should take it.

Q98 Ms Ritchie: Further to that, Minister, you have referred to certain legislation that could be used in terms of the detention of animals. How many times has this legislation been invoked to address this particular issue? Is that information available?

Lord de Mauley: I do not have the answer, but I might add it to my letter afterwards, if that would be helpful—if I can find it.

Q99 Richard Drax: Minister, we have heard from Henry Robinson from the CLA, Minette Batters from the NFU, and Steven Gale from Stockton-on-Tees Borough Council that ASBOs are, in effect, a waste of time, because often the owners of fly-grazing horses cannot be identified. How much use do you think the ASBO and the Community Protection Notice are in regulating fly-grazing?

Lord de Mauley: You are, of course, absolutely right. The use of the ASBO does depend on identification of the owner. However, ASBOs have been used successfully a couple of times and, indeed, in some literature I recently saw from a coalition of—

Q100 Richard Drax: Could I be very rude and interrupt you, Minister? I apologise. I understand—I think I am right; my colleagues will shake their heads knowingly if I get it right—that it took two years to bring that. That is sort of a little bit of a long time.

Lord de Mauley: Yes, I am getting there.

Richard Drax: I apologise.

Lord de Mauley: ASBOs have been used a couple of times to deal with very major perpetrators of this problem. I was about to say that literature I have recently seen from a coalition of interests involved in this indicates that, actually, quite often you can identify the owner. Admittedly that is not all the time, but quite often you can. Where you can identify them—and, indeed, as you say, it took a very long time to use an ASBO and a lot of effort and so on—is where the CPN, the new tool, comes in, which is a much more flexible and easy-to-use tool. The purpose there will be to speed up the process.

Q101 Richard Drax: Forgive me: I am ignorant of the CPN, the Community Protection Notice. What is the advantage of that over an ASBO, for example?

Lord de Mauley: It is simply part of a much more flexible set of tools that can be escalated. You issue a CPN first and if there is no action you can quickly move to take that person to court—basically, much more quickly than using an ASBO.

Richard Drax: You can take them to court. That is not a criminal court, I am assuming.

Lord de Mauley: Breach of a CPN is a criminal offence; is that not right, Sue?

Sue Ellis: Yes, that is right. It is a criminal offence with the appropriate penalties attached.

Q102 Richard Drax: Has the Government considered making fly-grazing a criminal offence? What are the advantages or disadvantages of doing so?

Lord de Mauley: We have not recently considered that, actually, no.

Q103 Chair: Would you consider it?

Lord de Mauley: As I say, first of all, if we are in a position to use a CPN, it can quite quickly turn into a criminal offence. Secondly, I am currently more interested, as I have said earlier, in watching how the Welsh model works and, indeed, if we are in a position to take some action along those lines, pursuing that. I heard somebody giving evidence to

you earlier this afternoon who said that if one was able to go down that route, one would not need to go down the criminalisation route.

Q104 Chair: I would like to draw some strands together from what we have heard this afternoon. It was my understanding, from what I have seen in North Yorkshire over the last 17 years, that about 10 years ago the Republic of Ireland changed its laws about the tethering and fly-grazing of horses and that is why we saw the influx here. Is that something the Department is aware of?

Lord de Mauley: Yes, I have heard that.

Chair: Might we replicate the Irish law and replicate a similar law here?

Lord de Mauley: I cannot remember the detail of the Irish law. Are you in a position to answer, Sue?

Sue Ellis: Yes. It gave the ability for local authorities to seize horses and destroy them, as far as I am aware. There was also some ability for them to claim money from their central Government to fund that activity. The last figures I saw a couple of years ago suggested that about €5.6 million has been spent, mainly in terms of the destruction of horses. Obviously, quite a lot of effort has gone into that. What we do not have is any evidence that it has impacted in any way on the situation here.

Q105 Chair: We heard evidence this afternoon that there was concern about how the public might react when you use the term “destroyed”; they use the term “euthanasia”. Obviously, there is a large animal welfare lobby out there. Is the Department concerned? Really, Minister, it is a political question. Is the Department concerned about any reaction to this? If we do not actually put that on the table—this is a personal view—I do not see how we are going to get around this problem.

Lord de Mauley: I agree. It should be an option and, indeed, it is often the most humane option. It is also important that people know that the major animal welfare/horse welfare charities involved also think that it is an option that has to be on the table.

Q106 Chair: In a sense, a lot of questioning and a lot of the answers have been about the inability to identify ownership of the horses. The Anti-social Behaviour, Crime and Policing Act 2014, presumably, was a Home Office Act. It was a bit surprising for us to hear this afternoon that the CLA, the NFU and local authorities appear not to have been consulted on that Act. Therefore, most of the businesses affected did not actually have a say in that. Would that not cause you some alarm? They are the ones who are actually most affected and they find that the Act is not anything like the tool they would have hoped for.

Lord de Mauley: It is very difficult to anticipate every possible group that might have an interest in any piece of legislation. I suspect, had they known about it, they could have submitted to the consultation, but I agree they may not have been approached directly. What is interesting about that piece of legislation is that the breadth of its usefulness was not necessarily appreciated at the time it was going through. It did not necessarily occur to me that it would be helpful in addressing this particular problem at the time, but it has subsequently.

Chair: I hear locally, particularly from private landowners as opposed to highway authorities, that there is a very real fear of potential threats and real threats of reprisals. We have heard about it this afternoon. Again, this really falls more in the criminal domain. That

is why perhaps we are not actually coming up with the right tool to deal with this. Have you and the Department given this some thought?

I know for a fact—we have put it to witnesses from all sides this afternoon—that they are frightened of taking the law into their own hands, because they may come back and find their barn burnt down or other things happening. It comes also within this umbrella of what I would call “rural crime”, personally. It is a bit like poaching and not wanting to take action against poachers, because you do not know that there will not be reprisals. You are best placed to come up with a solution to these offences. I wondered if you have given any more thought to how we might do so.

Lord de Mauley: Threats and reprisals, particularly in the rural context, are one of the most difficult things to tackle. Actually criminalising it does not really go, if I may suggest, to the root of the problem, which is, how do you identify who those issuing the threats are? I am not convinced that criminalisation would achieve what we all want. What I do like to do is to go at this a step at a time and see what we can achieve with the proposals that are available to us.

Q107 Chair: What steps does the Government consider appropriate to prevent the over-breeding of horses?

Lord de Mauley: Over-breeding is a significant issue and it is something I have been thinking about and talking to the welfare charities about. I know they share it. The solution lies in better education and information for owners and potential owners of horses. Do they need to breed from their horse? Do they have a market for the foal? Can they afford the costs in caring and supporting it? It really is a hugely difficult challenge. It would be very difficult to legislate for in practical terms. The important thing is to spread the message and that is something we work with the Equine Sector Council for Health and Welfare to do.

Chair: There are certain parallels with the debate tomorrow on puppies and kittens.

Lord de Mauley: Yes.

Q108 Chair: What measures might be taken to facilitate the provision of spare public land, private land or even company land that is not being used?

Lord de Mauley: Could you say that again?

Chair: Where there is an oversupply of land in the public sector, private land or company land that is not being used, we heard arguments that the land could be used to rent to these horses that are currently being fly-grazed. Is that something the Government would consider, trying to get a property dossier for those who were prepared to, in return for rent?

Lord de Mauley: I completely understand the concept. It has crossed my mind, although I am not sure it is something that would be very easy for central Government to do. Local government could certainly already do it; there is no reason why they should not be doing it. However, if they are not, there may be practical reasons why they are not, like, for instance, the availability, the setting of rent, what happens when you have rented it to someone and then they stop paying the rent. I suspect it is quite complicated.

Q109 Chair: Finally, has the Department had any representations on how the Anti-social Behaviour, Crime and Policing Act 2014 is being applied?

Lord de Mauley: You mean in terms of the issuance of Community Protection Notices?

Chair: Yes.

Lord de Mauley: It is too early to tell, actually, because it has not yet entered into force. It comes into force on 20 October.

Chair: Hopefully, you will take away some of the comments that have been made and share with the Home Office, but we thank you, Minister, and your team for being with us this afternoon. Thank you very much.

Lord de Mauley: Thank you very much.

Chair: We stand adjourned.