



# **Cynulliad Cenedlaethol Cymru** **The National Assembly for Wales**

## **Y Pwyllgor Amgylchedd a Chynaliadwyedd** **The Environment and Sustainability Committee**

**Dydd Iau, 12 Mawrth 2015**  
**Thursday, 12 March 2015**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

These proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included.

**Aelodau'r pwyllgor yn bresennol**

**Committee members in attendance**

Mick Antoniw	Llafur Labour
Russell George	Ceidwadwyr Cymreig Welsh Conservatives
Llyr Gruffydd	Plaid Cymru The Party of Wales
Alun Ffred Jones	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Julie Morgan	Llafur Labour
William Powell	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Jenny Rathbone	Llafur Labour
Antoinette Sandbach	Ceidwadwyr Cymreig Welsh Conservatives
Joyce Watson	Llafur Labour

**Eraill yn bresennol  
Others in attendance**

Sarah Carr	Cynrychiolydd ceffylau, Cangen Cymru, Cymdeithas Milfeddygol Prydain Equine representative, BVA Welsh Branch, British Veterinary Association
Steve Carter	Cyfarwyddwr Cenedlaethol Cymru, RSPCA National Director for Wales, RSPCA
Charles de Winton	Syrfêwr Gwledig, Cymdeithas Tir a Busnes Cefn Gwlad Rural Surveyor, CLA Cymru
Lee Jones	Pennaeth Gwasanaethau Rheoleiddio, Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr Head of Regulatory Services, Bridgend County Borough Council
Matthew Howells	Swyddog Staff, Troseddau Gwledig a Bywyd Gwylt, Cymdeithas Prif Swyddogion yr Heddlu Staff Officer, Rural and Wildlife Crime, Association of Chief Police Officers
Phillip York	Cymdeithas Geffylau Prydain British Horse Society

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol  
National Assembly for Wales officials in attendance**

Alun Davidson	Clerc Clerc
Gwyn Griffiths	Cynghorydd Cyfreithiol Legal Adviser
Peter Hill	Dirprwy Glerc Deputy Clerk
Karen Whitfield	Y Gwasanaeth Ymchwil Research Service

*Dechreuodd y cyfarfod am 09:32.  
The meeting began at 09:32.*

### **Cyflwyniad, Ymddiheuriadau a Dirprwyon Introductions, Apologies and Substitutions**

[1] **Alun Ffred Jones:** Rwy'n eich croesawu chi i gyd yma. Y rhybuddion arferol ynglŷn â'r larwm tân, i ddilyn y tywysyddion allan. Pawb i ddiffodd eu ffonau symudol.

**Alun Ffred Jones:** I welcome you all here. The usual notices about the fire alarm; please follow the ushers out. Please switch off your mobile phones.

[2] Mobile phones to be put on silent.

[3] Mae'r Cynulliad Cenedlaethol yn gweithredu'n ddwyieithog. Cewch glywed y cyfieithiad neu addasu'r sain ar gyfer y rhai sy'n drwm eu clyw. Peidiwch â chyffwrdd y botymau. A oes unrhyw ddatgan buddiannau gan Aelodau? Na. Rydym wedi cael ymddiheuriad gan Jeff Cuthbert.

The National Assembly operates bilingually. Interpretation is available or you can amplify sound for those who are hard of hearing. Please don't touch the buttons on the microphones. Does anybody have any interests to declare? No. We've received apologies from Jeff Cuthbert.

09:33

### **Deddf Rheoli Ceffylau (Cymru) 2014: Craffu ar ôl Deddfu Control of Horses (Wales) Act 2014: Post-legislative Scrutiny**

[4] **Alun Ffred Jones:** Ymlaen i eitem 2, Deddf Rheoli Ceffylau (Cymru) 2014—craffu ar ôl deddfu. Mae'r papur briffio o'ch blaenau. Rwy'n croesawu'r tystion. Bydd Charles de Winton yn hwyr ond rydym yn disgwyl y bydd yn cyrraedd yn nes ymlaen. Croeso mawr i chi i gyd. A gaf i ofyn i chi gyflwyno eich hunain a dweud beth yw eich safle o fewn y cyrff rydych yn eu cynrychioli?

**Alun Ffred Jones:** We turn to item 2, Control of Horses (Wales) Act 2014—post-legislative scrutiny. The briefing papers are before you. I welcome the witnesses. Charles de Winton will be late in joining us but we do expect him to arrive later on. Welcome to you all. May I ask you to introduce yourselves to us and state your positions within the organisations that you represent?

[5] **Mr Carter:** Good morning, I'm Steve Carter. I'm the head of RSPCA Cymru and I'm the assistant director for field operations for the RSPCA in England and Wales.

[6] **Ms Carr:** Good morning, I'm Sarah Carr. I'm the British Equine Veterinary Association's representative within the British Veterinary Association's Welsh committee.

[7] **Mr York:** Good morning, my name's Phillip York and I'm representing the British Horse Society.

[8] **Mr de Winton:** Good morning, my name's Charles de Winton and I'm representing Country Land and Business Association Cymru.

[9] **Alun Ffred Jones:** Diolch yn fawr i chi. Croeso i chi yma ac edrychwn ymlaen at

**Alun Ffred Jones:** Thank you very much. Welcome to you all and we look forward to

glywed eich tystiolaeth. Rwyf am ofyn i hearing your evidence. I will ask Mick Mick Antoniwi ddechrau'r cwestiynu'r bore Antoniwi to start the questions this morning. yma.

[10] **Mick Antoniwi:** Good morning, and thank you, everyone, for attending. We're reviewing, as you know, the impact of the legislation and any particular issues that arise with that. I'd like your initial views really on what its immediate impact has been. Has it had any benefit? Has it had any real impact? And then we can explore any consequences of that.

[11] **Mr Carter:** Okay. Shall I start? The Act was very welcome. There was a definite issue throughout Wales with fly-grazing of horses. Concerns had been raised with us by members of the public and local authorities. We were very pleased it came in and it seemed to consolidate a lot of the localised Acts that were effective, particularly in the south-coast areas. The impact we've seen has mainly been focused around those areas and we've only seen the local authorities that were using the Acts they had previously using this Act to its full extent. One of the issues we have is that it is very hit and miss as to where it is being used by local authorities.

[12] **Alun Ffred Jones:** Any other views?

[13] **Ms Carr:** I would concur that it's a welcome piece of legislation. It has been effectively used but, again, there were local Acts in place in the main hotspot areas of the problem. I think the benefit of Wales-wide legislation is obviously horses can't be moved from one area where there is a local Act to another area, which I think was a problem in the past. I guess that the sentiment and the usefulness of the legislation is good but, perhaps, one of the barriers might be the disposal of the horses and the fact that there is a lack of space within the charity sector for them to go to afterwards and what would happen to them if they'd been seized under the control Act.

[14] **Mick Antoniwi:** Can I ask this? There is varied engagement with the Act so far and that may be because it is just targeting particular areas or maybe there are areas that have problems but where action isn't being taken. So, we can see the Act being used, for example, in Swansea 175 times, Cardiff 73 times, quite a lot of action in Carmarthen and very little elsewhere, although there have been one or two quite large instances involving large numbers of animals. What is that actually telling us? Is the Act being properly used? Are there areas where it's not being used? Do you have any follow-up information on what's happening?

[15] **Mr York:** If I could just say, it's very localised, where it has been used. The offshoot of fly-grazing and abandonment is, obviously, serious welfare concerns. Traceability and identification remain a huge barrier to sorting out the problems we have with overpopulation. We've got, certainly on common land in south Wales, an overpopulation problem with very low or no value animals that are breeding with no controls. In certain areas of south Wales, on common land, numbers are now at unprecedented levels. It's only a matter of time before there will be a disease outbreak. The media will start focusing on these areas, as they already have.

[16] **Mick Antoniwi:** So, why isn't the Act being used?

[17] **Mr York:** Commons associations that are supposed to control their particular commons are not taking their responsibilities seriously and, again, I would stress that the problems on common land involve large numbers of ponies where it would cost a lot of money to take action. I don't think the local authorities actually have access to the sort of resources that they would need to sort the problem out. Charities have worked extremely hard over a number of years in Wales and they've diverted a lot of their resource into coping with the unprecedented levels of welfare neglect and abandonment and fly-grazing. Charities now

are at a point where they simply cannot cope with taking horses in. So, realistically, if a council seizes animals, in the past it has looked to charities to rehome these animals, but now, most charities are full and they could probably rehome one or two at any given time. We're talking hundreds of ponies. They're not true Welsh mountain ponies; they've lost the true Welsh genetics, if you like, to be able to cope with living in a harsh environment on common land. There have been large numbers of animals of undetermined breed that have inbred with the indigenous Welsh mountain pony, and they don't cope. So, from a welfare perspective, you know, they can't live in that challenging environment.

[18] **Mick Antoniw:** Can I just perhaps put the question a bit more bluntly? Do we know, is it your view, or do any of you have any evidence or otherwise that authorities are specifically refusing to act, or choosing not to act, or is it a case of familiarity with the powers that they have now?

[19] **Mr de Winton:** I think that—. Sorry; can I thank you for the opportunity? All I can say is that I concur with a lot that has been said by my fellow colleagues here. Looking from a landowner's perspective, and the feedback that we've had from our members, and I think the point was raised was that, in the hotspot areas like Swansea and Cardiff, the local authorities are well versed in the difficulties and have, by and large, taken swift action. Certainly, members in the Swansea area would concur with that. A prominent member of ours in Pembrokeshire, for example, had a similar problem, which I highlighted in my paper beforehand. Basically, Pembrokeshire County Council said, 'We haven't got any money; we're not interested', and told him to sort his own problems out. I think that, certainly from our membership, is by and large the big issue.

[20] Just, obviously, going on, I was speaking to a member of mine yesterday who happens to be a grazier up near Merthyr, and she said that there are a number of illegal ponies on the commons around Merthyr, but the point that she raised is, 'Please don't mention my name, because I'm worried that I might get someone knocking on my door or cutting all my fences', and, certainly, a degree of that is a problem.

[21] **Mick Antoniw:** So, is it your sort of views generally—I mean, I'd like to know what they are, perhaps even individually—that local authorities, where there is an established, ongoing, long-term problem, have been acting, and acting successfully with it, but, in other areas, are either choosing not to or are not aware of the extent of powers, or have not yet come to terms with the powers that they have to act?

[22] **Ms Carr:** I think that there is more than one problem, and the problem in Cardiff and Swansea is very different from that problem on the commons. The problem on the commons wasn't costing the local authorities money, so there's less of an incentive for them to put what would be an awful lot of money in to improve what is a very dire welfare situation. It's just as long-standing a situation and as bad, or worse, a welfare situation as the situation that was along the M4 corridor, but, obviously, the other one was costing the local authorities a lot and, I think, has broadly, effectively improved following legislation. But this problem is just as large and isn't going away.

[23] **Mr York:** I'd agree with that. If I could answer your question with regard to local authorities where they haven't acted, one of the problems—again, I'm going to go back to common land—is that, when animals die of starvation or disease, the carcass remains on the ground for a very long time. Normally, a member of the public will ring the local authority and say, 'There is a carcass by the side of the road; please have it removed', and the local authorities just simply don't have the money to do that. Now, the responsibility, I believe, in law rests with the landowner. Where you've got a large number of carcasses, which happened when we had the hard winter of three years ago—you know, I was regularly seeing upwards of 10, 15 carcasses on one area of common land—it is a problem recovering them, but,

nevertheless, it is a public health issue.

[24] With regard to local authorities, again, when animals have been removed—and I'm not talking individual animals; I'm talking groups of animals—local authorities couldn't do it without charities. They just simply couldn't do it. It's a manpower issue; it's a logistics issue. We're talking about a wild animal that simply doesn't want to be caught and taken off.

09:45

[25] **Alun Ffred Jones:** Can I cut across there? I'm going to bring in some other Members now. Just remember that we're reviewing the Act and the effectiveness or otherwise of the Act, and the consequences of the Act. You are raising all sorts of issues—which may be pertinent, or perhaps the Act has missed them altogether; I'm not quite sure. So, just bear in mind that we are trying to establish whether the Act itself has been effective, and maybe that the Act has missed the point. I don't know—I wasn't here when you were discussing this. So, Julie Morgan next.

[26] **Julie Morgan:** In terms of the fact that the two areas that have taken most action already had some powers before the Act, do you have any information about the numbers of times they have taken action before the Act came into fruition? It's hard to know when it says '291', 'Swansea 175' and 'Cardiff 73' how that would compare to what they would have done before, and I think in terms of what the Chair is saying about how the effective the Act is, is it just perhaps not as effective as we'd hoped?

[27] **Mr Carter:** I think on that question, I don't have the actual figures, but from my knowledge of what we've been doing—and bear in mind we deal with welfare cases only—I think the numbers are pretty stable. The numbers increased considerably as the recession started to bite, because that made horses more expensive to keep, but one thing that's slanting the figures about how effective the Act has been is the fact that we took a very high-profile prosecution last year against a large irresponsible breeder, and that figure overlies all the figures to do with the Act. One thing we've found is we're now identifying a vast reduction in the number of horses we consider to be at risk in Wales—a reduction of getting on for 70%. A lot of that is due to the prosecution we took.

[28] Some of it, I also firmly believe, is due to the fact that this Act has pushed some of these horses into England. The concern with how well the Act is working with that is if the Act in England is passed, the natural progression is going to be to push them back. So, we've got to bear that in mind, that, at the moment, a year might seem a long time to assess an Act, but this is a seasonal issue as well—it's always worse in the winter. The Act will take some years to settle down, but the authorities that are using the Act seem to have taken it as not a great deal of change. It's a new bit of legislation that is slightly easier to use, I believe, but they are still using it on the same sort of individuals and for the same sort of cases. So, I think, for them, there's not been a great deal of change.

[29] **Julie Morgan:** So, for the authorities that were using it, there hasn't been much change.

[30] **Mr Carter:** No, I think it's just made their life a bit easier because it's one single piece of Act, and it's quicker—and that's very important. We always bear in mind—and Phillip's mentioned it—that charities are absolutely packed. We're packed because of financial constraints, and what we as charities and the third sector must always realise is that local authorities and police forces are also extremely strapped for cash. I think this is feeding some of the behaviour, because if a council is used to spending money to deal with horses, it's got that money in the cab, and it's got that money set aside; it's there. If there is a local authority that's not been dealing with horses in the past because of a lack of finances, the

money doesn't suddenly appear because of the Act, because it's not statutory. So, we have to bear that in mind, and I would not be overly critical of those local authorities that are not using the Act. Because they've never done it, that's their situation—that's their normal *modus operandi*.

[31] **Julie Morgan:** So, you think perhaps we'll have more idea in a few years' time?

[32] **Mr Carter:** I think it will take at least another year for us to have an accurate look, and I think the impact of the Bill in England will have an impact on the number of horses being fly-grazed in Wales.

[33] **Alun Ffred Jones:** William? Sorry, Julie.

[34] **Julie Morgan:** I was going to go on to another question then, which is that the committee was concerned about the lack of consultation before the Act came in with the Gypsy and Traveller community, which was something we raised in our report. I wondered what contact you'd had with the Gypsy and Traveller community, who are obviously very much affected by the Act.

[35] **Mr Carter:** From our point of view, when we went to consultations on the Act, the Gypsy and Traveller community were represented there, and certainly the taskforce that dealt with the big issues in south Wales had representation from them as well. But I think the thing is, it's one of those awful things: when do you get to too much consultation? There was a fair amount done, but I think with the Gypsy and Traveller community, there could always be a bit more done, because they do tend to be quite separated. I think that they do take an overly critical look at that community to do with fly-grazing, and, actually, it's a very small amount of that community that's the problem.

[36] **Alun Ffred Jones:** William Powell. There are three of you who want to come in as well.

[37] **William Powell:** Diolch, Gadeirydd. Good morning, all. Mr York, you referred to the issue of resources being absolutely central to the potential effective implementation of this Act and, obviously, we all understand the level of pressure that local authorities in Wales are facing. My own home local authority has had to strip out £40 million over the last three years—Powys County Council—and we know that there's been huge pressure on the dog wardening service, and many authorities across Wales have put that service to the sword altogether, for the reasons you've outlined. Do you think that, given the level of resource that actually has been committed to bring this Act into being, it would be sensible, at least for a period of two to three years, for the public services Minister to adopt a more muscular approach in actually ring-fencing a portion of funding to actually require local authorities to set moneys aside, so as to give this Act a chance of working?

[38] **Mr York:** I think that would be a very good approach. I still have concerns about the scale of the problem, and I guess nobody really knows how much it would cost to completely deal with the problem that we have, but, yes, if money could be ring-fenced by local authorities, I think that would go a long way to helping with the current situation.

[39] **Alun Ffred Jones:** Can I just cut across? What you are describing, as far as I could make out, is that there are an awful lot of horses of different backgrounds breeding on common land, but that is not fly-grazing, is it?

[40] **Mr York:** It is fly-grazing. Most of them are there illegally. They don't belong to commoners. They don't belong to anybody. The person who has put them there has probably walked away from their responsibilities of ownership and they've just bred over the years and

continued to breed. There is no market for this sort of animal.

[41] **William Powell:** Thank you, Chair. Also, given the need that local authorities have to have their staff multitasking and covering diverse responsibilities now, to what extent is there a training need within Welsh local authorities, do you think, within this area, to actually become more familiar with the provisions of the Act and some of the other specific challenges around wild horses?

[42] **Mr York:** Well, the charitable sector—and when I say the ‘charitable sector’, I mean the equine welfare industry—clearly recognised that partnership working with local authorities would be hugely beneficial. To that end, the charity sector carried out a lot of training with local authority officers in Wales. There were lots of different training courses run, which covered legislation, specifically the Animal Welfare Act 2006. Every aspect of horse welfare was covered. So, charities invested a lot of time and money in training local authority officers in Wales, and it worked extremely well.

[43] **William Powell:** That’s encouraging to know. A final question from me for now, if I may, Chair, relates to Mr Carter’s point about the danger of horses moving across, or being moved across, the English/Welsh border. To what extent has there been dialogue and effective communication with authorities in Herefordshire, Shropshire, Gloucestershire, and so on with regard to this issue? Do you think that there needs to be a stronger working partnership between the Local Government Association on the English side and the Welsh Local Government Association to move progress?

[44] **Mr Carter:** I think that relationship would obviously help. I don’t think they’ve just moved over the border. Actually, from our evidence, we’ve found them in Essex, in Hampshire, in the north-east—

[45] **William Powell:** Deeply into England.

[46] **Mr Carter:** The movement of these horses is a very highly co-ordinated and profitable business for some people. Certainly, if we look at what they do in the north-east of England, the local authorities, the enforcement agencies and the charities work extremely closely together and are dealing with the issue as a partnership. That’s what I think we need to try and replicate, if we can. Going back to the level of training, we can look at the success in the Vale and in Cardiff. We have that expertise within the local authorities already. I think what we need is to enable them to spread that best practice to those areas that haven’t been practising it, to bring their skillsets up to speed. That hasn’t got a great deal of cost.

[47] **William Powell:** Thank you very much.

[48] **Alun Ffred Jones:** Antoinette.

[49] **Antoinette Sandbach:** I wanted to go back to your evidence, Mr York, about one of the barriers being traceability and identification. Obviously, the identification regulations have been in since 2009. Now, I accept there are issues over the database, which has gone and is now having to come back, but it seems the kinds of horses that you’re talking about on common land don’t have that identification anyway. Is that right?

[50] **Mr York:** Yes. There are 26 areas of common land in Wales that have a derogation. That is, they do not have to have a microchip or horse passport.

[51] **Antoinette Sandbach:** And is this welfare issue that you’re describing—is the issue fly-grazing horses on that derogated common land?



[52] **Mr York:** Yes.

[53] **Antoinette Sandbach:** Yes. My understanding of the Act was that, where horses were fly-grazing, if you couldn't trace them, provided you put up a notice to give reasonable warning to whoever might be the owner, actually, you could take action and take the horses for slaughter, effectively, after so many days.

[54] **Mr York:** Yes.

[55] **Antoinette Sandbach:** Given that this is common land and there is a commons association and they are required to keep the land, presumably, in good agricultural and environmental condition, are you aware of what work's been going on between the local authorities and the commons association to try and tackle it in that way?

[56] **Mr York:** Yes. There are some local authorities that have common land within their boundary that work extremely hard on fostering relationships with commons associations. But let's be quite clear: the Animals Act 1971 was legislation that allowed commoners associations to do just what you said—to impound illegally grazing animals, hold them for seven days, and then dispose of them if an owner didn't come forward.

[57] **Antoinette Sandbach:** So, I presume, therefore, that effectively the barrier is cost?

[58] **Mr York:** Cost.

[59] **Antoinette Sandbach:** So, if there was something under the rural development plan, for example—a limited fund for a short period of time—that could help neuter some of the animals that aren't—

[60] **Mr York:** Yes.

[61] **Antoinette Sandbach:** So, there are two problems: one is breeding, because they're reproducing, and the second is that, as I think you described, where there is an identifiable Welsh strain of pony—and I can think in north Wales, for example of the Carneddau—actually that strain needs to be preserved.

[62] **Mr York:** Absolutely. There are strains of pure-bred Welsh mountain ponies still living a semi-feral lifestyle, but they're becoming harder to find. The Carneddau is completely different because of its geographical location, and I think the people in north Wales are very proud of that breed and want to retain its individuality.

[63] **Antoinette Sandbach:** Yes. So, really, what we need is a short, targeted programme that would either neuter the animals or slaughter them, for want of a better word, to a reasonable degree, and then neuter some of the remaining ones so that the breeding issue isn't an issue?

[64] **Mr York:** Yes. I am very pleased to be able to say that, next week or in two weeks' time, I'm meeting with the local authorities in the worst area and the commoners association to try and get the commoners association to conduct some sort of operation to sort the problem out.

[65] **Antoinette Sandbach:** And where is this worst area?

[66] **Mr York:** This is Gelligaer common. Caerphilly County Borough Council is the local authority. Their trading standards officers tend to have, or be in a problem area, but they are very good, and they will use the Act when they can.

[67] **Antoinette Sandbach:** In terms of going forward, because we know this database is going to be reintroduced at some point because of European requirements, are you aware of any actions being taken by Welsh Government to work with you and other organisations, and I'm thinking of all four of you here but maybe other organisations, to set up that register—and I can see Charles de Winton shaking his head—and maybe look at the derogations and see whether or not they are applicable or whether there should, for example, be a genetic test so, in other words, only identified Welsh-specific breeds get the derogation? I mean, I'm thinking on the hoof here, but—

10:00

[68] **Mr York:** I welcomed derogation when it was first mooted, because I wanted to give the hill pony breeders the opportunity of producing a good-quality Welsh mountain pony that can cope with the environment. My understanding is that, in order to qualify for derogation, the hill pony breeders had to have a management plan in place and to prove that they could manage their common. Now, I've seen no evidence, really, in south Wales, of a management plan on any of the problem areas, which is why I've changed my opinion and I actually think derogation now is hindering welfare problems and, in many aspects, obviously sorting out fly-grazing and abandonment, because you cannot trace the owner of these animals.

[69] **Alun Ffred Jones:** Ocê. Diolch yn fawr. Jenny Rathbone. **Alun Ffred Jones:** Okay. Thank you very much. Jenny Rathbone.

[70] **Jenny Rathbone:** I just want to pursue the commoners associations, because, rather than doing a raid on the rural development plan, which has a lot of other demands on it, what is the possibility of commoners associations investing in husbanding the commons, which is presumably why they exist?

[71] **Mr York:** That's a very difficult question to answer. Historically, commoners associations haven't been willing to work with charities, for whatever reason. I would like to see more collaborative working with commoners associations, which is why I'm trying to talk to commoners associations and make them realise that, actually, problems on commons are their problems. I know that charities have always sorted it out, but actually the time has come for them to sort it out. I actually think, with help from local authorities, that can be achieved.

[72] **Jenny Rathbone:** So, what resources do commoners associations have? I mean, they're presumably local landowners who benefit from the commons.

[73] **Mr York:** Yes. Unfortunately, because the commons registers haven't really been policed, people have assumed commoners' rights and grazed commons historically for a number of years, but in actual fact they don't have commoners' rights. So, there's another issue there that needs resolving.

[74] **Jenny Rathbone:** Okay, because I think, you know, local authorities do have many demands on their resources.

[75] **Mr York:** They do.

[76] **Jenny Rathbone:** Clearly, child welfare is going to take priority over horse welfare. So, I think this is a matter we should pursue in terms of stakeholder engagement in a particular problem.

[77] **Mr York:** I agree.

[78] **Alun Ffred Jones:** Charles de Winton, do you want to come in?

[79] **Mr de Winton:** Can I just add to that? From a CLA perspective and from my previous experience dealing with commoners and commoners associations, I think the big problem is that the legislation goes back to the Commons Registration Act 1965, and certainly having dealt with them in other guises, other than CLA, there has always been a history that, with commoners associations, you get a bunch of people on these committees who tend not to really agree with one another and are at loggerheads a lot of the time. That's my experience. That really, sort of, blocks positively going forward. But I know, obviously, in Westminster, for commons, various Acts were enforced and have been brought forward. I know that some of that has seen patchy uptake here in Wales, for various reasons, but I do think, having had experience with the commons element of the Glastir scheme, it has certainly brought commoners associations together. There's been more organisation to try to look to achieve a common goal on a lot of commons, with obviously money, grant aid, for managing them in a sustainable way, and everything. I'm just hoping that, with that good practice that has come about—not on every common, but on a lot of commons in more rural areas in Wales—that might be a good opportunity to try to enforce further welfare issues as far as this current issue is concerned.

[80] **Jenny Rathbone:** Okay, thank you. Perhaps this is something that might be pursued elsewhere.

[81] **Alun Ffred Jones:** Llyr.

[82] **Llyr Gruffydd:** Diolch yn fawr, Gadeirydd. Yn ein trafodaethau ni ar y Bil fel pwyllgor, mi wnaeth rhai o aelodau y pwyllgor yma, pan oeddwn yn ceisio cynnig gwelliannau i'r Bil, gynnig gwelliannau a fyddai'n estyn yr hawl i adennill costau i drydydd partion—tirfeddianwyr, tir berchnogion, defnyddwyr tir, a'r elusennau, wrth gwrs, sydd yn aml iawn yn gorfod delio â llawer o'r canlyniadau sy'n dod o hyn. Gwrthodwyd hynny ar y pryd gan y Llywodraeth, ond mi wnaeth y Gweinidog ar y pryd ddweud y buasai'n hapus ar ôl 12 mis o weithredu'r Ddeddf i gyhoeddi adroddiad yn amlinellu'r costau a achoswyd, neu beth oedd y costau—dyna'r hyn rwy'n trio'i ddweud—hynny yw, bod yr adroddiad yn amlinellu beth oedd y gost i'r trydydd partion yma ar ôl 12 mis o weithredu'r Bil. A ydych chi'n ymwybodol a ydy'r gwaith yna wedi digwydd? Na? Nid wyf yn meddwl ei fod, ac mae hynny'n rhywbeth, efallai, y dylem ni fod yn ysgrifennu at y Llywodraeth i ofyn amdano fe. Ond, yng ngoleuni'r ffaith nad yw'r adroddiad wedi digwydd, a oes gennych chi syniad, yn fras, tua faint rŷch chi'n ei feddwl y mae'n ei gostio i chi, fel mudiadau?

**Llyr Gruffydd:** Thank you very much, Chair. In our discussions on the Bill as a committee, some of the committee members, when we were trying to put forward amendments to the Bill, put forward amendments that would extend the right to seek redress for third parties—landowners, land users and the charities, of course, which often have to deal with many of the results arising from this. That was rejected at the time by the Government, but the Minister at the time said that he would be content, after 12 months of the Act's implementation, to put forward a report outlining the costs that were caused, or what the costs were—that's what I'm trying to say—namely, that the report outlined what the costs were for these third parties after 12 months of implementing the Bill. Are you aware whether that work has happened? No? I don't think it is happening and that's perhaps something that we should be writing to the Government to ask about. But, in light of the fact that that report hasn't been put together, do you have any idea how much you think it costs you, as organisations?

[83] **Mr Carter:** It's a cast of one. [*Laughter.*] We could identify the costs we've had, but we've had to make a conscious decision within RSPCA Cymru not to take the number of horses we have historically taken, because we ended up with 1,000 horses in private boarding

and that was a number that was just unsustainable. So, we took an active decision about 18 months ago to limit the number of horses we took. So, our costs will be a lot lower, but if we were requested to do so, we could capture all the costs we have to do with picking up abandoned and fly-grazed equines in Wales. We could do that quite easily.

[84] **Alun Ffred Jones:** It would be useful if you could send a note to the committee on it.

[85] **Mr Carter:** We could do that.

[86] **Mr de Winton:** As an organisation, obviously, we're a membership organisation, but, where you have members of ours who, effectively, see horses suddenly appear in their fields, clearly, there's a lot of agricultural grass, crops, fencing and all the necessary opportunities there, and, also, trying to take legal action to try and get rid of the problem.

[87] **Alun Ffred Jones:** Joyce.

[88] **Joyce Watson:** I wanted to come back to getting rid of the problem and ask to what extent the Act has been effective in dealing with individuals who may be persistent offenders, if you've even come across individuals who are persistent offenders.

[89] **Mr Carter:** We've come across one or two rather large offenders. I think when you get to that—. The Act can deal with the symptoms quite quickly and, as far as we're concerned, can deal with the potential welfare issue, and it can deal with the financial implications for the people whose land is being used by these horses. But, longer term, it tends to be other legislation that deals with these people, such as the Animal Welfare Act, because that has the powers to prevent them repeating—it can send them to jail and it can remove their right to have animals. So, I don't think the Act actually has that long-term prevention, but what it will do, I hope, is that it will shape their future behaviour. I think that's what we're seeing with the number of horses we consider to be at risk reducing in Wales. People are actually seeing that they will lose their horses and, in some cases, that's their potential livelihood. So, I think it's shaping their behaviour. But, again, I think it will take longer than a year to see what the results of that are.

[90] **Joyce Watson:** Okay. If I can go on and talk about behaviour, are you confident that local authorities are aware that they can use anti-social behaviour powers to tackle this problem?

[91] **Mr Carter:** I think they are, because it was used in south Wales with a particular breeder. But, I don't think it is universally known and I think, again, that could be where, if the local authorities do act in a more co-operative way and share best practice, that message should get out.

[92] **Joyce Watson:** I want to ask Charles if he could answer that, because you mentioned Pembrokeshire, which is where I live, and a particular problem there. So, in many ways, it might serve as a sort of unique case, although I'm sure it's not. Did you or the person you were representing feel that the authority were aware of what they could do, rather than refusing to do what they felt they might—?

[93] **Mr de Winton:** They're absolutely aware of what their powers were but just said, because it's a discretionary power, 'We haven't got any money, so I'm sorry, we're not going to bother'. That was the frustration that certainly our member relayed back to me, saying that they knew they had the powers to do something about it, but just didn't want to do it because they didn't have any money and they didn't see why they should.

[94] **Joyce Watson:** Can I ask the question back around the other way, please, Chair?

We've talked about repeat offenders, and we can almost talk about whether the Act is useful for those who suffer from the repeat offending, so, in other words, landowners whose land might be very convenient for those who want to put their horses on it, if you like, becoming repeat victims, almost, of that. Is the Act useful, or have you any evidence or representation to say that it's been useful in that regard?

[95] **Mr de Winton:** Certainly, members, as I said, down in the Swansea area have, I know, been plagued by this problem. Certainly, the information I've received was very clear: that before the Act came into power, they felt that, quite honestly, it was difficult to get any result and everything else, but, since the Act has come into power, I've had a member ring me up, wringing his hands and saying, 'Look, I've got these horses on my ground again. What can I do?' I said, 'Well, actually, the new legislation has been in force.' He rang me within a fortnight and said, 'Oh, great, excellent, you know, they've gone. The job's been done, and it's been done very efficiently.' He was very grateful for the power and efficiency with which the authority dealt with it.

[96] **Joyce Watson:** Just finally, if I can, Chair, coming back, using the same question, ultimately, it was also about animal welfare and reducing the incidence of harm as well. Has the Act, in your opinion, achieved that aim?

[97] **Ms Carr:** I think that not all fly-grazing is necessarily a welfare issue. So, obviously, there may be 20% of horses in the group that have a severe welfare problem, but there might be a lot of healthy horses in there as well. So, this obviously wasn't primarily welfare legislation, but I think if it acts as an effective deterrent, there's a welfare benefit to that, isn't there? I think it acts in two ways: one, you don't need to identify the owner in order to utilise the Act, which is the main point, really; and two, there have obviously been a couple of high-profile prosecutions before the Act came into play, but the people involved with those, to my knowledge, haven't reoffended, so it has acted as a strong deterrent that has got a welfare benefit. There are obviously other welfare issues that it hasn't touched on, but, in terms of certain areas and the problem that was made very public by certain prosecutions, there has been an effective improvement there in welfare.

[98] **Alun Ffred Jones:** Okay?

[99] **Joyce Watson:** Thank you.

[100] **Alun Ffred Jones:** Russell.

[101] **Russell George:** We've talked about some issues of unintended consequences of the Act and displacement across the border into England, but are there any unintended consequences of the Act that perhaps have not been covered by previous contributions you've made to questions we've asked this morning?

[102] **Alun Ffred Jones:** Who's taking this? Charles.

[103] **Mr de Winton:** I would just say, from talking to my fellow colleagues who cover the English regions, at our headquarters and everything else, they look upon how the Welsh Government have tackled the problem with quite a bit of envy, because they certainly are aware that the problem is starting to become more apparent within their regions. The point has already been made, certainly by my fellow colleagues, that the problem, shall we say, is noted along the M4 corridor to the channel ports? There has been an increase, because, obviously, the culprits realise that action, possibly, will be taken here in Wales and, as things stand at the moment in England, it's a little bit easier to probably get away with it and duck under the wire.

[104] **Alun Ffred Jones:** Any other comments on this—unintended consequences?

[105] **Mr Carter:** One of the things that might not be an unintended consequence directly, is that it identifies that, until we have a foolproof method of identifying ownership of horses and pushing responsible ownership, and that includes responsible breeding, the Act is only part of the toolkit. So, whilst it's not a consequence of the Act, it's something that's highlighted by the Act, because the Act is good for what it's designed to do, I believe. But, because it hasn't tackled identification and, therefore, responsibilised the owners, it's never going to really deal with the problem on its own.

[106] **Russell George:** So, how do you deal with that? Would you suggest an amendment to the Act?

[107] **Mr Carter:** I actually think it would need to be something separate—it'd be separate legislation to make it a legal point to have all horses identified and all owners responsible for that animal.

10:15

[108] **Ms Carr:** Can I just add that I think, obviously, the new central database is going to have to come in now because of EU regulations, but, as an organisation, I think BVA and BEVA would agree that they would want all horses to be microchipped retrospectively, which is an option within that legislation. That would be the key thing. Also a discussion about whether derogation is a good thing or not: I think BVA would want every single horse in the country to be identified or to be illegal if it wasn't identified with a microchip. That's the crux of it.

[109] **Russell George:** If there was an amendment to the Act, what would you—? What would be your priority if there was to be an amendment to the Act?

[110] **Mr York:** Identification.

[111] **Mr Carter:** Also, if it was financially sustainable, to make it statutory. It's that thing: it's the finances, and we're very realistic that they're not there.

[112] **Llyr Gruffydd:** Dyna oedd y cwestiwn roeddwn am ei ofyn: ynglŷn â'i gwneud hi yn ddyletswydd gorfodol ar awdurdodau lleol i weithredu y Ddeddf ac a ŷch chi'n teimlo bod hynny'n angenrheidiol, oherwydd un o brif resymau cyflwyno'r Ddeddf hon oedd er mwyn sicrhau cysondeb ar draws Cymru. Mae'n ymddangos i mi efallai nad yw hynny wedi'i gyflawni.

**Llyr Gruffydd:** That was the question that I was going to ask: about making it a statutory duty on local authorities to implement the Act, and whether you feel that that is essential, because one of the main reasons for introducing this Act was to ensure consistency across Wales. It appears to me that perhaps that hasn't been achieved.

[113] **Alun Ffred Jones:** Any comments?

[114] **Mr Carter:** I would agree with that. The consistency is not there. As I mentioned earlier, I think it's because local authorities have been used to not doing anything; therefore there's no budget there to do it, and that's the issue.

[115] **Russell George:** In regard—. Sorry.

[116] **Alun Ffred Jones:** Russell, yes. Sorry, Phillip, do you want to come back on that?

[117] **Mr York:** I just wanted to add to what Steve was saying, that—and again I’m going to bring charities into this—where relationships have been fostered with local authorities, the local authorities, knowing that they could rely upon charities for the resource, have taken action. But, you know, areas in north Wales where they have a problem, where they don’t necessarily have the charity resource there, they won’t actually use the legislation.

[118] **Alun Ffred Jones:** And Charles.

[119] **Mr de Winton:** I’ll just concur with, obviously, the points that have been made. It’s hugely frustrating if you just happen to be a member of ours, for example, in Pembrokeshire: you know, it’s postcode lottery time. If you happen to be in Swansea or Cardiff, great, it’s somewhere you know that probably you’ve got a good chance of something going to happen, but, if you’re somewhere else, it’s hugely, hugely frustrating.

[120] **Russell George:** Have you seen any evidence from Welsh Government of support for promoting good practice in local authorities?

[121] **Mr York:** Yes, I have. I think funding was given from the Welsh Assembly Government to Blaenau Gwent. Without that funding they couldn’t have used the legislation.

[122] **Antoinette Sandbach:** Oh, Alun Davies.

[123] **Russell George:** Yes.

[124] **Alun Ffred Jones:** Okay. Less of that. [*Laughter.*]

[125] **Russell George:** Sorry, yes. Can you just expand a little bit more? I am just interested to know whether there should be more support from Welsh Government for sharing of good practice. Is that your opinion, or do you think that it is sufficiently—?

[126] **Mr York:** Well, undoubtedly. Undoubtedly, the more support that local authorities can get from Welsh Government, that can only be a positive thing. You know, I mentioned the authority in Blaenau Gwent, which had a particular problem. We’d tried to deal with the problem piecemeal over a protracted period of time. It wasn’t working, clearly, so more robust action was needed. That robust action had a price tag attached to it. The Welsh Government gave Blaenau Gwent the necessary funding. I think it was a funding match, which allowed the operation to go ahead.

[127] **Russell George:** Yes, but what I was perhaps suggesting in my question before last was funding from Welsh Government to share good practice amongst local authorities. So, you’re talking about a specific fund—

[128] **Mr York:** Yes. Yes, I am. But, generally, in answer to your question, yes, I would agree.

[129] **Mr Carter:** I think that there is some spreading of best practice, not necessarily in the equine world but certainly with things like dog licensing. There’s a lot of talk between local authorities, and it’s very productive. The knowledge is there. Some local authorities are very good at this. I think a little bit of funding will enable them then to spread that best practice to where local authorities have no experience of using the Act or similar legislation.

[130] **Russell George:** How would that funding develop? How would you use that? How would you suggest that funding is used?

[131] **Alun Ffred Jones:** Can I stop you there, before Antoinette comes in? Apparently, the

Welsh Government had promised to develop an engagement and communication strategy as part of the action plan that accompanied this. Are you aware of whether this has happened or not?

[132] **Mr Carter:** No.

[133] **Mr York:** I'm not aware of that.

[134] **Alun Ffred Jones:** Okay. Antoinette.

[135] **Antoinette Sandbach:** I wanted to go back to the database. We know it's got to come in. I know that none of you were aware of any work that was being carried out by Welsh Government to bring it in. Charles, are you aware of any work through your colleagues in England, by DEFRA, to establish, or—. I can see Steve Carter—

[136] **Mr de Winton:** I'm not, no.

[137] **Mr Carter:** I was in the national equine forum last week, and Lord de Mauley, the Minister for welfare, was there talking about the database specifically. They are very seriously looking at it and working out how they could bring it in. There is an understanding. The chief veterinary officers from all the member countries of the United Kingdom were there, and Ireland, talking about how it needs to be, really, and how it needs to talk to each other. So, it is quite advanced. It is coming in. But they didn't have a timeline.

[138] **Antoinette Sandbach:** No timeline. Right.

[139] **Alun Ffred Jones:** The Act was fast-tracked, so the question I'd like to ask is: were there any particular benefits from the Act in tackling fly-grazing and abandonment of horses in the winter of 2014, subsequent to the introduction of the Act?

[140] **Mr Carter:** As I said earlier, the thing with this issue is that it's quite seasonal, so to actually specifically look at one winter is quite difficult, because it was a mild winter. So, I think it did have an impact, because it's made it easier for people to use it, and it brings the timeline down, but I think it's difficult to tell after one winter whether specifically fast-tracking it has benefitted that one winter.

[141] **Alun Ffred Jones:** No other comment on that? Any other questions from the committee? Satisfied? Would you wish to leave something with us, a last parting shot, before you depart?

[142] **Mr de Winton:** As I said in my last comment, I think postcode lottery comes to mind, and, if there were some sort of non-discretionary power to local authorities, so they have to be seen to be acting, it would be hugely beneficial, and less frustrating for our membership to see that, if they have a problem, hopefully they know that someone will see to it and be able to sort the problem out.

[143] **Mr York:** For me it would be identification. Derogation needs looking at. If it isn't dealt with, problems of over-breeding, over-population will continue.

[144] **Ms Carr:** I think one thing we haven't touched on is that there's a large potential biosecurity hazard of horses not being identified, and us not having a good idea of the numbers of horses involved. If a disease were to come over from mainland Europe or north Africa to this country in equines, it would be very difficult to control that. It would be nice to jump the gun and actually have horses identified before that happened rather than having to chase our tails and do that following a disease outbreak.



[145] **Alun Ffred Jones:** Diolch yn fawr. Thank you. And Steve.

[146] **Mr Carter:** Firstly, I'd like to say that the Welsh Assembly should be very proud that it got this Bill through as it did, but it should be seen as one part of the toolkit. It deals with a specific issue. It's interesting that it identifies that it's not just the natural equine population that are affected by horses, because it deals with all landowners, it deals with local authorities, it deals with the NHS—they're abandoned in hospital grounds, and school grounds. So, that was very important—it realised that this was wider than just a single population. But it is only one part of a toolkit, and if we want to responsabilise owners and prevent this being a recurring problem, we need to get identification sorted, and we need to empower people to enforce whatever legislation we bring in.

[147] **Alun Ffred Jones:** Iawn. Wel, **Alun Ffred Jones:** Okay. Well, thank you diolch yn fawr ichi am ddod atom y bore very much for coming in this morning. We yma. Mi fyddwn yn anfon *transcript* o'r will send a transcript of proceedings to you to trafodion ichi gael sicrhau cywirdeb. Diolch check for accuracy. Thank you very much for yn fawr iawn ichi am eich cyfraniadau y bore your contributions this morning, which have yma, oedd yn ddefnyddiol iawn iawn. been very, very useful.

[148] Would you like a break, a quick break, or would you prefer to—. Right, we'll take a quick—. Five minutes.

*Gohiriwyd y cyfarfod rhwng 10:24 a 10:32.  
The meeting adjourned between 10:24 and 10:32.*

### **Deddf Rheoli Ceffylau (Cymru) 2014: Craffu ar ôl Deddfu Control of Horses (Wales) Act 2014: Post-legislative Scrutiny**

[149] **Alun Ffred Jones:** Bore da. A gaf fi **Alun Ffred Jones:** Good morning. May I eich croesawu chi yma i'r sesiwn craffu ar ôl welcome you to this post-legislative scrutiny deddfu ynglŷn â Deddf Rheoli Ceffylau session in relation to the Control of Horses (Cymru)? Mae gennym ddau gynrychiolydd (Wales) Act? We have two representatives o lywodraeth leol—na, un cynrychiolydd o from local government—no, one representative from local government and o lywodraeth leol ac un o'r heddlu. A gaf fi and one from the police. May I ask you to ofyn ichi gyflwyno eich hunain? introduce yourselves?

[150] Can I ask you to introduce yourselves?

[151] **Mr Howells:** Matthew Howells, o **Mr Howells:** Matthew Howells, from Dyfed-Heddlu Dyfed Powys. Powys Police.

[152] I'm here on behalf of my chief constable, who is the Association of Chief Police Officers lead for rural affairs in England and Wales.

[153] **Mr Jones:** Lee Jones. I'm head of regulatory services at Bridgend County Borough Council and also here on behalf of the directors of public protection in Wales.

[154] **Alun Ffred Jones:** Diolch yn fawr iawn. So, we'll start the ball rolling. Mick Antoniwi.

[155] **Mick Antoniwi:** One of the things we're obviously concerned with is to review the Act as passed—I know it's early days yet, but what impact it's had and any particular teething

troubles and issues that arise with the legislation. So, I think what would be helpful would be your initial views as to the extent to which the new Act has been used and whether it has benefited in terms of dealing with the issues we're concerned with.

[156] **Mr Howells:** From a policing side, obviously, it's a local authority-led piece of legislation, so we haven't had any sort of direct primacy on any cases. I know that in some local authority areas, Carmarthenshire in particular, police will help and have helped the animal health and trading standards staff to round up horses and get them from there. So, from a policing side, we've had no direct involvement, but we have seen a reduction in the number of calls relating to horses. Unfortunately, the way we categorise our calls and record our calls, it's very difficult to give exact figures on the number of incidents where fly-grazing has been involved that the police have then been involved in. So, we can give rough figures of all the calls that include the words 'horse' or 'grazing', but that will include the Horse and Jockey pub, the Horse and Groom pub, and any hunting calls, so, it's very difficult for us to give figures. But, in one area in particular in south Wales, the number of calls in the Bridgend and Vale of Glamorgan area in particular has dropped dramatically since just before the legislation came in, and, again, since the legislation came in.

[157] **Alun Ffred Jones:** Mr Jones?

[158] **Mr Jones:** From the local authority perspective, I think the legislation was a culmination of a period of quite considerable activity—a couple of years of considerable activity—where, as the officer's just explained then, particularly around Bridgend and the Vale of Glamorgan, there were a considerable amount of calls; we were dealing with hundreds of calls in relation to straying horses. We are now down to much smaller manageable numbers. I think, in part, if you're asking about the impact the legislation has had, the process of bringing the legislation in and the combined efforts of a number of criminal prosecutions that have taken place from local authorities, the police and the RSPCA also help. It was part of a package of action that took place over a two-year period, including the national taskforce that was looking at this.

[159] What the legislation has done is that it has brought in a more uniform approach across Wales now. Certainly, if referring to Bridgend and the Vale, we have had cause to use the new legislation and it has proved successful and allowed us to take quite swift action. So, in the Vale, I think the legislation's been used on nine occasions, seizing 25 horses, and, in Bridgend, on five occasions and 34 horses have been seized. In Bridgend's cases, we have been able to track the owner of 16 of those horses back, and they were handed back with the fee paid. On the other horses, we've had to take action. We've had to put the horses down following the seven-day period as the legislation requires. There's been a cost, obviously, with that as well, but the process has been quite effective and quite swift.

[160] **Mick Antoniw:** You've described the problem where a lot of calls are coming in, which is obviously an issue in the Bridgend area, yet there have only been five occasions on which you've used the Act. Is there any reason why the number of usages is so low, or are we misinterpreting that figure?

[161] **Mr Jones:** I hope it's because the amount of action that had been taking place for the previous couple of years prior to the legislation coming in, where we were dealing with—. Prior to that, prior these occasions and the legislation, Bridgend had seized 204 horses, the majority of which we fortunately were able to re-home, others we've had to put down. But we've also been involved quite proactively in, as I said, criminal action against those who we feel were the owners of the horses, with the local authority taking its own action, South Wales Police taking action relating to anti-social behaviour orders, and also the RSPCA taking action in relation to welfare. We've done joint prosecutions with those as well.

[162] **Mick Antoniw:** Is there any evidence then that the passing of the legislation has changed the conduct or behaviour of some of the owners, so it has not been necessary? Is that what you're suggesting, or—.

[163] **Mr Jones:** It's hard to say it's directly related; I think it's a consequence of a lot of proactive action. I think it has very much raised the bar and the profile, and made the issue of stray and abandoned horses much more unacceptable. Prior to that, I think there was a patchy response across Wales in relation to responding to these issues. So, I think what the legislation did was that it was a very positive step to say, 'This is unacceptable behaviour'. It gave some strength to local authorities to act a lot more quickly as well. And I think raising public awareness and public perception of this issue—raising that profile—meant that we found that there's certainly been a decline in the numbers, and it has coincided with a period of a lot of proactive action but also the legislation coming in.

[164] **Alun Ffred Jones:** Joyce Watson, on this point?

[165] **Joyce Watson:** On that point, the point you've just made that the Act has produced action or reaction across the piece, we've just had evidence to say that that is not the case—that not all authorities are actually dealing with the issue in the way that the Act was hoping they would, and there was an example cited particularly in Pembrokeshire just now. So, either you're right or they're right, but the evidence we've just had tells us that it is still a postcode lottery. Would you like to make any comment on that?

[166] **Mr Jones:** It is a difficult issue, because there is a resource issue in responding to this. I think in the paper I put together, even now, in the instances that I've quoted of the nine occasions, we simply have to rely on contractors, so it's around £500 to £600 to pick a horse up. You're then talking £12 to £15 a day to look after that horse and then you have the issue of having to have the vet fees with the microchipping et cetera. So, there's a resource implication. I guess that what you would have had prior to the legislation is that authorities such as mine relied on more local legislation. So, for example, Bridgend could rely on the Mid Glamorgan County Council Act 1987, which had similar provisions, although they weren't quite as tight and as effective as those in the new legislation.

[167] So, we've had two years' experience now of dealing with this problem and in dealing with this problem on a huge scale, with quite a detrimental effect to the service that I ran at the time. But, it has meant that, I guess, we have the procedures and processes and the contacts and the ability to act quite swiftly and respond. Fortunately, in Bridgend's case, for example, we have a dedicated officer, a horse warden, and a small dedicated budget. Now, not every local authority is benefiting from that. So, there are two aspects: they may not have that knowledge and those experiences there, or the contacts, so their response might be slightly slower, or they simply don't have the resources to be able to respond, because—

[168] **Alun Ffred Jones:** Diolch yn fawr. Llyr Gruffydd.

**Alun Ffred Jones:** Thank you very much. Llyr Gruffydd.

[169] **Llyr Gruffydd:** Diolch yn fawr iawn. Mi glywon ni'n gynharach dystiolaeth mai un o brif resymau cyflwyno'r Ddeddf hon oedd er mwyn sicrhau mwy o gysondeb ar draws Cymru, oherwydd er bod yna Ddeddfau lleol yn bodoli, wrth gwrs, roedd y broblem yn cael ei symud i ardaloedd eraill. Y cwestiwn canolog, felly, yw: i ba raddau y mae'r Ddeddf wedi cyflawni hynny? Nawr, yn y dystiolaeth yr ŷm ni wedi'i chael, yr

**Llyr Gruffydd:** Thank you very much. We heard evidence earlier that one of the main reasons for introducing this Act was to ensure greater consistency across Wales, because while there were local Acts in place, of course, the problem was being moved to other places. The question, therefore, is: to what extent has the Act achieved that aim? Now, in the evidence that we've received, the suggestion is, of course, that local authorities

awgrym yw, wrth gwrs, fod awdurdodau lleol ddim yn defnyddio'r Ddeddf i'r un graddau, ac felly nid yw'r Ddeddf wedi cyflawni'r cysondeb yna yr ydym wedi bod yn chwilio amdano. Yr awgrym wedyn, wrth gwrs, yw y dylid diwygio'r Ddeddf i'w gwneud hi'n ddyletswydd orfodol ar awdurdodau lleol i weithredu pan fo achosion yn codi. Beth yw eich barn chi ynglŷn â hynny?

aren't using the Act to the same extent as others, so the Act hasn't achieved that consistency that we've been seeking. The suggestion then, of course, is that the Act should be amended to make it a statutory duty on local authorities to act when cases do arise. What's your opinion about that?

[170] **Mr Jones:** I'm aware of the debate about the statutory duty. I think my feeling, from the local authority perspective, of course, is that if a resource doesn't come with a duty, then there is a problem for local authorities. Local authorities are quite squeezed on their resources, and I hope that doesn't come across as trying to make excuses, but it's a practical reality for my own service. For example, I'll be looking next year at a 25 per cent reduction in staffing levels—and that is a team of 52 people probably losing about 10 or so people. The actual animal health team is two people. Bridgend was at the centre of this. So, I think one of the positives from the response, actually, in not making it an actual duty was the partnership work of everybody being involved, and the joint work with South Wales Police, with the RSPCA and with other third sector charities was the strength in this response.

[171] I think, for the other reasons that I explained earlier, the authorities that have used the legislation are probably very similar to the authorities that were using it before, because that happens to be where the problem is. We will still utilise it and it has allowed us to be more effective and more swift in our response. But, my concern about it being a duty, from a local authority's point of view, is the resource implications of that, and then the other partners also standing back and just saying, 'It's a local authority problem' and we don't have the benefit of the partner support.

[172] **Llyr Gruffydd:** Rwy'n deall yn llwyr y sefyllfa o safbwynt diffyg adnoddau, ond beth ydych chi'n ei ddweud, felly, mewn gwirionedd, yw na fydd y Ddeddf yn cyflawni un o'i phrif bwrpasau heb fod yna ragor o adnoddau ar gael i lwyddo i wneud hynny.

**Llyr Gruffydd:** I understand entirely the situation in terms of a lack of resources, but what you're saying, therefore, in truth, is that the Act will not achieve one of its main functions without additional resources being allocated to achieve that.

10:45

[173] A gaf i ofyn, felly, heb gyflwyno dyletswydd statudol, beth y gellid ei wneud i sicrhau bod y Ddeddf yma'n cael ei gweithredu'n fwy cyson ar draws Cymru?

May I ask, therefore, without introducing a statutory duty, what can be done to ensure that this Act is implemented more consistently across Wales?

[174] **Mr Jones:** I think some of the support that existed around the height of the problem when we had the taskforce—and there was Welsh Government support through, maybe, small grant funding, et cetera that allowed robust criminal action to be taken, which was, at the time, and that was co-ordinated—is extremely helpful. As I said, what local authorities probably don't retain is also some of the physical resource and skills, because we are talking large numbers of semi-feral animals. So, I often use the illustration of, it's not the same as having a dog pound, and it's not as easy as picking up a dog and taking it to a pound. What you've got here are large animals that require very specialist care and quite large equipment.

[175] Actually, the problems now are quite sporadic, so, local authorities are going to struggle to commit significant amounts of money, for example, to retain a horse pound, or

people on standby. So, the possibility of maybe some central resource there may be useful, which would then support local authorities when they are taking action to know that there is some central resource that they can rely on.

[176] **Llyr Gruffydd:** Jest i bigo lan ar y cwestiwn a ofynnais i'n gynharach y bore yma, mi wnaeth rai ohonom gynnig gwelliannau i'r Bil yn wreiddiol i ganiatáu i drydydd partion adhawlio costau yn y broses, er enghraifft, elusennau, ffermwyr, perchnogion tir ac yn y blaen. Mi wnaeth y Gweinidog ar y pryd wrthod y gwelliannau, ond ymrwmo i ddarparu adroddiad ar ôl 12 mis o weithredu'r Ddeddf a fydd yn amlinellu tua faint o gostau rŷm ni'n sôn amdany'n nhw i drydydd partion fel ein bod o leiaf yn deall hyd a lled y gost. A ydych chi'n ymwybodol os ydy'r gwaith yna wedi digwydd o gwbl?

**Llyr Gruffydd:** Just to pick up on a question that I asked earlier this morning, some of us did put forward amendments to the original Bill to allow third parties to seek redress in terms of costs for the process, for example, charities, farmers and landowners and so on. The Minister at the time rejected those amendments, but he did commit to providing a report after 12 months of enacting the Act that would outline what kinds of costs we're talking about for third parties, so that we would at least understand the implications of the cost. So, are you aware whether that work has happened at all?

[177] **Mr Jones:** No, I'm not aware.

[178] **Alun Ffred Jones:** A gaf i ofyn i Mr Howells, a ydych chi'n ymwybodol bod yr arferion yn gwahaniaethu o un ardal i'r llall, a bod yna fwy o gysylltiad gydag awdurdodau lleol, dywedwch ym Mhen-y-bont, na sydd yna yn y gogledd, er enghraifft?

**Alun Ffred Jones:** May I ask Mr Howells, are you aware that practices differ from one area to the other, and that there is more connection with the local authority, for example, in Bridgend, than there is in the north, for example?

[179] **Mr Howells:** There is the issue that we can't narrow figures down to specific fly-grazing instances. I know, for example, that Ceredigion doesn't appear to have a problem from the policing side, Carmarthenshire does around Llanelli, and Pembrokeshire does around Pembroke Dock, in particular. So, the fact that Ceredigion has never used the legislation is probably because it doesn't have a problem there in the first place. I know the Pembrokeshire incident that was mentioned earlier. Without having looked at the actual details of the incident, I understand that it was a case where there were horses loose on the road, police officers turned up and ushered the horses into a field that happened to be open, put some tape across it and the horses came back out and were put back into a different field where there was a gate. Unfortunately, the field that they put the horses into wasn't where they came from initially and so we were, sort of, technically, instigating an incident of fly-grazing. *[Laughter.]* I know the landowner complained, but the owners of the horses were found quite quickly and the horses were then moved. So, I know Pembrokeshire council refused to get involved in that incident, and I think it was sorted out quite quickly, anyway.

[180] **Alun Ffred Jones:** Julie Morgan, you've got a specific question.

[181] **Julie Morgan:** I have, yes, thank you very much. I wondered if you'd had any contact with the Gypsy and Traveller community since this Act has passed, because they were certainly very concerned before the Act was passed that it would have a disproportionate effect on them. So, I wondered if you had any comments about that.

[182] **Mr Jones:** In my area, we haven't had cause to have any direct contact with the Gypsy and Traveller community. I understand that in Cardiff, in particular, the larger community based within the borough do have regular contact on a daily basis, because

Cardiff is one of the authorities that actually has a dedicated horse warden, as well, and an officer liaising with the Gypsy and Traveller community. So, as far as I'm aware, that's an ongoing relationship and they have ongoing discussions over any concerns that may arise.

[183] **Julie Morgan:** So, you don't have that.

[184] **Mr Jones:** No, I don't have any problem.

[185] **Mr Howells:** I know that we do have Gypsy liaison officers in Powys, but that's purely around issues around the Royal Welsh Show. I know that the local officers in Llanelli, in particular—. We do have some camps there where they do have regular contact with the Gypsies, but I'm not sure if there is a dedicated officer there.

[186] **Julie Morgan:** So, do you think possibly the fears that many of the Gypsies and Travellers had before this Act was passed turned out to be less of a worry than they thought?

[187] **Mr Howells:** From a policing side, it's been less of a worry than they thought, because Carmarthenshire local authority have only used legislation where they've needed to use it. So, we still have an issue in Llanelli where you get reports of horses tethered to the side of the road, or at roundabouts, which haven't been dealt with as fly-grazing instances, where usually the owners are known, and they just move them on when they're told. So, there hasn't been a case of us taking everything out, taking all the horses away from them. We've only used it in Carmarthenshire where they've known, where they did know, who actually owned the horses.

[188] **Mr Jones:** I can only assume from the fact that we haven't had to have direct communication with the Traveller community that that would hopefully reflect that some of their fears haven't been realised.

[189] **Julie Morgan:** Thank you very much.

[190] **Alun Ffred Jones:** Antoinette.

[191] **Antoinette Sandbach:** I want to go back to the consistency of approach. The WLGA evidence says that this has been used across Wales, but we've got an indication that only Wrexham has used the legislation—it's used it twice, for two horses, but no other north Wales local authority has used the legislation. Is the WLGA aware of any efforts by Welsh Government to educate animal health officers in north Wales about how they could use the Act?

[192] **Mr Jones:** I'm not here on behalf of the WLGA, so I can't really answer on their behalf. Speaking on behalf of my colleagues, as heads of the services who would manage the animal health teams, one of the advantages that we do have in Wales is that, regularly, the 22 authorities in Wales, in their officer groups, do meet and certainly, with this issue in mind, have met to discuss and share experiences of how we have responded. So, colleagues in north Wales are aware of how we've responded within south Wales at the height of the problem, and we have shared that experience. So, whether it's a case of not having the scale of problems or the same sort of problems that we had in south Wales—that could be one factor. The other factor of course, as I came back to earlier, is that it could be the issue around resources and priorities as well.

[193] **Antoinette Sandbach:** Okay. In the previous evidence that we've had, I was encouraged to hear that, in one of your cases, with 16 horses, you've managed to trace the owners. We know that there's going to be a new database that will be coming into effect. Have you been working with Welsh Government in any way about that database? What's

your view on the derogation that currently exists for certain types of equines?

[194] **Mr Jones:** It's been an issue, the database. When it was disbanded initially, it happened to come around at a time when we were probably at the height of some of the problems as well, which was unfortunate. One of the things, I suppose, speaking from experience at that time, which we did find as well was that there were issues with the database, because what we were dealing with at the height of the problem was effectively organised criminality; if people wanted to be outside the system, then they were outside the system. So, one of the biggest problems we were having, even if we were able to seize, or we felt there were grounds on which to take ownership of the horses, was then identifying a legal owner. Now, there might have been a lot of rumour and speculation as to who this owner or owners were, but actually then proving that sufficiently for court purposes was very difficult. Actually, it probably took 18 months or two years between local authorities to develop their own version of the database, so certainly between the Vale of Glamorgan and Bridgend authorities, we've developed our own database based on our experiences of seizing horses and making records and notes and, in certain circumstances, microchipping horses ourselves, for the expense, where we found that the same horses were coming up time and again. So, I feel that a database is useful, but there are flaws in the equine ID process, I guess. The issue around derogation is it always allows—. If there is a gap there, then I think people will take advantage of that.

[195] **Antoinette Sandbach:** One of the suggestions we've had is that—. If a new database comes in—and it will come in on a European level, so that will mean French and Irish horses will have to be, for example, identified as well—one of the suggestions we've had is that we should perhaps make a recommendation that all horses should be microchipped retrospectively. In other words, currently un-microchipped equines should be microchipped, and also that there should be no derogations. Would you agree with those suggestions?

[196] **Mr Jones:** They're sensible suggestions, but there may be practical problems with enforcement. As I mentioned, if you have certain individuals who maybe are indiscriminately breeding horses and fly-grazing or abandoning horses, for whatever reason, we may still have the issue of not being able to identify them back to one individual. But, the tighter you can make that, as part of a package of measures, it would be helpful. The other issue is that, during this process, there are over 80 passport-issuing bodies. I think that has been reduced and a few have lost their ability to issue. But, that created problems as well, along with just the very practical problem of just being able to identify one horse with a passport.

[197] **Mr Howells:** I think the derogation issue relates to hill breeders. Obviously, there's a big difference between those genuine breeders who keep their ponies on the hills and those who dump their horses on the hill. I know, from what I can see with hill breeders, any ponies brought off the hill and sold are then microchipped before they leave the market and are passported. So, those are covered then. I know there is a call nationally and a lot of equine charities are calling for the retrospective chipping of all equines. It would make it easier, along with the new database. The regulations will be that it will be down to the seller to notify the passport authority of the change of ownership, which will make it easier for the police to get involved with any enforcement of horses involved in road traffic accidents.

[198] **Antoinette Sandbach:** Mr Jones, given your experience, it might be useful for you to co-ordinate with Christianne Glossop, who is the chief veterinary officer, who we understood from earlier evidence has attended a DEFRA meeting on the subject with the other CVOs from elsewhere. I think it would be useful to feed in that experience, given that you've been operating your own form of database.

[199] **Mr Jones:** More than happy to do that.

[200] **Alun Ffred Jones:** Okay. Jenny Rathbone.

[201] **Jenny Rathbone:** Two issues. First, I want to explore stakeholder involvement in resolving this problem. We heard in earlier evidence from the country landowners association that commoners associations are somewhat ineffective at dealing with horses abandoned on common land. I wondered what your experience is in Bridgend. I see you've got the PONT and Coity commons associations; you may have others that I'm not aware of. Are they engaged in working with you to sort out this problem?

[202] **Mr Jones:** Yes, they are engaged. It has to be partnership approach. Prior to this legislation, there was potentially other existing legislation, under the Animals Act 1971, that they could use as landowners. But, clearly there is a cost and a need to work closely with the commoners associations, which we do on a fairly regular basis. We meet with them regularly to assist. Essentially, we work with them as part of doing checks and sweeps with the land. We work with them on the advice that they can give to those who have rights on the land as well, in relation to, not just horse ownership, but other animal ownership. I think we work well and closely with them there. The commoners associations, particularly Coity Wallia, which is the largest, also receives a grant from the local authority as well to maintain the land. So, some of the resource issues are resolved through that in that sense. So, I think very similar to—. We've never had the scale of the problems of abandoned and stray horses on the common land within Bridgend as other areas have had—fortunately. Our issues have been stray and abandoned horses on private land. That's been the issue, historically.

11:00

[203] That has meant, actually, that, of the five occasions, I think three of those seizures have been on Coity Wallia common, where we haven't been able to identify, working with the commoners, who the owners were or that they had any rights on it. We then removed the horses. What we did find as well—as you will know from the legislation, there are certain processes we have to follow for putting notices up et cetera—was that, just going through that process initially meant that some of the issues were resolved then. The horses were removed prior to us having to take action. I can't say where they went, but there is that unseen effect as well.

[204] **Jenny Rathbone:** Okay. What Phillip York of the British Horse Society was suggesting in his evidence was that the commoners associations could be making a financial or resource-in-kind contribution towards this, because it is a problem that they have in particular.

[205] **Mr Jones:** Well, in Bridgend, we've had to have that conversation about the resources and the commoners—. We've sort of had match funding to help us respond and seize horses. I think this is a common-sense approach and a practical approach.

[206] **Jenny Rathbone:** Okay. So, it sounds as though that could be a model for how things ought to operate in other parts of Wales.

[207] **Mr Jones:** Well, it seems to work in Bridgend. Clearly, when there are horses involved, there can be difficult conversations that you have to have, but we've had that and the partnership working on the whole is quite good.

[208] **Jenny Rathbone:** Excellent. The second point is around food safety. You mention in your evidence the horse meat scandal. My recollection is that the horse meat scandal wasn't about the horse meat, as such—it was everything else that was in these burgers. What are the barriers—



[209] **Alun Ffred Jones:** Are we still on the—

[210] **Jenny Rathbone:** We are. What are the barriers to actually allowing abandoned horses that need to be disposed of to enter the food chain? Given that they're wild, they won't be pumped with antibiotics, and that could contribute to the cost.

[211] **Mr Jones:** I think, on the whole, there is enough assured horse meat trade for food, particularly for exports to Europe, where it is governed. Historically, it's not something that the UK favours.

[212] **Jenny Rathbone:** What do you mean 'favours'? Either it's fit for human consumption or it isn't.

[213] **Mr Jones:** Culturally, it's not something that is particularly acceptable. As long as there is robust traceability of the meat to go into the human supply chain—. Our concerns around the issues around horse meat at the time were not being able to identify where the products came from. So, my feeling—and I suppose it's a personal feeling in relation to this—is that, if horse meat was to be part of the food chain, of course, it would need to be traceable and we'd need to be able to track that back.

[214] **Jenny Rathbone:** Sure, but if an abandoned horse on Coity common had to be captured by you because it was not being looked after, surely it would be possible for a vet to certify that it wasn't a diseased animal and we can eat it just like hares and rabbits—you know, they're wild animals.

[215] **Mr Jones:** Possibly my concern, and I'm not sure I am best placed to answer this, would be that, if we're not sure of the medical records of that horse and what process—

[216] **Jenny Rathbone:** They won't have medical records if they're sort of semi-feral—

[217] **Alun Ffred Jones:** I think we are getting off the point slightly here.

[218] **Jenny Rathbone:** Well, it's about costs.

[219] **Mr Howells:** There are certain medicines given to horses that can't go into the food chain—bute, for example. So, if you can't prove they haven't had bute—. So, the traceability of the horse is important.

[220] **Alun Ffred Jones:** I'm drawing the line on that now. Diolch yn fawr. Okay, Jenny?

[221] **Jenny Rathbone:** Yes, thank you.

[222] **Alun Ffred Jones:** William Powell.

[223] **William Powell:** Diolch, Gadeirydd. Good morning, both. Chief constable Simon Prince, in his evidence, is very candid about some of the difficulties that there are currently with the police database in terms of the way that the search words operate. Mr Howells, do you think there is anything that could usefully be done to refine that to create a more robust database with regard to monitoring the implementation of this Act?

[224] **Mr Howells:** At the moment, we're governed by a set of standards for how we record calls to the police—the national standard for incident recording. There are different categories. There is a category for animals. However, there is also a category for road traffic issues. So, where a call gets categorised—so if it's a horse involved in a road accident, it could be categorised as a road traffic accident, or horses left roaming the streets could be anti-

social behaviour, so it could be categorised as that—it would mean having to physically go through every call that’s got the word ‘horse’ and ‘grazing’ in it to see. A graze could be some form of injury from an assault. You’d have to physically go through every call to see whether it is actually applicable to the legislation or not.

[225] **William Powell:** Okay, that’s helpful clarification. Could you tell us whether currently you, as the police authority, would be in a position to follow up intelligence-led approaches, whether using maybe some GPS technology, or even drones or whatever other things are available, or whether it’s purely as a result of referrals that come to you to pursue?

[226] **Mr Howells:** Obviously, if we have intelligence coming in that there are horses being fly-grazed, we do work with our local authorities. Personally, for me, I’ve worked with Carmarthenshire local authority on cases in the past, so we would work then, as Mr Jones said earlier. It’s all about partnership working. Without that partnership, nobody can effectively really enforce any piece of legislation.

[227] **William Powell:** Absolutely. Earlier, we heard that there has been some evidence of displacement across the national Welsh-English border. To what extent is there effective collaboration between you and West Mercia, Gloucestershire, Merseyside and the other relevant neighbouring authorities in this regard?

[228] **Mr Howells:** I am unaware of how big the problem is the other side of the border. Now, I know, through other groups that I sit on in relation to equines, there has been an increase in incidences of fly-grazing, but personally, we do work closely with our bordering forces. Dyfed-Powys does border West Mercia. So, we do work with them. I’m unaware of any incidents of fly-grazing there that have happened as a result of the action that’s been taken on our side of the border.

[229] **William Powell:** Okay, fine. Mr Jones, if I could pursue a line of questioning that I took up with the previous panel, and that is this: I’m aware of the extreme pressure on local authorities across Wales, naturally in the current climate of funding, so given the cost that the Welsh Government has committed to in actually bringing about this piece of legislation, do you think that there’s a case to be made for local authorities to have a portion of their funding ring-fenced, and therefore safeguarded, to assist with the implementation of this, because of the difficulties of it being, to some degree, a cinderella service in some authorities, and constantly being chipped away at because of the extreme pressure that authorities face?

[230] **Mr Jones:** You will probably get a different view from different authorities on this. I think the WLGA response when such an approach has been suggested previously with other pieces of legislation, say around an animal feed, has been that they’ve been against ring-fencing. But it has happened because it could have the effect of ensuring that the money is specifically dedicated and targeted to that resource. It’s just being able to identify how much should be. If it’s an additional resource that’s coming in, I think it would be welcomed. I think other local authorities may feel that, given the pressures on budgets, it’s a choice that each local authority should make as to whether it’s a priority or not.

[231] **William Powell:** Understood. Thank you. Diolch yn fawr.

[232] **Alun Ffred Jones:** Okay. Diolch yn fawr. And Russell?

[233] **Russell George:** Yes, thank you, Chair. The Welsh Government have said that they were intending to have an engagement communication strategy as part of the fly-grazing and abandonment action plan. I just wondered, are you aware of this at all?

[234] **Mr Howells:** Sorry. Can you say that again?

[235] **Russell George:** Yes, certainly. The Welsh Government have said that they intended to bring forward an engagement and communication strategy as part of the fly-grazing and abandonment action plan. If you haven't heard of it, then that's fine; just say you haven't heard of it, as that's interesting for us to know as a committee. But I'm wondering if either of you are aware of that plan.

[236] **Mr Jones:** I was aware there was an action plan that was to sit behind the legislation, some of which has naturally occurred, but—

[237] **Alun Ffred Jones:** Have you seen an action plan?

[238] **Mr Jones:** Yes, at drafting stage, an action plan, part of which was building on the work of the taskforce that existed, which no longer exists now, at the height of the problem.

[239] **Russell George:** So, you've seen it at drafting stage. Were you involved in the plan? Were you asked to be involved in the plan? Were you asked for comments, or—

[240] **Mr Jones:** Yes, through the legislation process and through giving the experience of local authorities and our perception of how it's had an impact on local authorities. Some of my thoughts I've repeated here in relation to the resource issues, et cetera. In relation to the communication, I'm not quite sure how it's been detailed in the current action plan, but there was talk of being able to develop some form of easy, single point of contact to respond to horse issues, where maybe intelligence could be logged, et cetera, and those sorts of issues, but, again, I assume there's a resource implication to setting that up and who would take lead responsibility for it.

[241] **Russell George:** It's useful for us as a committee to know that. Also, to Mr Jones again, really, what initiatives or incentive or support are you aware of that Welsh Government is providing to help spread best practice between local authorities?

[242] **Mr Jones:** Well, certainly, I know, through the process of the legislation, there was a task group, and we had a number of national sessions to discuss and consult on the legislation, and also raise awareness of some of the practical issues that local authorities were faced with, and some of the issues around supporting best practice. Since the legislation has come in, clearly, there've been a number of incidences where the legislation has been utilised. From the point of view of Welsh Government support, now, I think the onus is probably back on the partners—so, local authorities, et cetera—to utilise the legislation. It seems from the figures that I think you've been provided that the instances of fly-grazing have been reduced. So, possibly, there is a feeling maybe that support is not necessarily needed at the height it was at the height of the problem.

[243] **Russell George:** Just to help me to understand, though, is the emphasis on you as a local authority or the relevant local authorities working on sharing best practice yourselves, and you're expected to do that between you, or is there a mechanism that Welsh Government are providing to help you to do that, to encourage you to do that?

[244] **Mr Jones:** I think it's more of a mechanism now, that it's part of the local authority network for us to develop that ourselves.

[245] **Alun Ffred Jones:** Ocê? Unrhyw **Alun Ffred Jones:** Okay? Any other gwestiwn arall? questions?

[246] Any other questions? No? We seem to have exhausted our questioning this morning.

[247] A gaf i ddiolch yn fawr iawn i'r ddau ohonoch chi am ddod i mewn ac am gyfrannu i'n hymchwiliad y bore yma? Fe gewch chi gopi o'r *transcript* i sicrhau ei gywirdeb o. Felly, diolch yn fawr iawn i chi'ch dau am eich presenoldeb chi'r bore yma.

May I thank you both very much for joining us and for contributing to our inquiry this morning? You will receive a copy of the transcript to ensure its factual accuracy. So, thank you very much to you both for your attendance this morning.

11:13

### **Papurau i'w Nodi** **Papers to Note**

[248] **Alun Ffred Jones:** Symudwn ni ymlaen i eitem 4: papurau i'w nodi. Mae'r papur yma, sef yr ohebiaeth gan y Gweinidog Cyfoeth Naturiol, fel ymateb i'n sylwadau ni. Hapus i'w nodi o? Dyna ni, diolch yn fawr.

**Alun Ffred Jones:** We'll move on to item 4: papers to note. This paper here, correspondence from the Minister for Natural Resources, is in response to our comments. Happy to note it? There we go, thank you.

### **Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o Weddill y Cyfarfod** **Motion under Standing Order 17.42 to Resolve to Exclude the Public from the Remainder of the Meeting**

[249] **Alun Ffred Jones:** Eitem 5: cynnig o dan Reol Sefydlog 17.42 i wahardd y cyhoedd.

**Alun Ffred Jones:** Item 5 is a motion under Standing Order 17.42 to exclude the public.

*Cynnig:*

*Motion:*

*y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog 17.42(vi).*

*the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42(vi).*

*Cynigiwyd y cynnig.*  
*Motion moved.*

[250] **Alun Ffred Jones:** Pawb yn hapus? Diolch yn fawr.

**Alun Ffred Jones:** Is everyone content? Thank you much.

*Derbyniwyd y cynnig.*  
*Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 11:14.*  
*The public part of the meeting ended at 11:14.*