

Round and Round: Tethered Horses in Swansea



A report by Friends of Swansea Horses

May 2015

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Friends of Swansea Horses is a voluntary organisation dedicated to improving the welfare of all horses across Swansea. It is funded entirely by donations.

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Round and Round: Tethered Horses in Swansea

'It is easy for bad to become normal.'

Temple Grandin – world authority on animal welfare.

Round and Round: Tethered Horses in Swansea

Contents	Page
Executive summary	6
1 Introduction	8
2 The welfare of tethered horses in Swansea – some illustrations	9
3 The welfare impacts of tethering	16
4 Associated problems of tethering	24
5 Public concern	26
6 Council case studies	29
7 Recommendations	33
8 Sources	35
Appendix 1 – South Wales Evening Post, September 6 th 2000.	38
Appendix 2 – Public spaces protection order.	39
Appendix 3 – Council costs in dealing with horse-related incidents.	41

Round and Round: Tethered Horses in Swansea

Executive Summary

1 Tethering of horses is widespread across Swansea on public spaces. Horses are kept in situations such as small areas of green space, by roadsides, on derelict sites, on community amenities including playing grounds, in alleyways and sometimes gardens. These horses are often kept tethered for lengthy periods of time, extending into months or longer. There is very considerable public concern about this. The high prevalence of tethered horses has been an issue for a very long time. Newspaper reports from the year 2000 (see Appendix 1), for example, highlight significant concerns with tethered horses across Swansea then. Little appears to have changed.

2 Two recent academic studies^{3,4} (published in 2012 and 2014) of horses tethered in Swansea and South Wales identified significant welfare concerns. These concerns included that over 80% of such horses did not have ready access to water or shelter from the elements, while less than 3% were observed to be provided with more than 5 minutes off-tether exercise per day. Tethered horses were observed to exhibit poorer mood, less activity and to have higher incidences of minor injuries and lameness.

3 The scientific literature on horse welfare affirms that tethering severely constrains the natural behaviour of a horse. It prevents active movement and choice, it prevents social contact and grooming, and it prevents flight in the event of threat or attack. The restraint of tethering is associated with 'learned helplessness', where an animal loses motivation, does not experience positive emotions and becomes depressed. Tethered horses are, further, vulnerable to attack and abuse.

4 The Welsh Government Code of Practice on the Welfare of Equines¹ states, '*Tethering may be useful as an exceptional short-term method of animal management during brief stops during a journey, to prevent danger to the animal, or to humans, whilst proper long-term arrangements are made, or in medical cases where short-term restriction of food intake is required under veterinary advice*' (Section 1.17, p.20). Yet the majority of horses tethered in Swansea are kept not only in breach of the requirements of the Code but, as a matter of course, for lengthy periods.

5 The tethering of horses in Swansea creates a number of further adverse effects. These include loss of community amenities, exacerbation of blight and reduced visual amenity, risks to the public from tethers and horses themselves and, in some cases, a local culture of intimidation around the ownership of horses. The latter creates potential flashpoints for violent incidents. There is a high level of public concern about these issues and horse welfare.

6 The widespread and sustained occurrence of tethering of horses on public land has been facilitated by the ready availability of very cheap horses, the ease with which horses are obtained without resources to care for them and the availability of what is perceived as 'free' livery in the form of grazing on public land. This creates a repetitive cycle of acquisition, tethering, neglect and abandonment. Where the Council does intervene, the failure to address the core problem means that the cycle starts again. The costs of keeping a horse are high, estimated at minimum to be £3,000 per annum per horse for the most basic grass livery². Those without the resources to fund this may acquire horses cheaply and then fail to provide proper care.

7 Considerable on-going costs are created for the local authority when the tethering of horses leads to seizure: for instance, where risks arise of accidents involving

Round and Round: Tethered Horses in Swansea

horses that have broken free, or there is complaint about nuisance, or in cases of severe evident welfare harms. These costs include, amongst others, the costs of responding to complaints, of attempting to locate owners, of collection and impounding of horses, and of euthanasia and carcass disposal. In 2014 alone, Swansea City and County Council received 664 complaints relating to horses and seized 225 horses, at a minimum estimated cost of £73,992 (see Appendix 3).

8 Over the three-year period 2012 to 2014 the Council euthanised 224 horses that were seized (82 in 2012, 73 in 2013 and 69 in 2014). That is, the horse-related problems in Swansea, and the Council response to them, have also 'cost' the lives of all these horses. The use of euthanasia as a mechanism of control in place of addressing core problems is unacceptable.

9 In 2014, Hillside Animal Sanctuary accepted over 100 horses that had been seized by Swansea City and County Council. The Sanctuary incurred approximately £7,500 in costs of transporting the horses (from Swansea to Norfolk). The estimated annual cost to the Sanctuary for the care of each horse is about £2,000. These costs continue year-on-year for the lifetime of a horse. Continuing horse-related problems in Swansea have therefore created costs for this rescue organisation that is committed to protecting the lives of horses of likely in excess of £200,000 per annum. The costs are met entirely through donation by the public. It is unacceptable that horse-related problems that have not been addressed locally are being addressed by others in this way, through failure to take effective preventative action.

10 The approach of the local authority to date has been reactive. It has never adopted a clear and coherent policy to proactively address horse-related problems or the particular issue of tethered horses. This has meant the welfare problems have continued, public distress and concern has remained high, and annual financial costs to the authority have not reduced.

11 The issue of tethered horses is a problem for many authorities. A number - including West Hartlepool, Durham and York - have adopted proactive strategies to address this, with much success. In every case, a critical element has been the development of effective partnership working on a sustained basis between an authority and other agencies such as the Police, Fire Service, Highways Authority and the RSPCA.

12 It is recommended that Swansea City and County Council seeks urgently to set up a multi-agency forum that meets regularly to fully assess the situation, appraise the costs caused and to identify effective solutions with horse welfare paramount in all considerations. The determinations of this group should inform Council policy on response to and management of illegally grazed horses. It is suggested that advice be sought from other authorities which have had success in addressing these issues.

13 It is recommended that such a forum may consider possible approaches highlighted in this report including, inter alia: adoption of a zero-tolerance approach to tethering; mapping of the problem including identification of horses involved; the use of 'public spaces protection orders' to prevent tethering; communication of expectations by a suitable media and education campaign; support for passporting, microchipping and neutering; the impounding and rehoming through sanctuary of horses where necessary; the establishing of strong links with rescue organisations; the making available of suitable Council-managed licensed grazing facilities with required conditions for tenure; and the appointment of a dedicated Swansea horse warden.

Round and Round: Tethered Horses in Swansea

1 Introduction

1.1 Horses are widely kept on tethers across Swansea. Very often horses are found tethered on small areas of public spaces in urban areas, on greens associated with supermarkets, schools and playing fields and also on paths and in alleyways adjacent to properties. In the vast majority of cases the owners have no permission to keep them there. Tethered horses are found kept on tethers for significant periods of time – for days, weeks, months or even years. There is very significant public concern about the tethering of horses and a great deal of frustration amongst Swansea residents that it occurs and has occurred for so long.

1.2 This report provides evidence of the welfare problems associated with the tethering of horses across Swansea. It presents documentary evidence of the tethering of horses in a range of situations as illustrations of the welfare problems caused. It also presents the results of studies of the welfare of tethered horses across Swansea and South Wales, and sets this in the context of the broader scientific literature relating to horse needs and horse welfare.

1.3 This report also examines the further consequences of the keeping of tethered horses on public spaces. These consequences can include loss of amenity to local communities, exacerbation of blight and often a culture of local intimidation. When horses are obtained cheaply and without resources for their care, tethering on public spaces as a kind of ‘free livery’ encourages its continuation. A consequence in many cases is a cycle of purchase, tethering without adequate care, neglect and abandonment. The costs fall directly on the Council and, where impounding occurs, often also on rescue organisations that take on the long-term costs of care of horses.

1.4 The problems associated with horse tethering on Council and other land – as a form of ‘fly-grazing’ – are not unique to Swansea. In fact, in recent years, many authorities across the United Kingdom have encountered problems. A number of authorities have adopted proactive strategies to prevent problems continuing, to reduce risks, pre-empt costs and to protect the welfare of horses. Examples of some of these initiatives are presented and some suggested recommendations for action provided. In every case in this report, where intervention has proved successful, a critical element has been the partnership working between various agencies. Friends of Swansea Horses hope that this report may prove a catalyst for the development of committed partnership working between Swansea City and County Council and other agencies to achieve solutions to the problems of tethering, for the benefit of the Swansea community, but more particularly for the benefit of the horses who have suffered too long and for whom it is about time they were put first.

Round and Round: Tethered Horses in Swansea

2 The welfare of tethered horses in Swansea – some illustrations

2.1 Horses are kept tethered across Swansea in a wide range of situations. Very often small areas of public land such as patches of grass, or accessible areas of greenery, are taken advantage of to keep a horse by putting them on a tether. Formally, no 'permission' is granted for this by the local authority, but the practice is extensive and has occurred for many years without authority intervention in most cases. The nature of tethering and its effects on welfare are firstly illustrated here using a number of photographs of tethered horses in Swansea. All the images have been taken in the last year. In Section 3, a fuller discussion is provided of the evidence of welfare harms associated with the practice of tethering.

Figure 1: Horses are often kept with improvised heavy halters linked to a short chain. The horse may suffer neck abrasion and soreness and even risk strangulation. Horses may be impaled on tethering points. Here the horse is prevented from moving from the tether point and interacting with other horses. This horse is 6 months of age.



Figure 2: Horses are often tethered wherever there is accessible land which includes on roadside verges. Such horses are highly limited in the range of movement possible and may be at risk from traffic or pedestrians.



Round and Round: Tethered Horses in Swansea

Figure 3: The tethering of horses will frequently interfere with their ability to express natural behaviour. Here a mare is prevented from interacting properly with her foal and is at risk of distress and entanglement if she seeks to pursue the foal or becomes anxious about it - for example, if the foal is approached.



(Below) A foal is separated from its mother, who is kept on a tether.



Round and Round: Tethered Horses in Swansea

Figure 4: A tether often severely restricts the scope for movement and means the horse necessarily repeatedly treads a confined area, potentially reducing it to a muddy mess with little or no effective forage. Most often in such situations, a horse will not be provided with ready access to water and will be exposed to the elements without shelter it can access.



Figure 5: Tethered horses experience restricted movement and cannot make choices to respond to their environment. Their environment is limited and will most often lack stimulation and variety. Horses may be tethered in situations which put them at risk of abuse from which they cannot escape. Tethering, as here with a tether tied to a lamppost and running across a public footpath, can also create risks to the public, including children.



Round and Round: Tethered Horses in Swansea

Figure 6: A tether precludes anything other than repetitive motion at the limit around the radius of the length of the tether. Not only does this restrict movement, prevent response to the elements and create health risks (for example, rainscald), but it progressively reduces the quality of forage - to the extent of creating compacted and/or barren muddy areas. Again, accessible water is seldom supplied, nor is sufficiently frequent movement to fresh grazing areas.



Round and Round: Tethered Horses in Swansea

Figure 7: Tethering often occurs in exposed situations, which are subject to marked variation in weather conditions and without adequate shelter.



Figure 8: Horses are at risk from exposure to the elements not only when it is cold and wet but also during hot periods. Shelter needs to be provided and would ordinarily be sought by a horse, but they are prevented from doing this on a tether. As seen here, the horse is unable to access shade – the location of which varies in the course of the day - and the limited water provided is out of reach of the horse.



Round and Round: Tethered Horses in Swansea

Figure 9: Horses are highly social animals. Where horses are kept on a tether interaction is prevented. Across Swansea there are many instances where individual horses are being kept in isolation for days, weeks or months at a time, as in the case of the Shetland below. While Shetlands are hardy, the provision of a limited coat is not sufficient to protect the welfare of the horse, and being kept in isolation disregards their social, emotional and behavioural needs.



Figure 10: Tethering limits the horse in multiple ways and can create depression. Horses may be tethered (as below) in situations which are highly exposed, are barren, and dispose them not only to mental health problems, but also to physical health problems with hooves, coat and eyes (amongst others).



Round and Round: Tethered Horses in Swansea

Figure 11: Tethered horses are vulnerable to abuse from which they cannot escape. In 2014, a woman was filmed repeatedly kicking a tethered horse in Blaen-Y-Maes:



Figure 12: Horses tethered may simply be neglected and provided with no veterinary care when it is required. This horse experienced suffering for some period while tethered alongside a property and - after being reported by concerned local residents - required to be euthanised.



3 The welfare impacts of tethering

The tethering of horses by definition involves the keeping of a horse attached to a tether such that its movement is restricted. This restriction may have a number of impacts including on a horse's activity and behaviour, on its opportunities for social contact, on its experience of its environment, and potentially on its mental and physical welfare.

Studies of tethered and free-ranging horses in Swansea and South Wales

Two recent studies^{3,4} have provided evidence of how tethered horses in Swansea and the broader south Wales area are kept and how their welfare compares with that of free-ranging horses in similar environments. The first study compared the treatment and welfare of 37 tethered and free-range horses at a single site in Swansea, observing both over a period of six weeks, focusing on physical welfare. The second involved more detailed observations over a six-month period of 170 horses at four locations across south Wales, assessing both physical and mental welfare.

3.1 Food and water

3.1.1. The body condition of tethered horses observed was generally within a reasonable range suggesting that despite limited access to food, most horses received adequate nutrition. However, about 13% of horses were found to be too thin and about 8% overweight. In about 10% of cases, there was a lack of grass cover and in 35% of these, insufficient provision of other forage.

3.1.2 Water was not available on a regular basis in over 80% of cases. The authors of the first study noted, *'When water was available this was mainly in the form of standing water on fields or agricultural drainage ditches'* (p.597). And, *'During the observational period, only 2 horses were offered fresh water by their carer. On 3 separate occasions horses were observed to break free from their tether and each time the horse headed first to drink from the water source in the area'*(p.596). In the second study, it was noted, *'Almost three-quarters of the time tethered horses were offered a bucket of water (ie as part of the study) they drank at least some of it.'*(p.33). The study found water was no more likely to be provided in hot conditions than at other times.

3.1.3 With free access to water horses will drink several times a day⁵, with a requirement of approximately 5 litres of water per 100 kg weight⁶. This implies a typical 500 kg horse would be expected to drink 25 litres per day of water⁶. The lack of ready access to water is a severe welfare hazard for these horses.

3.2 Shelter

3.2.1 Shelter from extremes of weather was seldom provided for the tethered horses. The authors of the first study noted, *'No tethered horses were provided with shelter. There was limited shelter on the site; only a few trees and banks that could act as wind-breaks'*(p.597). And concluded, *'The lack of shelter is a serious welfare concern and improving access to shelter for these animals might significantly improve their welfare'* (p.597). The second study found shelter from wind was available on only 16.5% of occasions, from rain, on only 14.5%, and from sun, on only 12.5% of occasions. This compared unfavourably with the situation of free-range horses who were almost always able to access shelter from wind, rain and sun. Both tethered and free-ranging horses were rarely observed wearing a rug.

Round and Round: Tethered Horses in Swansea

3.2.2 Under ordinary circumstances feral or free-ranging horses will actively seek shade and other types of refuge^{6,7}. They seek dry areas during wet, cold weather and shade in hot weather. A number of studies^{e.g.7} have shown that horses seek shelter especially when it is windy and wet, though wind alone also increases time spent by horses in shelter. Snow, and very cold temperatures combined with wind, are strongly linked to horses seeking shelter. Both mares and foals are particularly likely to seek it⁷. The lack of opportunity for tethered horses to seek suitable shelter compromises their welfare^{6,7}.

3.3 Physical condition

3.3.1. Both tethered and free-ranging horses were found to have high incidence of rain-scald. The first study authors noted, *'One of the most significant problems observed was the high percentage of rain-scald. ... This condition is both painful and can be pruritic'* (p.597). *There was no attempt to treat these animals'*. Instances of eye discharge were common, particularly so in tethered horses. Tethered horses showed a higher incidence of hoof cracks, higher levels of lameness, more frequent signs of limb pain and greater incidence of minor injuries^{3,4}. The lack of exercise associated with tethering contributes to the development of significant hoof damage and cracks, as roaming over distance (likely at least 5 km per day) is necessary for hoof health to be maintained⁸. Of tethered horses observed with minor injuries, in only one case throughout the first study period was such an injury treated. It was further noted, *'There was no evidence of hoof-care such as by a farrier during the 6-week period of observation'* (p.597).

3.4 Exercise

3.4.1 Exercise provision for tethered horses was minimal. While in about 80% of cases, there was evidence that the tether site for a horse was moved every 24 hours, the extent of exercise observed was the movement from one site to another. Though round the clock observation was not possible, in no cases in the first study was it observed that tethered horses received off-tether exercise of more than 5 minutes each day, while it was observed in less than 3% of cases throughout the six-month period of the second-study. While horses were tethered they spend most time standing. The authors noted, *'The reduction in walking, trotting and cantering and increase in standing when alert observed in tethered horses suggests that there is a shift from active to inactive behaviours in tethered horses compared to free-range horses'*⁴ (p.35). And, *'23.5% of the tethered study population were less than 2.5 yrs old. Across both tethered and free range observations these young animals were more likely to be seen walking, lying, playing and being involved in friendly interactions than older horses. Most of these behaviours which are more important to young than older horses may be significantly compromised by tethering'* (Mustang Report²⁰, Table 8).

3.4.2 Feral horses are free-ranging and forage widely, spending a large proportion of time grazing^{6,28}. The feral horse grazes relatively slowly and keeps on the move with short periods at rest²⁸. They may potentially cover up to 80 kilometres per day in seeking forage and feeding¹². They use a full range of gaits and movement including walking, trotting, cantering and galloping⁶. The behaviour of feral horses is a guide to the exercise needs of domestic horses²⁸.

3.4.3 Where horses' behaviour and exercise are restricted they show significantly increased stress-related behaviours⁶. Horses will actively choose opportunities to exercise if previously restricted or confined⁶. If confined and prevented from expressing natural behaviour and movement they have been shown to react with

Round and Round: Tethered Horses in Swansea

increased activity when let out, including trotting, cantering and bucking^{9,27}. This occurs to a greater extent the longer a horse has been kept in confinement⁹. Confinement in stalls specifically has been shown to lead to increased stress even where there is opportunity for social contact, reflected in both physiological and behavioural measures^{6,10,26}. Tethering creates equivalent or greater restriction of movement, prevents exercise and limits the range of gaits a horse can choose to use.

3.5 Social contact

3.5.1 The local studies did not specifically examine social contact between horses, but the tethering of a horse substantially restricts its opportunity to interact with other horses. Social interaction and contact are very important to horses as a large number of studies have shown, with social isolation being consistently associated with signs of stress^{6,10,11,17}. Feral horses are seldom solitary during their life. Preferred attachment between certain individuals is invariably found in feral and free-ranging horses, not only between dam and foal but also among peers of all ages and genders¹¹. Individually-stabled horses (compared to those pair- or group-housed) show higher levels of stress-related behaviours including vocalisations, neighing, pawing and increased likelihood of stereotyped behaviour¹⁰. They also show higher levels of stress-related hormones^{6,10}.

3.5.2 An important activity for horses which is precluded by tethering is mutual grooming. This occurs commonly in horses with the opportunity to do so and not only helps coat maintenance, but reduces social tension and provides reassurance following social contact¹¹. Horses are very sensitive to physical contact reacting, for example, to pressures that are too light for humans to feel¹². Social contact is also important for play between horses, which is not only rewarding but builds social, survival and communication skills^{11,17}. Play may involve running, frolicking, chasing, bucking, jumping, prancing, leaping, manipulation of an object, play-fighting and play sexual behaviour, and is important in adulthood as well as for foals¹².

3.5.3 The social isolation and prevention of free association and interaction between horses associated with tethering is very likely to create frustration and stress and to compromise welfare. This is likely to be particularly so for younger horses, where opportunity to, run, play and interact socially is especially important.

3.6 Mental well-being

3.6.1 Tethered horses were found to be substantially unresponsive to approach by a person, in the majority of cases turning or moving neither towards nor away from an approaching person. This contrasted with the behaviour of free-ranging horses which tended to actively move away. Ratings of general demeanour and mental welfare of horses indicated significantly lower mood scores for tethered horses compared to free-ranging. The inference that tethered horses' mental welfare was likely to be poorer was reinforced by observations of far more frequent vocalisations by them, occurring more than four times as often as for free-ranging horses. The authors of the second study concluded, '*...the differences related to tethering such as fewer observations of walking, trotting and cantering, increased vocalisations, and poorer mood scores indicate that the behavioural restrictions of tethering are likely to adversely affect welfare*' (p.36).

3.6.2 The impression conveyed by the observations of both the academic studies and of the many anecdotal reports of tethered horses in Swansea is that of the horses often being in a depressed state. The observed behaviours appear to

Round and Round: Tethered Horses in Swansea

correspond to those of 'learned helplessness', which has been found in many species where an animal is subject to sustained stress from which it cannot escape¹³. Learned helplessness is characterised by apathy, depressed mood and lack of pleasure as well as suppression of behaviour. Learned helplessness is known to have physiological correlates, being associated with severe inhibition of the neurotransmitter dopamine in particular areas of the brain when behavioural responses to stress are prevented¹⁴.

3.6.3 One of the most important causes of learned helplessness is restraint¹⁵. The primary feature of a tether is that it restrains the horse and restricts its movement. As discussed above, this will prevent the horse from being able to make choices (e.g. to seek shelter), to actively exercise, and to engage freely in social interaction with other horses. All of these are things that evidence shows a horse is motivated to do and will experience frustration and distress if prevented. It is highly likely that horses will display signs of learned helplessness when tethered.

3.7 Summary - the welfare impacts of tethering

3.7.1 Feral horses are social, herd animals which are free-roaming and pasture-grazing. In their natural environment they have to adapt to environmental changes and challenges for their survival. Compared to their feral relations the diversity of behaviour observed in tethered horses (as with stabled horses) has been dramatically altered^{6,16,17}. Tethering causes social isolation and restricts horses in movement and behavioural options, reduces environmental stimulation and is associated with elevated levels of stress.

3.7.2 Table 1 below provides a comparison of five different husbandry systems for horses (including tethering) with respect to the extent to which each system provides opportunities for the range of a horse's behavioural needs to be met. The comparison provides ratings for each of 'feral', 'small pasture', 'large pasture' and 'stalled alone' on the basis of expert judgement by Kiley-Worthington¹⁷ following review of the scientific literature on horse welfare. In light of the evidence discussed and reviewed above, an additional rating for 'tethering' has been included here against each behavioural need. This extended analysis indicates that tethering provides very little opportunity for the expression of a horse's physical, social, emotional and cognitive needs. Drawing on the evidence relevant to impacts of tethering, the analysis implies that the welfare of a tethered horse is compromised in similar, and perhaps more severe, ways to that of a horse kept alone in a stall – a system that has come under extensive criticism for the welfare harms associated with it⁶.

3.7.3 Since horses have evolved to live in social groups and to spend the majority of their time seeking and consuming a wide variety of forages, it is unsurprising that denying them the opportunity to express these behaviours is detrimental to their welfare^{12,17}. The evidence is overwhelming that it is so for horses kept tethered.

Round and Round: Tethered Horses in Swansea

Table 1: Evaluation of the opportunity to meet behavioural needs afforded by different horse husbandry systems. (After Kiley-Worthington, 2011,p.109/10)¹⁷.

Behavioural Need	Horse Husbandry System				
	Feral	Large pasture	Small pasture	Stalled alone	Tethered
Physical needs					
Sufficient exercise; move as far as he/she wants	5	5	3	0	0
Perform all gaits	5	5	3	0	0
Feed always available	1-4	5	4-5	0-1	2-5
Water always available	2-4	5	5	5	0
Can groom all body parts	5	5	5	2-4	2-3
Shelter always available	1-3	4-5	5	5	0
Treatment of ailments	0	5	5	5	3-5
Social needs					
Free contact with others	5	5	0-2	0-1	0
Mixed age groups	5	5	0	0	0
Constant group	4-5	4-5	0	0	0
Mothering and being mothered	5	5	0-3	0	0
Natural weaning	5	5	0	0	0
Emotional needs					
Experience wide range of emotions	5	5	0-2	0-2	0-1
Cognitive needs					
Opportunity to learn	5	2-4	0-2	0-2	0-2
Allowed to make choices	5	5	0-3	0-3	0-1
Acquire ecological knowledge	5	2-4	0	0	0
Acquire social knowledge	5	3-5	0	0	0
Opportunities to solve problems	5	3-5	0-2	0	0
Interesting/changing environment	5	3-5	1-4	0	0

Key: Ratings: 0 = no opportunity, to 5 = maximum opportunity.

Feral: wild equine populations in unenclosed or very large fenced areas.

Large pasture: groups of at least five individuals, with at least one stallion, females and young of all ages, in areas of over 10 ha, with shelter and fed when required.

Small pasture: horses kept isolated in small pastures of less than 1ha.

Stalled alone: horses tied in lines for at least 8 hrs per day, able to see and touch neighbours, but without freely-available fibre food.

Tethered: horses kept on a long-line tether.

Round and Round: Tethered Horses in Swansea

3.8 The Code of Practice on the Welfare of Equines and the tethering of horses.

3.8.1 It is sometimes implied or stated that, *'the tethering of horses is not illegal'*. While this is strictly true - in the sense that there is no statute in the United Kingdom that specifically prohibits the tethering of horses as there is, for example, for the tethering of pigs under farm animal welfare regulations - it is misleading. The Animal Welfare Act, 2006¹⁸ requires that anyone responsible for an animal must ensure that it does not experience unnecessary suffering and that its behavioural needs are met. In Wales, the Code of Practice for the Welfare of Equines¹ details the requirements for the lawful keeping of horses consistent with the Animal Welfare Act (AWA), including with respect to tethering.

3.8.2 The Code of Practice has legal status. The Preface to the Code states, *'This Code explains what you need to do to meet the standard of care the law requires'*. Where a person does not comply with a provision of the Code they are not automatically liable to prosecution (AWA, Section 14(3)). However, failure to comply with any provision may be relied on in court as tending to establish liability for an offence (AWA, Section 14(4)). Part 2 of the Wales Code of Practice for the Welfare of Equines includes a section specifying requirements under the Act for the tethering of horses. Failure to comply with any of the provisions when tethering a horse tends to establish liability for an offence.

3.8.3 The Code states, *'Tethering is not a suitable method of long-term management of an animal, as it restricts that animal's freedom to exercise itself, to find food and water, or to escape from attacks by dogs or the extremes of hot and cold weather. It also risks an animal becoming entangled, or injuring itself, on tethering equipment. Tethering may be a useful as an exceptional short-term method of animal management during brief stops during a journey, to prevent danger to the animal, or to humans, whilst proper long-term arrangements are made, or in medical cases where short-term restriction of food intake is required under veterinary advice. The need for regular supervision is paramount'*. (Section 1.17, p.20).

3.8.4 The evidence obtained in the studies of tethered horses in Swansea and South Wales shows that, in almost all cases, the tethered horses observed were kept in breach of provisions of the Code. In many cases the breaches will undoubtedly have created unnecessary suffering. Implicitly, the majority of those tethering horses in this area are likely to be formally in breach of the AWA. Table 2 below details breaches that were observed and their extent.

3.8.5 The position that tethering is an acceptable form of management of a horse **only in exceptional circumstances and only over the short-term** is echoed by the views of relevant welfare organisations. For example, The tethering of horses and ponies is covered within the 'frequently asked questions' section of the RSPCA website where they state that they are *'not in favour of tethering'* and that *'tethering is not suitable for the long-term management of an animal due to the physical restriction and increased risk of poor welfare caused by tethering'*¹⁹.

3.8.6 The second local study²⁰ examined knowledge of those keeping both tethered and free-ranging horses. They found a very limited understanding and familiarity with the requirements of the AWA and the associated Code for equines. The authors state, *'Whatever the wording of the Code of Practice it needs to be communicated to, and understood by, the owners of tethered horses who are ultimately expected to act in accordance with it. The lack of knowledge of the existence of the Code of Practice reported by owners in this study indicate that attempts to raise awareness about the Code of Practice have so far been unsuccessful'* (Mustang Report²⁰, Table 8).

Round and Round: Tethered Horses in Swansea

Table 2: Adherence to the Code of Practice on Welfare of Equines for horses observed in Swansea and South Wales^{3,4,20}.

Code of Practice Condition	Extent of adherence to the Code
<p>A: Suitability of the animal</p> <p>Young animals. Horses under two years should not be tethered</p> <p>Mares should not be tethered near stallions</p> <p>The tethering of stallions should be undertaken only with great care and as a temporary measure.</p> <p>Tethered animals should not be tethered around free-roaming animals</p>	<p>Almost 25% of horses were estimated to be less than 2.5 years old. 10% of tethered horses were mares with foals.</p> <p>Stallions were observed frequently to be present.</p> <p>62% of tethered horses were male. Of these, 36.4% were stallions.</p> <p>In almost 60% of occasions free-roaming horses were present at the same site.*</p>
<p>B: Site (the area to which the tethered animal has access)</p> <p>The site should be reasonably level, have good grass cover, and be free of any objects, natural or man-made, which could ensnare the tether</p> <p>A site in which a high proportion of the herbage consists of weeds is not suitable</p> <p>The site should not have anything on it which might injure an animal</p>	<p>On only 20% of occasions were horses kept on a level site. Over 50 % of horses were kept on sloping ground. In 10% of occasions the tether was observed to be entangled. In 10% of cases grass cover was poor.</p> <p>In over 10% of instances there was a high proportion of weeds. During 36% of observations tethered horses had access to ragwort.</p> <p>In over 50% of instances there were objects that could potentially injure the tethered horse.</p>
<p>C: Tethering equipment</p> <p>Either a well-fitting leather head-collar, or a broad leather neck strap must be used. These should be fitted with a 360° swivel device where the chain is attached.</p> <p>The ground stake must not protrude above ground level.</p>	<p>In almost 90% of instances there was no swivel where the chain was attached.</p> <p>In over 70% of occasions the ground stake protruded above ground level.</p>

* the study⁴ authors noted though, that '*positive interactions were observed between free-ranging and tethered horses indicating that the presence of compatible companions could be beneficial to welfare*' (p.36).

Round and Round: Tethered Horses in Swansea

Table 2 : Adherence to the Code of Practice on Welfare of Equines for horses observed in Swansea and South Wales (continued)

Code of Practice Condition	Extent of adherence to the Code
<p>D: Food and water</p> <p>If the grass is not sufficient for the animal's needs, sufficient forage food should be available throughout each day.</p> <p>Water should be made available on a frequent and regular basis throughout the day in a spill-proof container.</p>	<p>In 35% of instances sufficient forage was not provided where grass cover was poor.</p> <p>In 90% of cases water was not available on a frequent and regular basis.</p>
<p>E: Shelter</p> <p>Animals should not be exposed to the full heat of the sun, to heavy rain, snow or hail, or to strong winds for other than very short periods. In extremes of weather shelter should be provided.</p> <p>Shelter should, at a minimum, provide shade from the sun and from severe wind. In prolonged rain, a well-drained area must be available.</p>	<p>In over 80% of cases shelter was not available. Horses were rarely observed wearing a rug.</p> <p>In over 80% of cases shelter was not available from sun, wind or rain.</p>
<p>F: Exercise</p> <p>Animals must be given freedom to exercise off the tether for a reasonable period at least once a day.</p>	<p>Less than 3% of tethered horses were observed to be provided with more than 5 minutes off-tether exercise per day.</p>
<p>G: Supervision</p> <p>Tethered animals require a high level of supervision, and should be inspected no less frequently than six-hourly intervals during normal waking hours.</p>	<p>Inspection every 6 hours was observed for only 33% of horses. (Constraints on round-the-clock observation mean a higher percentage may have received visits with this frequency).</p>
<p>H: Identification</p> <p>All tethered animals should be marked in such a way as to be permanently identifiable, and from this identification the keeper or owner should be able to be readily contacted.</p>	<p>No horses were marked in such a way that they were readily identifiable or in a way which enabled an owner to be readily contacted.</p>
<p>I: Other requirements</p> <p>They may need protection from ill-intentioned persons.</p>	<p>Tethered horses seldom visited are at risk of abuse</p>

4 Associated problems of tethering

4.1 Vulnerability of tethered horses to abuse

4.1.1 The Welsh Government Code of Practice on Tethering (see above) states, '*They (tethered horses) may need protection from ill-intentioned persons* (Section I, p.53)'. Yet with tethered horses left frequently without supervision for substantial periods of time, and often not even inspected every 6 hours as the Code at minimum requires, the potential for abuse is high. The horse is a flight animal and would ordinarily run to avoid threat - but the tether prevents this. The inability to escape perceived threat may also contribute to anxiety.

4.1.2 A number of disturbing reports of cruelty and abuse of tethered horses across Swansea have occurred in recent years. This includes an incident in 2014, documented by photograph and video, of a woman repeatedly shouting at and violently kicking a tethered horse. This horse is understood to have been found dead a few days afterwards. There have been a number of South Wales Evening Post articles documenting serious abuse of tethered horses since 2010 alone²¹. Elsewhere in the United Kingdom reports of abuse of tethered horses have frequently occurred. For example, Hartlepool Borough Council noted '*incidents of horses in Hartlepool having anti-freeze poured over them and of youths filming each other punching and kicking tethered horses*'²².

4.1.3 The 'Mustang Report'²⁰ presented the results of an interview study of the attitudes of the owners of tethered horses in Swansea and South Wales. Owners of tethered horses, for example, recorded that horses '*were vulnerable to attack by young people. who not only frightened the animals deliberately but have cut off manes and tails, driven vehicles at the horses on the common causing fatal injuries and set dogs on them, causing fatal injuries to the muzzle area of the horse. In May 2010 a fire was deliberately set near to a tethered horse and the animal had to be humanely destroyed after suffering terrible burns*'. In response to a question asking about the worst aspects of owning horses, one owner stated, for example, ': "*We get a lot of hassle from the RSPCA keeping them [horses] here. Also people treat them terrible. The kids on their motorbikes frighten them. I had one hit by a car a lovely stallion he was and the kids cut the mane and tail off.*'

4.2 Harms to the community

4.2.1 The tethering of horses on public spaces in Swansea is often detrimental to the local community which lives there. Frequently, green spaces and areas intended for general community use and/or designed to enhance the appearance of an area are used by those seeking to tether horses. In some instances, a single individual may be responsible for keeping many tethered horses on public spaces. The tethering on public spaces provides in effect a limited, 'free' livery but can interfere with the ability of other members of the community to make use of these spaces. Swansea City and County Council has stated that it '*does not give permission*' for such tethering, but the Council nonetheless has allowed it to occur widely.

Round and Round: Tethered Horses in Swansea

4.2.2 It is frequently observed and is now widely documented by photographic evidence, that areas exploited for the tethering of horses are associated locally with a more general degradation of the area, including dumping of waste, high levels of litter and increasing damage to the aesthetic value of a site. The picture below is of a horse tethered (in Blaen-y-Maes, Swansea) to a lamppost and adjacent to a footpath. Areas in Swansea particularly affected in this way include Blaen-y-Maes, Morryston, Penlan, Clase and Townhill. The occurrence of tethering may be viewed as a contributory factor towards an area experiencing 'blight'.



4.2.3 The tethering of horses on public spaces in Swansea also creates potential risks to the public. There is the potential for entanglement and tripping over tethers which, on average, extend to 20 feet or more. In the above photograph the tether is attached to a lamppost and extends across the footpath. In an incident in 2014 in Bonymaen, where horses have been regularly observed to break off tether, a 3-year-old child was reported to have been kicked in the head when attempting to pick up a chain. By failing to prevent risks arising by appropriate and timely intervention a local authority may be legally liable.

4.2.4 The tethering of horses, without authorisation, and on public spaces intended for the broader use of the local community, is frequently associated with intimidation and threat. There is widespread public concern about tethering (see next section) but Friends of Swansea Horses has received many reports that if the issue is raised by a local resident there can be threat of intimidation. The allowing of tethering on public spaces under these circumstances creates tension in a community and may create flashpoints for violent incidents.

Round and Round: Tethered Horses in Swansea

5 Public concern

5.1 There is a very high level of public concern about the tethering of horses in Swansea. This is reflected, for example, in the numbers of complaints relating to horses in the area. A Freedom of Information request revealed that in 2014 there were 664 complaints relating to horses made to the Trading Standards Section of Swansea City and County Council. It is understood a high proportion of these related to citizens' concerns about tethered horses. Each such report has to be logged and recorded and in many instances will necessitate an investigation by Council Officers at cost to the authority.

5.2 During a campaign to address the problem of tethered horses in Swansea, Friends of Swansea Horses (FOSH) undertook a series of public awareness events in the City centre over a period of about three months. On each occasion, the high level of public concern was palpable. During the events, FOSH representatives were actively approached by several hundred Swansea citizens volunteering to sign a petition. In instance after instance, people in the City centre related incidents of suffering of horses they had observed at locations across Swansea. The overriding impression gained was of intense frustration that tethering was occurring and had been allowed to do so for so long.

5.3 Following the awareness events, Friends of Swansea Horses was able to submit to the Council a petition - of over 2000 signatures - pressing for the ending of tethering on public spaces across Swansea. Additionally, 1000 individual campaign postcards were distributed and we understand that, at minimum, several hundred, have been received by the Leader of the Council. We understand further that a corresponding petition of 1700 signatures was earlier collected in 2013 across Swansea by the Pettifor Trust and submitted to Byron Davies, A.M.(now M.P.).

5.4 A small sample of written comments provided by citizens of Swansea during the petition process is given below (over 380 such comments were supplied):

Round and Round: Tethered Horses in Swansea

Comments of Swansea citizens concerning the tethering of horses in Swansea.

'This is a cruel practice that has to stop ...these horses are often left with no food or water or a chain too short to enable them to get to the water. Swansea needs to clean up its act!' Glenda

'This is barbaric in this day and age. I'm still waiting to get my first horse and will not purchase or loan until I can keep it properly stabled or have a field for grazing.' Catherine

'The five welfare needs of animals, as laid down by the Animal Welfare Act, 2006, cannot possibly be met in this kind of environment and this practice needs to stop.' Claire

'I think it is disgusting that horses are allowed to be kept in such dismal conditions, normally with a poor food supply and no water.' Morgan

'I think the current state of affairs is appalling and something needs to be done about it!' Richard, Townhill

'I'm sick of seeing children purchasing and mistreating horses around Swansea.' Victoria

'It's cruel. We had a tethered horse on the rugby club ground who used to kick his water over, I used to go down to fill it up for him. Then a dog attacked the horse and it was removed.' Frances

'I think it is disgusting that people treat the horses like this. Tethering is cruel along with keeping horses in gardens or small estates or alley ways.' Claire, Loughor

'There are tethered horses behind my house which is pitiful to see. In the Summer one of them had such severe sunburn because of no shelter from the elements. All the 'owner' said was its not as bad as it looks. This is not on!' Amanda, Penlan

'I see many horses in these communities tethered up on public land, with no food or water. Children can't play on the land because they are afraid of the horses, or there is manure everywhere.' Jamie, Morriston

'If someone makes the decision to own a horse then they should ensure that they have the means to look after it properly. These animals should not be left to suffer because their owners are irresponsible.' Jennifer

'Living in a large Council estate, horse tethering is abundant! My concern is not for the look of the estate but for the welfare of the animals. No shelter is provided, horses are left with no comfort, and often get loose and wander, leaving them vulnerable to accidents.' Dawn

'Horses in Mayhill and Townhill are in poor condition and frequently wandering dangerously, one poor horse has its back hooves tethered to its front hooves so it can't walk properly.' Rhiannon

'Whenever I see a horse tethered there is never any water, no hay and no shelter for these poor animals.' Emily

Round and Round: Tethered Horses in Swansea

'It is long overdue that the Council put an end to this barbaric practice taking place on public land. Get your act together Swansea Council.' Jacqui

'It is absolutely disgusting the way some horses are tied up in Blaen-Y-Maes. The animals are depressed.' Rob, Blaen-Y-Maes

'Even if they were kept well, they are often chained near pathways that get covered with their poo. I've also experienced one charging at me and my dog and on one occasion my mother was even given a kick.' Abigail

'I live in an area where horses are chained on public land on small green areas and in parks! These horses have no shelter, no water or food buckets, no exercise, no vet treatments, and go hours or even a day where no-one has turned up to care for the horse. Some are ridden with no correct shoes, no saddle, just a piece of rope around its neck! Something needs to be done!' Kate, Tre-boeth

'Horses should never be tethered.' Anne

'I work in this area and it breaks my heart to see these poor animals tied up. It's not natural - its cruelty.' Lisa

'I wish to end this cruel and barbaric and totally unnecessary practice, which is unbelievable that it is happening in the year 2014. Shameful.' Douglas

'I see this on a daily basis and the horses are in an awful and disgusting condition. It needs to be stopped.' Katherine, Townhill.

'I'm signing because I am sick of seeing these poor animals suffer on a daily basis with no access to fresh water and the only food they have is scraps of muddied grass they try to eat.' Dominique

'I'm fed up with the open and widespread cruelty of these horses being left, often tethered tightly by the neck, left in dangerous, inappropriate public places. They have no water, no shelter, are denied the close proximity of their own kind for warmth and security – these are herd animals after all. They are left unchecked for days or weeks on end in mud and their own droppings. They have no way of protecting themselves from harm, like dogs, motor bikes, human tormentors and such-like. Yet people pass this cruelty daily along footpaths, roads, derelict and waste land. Even in parks and football fields. Stop turning a blind eye and making Swansea look like it couldn't care less because this is not true!' Lorraine, Sketty

'The horses tethered are usually left alone all day and night, in poor conditions with no care. Mistreated animals left on display while we just walk past saying and doing nothing. It's disgusting. Put an end to it.' Daniel, Townhill

'I am fed up of seeing horses treated poorly. Came home from school run, had left my house for all of 5 minutes and someone had tied their horse to a tree in my garden! They had moved my children's garden toys to make room for the horse!' Victoria, Blaen-Y-Maes

'A cruel practice by those who clearly have no respect for their animals.' Leanne

'I know of a horse who strangled herself on one.' Tina, Thornhill

Round and Round: Tethered Horses in Swansea

6 Council case studies

The issues associated with the tethering of horses are not unique to Swansea and many other areas across the United Kingdom have been and continue to be affected. Certain authorities, often in combination with other agencies, have sought to address the problems of tethering and other horse welfare/management issues, with considerable success. While, to a degree, the nature of the problems and their causes varies from area to area, valuable lessons may be learned from other authorities' experience. Some case studies of Council actions across the United Kingdom are presented below.

6.1 West Hartlepool

6.1.1 Hartlepool Borough Council²² reported that they had a significant problem of fly-grazing with horses most often tethered, initially in derelict and industrial areas but increasingly in residential and amenity areas. A survey indicated at least 150 horses were kept in this way across the Borough. It was noted that, *'frequently inexperienced and very young people become owners of horses, often with very little knowledge of their needs and also the financial means to maintain their welfare and daily upkeep'*. (Neighbourhood Services Committee Report, 2013, 3.5).

6.1.2 Over a period of 12 months between 2012 and 2013, there were 1800 horse-related incidents in the area dealt with by Cleveland Police. The RSPCA identified a particular welfare problem with tethered horses. The Council also identified a number of further risks associated with the illegal grazing of horses including safety to the public, prevention of access to amenity areas, potential liability of the Council for accidents or personal injury to members of the public and the potential for hostile claims for ownership of land by possession.

6.1.3 The authority identified significant financial implications including the liability for accidents or damage, enforcement costs (e.g. relating to call-outs), costs of picking up and impounding horses and costs of policing. It was also noted that, *'Some owners have also been involved in anti-social behaviour, such as threatening and abusive behaviour to council staff, residents and the police when dealing with their horses, riding/driving their horses dangerously on the road and pavement to the risk of pedestrians and road users and petty crime such as stealing horse equipment from each other and other owners'*. (Neighbourhood Services Committee Report, 2013, 3.5).

6.1.4 In 2013, Hartlepool Borough Council joined with other partner authorities and organisations to form the North East Equine Group. A working partnership was developed involving Council officers from various departments, Police, RSPCA and local landowners/managers. An assessment of the numbers and locations of fly-grazed horses was made. Notices were posted alongside each indicating they would be removed by the Council. In most cases horses were removed by 'owners' in advance of this.

6.1.4 Hartlepool Borough Council recognised unequivocally that tethering is detrimental to the welfare of horses and state on their web-site²²:

'We have found both dead and dying horses tethered illegally on council land. The photo shows one of the dead horses that has been abandoned by its owner for the Council to deal with. We have also come across animals that are clearly sick or emaciated. We have even seen heavily pregnant mares tethered.'

Round and Round: Tethered Horses in Swansea

Whilst some of the horses that are tethered around the town are in good physical shape tethering does not allow horses to exhibit natural social behaviours such as pair-bonding (making "best friends" with another horse), mutual grooming (scratching each other's backs), or to exercise themselves'.

6.1.5 The Council has published and adopted an 'Illegally grazed horse strategy'²² which they are continuing to pursue to address and prevent problems. The Council adopted a 'zero tolerance' approach to stray, neglected and abandoned horses. The key elements in the strategy adopted included:

- Mapping the extent and nature of the problem. This included locating, identifying (using a standard identification record sheet) and tracking the movements of individual horses.
- Development of response protocols.
- Authority and police teams trained in horse handling, and in animal welfare assessment by the RSPCA.
- Identification of hotspots for targeted action.
- Posting of notices of intended impoundment.
- Following up with impoundment if horses not removed within a short period.
- Information shared between Council, Police and RSPCA.
- Monitoring of areas where horses had been removed to prevent problem arising again through quick action.
- Supporting landowners.
- Supporting partner organisations to pursue convictions under the Animal Welfare Act, 2006.
- Developing a media strategy to communicate Council's zero-tolerance approach.
- Developing a licensed grazing scheme to provide grazing for horse owners.
- Considering the application of anti-social behaviour legislation.
- Development of a Council web-page stating the Council's approach.
- Provision of microchipping, passporting and castration with external funding to assist current owners to move their horses into legitimate livery.

6.2 Durham

6.2.1 Durham County Council and Durham Constabulary have worked actively and effectively together to address a range of problems associated with the keeping of horses. Over 6000 reported incidents of horse-related 'nuisance' were reported in the 5-year period between 2007 and 2012. Key identified problems related to stray and illegally-tethered horses, and a high level of road traffic collisions as well as direct risks to safety of the public. Additionally, there were many public complaints about inability to use public spaces, general horse nuisance and damage to public areas caused by illegal grazing. An initiative was developed with the goals of reducing demand on agencies, reducing incidents of horse nuisance and improving the welfare of horses.

6.2.2 A number of solutions were developed on a partnership basis. These included a range of elements, some examples of which are given below:

- Formation of a 'horse management focus group'.
- Mapping the extent and nature of the problem.
- Increasing the impoundment budget.

Round and Round: Tethered Horses in Swansea

- Developing an impoundment procedure – including targeted, intelligence-led impoundments.
- Use of covert surveillance to identify offenders.
- Providing cheap passports, micro-chipping and castration vouchers with funding obtained from the Local Multi Agency Problem-solving Group (LMAP) and the British Horse Society (BHS).
- Requiring horse passports for any grazing arrangement.
- Considering a 'grazing reference' scheme whereby those adhering to certain conditions while grazing horses by arrangement on Council land, would receive a 'reference' that might be presented to other land-owners.
- Media campaign.
- Running a 'horseman's' educational evening.

6.2.3 Outcomes to date have included:

- 64 horses impounded
- Over 500 horses passported and micro-chipped.
- Focus on specific 'target individuals' to prevent straying
- Regular meetings between partners to share intelligence and agree joint action.
- Public reassurance increased with horse issues no longer a PACT (Police and Communities Together) priority for the Constabulary.
- Average horse nuisance incidents reduced significantly – across Durham from 31 reported incidents per week to 7 per week.

6.3 York

In December 2012, City of York Council introduced a policy on the tethering of horses²³. They identified key horse-related problems as: loose or stray horses which pose a risk to danger to the public or highway users; unlawful grazing on public or private land (fly-grazing); horse welfare concerns; and nuisance damage caused by horses on private land. They recognised at the outset that a 'multi-agency approach' was needed to tackle these.

The authority has adopted an approach which includes provision of licensed grazing land with clear conditions for granting of licences. These include prior checks that an applicant is not disqualified as a result of welfare offences, that horses are appropriately passported and microchipped, that the DEFRA Code of Practice for horse welfare is adhered to, that the lessee has relevant insurance and that lessees take full financial responsibility for any damage caused.

City of York Council has also sought to liaise with horse owners to reduce numbers and where appropriate to find ways of rehoming horses by working with rehoming charities. Protocols were developed for responding to welfare concerns and referring to the RSPCA. Where necessary illegally tethered horses are seized with a general presumption that tethered horses will be removed following posting of notices²³.

6.4 Northumberland

Areas of Northumberland have had a long-standing problem with horses including stray horses, horses fly-grazed on public land without authorisation and widespread tethering of horses on public spaces. In some locations this has included over 100 horses kept tethered for periods as part of horse-dealing activities by some individuals owning many horses. Particular concerns have been with the safety of the

Round and Round: Tethered Horses in Swansea

public and the risk of accidents and injuries caused by horses. There have been collisions resulting in the death of both horses and, in one case, a driver. The authority has been advised that where horses are kept on its land it is potentially directly liable where accidents or injury occur and it has sought to pre-empt this liability arising.

Northumberland County Council has adopted an approach of requiring that wherever horses are kept on public land this may occur only where specific conditions are met. Land has been obtained which is fenced off and contains sufficient natural shelter to protect horses in most conditions and which is divided into paddocks for keeping horses loose. Owners pay a fee to use this land. The land is located near the residential areas where previous horse-related problems were prevalent, and its availability has been generally well received. The Council is currently in the process of negotiating acquisition of further land to extend licensed grazing facilities.

Where horses continue to be kept without authorisation and at risk to the community horses are impounded with the support of a contracted bailiff company with efforts to rehome or sell horses by auction, though in some instances horses have been euthanised. The approach taken by the authority and its strict approach to the keeping of horses unless conditions are met has been extensively communicated using a range of media and publicity opportunities.

6.5 Cardiff

There has been a persistent problem with both stray horses and horses tethered on public spaces in Cardiff for many years. However, the nature of the tethering problem in Cardiff is substantially different from that in Swansea. The problems in Cardiff have been associated particularly with two large travellers' sites rather than there having been a significant problem of fly-grazing, including tethering, in urban and residential areas. The problem of tethering here also has a strongly seasonal aspect, with horses being located elsewhere in winter months by the horse owners concerned. There have been significant concerns about the welfare of tethered horses on these sites.

City of Cardiff Council here chose to work progressively with the relevant communities and achieved this largely through the appointment of a dedicated horse warden for the City. Over a period of two years a dialogue was developed and expectations communicated about care of horses kept on public spaces. In particular, clear conditions for the tethering of horses were required for tethering of horses to continue. These have included requirements that all horses are properly identified with microchips as appropriate. There is an expectation that horses tethered will be kept according to criteria specified by the National Equine Welfare Council. Where these conditions are breached the Council will impound horses and take responsibility for them, with no allowance for return or retethering. The Council has provided supported microchipping, veterinary care and castration events.

The Council does not approve of or support tethering but has chosen to work with the relevant community to achieve significant improvement in welfare standards. The Officers involved conveyed that this process was lengthy and depended on building trust and confidence. City of Cardiff Council has worked together with nearby Newport City Council to address horse issues and problems associated with movement between sites. The Council is currently investigating the potential to provide licensed grazing or licensed 'turnout' facilities with certain conditions attached and payment of a fee required.

7 Recommendations

1. Swansea City and County Council should develop a written policy that proactively addresses the issue of horse grazing on public spaces to include particular reference to tethered horses. The purpose of the policy would be to prevent the use of public spaces for grazing without specific authorisation, with a view to preventing the cycle of tethering/fly-grazing→ neglect→ abandonment→ complaint→ seizure→ tethering/fly-grazing, and to ensure horse welfare is fully protected.

2. A multi-agency partnership group be set up to address horse welfare and management issues across Swansea. This should, at minimum, include Council officers drawn from relevant departments including Trading Standards, Estates and others, the Police, the RSPCA and the Highways Authority and relevant Councillor representation. The group should meet regularly to share intelligence and to develop solutions which protect the welfare of horses and ensure that the quality of life of residents is protected. The group and Council should seek advice from other authorities (see Section 6 for case studies) which have had success in improving horse welfare and management. It is suggested that contact is made, for example, with the North East Equine Group in England for advice as one useful source.

3. The tethering of horses on public spaces should be progressively phased out, and it should be part of the brief of the partnership group and of relevant Council policy to achieve this. At the moment, the stated position of Swansea City and County Council is that, *'We do not give permission for the use of public spaces for the grazing of horses, whether tethered or not'*. However, this position has not prevented such spaces being exploited widely and has contributed to major welfare problems and nuisance. An explicit statement and clear mechanism for enforcement are needed to prevent tethering on public spaces within the authority. One mechanism would be the application of a 'Public spaces protection order' (or orders) under the Anti-social behaviour, Crime and Policing Act, 2014²⁴ which provides local authorities with relevant powers (See Appendix 2).

4. Drawing on the experience of other authorities, it is suggested that the 'partnership group' should give consideration to the following elements:

- the need to properly 'map' the nature and extent of horse welfare and management problems across Swansea. This should include the collection of records of details of individual horses, their location and wherever possible their ownership;
- the need to actively communicate the authorities stance and intentions with respect to the use of public spaces for horse grazing through both a media campaign and provision of relevant information on the Council website;
- the need to clearly communicate at an individual level the expectation that horses not be kept tethered on public spaces with penalty of seizure if this is not adhered to. The mechanism of 'intention to impound' notices posted at tethering sites has proved a useful mechanism elsewhere;
- the need to ensure proper protocols for the assessment and protection of horse welfare, for example, while they continue in situ. The need associated with this for appropriate welfare training for officials by the RSPCA or equivalent welfare body;
- the need to ensure proper training for officers in the seizure and impounding of horses and the provision of relevant protection (e.g. Police support) where necessary;.

Round and Round: Tethered Horses in Swansea

- the need to ensure proper care of horses throughout the time they are impounded under Council responsibility;
- the need to anticipate mechanisms for transfer to sanctuary or re-homing where impounding occurs. In the past, Swansea local authority has euthanised a high proportion of horses seized without sufficient regard to rehoming. That rehoming is possible has been demonstrated following the intervention by Friends of Swansea Horses to enable a link with a large sanctuary to be set up, with the majority of horses subsequently seized by the Council rescued/rehomed. However, the goal of a Council policy should be to pre-empt the need for such seizure by preventing horse tethering, neglect and abandonment arising in the first place;
- the need to ensure maximum compliance with horse identification regulations (e.g. regarding passporting and microchipping) wherever horses are kept in Swansea to enhance ability to monitor and manage horses;
- the value of providing cheap passporting, microchipping and castration for owners of horses in Swansea with a view to facilitating the movement of horses to appropriate livery or grazing. Funding for this might be sought from welfare bodies or grant-making trusts;
- the value of identifying relevant Council land that might be used for licensed grazing by residents of Swansea where particular conditions are met. Such grazing should preclude tethering – except in extreme circumstances – and be based on division into paddocks, with appropriate shelter. A basic fee structure and legal contract should be devised for this purpose. Consideration might be given to providing horse owners with ‘references’ where their horse(s) had been kept in accordance with provisions in order to facilitate subsequent access to grazing provided by private landowners or farmers;
- the potential value of employing a dedicated ‘Swansea horse warden’ to monitor horse welfare and to help facilitate the transition away from fly-grazing on public spaces. The role might also encompass management of any Council licensed grazing facility. It is suggested that Welsh Government funding might be sought for this;
- the value of active communication of successes allied with a focus on the expectation of high welfare standards for horse keepers across Swansea.

Round and Round: Tethered Horses in Swansea

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Appendix 1 – South Wales Evening Post, September 6th, 2000

South Wales Evening Post

Swansea's 'urban cowboys' to be drummed out of town

Section Community | Published on 6 Sep 2000

The urban cowboy is all set to become the urban myth now that Swansea Council and the RSPCA are renewing their efforts to combat the problem of horses in Swansea.

Horses in Swansea are a recognised problem, but form only 10% of the work of the Environmental Health and Trading Standards Departments animal wardens. The Council has two dedicated animal wardens with other officers available to assist them.

Horses, although beautiful animals are extremely hard to look after. They need a great deal of care and attention with appropriate housing, feeding, fresh water and regular veterinary checks.

In Swansea, many horses are tethered with chains or enclosed on patches of wasteland. This not only affects the welfare of the horses by not giving them adequate food or water, but can also cause a danger to pedestrians and motorists and damage to property when they stray.

Reckless ownership and falling prices are the main causes with horses now selling for no more than a few pounds each. Despite rigorous enforcement through impounding and the imposition of fees the problem remains static rather than decreasing. Once impounded, the owner must pay fees and fines of £80 for the first day and £25 stabling fees for every day after that, this however still does not deter the irresponsible from buying a horse and keeping it in unsuitable conditions.

It is the Council's priority to offer a reactive service to the public by responding to complaints or public concerns over loose horses, particularly those that are on the highway. There is even an out of hours service which react to calls from the police about loose horses on the highway. A proactive approach has also been used where action has been taken to remove groups of horses from a particular location at the request of the landowner.

Also concerned with the welfare of the horses impounded, the Council work closely with the RSPCA and often provide assistance when providing evidence to prosecute cruel owners.

Director of environmental health and trading standards, John Spence, said: "There are a number of issues to be dealt with here. The first is the welfare of the horses themselves, they are not designed to be tethered or roam around on the highway or wasteland, they require a great deal of care and attention and those that keep them in this manner are not responsible owners.

"Secondly there is the danger to the public should horses roam loose in Swansea as pedestrians and motorists can be injured by a loose horse. As an authority we are not required by law to prevent horses from roaming around, but in order to prevent injury or death to the horses and public alike we have a dedicated team dealing with a problem caused by the irresponsible few."

The RSPCA also receives complaints regarding the welfare of horses in the area. RSPCA chief inspector, Romain de Kerckhove said: "Many of the horses are being kept on waste and common land and left to fend for themselves. Their owners often take little or no interest in their wellbeing and should an animal fall sick or become lame their injuries are left untreated.

"Irresponsible ownership and indiscriminate breeding are central to the problem and if we are going to prevent further suffering it is important that mares and stallions are kept apart and that these horses receive the care and attention they deserve. As with any animal, horse owners need to take their responsibilities seriously."

Round and Round: Tethered Horses in Swansea

Appendix 2 – Public spaces protection orders

Section 59 Anti-social behaviour, Crime and Policing Act, 2014.

The Act states the following :

'Public spaces protection orders

59 Power to make orders

(1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.

(2) The first condition is that—

(a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or

(b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

(3) The second condition is that the effect, or likely effect, of the activities—

(a) is, or is likely to be, of a persistent or continuing nature,

(b) is, or is likely to be, such as to make the activities unreasonable, and

(c) justifies the restrictions imposed by the notice.

(4) A public spaces protection order is an order that identifies the public place referred to in subsection (2) ("the restricted area") and—

(a) prohibits specified things being done in the restricted area,

(b) requires specified things to be done by persons carrying on specified activities in that area, or

(c) does both of those things.

(5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order—

(a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or

(b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

(6) A prohibition or requirement may be framed—

(a) so as to apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories;

(b) so as to apply at all times, or only at specified times, or at all times except those specified;

(c) so as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified.

(7) A public spaces protection order must—

(a) identify the activities referred to in subsection (2);

(b) explain the effect of section 63 (where it applies) and section 67;

(c) specify the period for which the order has effect.

(8) A public spaces protection order must be published in accordance with regulations made by the Secretary of State.

Round and Round: Tethered Horses in Swansea

60 Duration of orders

- (1) A public spaces protection order may not have effect for a period of more than 3 years, unless extended under this section.
- (2) Before the time when a public spaces protection order is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent—
- (a) occurrence or recurrence after that time of the activities identified in the order, or
 - (b) an increase in the frequency or seriousness of those activities after that time.
- (3) An extension under this section—
- (a) may not be for a period of more than 3 years;
 - (b) must be published in accordance with regulations made by the Secretary of State.
- (4) A public spaces protection order may be extended under this section more than once.

61 Variation and discharge of orders

- (1) Where a public spaces protection order is in force, the local authority that made the order may vary it—
- (a) by increasing or reducing the restricted area;
 - (b) by altering or removing a prohibition or requirement included in the order, or adding a new one.
- (2) A local authority may make a variation under subsection (1)(a) that results in the order applying to an area to which it did not previously apply only if the conditions in section 59(2) and (3) are met as regards activities in that area.
- (3) A local authority may make a variation under subsection (1)(b) that makes a prohibition or requirement more extensive, or adds a new one, only if the prohibitions and requirements imposed by the order as varied are ones that section 59(5) allows to be imposed.
- (4) A public spaces protection order may be discharged by the local authority that made it.
- (5) Where an order is varied, the order as varied must be published in accordance with regulations made by the Secretary of State.
- (6) Where an order is discharged, a notice identifying the order and stating the date when it ceases to have effect must be published in accordance with regulations made by the Secretary of State'. [End of extract]

Comment

There is 'Statutory Guidance' to local authorities associated with the Act²⁹.

Councils wishing to enact a Public Spaces Protection Order (PSPO) must consult only with the police, and 'whatever community representatives the local authority thinks it appropriate to consult'. This means, in effect, that local authorities may consult groups if they want to, but there is no statutory obligation for them to have a consultation period, to consult affected groups, or to consider objections. However, it is likely as a matter of good process that a Council would in practice seek to do this.

Round and Round: Tethered Horses in Swansea

Appendix 3 - Council costs incurred in collecting, impounding and disposing of horses

Friends of Swansea Horses has obtained, through Freedom of Information Act requests, information on costs that Swansea City and County Council has incurred in dealing with horse-related incidents. These costs relate to responding to complaints, collecting horses, impounding them, feeding them, euthanizing and disposing of carcasses, and costs associated with identification including passporting and microchipping, prior to rehoming. The costs have been supplied by the authority in most cases as 'average costs per horse'.

An estimate of the total direct expenditure by the Council for 2014 (i.e. January 1st 2014 to December 31st 2014) is given below.

Council officer rates assumed, as provided by FOI, are: 'normal hours', £11.25 per hour; 'out of hours' (i.e. evenings and Saturdays), £11.25 x 1.33 i.e. £14.96 per hour; 'Sundays', £11.25 x 1.50, i.e. £16.88 per hour.

Total number of horses seized by the authority during 2014 **225**

- Number of seized horses reclaimed by owners 46
- Number of seized horses to rescue 106
- Number of horses euthanised 69
- Unspecified 4

Note: figures below are based on 221 horses, those for which action taken is known. Figures therefore represent a slight underestimate for horses dealt with.

1 Cost of collection of horses

Assumes 2.5 officer hours average per horse @ 11.25 per hour

221 horses x 2.5 hours x £11.25 per hour **£6215.63**

2 Cost of keeping impounded horses

Assumes each horse is kept for 7 days.

Note: the response to FOI requests states that horses are 'often kept longer'. However, those 'reclaimed' may not be kept as long, so 7 days is a reasonable average. Horses kept require to be monitored every day i.e. Monday to Sunday.

Average Council officer hours per day attendance at pound while horses are impounded, as supplied by the Council, is 3 hours. Assuming 365 day per year coverage as horses may be impounded at any time throughout the year, estimated staff costs for the keeping of impounded horses are shown below:

Cost of keeping impounded horses

261 weekdays x 3 x £11.25 £8808.75

52 Saturdays x 3 x £14.96 £2333.76

52 Sundays x 3 x £16.88 £2633.28

Sub-total **£13775.79**

Round and Round: Tethered Horses in Swansea

3 Costs of identification prior to rehoming or sale

Additional costs, including primarily microchipping and passporting, **£7355.00**
per annum for all horses formally identified by the Council

4 Costs associated with euthanasia

69 horses euthanised in 2014. Costs per horse: vet call out £37.50; vet euthanasia: £41.00; carcase disposal : £150.00. Total cost per horse = £228.50

69 horses x £228.50 **£15766.50**

5 Costs of logging complaints

664 horse-related incident complaints were made to the Council
In 2014. assuming per incident administration time (eg logging etc)
of 15 minutes and Council officer time @ £11.25 per hour.

664 calls x 0.25 hours x £11.25 per hour **£1867.50**

6 Transport-related on-costs

The FOI responses supplied by the Council refer to certain on-costs associated with the collection and transport of horses though these amounts are not provided. Costs referred to include vehicle hire, petrol and insurance.

225 horses were collected by the Council. Assuming an average of 2 horses collected per event, then 113 separate trips will have been made.

Assuming an average round trip distance of 12 miles for each collection purely for the purposes of estimation, then 1356 miles will have been covered. At 20 per mile fuel for a 3.5 ton vehicle (petrol alone)²⁵, this amounts to £271.20.

For a Council-owned 3.5 ton vehicle capable of transporting 2 horses annual depreciation would be about £7,000.00, insurance about £1300.00 and tax about £220.00²⁵. There will additionally be maintenance costs, tyre costs etc.

Hire of a 3.5 ton horse transport capable of transporting 2 horses would be about £100.00 per day.

Total annual transport costs assuming Council-owned 3.5 ton horse transporter and excluding maintenance costs:

£271.20 + £7000.00 + £1300.00 + £220.00 **£8791.20**

Total annual transport costs assuming hire of 3.5 ton horse transporter on 100 occasions (assuming insurance included in hire price):

£10,000.00 + £271.20 **£10271.20**

Round and Round: Tethered Horses in Swansea

7 Money recouped in fees

The amount of £4000.00 was recouped by the Council in fees charged to horse owners.

8 Total minimum annual estimated Council direct costs for responding to horse-related incidents in 2014.

Total minimum annual estimated Council direct costs for responding to horse-related incidents in 2014:

Cost of collection of horses	£6215.63
Cost of keeping impounded horses	£13775.79
Costs of identification prior to rehoming or sale	£7355.00
Costs associated with euthanasia	£15766.50
Costs of logging complaints	£1867.50
Transport-related on-costs	£8791.20
Total minimum direct cost to Council - Gross	<u>£53771.62</u>
Minus money recouped in fees	- £4000.00
Total minimum direct cost to Council - Net	<u>£49771.62</u>

These costs do not include costs incurred by the Police, the Fire Service or the Highways Authority in responding to horse-related incidents. These may be significant.

8 Council costs saved by Sanctuary action

In May 2014, following an intervention by Friends of Swansea Horses a link between the Swansea City and County Council and Hillside Animal Sanctuary was established. Since that date, almost all unclaimed horses seized by the Council have been transferred to the Sanctuary. This relates to the vast majority of the 106 horses recorded by the Council as being 'rehomed' during 2014. Since the average costs of euthanasia and carcase disposal are £228.50 per horse, it is estimated that Hillside Animal Sanctuary in 2014 saved the authority:

Council expenditure that would otherwise have been incurred without intervention of Hillside Animal Sanctuary

106 horses x £228.50	£24221.00
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This amount may reasonably be added to the real direct costs to the authority created by horse-related incidents in 2014:

£49771.62 + £24221.00	£73992.00
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Round and Round: Tethered Horses in Swansea

9 Costs created for the receiving sanctuary.

The costs of transport of horses to the Sanctuary are significant at approximately £750.00 for every 10 horses transported (personal communication from Hillside Animal Sanctuary) This amounts to c. **£7,500.00** for 2014. These costs have been met entirely by Hillside Animal Sanctuary and there has been no offer from the Council to contribute to these costs. The Sanctuary incurs ongoing care costs estimated at £2,000.00 per annum per horse. This is throughout the remaining life of the horse which may be many years. The taking on of over 100 horses from Swansea in 2014 will therefore have imposed costs on the Sanctuary of in excess of **£200,000.00** per annum. These costs are met by the public through donations.

Round and Round: Tethered Horses in Swansea





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