

## NOTICE OF MEETING

<b>Meeting</b>	Executive Member for Recreation, Heritage, Countryside and Rural Affairs Decision Day
<b>Date and Time</b>	Friday, 19th March, 2021 at 2.00 pm
<b>Place</b>	Remote meeting
<b>Enquiries to</b>	members.services@hants.gov.uk

John Coughlan CBE  
Chief Executive  
The Castle, Winchester SO23 8UJ

## FILMING AND BROADCAST NOTIFICATION

This meeting is being held remotely and will be recorded and broadcast live via the County Council's website.

## AGENDA

### DEPUTATIONS

To receive any deputations notified under Standing Order 12.

### KEY DECISIONS (NON-EXEMPT/NON-CONFIDENTIAL)

**1. COUNTY FARMS POLICY** (Pages 3 - 24)

To consider a report of the Director of Culture, Communities and Business Services seeking approval to the revised County Farms Policy.

**2. WINCHESTER DISCOVERY CENTRE - FUTURE STRATEGY** (Pages 25 - 46)

To consider a report of the Director of Culture, Communities and Business Services seeking approval to the future strategy for Winchester Discovery Centre.

### NON KEY DECISIONS (NON-EXEMPT/NON-CONFIDENTIAL)

**3. GRANTS TO CULTURE AND COMMUNITY ORGANISATIONS IN HAMPSHIRE** (Pages 47 - 52)

To consider a report of the Director of Culture, Communities and Business Services seeking approval to award grant funding.

**4. RIGHTS OF WAY AND COUNTRYSIDE PATHS (COVID) (Pages 53 - 62)**

To consider a report of the Director of Culture, Communities and Business Services seeking approval to the Path Recovery Programme.

**5. WORTHY DOWN AND SOUTH WONSTON ACCESS IMPROVEMENTS (Pages 63 - 68)**

**6. FLY GRAZING POLICY (Pages 69 - 98)**

To consider a report of the Director of Culture, Communities and Business Services seeking approval to the Fly Grazing Policy.

**KEY DECISIONS (EXEMPT/CONFIDENTIAL)**

None.

**NON KEY DECISIONS (EXEMPT/CONFIDENTIAL)**

None.

**ABOUT THIS AGENDA:**

On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.

**ABOUT THIS MEETING:**

The press and public are welcome to observe the public sessions of the meeting via the webcast.

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Executive Member for Recreation, Heritage, Countryside and Rural Affairs
<b>Date:</b>	19 March 2021
<b>Title:</b>	County Farms Policy
<b>Report From:</b>	Director of Culture, Communities and Business Services

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### Purpose of this Report

1. The purpose of this report is to provide a summary of the County Farms policy review process and conclusions and bring forward the new Policy for approval.

### Recommendations

2. That the Executive Member for Recreation, Heritage, Countryside and Rural Affairs:
  - i) Approves the new County Farms Policy set out at Appendix 1.
  - ii) Notes that the future leadership of the County Farms Service will be provided by the interim Assistant Director for Recreation and Natural Environment in CCBS.
  - iii) Notes the intention to bring forward an annual performance report for the County Farms Service commencing in 2022.

### Executive Summary

3. The report outlines the policy review process that has been undertaken for the County Farms Service and sets out a proposed new County Farms Policy that looks towards 2050 to continue to attract and support new entrants to

farming while delivering high quality environmental, social and economic outcomes for the people and place of Hampshire.

4. In September 2019, the Executive Member for Countryside and Rural Affairs [approved a review](#) of the County Council's Policy for County Farms. The purpose of the review was to ensure a viable framework for County Farms service delivery in relation to emerging policies on Brexit, mitigation, climate change and the Vision for Hampshire 2050 and to consider the approach to farm replacement in light of land identified for development under the County Council's strategic land programme.
5. This report provides a summary of the review process and conclusions and how these have been incorporated into the new Policy and brings forward the Policy for approval.

### **Contextual Information**

6. HCC's County Farms Service was established in the early 20<sup>th</sup> century as the County Smallholdings Service, under legislation designed to support entry into the farming industry, to produce more food and provide ex-servicemen with employment in the growth area of agriculture.
7. Legislation was consolidated into the Agriculture Act 1970 with the aim of supporting young and new entrants into farming by providing affordable land and buildings under County Council ownership to new farmers, in a sector that has significant start-up capital costs, and where the average age of farmers is now 60. The objective of enabling new entrants into farming remains a core principle of the County Farms Service today.
8. The County Farms Review [report](#) of 14 April 2010, approved by the Executive Member for Policy and Resources, set out the approach to the ongoing management of the County Farms Service and Estate for a 15 year period to 2025 with reviews on a 5 yearly basis.

### **The County Farms Estate**

9. Hampshire County Council is one of 43 authorities (21 unitary authorities and 22 county councils) maintaining a farm estate. At the start of the review in 2019, the estate comprised 1,914 hectares of land across just under 30 different county locations, including 38 equipped holdings (that is to say, with a house and/or farm buildings), bare land lettings, grazing and some other arrangements (e.g. allotments, in-hand woodland and tracks). The Estate includes around 350 buildings and other structures.

10. Equipped holdings range in size from the smallest at approximately 1.8 hectares (4.45 acres) to the largest at approximately 114 hectares (282 acres). The holdings support a range of farm sectors, with principal use by area being for dairy, arable/horticulture and livestock. Some holdings are also currently occupied by horse livery enterprises.
11. The holdings vary in terms of their size, location, condition and therefore their suitability for particular types of farm business and rental income potential. The performance of the tenants' businesses is also variable with a number of very successful operations and others that are less so. A summary of the County Farms holdings and current tenancies is provided at Appendix 2.
12. The County Farms estate offers wider commercial opportunities, with the farm buildings at some locations having the potential to provide commercial opportunities, and land across a number of holdings is already identified for development within the County Council's strategic land programme.

#### Legislative Framework

13. The County Farms Estate is a 'smallholdings' estate and the County Council is a smallholdings authority as defined in Part 3 of the Agriculture Act 1970. The Act provides county councils with a discretionary power to provide opportunities for appropriately qualified persons to farm on their own account.
14. Where land held for smallholdings purposes is not required for that use, the 1970 Act allows councils to let the land. This power is in addition to the general power of local authorities to sell, exchange or appropriate any of its land under the Local Government Act 1972.
15. The Agriculture Act 2020 has not changed the discrete legislation applying to county smallholdings, save that retirement notice provisions now align with pensionable age. The Act also empowers Defra to provide funding, which it says it will do through the New Entrants Support Scheme, working with councils that have 'county farms' and others *"to create lasting opportunities for new entrants to access land, infrastructure and support to establish successful and innovative businesses"*. Defra's plan is published in the November 2020 policy paper [The Path to Sustainable Farming: An Agricultural Transition Plan 2021 to 2024](#) (page 54).
16. The Agriculture Act 2020 sets out various provisions for farmers and land managers in England to receive public money for "public goods" – such as better air and water quality, thriving wildlife, soil health, or measures to reduce flooding and tackle the effects of climate change – through various new schemes, including the new Environmental Land Management scheme (ELMs). In practice, ELMs will be the key and only public funding support mechanism available to farmers and land managers currently receiving the

Basic Payment Scheme (BPS) direct payment (which largely pays farmers based on the total amount of land farmed), and it also replaces funding under other key environmental schemes, including Countryside Stewardship. Further detail on the transition towards the new schemes is set out in Defra's [Agricultural Transition Plan](#) policy paper.

## **Approach to the review**

17. The County Farms Policy review was initiated in autumn 2019 following approval from the Executive Member for Countryside and Rural Affairs on 19 September 2019. The [report](#) to the Executive Member for Countryside and Rural Affairs set out the governance arrangements and the scope, objectives and priorities for the review.
18. In line with the approach set out in the report, an officer Steering Group was established, under the direction of the Director for Culture, Communities and Business Services and comprising officers with relevant knowledge and experience. The Steering Group met on a series of occasions to review key themes relevant to the review including:
  - Tenancy policy
  - Land management
  - Climate change
  - Financial performance
  - Farm replacement and strategic land
19. A Member Advisory Group was convened comprising Cllr Heron, Cllr McNair Scott, Cllr Simpson, Cllr Latham and with The Earl of Malmesbury as an external consultee. The Member Advisory Group met on five occasions between June and October 2020 to discuss and review the following themes put forward by the officer Steering Group:
  - Introduction to the County Farms Service and estate
  - Purpose and benefits of the County Farms service and estate
  - Climate change, environment and diversification
  - Tenancy policy
  - Scale of the estate and farm replacement
20. The Member Advisory Group also visited some of the farms: Little Abshot, Lower Brownwich, Yew Tree and Attwoods Drove farms over two days during August 2020. These visits provided the Member Advisory Group with the opportunity to tour the holdings and have discussions with the farm tenants and hear their views on their approach to farm management and the County Farms service.

21. Tenants' views have also been sought on the key themes of the review, engaging through both ongoing informal dialogue and with a formal tenant questionnaire.

## **Summary of Review Findings and Conclusions**

22. The review considered the key issues, risks and opportunities under each of the themes identified above. Within each theme, this took into account the current and historic performance of the County Farms service and estate, existing and emerging legislation, County Council policies, priorities and programmes of work and examples from the wider agricultural sector, including other county farms services. A summary of the matters discussed and conclusions reached is provided below.

### Tenancies

23. The review recognised the important role that county farms estates provide nationally to enable new entrants to farming and proposed that this should remain a principal aim of the Hampshire County Farms Service. This is further supported by Defra's proposals for a New Entrant Support Scheme, to be co-designed with councils and other stakeholders.
24. The current practice of advertising new opportunities for starter holdings on the open market and securing the most appropriate tenant through a fair and transparent selection process, was supported. The selection process will include consideration of the prospective tenants' business plans and how well these meet the County Council's objectives, particularly in relation to sustainable land management and natural environment outcomes.
25. The review considered whether the scale of Hampshire's County Farms estate allows it to continue to offer progression holdings as well as starter holdings and, if so, how these should be made available to existing tenants. The review concluded that, while it is not possible to guarantee a progression opportunity to every tenant, such opportunities can be an important next step for tenants who may not be able to easily transition from a starter holding into the private let sector. It was therefore felt that it is appropriate to continue to offer progression opportunities to existing tenants, via an open application process, when a suitable holding becomes available.
26. Tenancy lengths for starter and progression holdings were reviewed. The need to provide tenants with sufficient certainty to enable them to plan for and invest in their businesses was highlighted, along with the importance of managing tenancies within a robust performance framework with regular farm inspections and ongoing dialogue with the tenants. It was agreed that the current standard tenancy lengths of 7 years with a 3 year discretionary extension period for starter tenancies and 10 years with a 5 year discretionary

extension period for progression tenancies, should be retained as the norm under the new Policy.

27. The support provided to County Farm tenants by the County Council was discussed. Participants in the review felt that such support was best provided by encouraging and enabling collaboration between tenants and that there were opportunities for joint professional development activities. It was agreed that social media platforms and virtual meeting technology offer improved ways to connect with and support the tenants in this respect and that this could include signposting to external learning and development opportunities and services that support the wellbeing of farmers. These opportunities have been incorporated into the new Policy.

#### Land management and farming systems

28. Participants to the review were in agreement that farming and food production should remain at the core of the County Farms service and the farm business proposals invited from prospective tenants. It was also considered important to achieve a high standard of animal welfare and sustainable land management, deliver positive outcomes for the natural environment and ensure that the County Farms estate is aligned to the County Council's climate change targets of carbon neutrality by 2050 and resilience to a 2°C temperature rise.
29. It was noted that these aims aligned well with the themes emerging from the Agriculture Bill that was being considered by parliament during the review and that came into effect as the Agriculture Act 2020 in November 2020. This paves the way for the introduction of ELMs from 2022 which will provide 'public money for public goods' including improvements in air, water and soil quality.
30. To support these aims the Policy sets out that the County Council will identify the environmental and social priorities for each farm holding to allow tenants to identify in their business plans how they will achieve these. The Policy also includes a requirement for tenants to adopt a sustainable farming system and an expectation that tenants will have membership of an appropriate assurance scheme, such as LEAF, Arla or Red Tractor, that incorporates high standards of animal welfare, food safety and environmental protection. These requirements will also put tenants in a strong position to manage the transition to ELMs over the next few years.
31. In addition to reducing the carbon emissions from the farms in line with the 2050 carbon neutrality target, the Policy recognises the role of innovative farming techniques, technologies and cropping to enable farms to adapt to and become more resilient in the face of temperature rise and an increase in extreme weather events caused by climate change.



32. Diversification of tenants' farm businesses was supported by the review, where this is complementary to the core farm business, increases the financial resilience of the tenant's business and integrates the farm into the local community. This is reflected in the Policy.
33. The review identified a desire to see the County Farms as part of the wider family of County Council services and seek opportunities to secure social benefits by aligning services. The Policy continues to encourage these wider social benefits from farms, including rights of way to enable residents of Hampshire to be able to access our rural estate for recreational and wellbeing purposes.

#### Financial management

34. An analysis of the revenue income and expenditure for the County Farms service was undertaken for the review and demonstrated that a small net income is generated each year when all revenue operating costs are accounted for against income generated from tenancies and other sources.
35. As a non-statutory service, and in light of the increased pressures on the County Council's finances, participants in the review considered that it was appropriate that the County Farms service should be funded through income from tenancies and other sources, and not be subsidised by the County Council. The County Council seeks to break even or achieve a small contribution to overheads in its financial arrangements for the management of the service.
36. To support this, there was agreement that rents should continue to be set at market rates and subject to regular review. However, it was also felt that there should also be sufficient flexibility to agree discounted rents, where a tenant is delivering substantial added value to the County Council, and to recoup any investment made by the County Council in farm improvements that benefit the tenant.
37. The importance of maintaining the County Farms estate, to ensure that it is fit for purpose, enables tenants to grow viable agricultural businesses and continues to generate the required rental income, was acknowledged in the review. This is reflected in the Policy and includes obligations and liabilities for the County Council as landlord and the tenants as set out in with the formal tenancy agreements.
38. It was noted that tenants are more likely to be able to access external grant funding to support additional investment in the farm holdings and their business and therefore it is important to continue to work in close partnership with tenants to identify and secure these opportunities.

## The Farm Estate

39. Consideration was given in the review to the scale and nature of the County Farms Estate, including total acreage held, number of holdings and sector and viability of holdings. The review endorsed maintaining a diversity of holdings to support a range of farm business models, but it was agreed that the scale of the estate should not be defined by a specific number of holdings. A flexible approach to the allocation of land to holdings was supported, with an end of tenancy review and reshaping of the holding where appropriate, to provide the best possible opportunity for the next tenant.
40. The review identified an ambition to maintain the scale of the County Farms estate at its 2019 baseline size of 1,914 hectares, in order to provide sufficient suitable opportunities for tenants and sustain the required levels of income. It was noted that the County Farms estate is the primary source of land for the County Council's strategic land programme, with up to 252 hectares identified for development over the 10 to 15 year period from 2019. It was also noted that the strategic land programme is an important source of capital receipts which are reinvested to support the County Council's strategic priorities and that this longer-term financial opportunity remains an important aspect of the County Farms estate, particularly in light of the anticipated ongoing impact of Covid-19 on the County Council's finances and wider economy.
41. In considering these matters, the review concluded that the new Policy should include an ambition to maintain the scale of the County Farms estate through a farm replacement programme. There is currently an agreed corporate approach to facilitate land purchase where an appropriate business case can be made. The challenge is the identification of suitable land and further work is needed to establish how the County Council can engage most effectively within this particular specialist market place.

## **The Policy**

42. The revised Policy is provided at Appendix 1 of the report. The Policy comprises an overarching vision of 'Towards 2050: A vision for a Better Farming Future' and is divided into four main sections under the following strategic aims:
- *To provide inclusive opportunities for new entrants to a sustainable and innovative farming environment and opportunities for existing tenants to progress to larger holdings.*
  - *To achieve sustainable and adaptive systems of farming and land management to support high quality environmental, social and economic outcomes for Hampshire.*

- *To support tenants to establish and grow viable agricultural businesses by providing farms from which they can operate and thrive for the duration of their tenancy.*
  - *To maintain the scale and quality of the land and assets available to the County Farms Service.*
43. These aims capture and reflect the priority themes that emerged from the review. Each strategic aim is supported by a number of policy statements which address the key issues discussed and the conclusions reached in the review.
44. The new Policy comes at a time when the farming industry is facing significant change driven by Brexit, the new Agriculture Act and the Environment Bill. These changes place an increasing requirement on farmers to provide public goods for public money. The new Policy provides a clear but flexible framework for the future management of Hampshire's County Farms to ensure that they are able to meet these changing demands.

### **Implementation of the Policy**

45. The Policy provides a strong framework to work in partnership with both new and existing tenants to support the development of their business and further explore and develop the opportunities to deliver positive environmental and social outcomes for the County Council and the people and place of Hampshire.
46. Recognising the synergies with the Countryside Service and the increasing value being placed on the natural environment, leadership of the County Farms service will be provided by the Interim Assistant Director for Recreation and Natural Environment in CCBS. This will enable a more flexible, agile and holistic approach to the use of the County Council's rural estate.

### **Financial arrangements and implications**

47. The primary source of income for the County Farms Service is the rental income received from the farm tenancies, bare land lettings, and grazing arrangements, supplemented by wayleave payments and occasional commercial lettings (e.g. temporary site compounds) where the opportunity arises. Revenue repair and maintenance costs and staff costs make up the majority of the expenditure.
48. The County Council currently receives a BPS grant payment for some of the land managed within the County Farms portfolio. The level of grant received varies each year, linked to changes across the rural estate. BPS grant is applied to relevant expenditure on the County Farms estate on an annual

basis. Unallocated grant is carried forward for use in future years. Under the agricultural transition plan set out by the government, BPS grants will reduce over the next few years as ELMs is introduced. For County Farms, BPS grant income is expected to reduce to zero by 2027.

49. Capital investment totaling £2.4million is identified in the [CCBS Capital Programme](#) for 2021/22, approved by the Executive Member for Commercial Services, Human Resources and Performance on 19 January 2021. This investment will be used to deliver a number of essential maintenance and compliance schemes and is funded from capital receipts accumulated from discrete disposals of County Farms land and buildings over a number of years.
50. It is expected that the day to day operational provisions of the new Policy can be implemented within current revenue resources, with the accrued BPS grant available to support the implementation of the sustainable land management approach set out in the new Policy. Opportunities to generate additional income and secure external grant funding will continue to be sought.

## **Performance**

51. The review considered the contribution that Hampshire's County Farms service makes within the wider agricultural sector:
- Starting up in the farming industry is a recognised challenge in the UK and there is a shortage of inclusive new entrant opportunities. A key route in is through the let land sector, which represent 35% or thereabouts of all UK agricultural land.
  - As a small estate, representing only 2% or thereabouts of land held for county farms purposes nationally, Hampshire's standalone contribution to the industry could be seen as relatively insignificant. However, the national county farms estate, of which Hampshire forms part, collectively and as a national service provides a significant proportion of new entrant opportunities each year. For example, it provides around 12% (on an area basis) of land let on new farm tenancies.
  - New entrants are reported to take around 23% of all new occupier lettings nationally each year. County Councils have been responsible for around 49% of these opportunities in recent years. On average over the last 10 years, Hampshire has offered one new entrant opportunity per year.
  - County Farms help to provide longer and therefore more sustainable new entrant opportunities. For example, the average letting period for a fully

equipped county farm is almost 9 years, compared with an overall average of 7.5 years in the UK let land sector. The average letting for a Hampshire County Farm is 9.6 years with 41% of lettings being for 10 years or longer.

- Councils also provide in the region of 58% of all fully equipped holdings available to rent. 80% of Hampshire's farm lettings are fully equipped.

52. The impact of the Covid-19 pandemic has proved to be a challenging period, but the majority of County Farm tenants have continued to perform well during the year, some finding innovative ways to quickly and effectively respond to local need. Milk vending machines located at a number of farms have proved a real success and lifeline for local communities and well-stocked farm shops have benefitted from increased demand, with more households choosing to shop either locally or online. The tenant at Lower Brownwich Farm expanded his Boxxfresh delivery service nationally in early 2020 and was therefore well placed to respond to the sudden surge in requirement for in food delivery services early in the pandemic.

53. The new Policy has an increased emphasis on performance of the County Farms Service and the estate, and it is proposed to provide an annual performance report to the Executive Member for Recreation, Heritage, Countryside and Rural Affairs from spring 2022.

## **Consultation and Equalities**

54. As noted earlier in the report, engagement about the County Farms policy review has taken place through informal dialogue throughout the review period. The pandemic has prevented the County Farm tenants from meeting as a group, but in December 2020 and January 2021 all farm tenants were invited to take part in some informal group tenant engagement sessions, via MS Teams.

55. In February 2021, County Farm tenants were invited to take part in a survey and 26 tenants participated, by completing an online questionnaire. Feedback from tenants has been mainly positive, with many anticipating and already operating to the higher environmental expectations incorporated into the new Policy. Further detail on the outcomes from the tenant consultation questionnaire are provided at Appendix 3.

56. Data sources for the agriculture and farming sector in the UK highlight a continuing increase in the average age of farmers, an underrepresentation of women and a lack of diversity in terms of ethnicity. The review recognised the potential for gender inequality in Hampshire's County Farms service, which had only one female tenant at the time of the review, and the importance of removing barriers for new entrants to farming. The new Policy

reflects a more open and inclusive approach to the recruitment of tenants as the first step in enabling opportunity and increasing diversity across Hampshire's County Farms estate.

## **Climate Change**

57. The County Farms estate forms part of the County Council's wider corporate estate and is therefore subject to the County Council's climate change strategy and targets.
58. The approach to achieving a carbon net zero position for the County Farms estate and ensuring its resilience in response to a potential 2°C temperature rise is being considered as part of the wider approach to the County Council's internal carbon reduction programme set out in the recent [report](#) to Cabinet.
59. The County Farms service will continue to work closely with those leading the County Council's climate change programme and farm tenants to identify and implement appropriate actions in line with the emerging strategy.

## **Conclusions**

60. The review of Hampshire's County Farms Service set out to ensure that there continues to be a viable framework for the delivery of the service in light of changes in the agricultural sector driven by Brexit, the new Agriculture Act 2020 and the Environment Bill.
61. The review recognised the important contribution that county farms continue to make to farming in the UK, in particular their role in enabling new entrants to the sector. The review also identified the increasing requirement for farmers to provide public goods for public money and the particular role of the Hampshire County Farms estate in contributing to the environmental and social priorities of the County Council.
62. The new County Farms Policy, now brought forward for approval, provides a concise and forward thinking approach that strengthens and reaffirms the County Council's commitment to these principles and the wider benefits the service offers for the people and place of Hampshire.

## REQUIRED CORPORATE AND LEGAL INFORMATION:

### Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

### Other Significant Links

Links to previous Member decisions:	
<u>Title</u> <a href="#">County Farms Policy Review</a>	<u>Date</u> 19.09.2019
Direct links to specific legislation or Government Directives	
<u>Title</u> <a href="#">Agriculture Act 2020 (legislation.gov.uk)</a>	<u>Date</u> 11.11.2020

### Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

### **2. Equalities Impact Assessment:**

- 2.1 An Equalities Impact Assessment has been undertaken for the County Farms Policy. This identified that the Policy will have a positive impact in relation to protected characteristics of age, gender and race by providing more inclusive opportunities for new entrants to farming and support to tenants to establish viable farm businesses. The EIA also identified a positive impact on rurality arising from the renewed focus of the Policy on achieving high quality environmental, social and economic outcomes that support the communities of Hampshire. The published EIA can be found via the following link: [Equality analysis | About the Council | Hampshire County Council \(hants.gov.uk\)](https://hants.gov.uk/equality-analysis)



**County Farms Policy**

*Refer to separate document*

## Summary of the County Farms Estate and Holdings

### County Farms holdings:

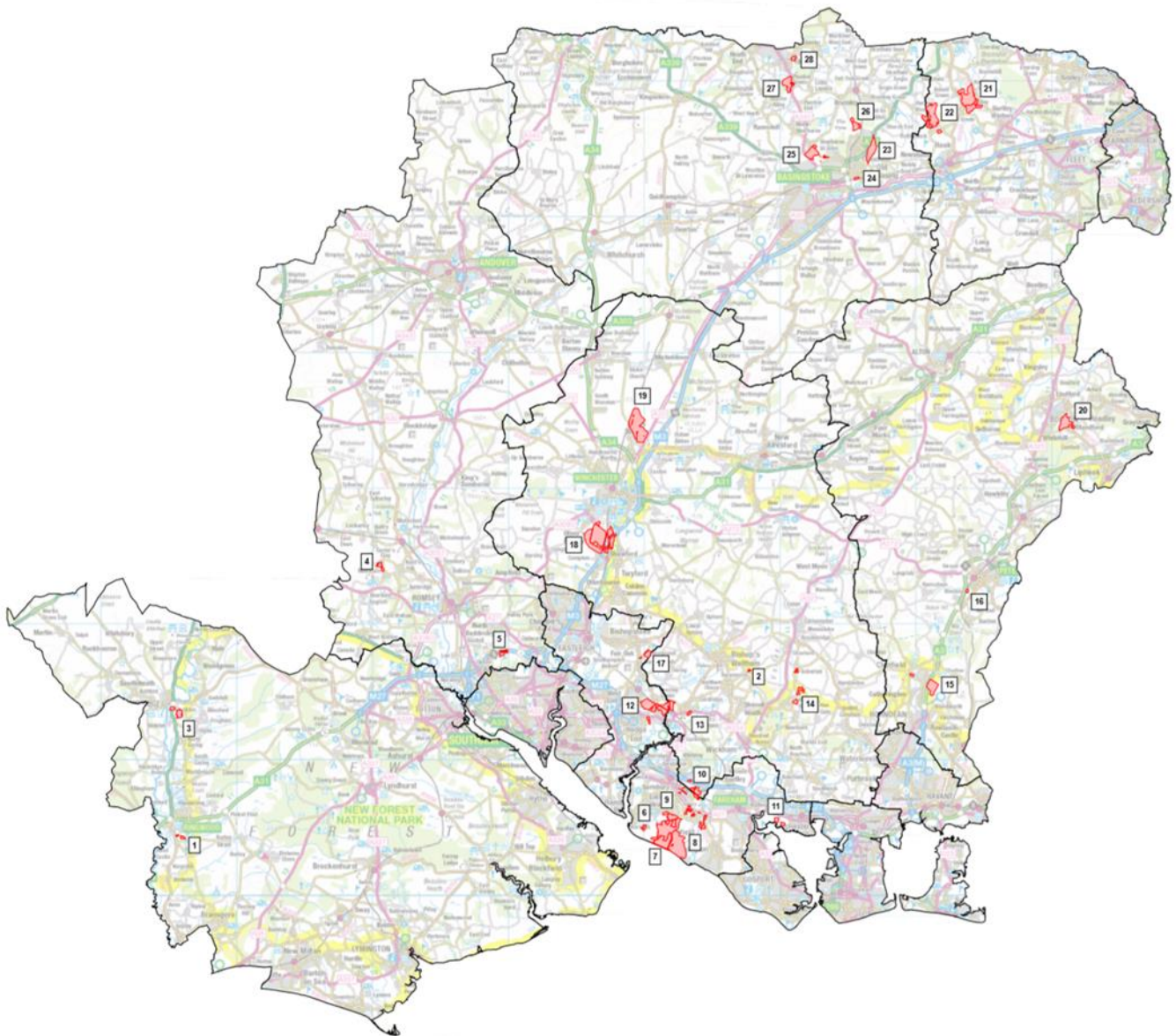
Farm type	No. equipped holdings	Area (ha)	Area (acres)
Dairy	8	571.22	1,411.50
Livestock	15	503.83	1,244.96
Arable & Horticulture	9	466.68	1,153.16
Livery	5	30.56	75.51
Vacant for development purposes	2	194.73	481.16
Bare land	-	109.62	270.87
Other (e.g. Woodland, ponds, compounds)	-	37.36	92.32
<b>Total</b>	<b>39</b>	<b>1,914.00</b>	<b>4,729.48</b>
Number of holdings available to county farms service at start of Review:	<b>38</b>	<i>[excluding one livery unit on 99-year lease]</i>	

### County Farms tenancies:

Tenancy type	2019-2020
Lifetime	7
Retirement	3
FBT Less than 5 years	11
FBT 5 - 10 years	9
FBT 10-15 years	8
FBT More than 15 years	3
<b>Total</b>	<b>41*</b>

*[\*NB total number of holdings reported and tenancy types do not correlate, e.g. because some holdings may have 1+ agreements]*

Locations of the County Farms estate



## Hampshire County Farms Policy Review Tenant Survey - February 2021

As part of the County Farms Policy Review tenants of HCC farms were invited to take part in an online survey. Three quarters of the 35 tenant farmers responded which was a positive level of engagement and their views have helped to shape the proposed County Farms Policy.

### Key Findings

- 85% either agreed or strongly agreed that providing inclusive opportunities for new entrants into agriculture should continue to be a county farms service priority.
- A few tenants who responded did point out the significant financial challenges faced by new entrants perhaps best summed up by one respondent, who warned that:

*“The opportunity creates massive challenges in today’s climate in farming. Ever declining margins linked to increased capital requirements. Creates a very demanding set of obstacles. Not for the faint hearted!”*

- The respondents identified the most important characteristic for a new entrant to county farms as someone who has worked in the farming industry with relevant skills in agriculture (some qualifications or experience). The importance of understanding the agricultural industry along with being able to run a business was also highlighted.
- Half the respondents suggested the County Council could support tenants by providing ways in which information could be shared and tenants could access further guidance. Other ways in which the County Council could support tenants included increased inspections to assist tenants meet the standards expected of them, and access to capital funds for investment.
- Over three quarters of the tenants who responded were able to show the range of new approaches, techniques and principles they had adopted that showed a commitment to improving sustainability. Activities included: actively reducing use of inorganic fertilisers; implementing soil health strategy actions; grass rotation for soil health; precision methods of farming; and biodiversity enhancement measures.
- 58% of respondents are already accredited by an independent assurance standard such as Red Tractor, with two tenants having achieved the highest Arla 360 standard and one awarded the exemplar LEAF Marque amongst others.
- Of the 88% who said that they were considering how climate change affects their business and land management activities, 68% of these said they had

either taken action or were intended to take action to mitigate or adapt to climate change.

- 85% of respondents were looking to, or already had, incorporated natural environment management improvements including actions such as tree planting, hedgerow management and creating wildlife corridors. A few suggested that the County Council could signpost partnerships or assist with on farm landscape and environmental assessment and delivery.
- A benefit of County Farms that is often overlooked, it was clear from the study that most tenants make a meaningful contribution to their local community and recognise its importance in promoting an understanding of farming and its role within the countryside.
- In term of what more the County Council could do to help tenants succeed and thrive in their business a range of responses were received. Many referenced building stronger relationships, providing more opportunities for progression with one quoted as saying *"Nothing at the moment, happy tenant"*.

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# COUNTY FARMS POLICY 2021 TOWARDS 2050

*A Vision for a Better Farming Future*

## THE POLICY

*Supporting the  
future of farming  
to contribute  
to Hampshire's  
quality of place and  
environment.*



**Hampshire County Council has long recognised the importance of farming in Hampshire – since 1892 when smallholdings legislation was introduced we have helped hundreds of new entrants into farming /gain opportunities in the agricultural sector.**

The review of the County Farms estate which began last year, has led to the development of this concise and forward thinking new County Farms Policy. Being involved with the review afforded me the opportunity to meet many of our 35 tenants who are managing farming and agricultural businesses across Hampshire. I was so impressed with the skills, knowledge and expertise of our tenants and the range of businesses that contribute to the rural economy of Hampshire.

The review comes at a time when the farming industry stands at the edge of significant change driven by Brexit, the new Agricultural Act, Climate Change and the Environment Bill. There is an increasing requirement for farmers to provide public goods for public money and the County Farms are uniquely placed to meet these changing demands, with support and guidance from the County Council.

I am very proud of our County Farms estate and hope that this policy will strengthen and reaffirm the County Council's commitments to bringing new entrants into farming as well as delivering a whole host of environmental and social benefits for the county.

Finally, I would like to thank members of the advisory group, officers, and tenants for all their advice and contribution to the review and development of the Policy. I hope you agree that it sets out an ambitious and positive future for our County Farms.

**Edward Heron**  
Councillor

# PRIORITIES

## Tenancy

**Our aim is to provide inclusive opportunities for new entrants into a sustainable and innovative farming environment and opportunities for existing tenants to progress to larger holdings.**

1. New tenancy opportunities will be offered on Starter Holdings. These will be openly advertised and be subject to a fair and transparent tenant selection process.
2. Tenancy opportunities for Progression Holdings will be offered to current HCC tenants using a fair and transparent selection process. Progression holdings will be offered externally on the same basis if there are no suitable candidates from HCC starter holdings.
3. We will work proactively and in partnership with existing and future tenants to deliver the outcomes outlined in the policy.
4. New entrants to farming will be supported to build sustainable farming businesses and progress to new opportunities at the end of a tenancy.
5. The tenancy length for Starter Holdings will normally be 7 years with a discretionary 3 year extension, subject to satisfactory performance and business plan from the tenant.
6. The tenancy length for Progression Holdings will normally be 10 years with a discretionary 5 year extension, subject to satisfactory performance and business plan from the tenant. This longer period is to enable business growth on a larger holding.
7. Tenant performance will be monitored against the agreed business plan and reviewed according to the tenancy agreement, but at least annually.
8. Tenants will be supported, in the management of their business and their personal wellbeing, through regular dialogue, the provision of timely information and by facilitating appropriate training and mentoring.
9. Collaboration between tenants and with the County Council will be encouraged and the County Farms Service will actively recognise and promote tenants' achievements.
10. As a Smallholdings Authority, Hampshire County Council will follow the requirements of the Agriculture Act 1970 and other relevant legislation.

## Land management and farming systems

**Our aim is to achieve sustainable and adaptive systems of farming and land management to support high quality environmental, social and economic outcomes for Hampshire.**

1. County Farms estate management will focus on sustainable, productive and innovative farming, with food production at its core.
2. Environmental and social priorities, e.g. access improvements, will be identified for each farm to enable tenants to identify how they will achieve the desired outcomes within their agreed business plan.
3. The County Council will work in partnership with tenants, partner organisations and other landowners to enhance the natural capital of the County Farms estate by connecting habitats, delivering ecosystem services and conserving historic features in the landscape.
4. All farm tenants will be required to adopt an adaptive sustainable farming system that delivers the public goods outlined in the Agriculture Act 2020 and Environment Bill 2019-21 (e.g. better air and water quality, thriving wildlife, soil health, measures to reduce flooding) and contributes to the County Council climate change strategy and targets.
5. Tenants will be expected to meet high standards of animal welfare, food safety and environmental protection through membership of appropriate assurance schemes e.g. LEAF, Arla, Red Tractor.
6. Innovative farming techniques, technologies and cropping on the County Farms estate will be encouraged and supported, along with sustainable, efficient and renewable energy solutions.
7. Farm diversification will be encouraged where this supports the financial viability and resilience of the tenant's farm business and contributes positively to the local economy, community and wider County Council objectives.

## Financial management

**Our aim is to support tenants to establish and grow viable agricultural businesses by providing farms from which they can operate and thrive for the duration of their tenancy.**

1. Rents will be set at the appropriate market rate and reviewed regularly. Tenants will be required to meet their financial responsibilities as set out in the agreement. Rental levels may be discounted where farm tenants are able to deliver agreed, clearly defined and substantial value to the County Council through their management of the holding.
2. The County Council will not subsidise the County Farms Service, neither does it seek to make profit. Income from tenancies and other sources will be used to sustain the farm estate.
3. The County Council will deliver a programme of maintenance and investment to maintain the Estate in a sustainable condition, meet its obligations as landlord and maintain the farm rental value.
4. Opportunities for capital investment in the Estate through grants will be explored and developed in partnership with tenants.
5. The County Council's investment in farm improvements that financially benefit the tenant will be subject to a business case and require a rental return on expenditure employed

## The Farm Estate

**Our aim is to maintain the scale and quality of the land and assets available to the County Farms Service**

1. Sound estate management practice will be demonstrated having due regard to the interests, aspirations and responsibilities of both the tenants and the Council.
2. A diversity of holdings will be maintained to support a variety of farm business models. There will be a flexible approach across the wider rural land portfolio when reviewing and creating opportunities for both starter and progression holdings.
3. The County Council will seek to maintain the farm estate at its current scale, quality and diversity through judicious acquisition of new land in line with agreed business case and financial parameters thus mitigating the impact of land identified for alternative uses.
4. The County Council will take a strategic view when acquiring land for the County Farms estate and where land is identified for development or alternative uses, a transition plan will be developed in partnership with any tenants affected.

## For more information contact:

 [county.farms@hants.gov.uk](mailto:county.farms@hants.gov.uk)

 [@hantsfarms](https://twitter.com/hantsfarms)

 [@hampshirecouncilfarms](https://www.facebook.com/hampshirecouncilfarms)

 [@hampshirecountyfarms](https://www.instagram.com/hampshirecountyfarms)





## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Executive Member for Recreation, Heritage, Countryside and Rural Affairs
<b>Date:</b>	19 March 2021
<b>Title:</b>	Winchester Discovery Centre - Future Strategy
<b>Report from:</b>	Director of Culture, Communities and Business Services

**Contact Name:** Emma Noyce

**Tel:** 0370 779 8373

**Email:** Emma.noyce@hants.gov.uk

### Purpose of this Report

1. The purpose of this report is to outline proposals for a new partnership model between Hampshire Library Service ('the Library Service') and Hampshire Cultural Trust (HCT) at Winchester Discovery Centre (WDC).
2. The partnership will enhance and develop Winchester Discovery Centre's position as a strategically important hub for culture and creativity in Hampshire. In addition, the partnership will bring financial and non-financial benefits to both organisations and secure the long-term viability of the venue.
3. This report includes proposals to transfer operational responsibility for the building (including associated day-to-day running costs) and for cultural programming to HCT. The Library Service will continue to deliver a highly successful library service, free at the point of access, within WDC. Hampshire County Council will retain the freehold ownership of the building and associated repair and maintenance responsibilities.
4. The report also includes proposals for refurbishment of WDC, including essentials works, interior refurbishment and spatial reorganisation.

### Recommendations

5. That the Executive Member for Recreation, Heritage, Countryside and Rural Affairs:
  - i. Approves plans to proceed with the proposed partnership model, subject to agreement being reached by both parties on final details of the arrangement.

- ii. Approves the commercial principles as set out in paragraph 48 and delegates authority to the Director of CCBS in consultation with the Deputy Chief Executive & Director of Corporate Resources and the Head of Legal Services to conclude the detailed financial agreement in line with the commercial principles.
  - iii. Notes the HR implications as set out in paragraphs 57 to 62.
  - iv. Authorises any other steps be taken that are reasonably necessary in order to implement the above recommendations.
6. It is also recommended that Executive Member notes that the following proposals are due to be considered at a future Executive Member for Commercial Strategy, Human Resources and Performance Decision Day:
- v. The detailed property arrangements by which the operational responsibility for WDC is transferred to HCT (including the nature and duration of tenure).
  - vi. The detailed programme of property refurbishment and improvement outlined in paragraphs 63 to 67.
  - vii. Proposals to transfer employment of some Hampshire County Council Catering Service ('HC3S') staff to HCT.

### **Executive Summary**

- 7. Hampshire Library Service (the Library Service) and Hampshire Cultural Trust (HCT) have been working closely to explore ways to strengthen their existing partnership at Winchester Discovery Centre (WDC).
- 8. Following an extensive feasibility study, a new service delivery model is proposed for WDC, whereby HCT assumes full operational responsibility for the building, including all cultural programming. The Library Service will continue to deliver library services, including book and magazine lending, public IT access and safe community space, within an expanded, culturally led venue.
- 9. This model builds upon a track record of achievement and partnership work that will enable both organisations to realise financial benefits, increase public access and participation, and secure investment at a time of major financial challenge. It reduces dependency upon local authority funding, whilst maximising income generation and fundraising opportunities.

## **Contextual Information**

### **Library Service Strategy to 2025**

10. Hampshire Libraries' strategy to 2025 is being developed to ensure that the Library Service can evolve to meet the changing needs of its customers, whilst maintaining core and statutory services. It will help develop a sustainable and vibrant library service for people who live, work or study in Hampshire.

11. The vision for Hampshire Library Service is:

A modern, relevant and sustainable library service that is valued by our communities and which plays an important role in the delivering Hampshire County Council's strategic goals through achieving three core priorities:

- Promoting Reading
- Supporting Healthy, Creative Communities
- Providing Access to Digital Services

Further information about the future vision can be found in Appendix 1.

12. In this context, a strategic business plan has been developed for WDC, with the aim of creating a modern destination for creativity and learning. A key theme of the business plan was to develop new ways of working in partnership to deliver the best possible outcomes for customers, and to ensure the long-term financial viability of the building.

### **About Winchester Discovery Centre**

13. WDC is a key destination in the heart of Winchester, occupying an iconic site on Jewry Street.
14. The Grade II listed building was opened in 1838, originally serving as the city's Corn Exchange. It has also been a roller-skating rink, theatre, and dance hall, before being converted to a public library in 1936. In 2008, the building was extensively refurbished and extended, re-opening as WDC the same year.
15. The building currently offers:
- A modern two-storey library, with space for reading and quiet study
  - A separate children's library
  - Free 'Go-Online' public computers, printing and copying facilities, and free wi-fi
  - Library self-service kiosks
  - Two public art galleries, both operated by Hampshire Cultural Trust
  - A 180-seat Performance Hall, with flexible seating making it suitable as a 200-capacity conference venue
  - A café/bar, currently operated by Hampshire County Council Catering Services (HC3S)

- Accessible space for community groups to meet
  - Hireable rooms for clubs and societies
  - Spaces let to community organisations on a leasehold basis
  - A small retail area selling literary gifts and cards
  - Free public toilets, including a Changing Places accessible toilet.
16. The opening hours of the building are set out below. At the time of writing this report, library venues across the county are closed for browsing due to the Covid-19 pandemic. The opening hours referenced here represent the opening hours of WDC post-Covid-19, agreed as a result of two Library Service Public Consultations undertaken during 2020:
- |             |                 |
|-------------|-----------------|
| • Monday    | 9.30am – 5.00pm |
| • Tuesday   | 9.30am – 5.00pm |
| • Wednesday | 9.30am – 1.30pm |
| • Thursday  | 9.30am – 5.00pm |
| • Friday    | 9.30am – 5.00pm |
| • Saturday  | 9.30am – 5.00pm |
| • Sunday    | Closed          |
17. WDC is Hampshire’s busiest library - it is the third most-visited library building of any English County Authority<sup>1</sup> - and is an important community hub, providing a safe, accessible, and inclusive space for individuals and groups to meet, learn and discover. With over half a million visitors and 224,000 items loaned in 2019-20, it offers a vast range of books, magazines, and reference materials for people of all ages. WDC houses the Railway Collection, which forms part of the Library Service’s five Special Collections<sup>2</sup>. It provides technology to help people access information, opportunities and services online through a suite of ‘Go Online’ terminals. It also offers an arts and culture programme of events and activities in the Performance Hall and other spaces.
18. Currently, the Library Service has operational responsibility for the building, working in conjunction with HCC Facilities Management (FM). HCC Property Services retains the repair and maintenance liability for the building.
19. Since November 2014, HCT has operated the two galleries within WDC - The Gallery and City Space - and is responsible for creative programming in both spaces.

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<sup>1</sup> Chartered Institute of Public Finance and Accounting (CIPFA), ‘*Public Library Statistics, 2019-20 Actuals*’, available online (subscription only), at <https://www.ipf.com/cipfavalidation/login/login.asp?type=OTHER&dest=www.cipfastats.net/leisure/publiclibrary/Default.asp>

<sup>2</sup> Special collections are a rich and diverse range of books, pamphlets, news cuttings, videos and photographs. In addition to the Railway Collection at WDC, the other four Special Collections are the Aviation Collection at Farnborough Library, the Military Collection at Aldershot Library, the Naval Collection at Gosport Discovery Centre and the Jane Austen Collection at Alton Library.

20. The Gallery is HCT's flagship exhibition space as it meets strict government indemnity standards to receive loaned works and artefacts of international importance. The Gallery has a programme of exceptional quality and varied temporary exhibitions, including HCT's curated shows, as well as works from national lenders such as Tate, British Museum and Victoria & Albert Museum. City Space is Winchester City Council's Community Gallery, operated by HCT. It is a vibrant and versatile gallery and hosts a rolling programme of exhibitions which celebrate the very best of Winchester's and Hampshire's thriving arts community.
21. The Café/Bar is operated by Hampshire County Council Catering Service (HC3S). It comprises a food and beverage service counter in a prominent location in the building, as well as a large external terrace. The Café/Bar offers a limited range of cold snacks, as well as hot and cold beverages; it is licensed to serve alcohol.

### **Development of the Partnership**

22. WDC demonstrates some of the best of what a high-performing modern library can offer. However, there is potential for greater and more intensive use of the varied spaces within the building to enable WDC to realise its full potential as a large cultural venue.
23. The present offer, with various operators working independently from each other (the Library Service, HCT, HC3S, community organisations, event partners, room hirers, etc.), has the potential to develop into a more cohesive model to offer a seamless and high quality customer experience and realise the potential efficiencies from a single operating model.
24. The County Council continues to face significant financial pressures which have been exacerbated in the past year by the financial challenge of the pandemic.
25. In this context, a strategic business plan has been developed for WDC, with the aim of generating savings for the Library Service and improving the offer to customers. The plan aims to ensure that WDC is a modern destination for creativity and learning, and can realise its full potential as a large cultural venue in the heart of Winchester. A key theme of the business plan is to explore ways of working in partnership to deliver the best possible outcomes for customers, and to ensure the long-term financial viability of the building.
26. Over the past three years, the Library Service has worked with colleagues from HCC and external organisations, to explore a range of partnership and income generation opportunities for WDC. This report now recommends that the Library Service proceeds to the next stage in developing a partnership with HCT that will secure and develop WDC as a vibrant cultural, arts and learning centre for Winchester and its hinterland, bring financial benefits for both organisations, improve the customer experience and secure the long-term financial viability of the building.

27. HCT has been selected as the Library Service's preferred partner at WDC for the following reasons:
- HCT is a leading cultural organisation in Hampshire, and already delivers arts, cultural and museum programming on behalf of both HCC and Winchester City Council as part of an existing, long-term partnership.
  - HCT is an existing major stakeholder in WDC, having successfully operated The Gallery and City Space since 2014. This also means that it has experience of operating within WDC, and an associated existing knowledge of the building and its operations.
  - The nature of HCT's existing partnership with HCC means that one-off set-up costs, as well as ongoing administrative costs, will be relatively low.
  - HCT has experience delivering a thriving cultural offer for the county of Hampshire, which it can draw on to develop a pilot programme of cultural events and activities across the entire Hampshire library network as a potential second phase of the partnership.
  - HCT's vision for WDC closely aligns with the ambitions of the Library Service.

### **A Shared Vision for WDC**

28. The Library Service and HCT have worked closely together to explore ways to develop and strengthen their existing partnership. A new service delivery model is now proposed for WDC, whereby HCT takes on full operational responsibility for the building, including all cultural programming, whilst Hampshire Library Service continues to deliver library services, including book and magazine lending, public IT access and safe community space, within an expanded, culturally led venue.
29. The emerging vision is founded on three key principles: *Community, Culture and Curiosity*. The shared vision sees the integration of all cultural aspects of WDC under one programming strategy, creating a unique cultural venue for Winchester's community that brings together those who are curious, creative and community minded. The ambition is:
- 'To become a progressive centre for enjoyment, the expression of creativity, and the pursuit of learning for the people of Winchester and beyond.'***
30. Hampshire Library Service will continue to provide a comprehensive and efficient library service, free at the point of access, within the building. It will retain its status as a thriving library venue and will work to deliver the vision to promote reading and literacy, support healthy creative communities and invest in digital services. This will be achieved through continued provision of existing community services, as well as using the partnership approach to explore and develop new opportunities to improve literacy and social outcomes.
31. Through the partnership with HCT, WDC will offer unique, high-quality cultural facilities and a programme of exciting cultural activities that will meet visitors'

needs and interests throughout their lifetime. This will be achieved through a range of tried-and-tested programming formats including exhibitions, live performance, events, workshops, classes, and immersive experiences. WDC will become the place for piloting experimental cultural programming that could develop into a viable and stimulating offer delivered across the library network at a later stage.

32. As part of the project the customer entry point will be improved by introducing welcome areas that multi-function as points for information, ticketing, enquiries, etc. The Café/Bar will be remodelled to achieve increased capacity and the flexibility to turn the area into an evening events space. A retail area will offer exhibition merchandise and products from local artists and makers.
33. The partnership approach will create a new joint branding and staffing team providing an integrated offer where interests can be pursued through a variety of pathways. Customers will be able to move seamlessly between resources and books, hands-on making and social interactivity, entertainment and learning experiences.
34. Both HCC and HCT will pursue investment for growth and innovative projects from funding bodies, potentially including a joint application for Arts Council National Portfolio Organisation (NPO) status.
35. The expected benefits of the partnership are:
  - **Financial**
    - To maximise the financial potential of WDC through additional net income and operating cost efficiencies for the financial benefit of both partners
    - To improve the return on investment for both organisations, including delivery of annual efficiency savings for the Library Service by 2023-2024.
    - To secure operational efficiencies related to management of the building (for example a reduction in business rates through the new charitable purpose for the building)
    - To maximise the income generating potential of the building
    - To enable joint funding applications to Arts Council England and other funders.
  - **Customer**
    - To enhance the customer journey and experience (before, during and after their visit)
    - To continue to grow a diverse cultural programme
    - To increase public access by increasing provision and extending opening hours.
  - **Organisational**
    - To secure the long-term viability of the site

- To grow participation and increase visitor numbers.

### **Proposed Operating Model**

36. Under the proposed model, operational management of the building will be passed to HCT, (including associated day-to-day running costs), through a formal lease agreement. HCT will manage the space, operate the café and run the enhanced cultural programme, including continued operation of The Gallery and City Space. HCT will be recruiting to their 'Destination Winchester' team to facilitate this.
37. Hampshire County Council will retain the freehold ownership of the building and retain property repair and maintenance liabilities accordingly.
38. Heads of Terms are still to be agreed, subject to approval to proceed with the partnership proposal in principle. This will include the length and nature of the legal arrangements (e.g. lease or licence) and appropriate break clauses and reviews.
39. The Library Service will deliver the library services within the building. Library Service staff will remain in the employment of Hampshire County Council.
40. The proposed operating model offers the opportunity to extend building opening hours. Following an extensive Public Consultation in 2020, the opening hours at WDC were reduced as part of a suite of changes to opening hours across the Library Service. As part of the consultation, the Library Service committed to working with partners and members of the community to extend opening hours where the opportunity arose.
41. Under HCT management, the overall opening hours of the building would increase to around 61 hours a week. Under this model, although the Library elements would only be staffed for 41.5 hours a week, access to books, self-service issue, reservations and returns and study space will be available whenever the building is open to the public.
42. The Library Service has considered a range of other options for the future management of Winchester Discovery Centre, but each has been discounted at this stage. There remains an option for the Library Service to continue to manage the building and operations, continuing its efforts to decrease expenditure and increase income. However, this does not provide the wider cultural, community or strategic benefit that the proposed model confers nor afford the same level of savings. Nonetheless, this remains a fully viable option if the current proposal is not progressed.

### **Governance**

43. A Management Funding Agreement already exists between HCT and Hampshire County Council which sets out governance, responsibilities, reporting requirements and funding. A Service Level Agreement specific to



WDC will set out detailed operating requirements for WDC to allow future review of the partnership.

44. HCC already has representation on the HCT Board of Trustees, which has responsibility for all significant partnership and investment decision making. HCT's trustees bring a wealth of skills and experience to the project, with expertise across a broad spectrum of professional areas.

### **Finance and Resources**

45. The proposed operating model is a partnership that aims to deliver financial benefits for both the Library Service and HCT.
46. Winchester Discovery Centre currently costs c£1.03 million a year to run (including both direct and indirect apportioned costs) and generates an income of approximately £200,000 per year, resulting in a net cost of £830,000 per year.
47. Under this model, responsibility for all operational costs (excluding those linked directly to the provision of statutory library services), together with the benefit of all income (excluding income derived from statutory library services) would transfer to HCT. The County Council will provide an annual grant to HCT to cover the operational costs for running the building.
48. The proposed financial model will be governed by the following key commercial principles:
- Over time, both parties should see financial benefits from the arrangements; HCT through the increase of income generated by activity and HCC through the reduction in costs (and longer term reduction in grant levels)
  - HCC recognises that in the initial set up phase (Year 0) there will be a need to increase expenditure to 'pump-prime' the project
  - In year 1 (2022-23) each party will break even, and be no worse off than the current position
  - By year 2 (2023-24), both parties should be seeing financial benefits
  - In year 3 (2023-24) the financial position will be assessed and the grant arrangement will be reviewed, potentially with a view to incorporating it into the wider grant that HCC provides to HCT.
49. HCT will carry the commercial risk and responsibility for growth in income to achieve its financial benefit and return on initial investment, whilst HCC will provide a grant for the first three-year period ensuring future financial certainty. HCC and HCT will make a significant initial capital investment into the scheme and HCC will continue to bear running costs for Library Services. For its part, HCC carries the risk that it is not able to reduce its expenditure on library functions on the timescales envisaged by the financial model.

50. Savings to HCC will be achieved through a combination of operational efficiencies, reductions in events expenditure and changes in staffing as a result of transferring the building and cultural programme to HCT. The single biggest anticipated overall saving will be through the transition to charitable purpose for the building and associated application for charitable business rate relief.
51. In addition to cashable savings, this project will also deliver a resource benefit, as it will release staff from existing duties at WDC to work in other capacities across the Library Service.
52. Robust financial planning is essential to ensure that HCT is less reliant on financial subsidy from HCC in the longer term. HCT will achieve this through programming efficiencies at WDC, and by connecting WDC to other cultural venues in Winchester and across the county. A cultural programming model with the potential to be delivered across the library network could deliver further ongoing financial benefits for both organisations.
53. HCT will deliver increased earned income from ticketing, retail and events, as well as an enhanced food and beverage offer that will complement the creative programme.
54. The existing catering provision in WDC is delivered by HC3S. Under this proposal, HC3S will cease operations at WDC, and the business will transfer to HCT. This is anticipated to have a net neutral financial impact on HC3S. Anticipated staff impacts related to the transfer of the Café/Bar are set out in paragraph 60.
55. HC3S currently contributes £10,000 p.a. to the Library Service from income generated at WDC, and this loss of income to the Library Service has been factored into the financial model.
56. There are no anticipated financial impacts on FM, as the contract to deliver services at WDC is expected to transfer to HCT as part of this proposed partnership.

### **Staff Implications**

57. When taken together (including HCT, Hampshire Libraries and HC3S staff) the overall number of staff required will remain broadly the same under the proposed partnership. However, over time it is expected that the number of staff employed by HCC will reduce and the number of staff employed by HCT will increase.
58. During the next 4 years the staffing ratios between HCC and HCT will be monitored and reviewed as the partnership develops. Reductions within HCC staffing will be managed wherever possible through natural turnover. If reductions cannot be achieved through vacancy management, formal processes will be followed. It is anticipated that there will be role opportunities

within HCT to further mitigate any risk and maximise employment opportunities.

59. Staff providing Library Services will remain in the employment of the Library Service.
60. As part of this proposal, the Café/Bar will change management from HCC to HCT. Therefore, all eligible employees employed in the Café/Bar by HC3S before transfer will automatically transfer from HCC to HCT<sup>3</sup>.
61. Facilities Management ('FM') staff working in WDC will remain employees of the County Council and are not anticipated to be impacted by this proposal, as it is intended that the FM contract will transfer wholesale to HCT at the point the leasehold agreement takes effect.
62. New job opportunities and roles will be developed within HCT, in relation to the enhanced cultural programme and changes to operational responsibilities being proposed.

### **Property Works**

63. With no significant investment in the interior fixtures and finishes since 2008, Winchester Discovery Centre is starting to show the effects of its half a million visitors per year and is in need of general maintenance and refurbishment – whether or not the partnership proposal goes ahead.
64. Achieving the shared vision, and the expected financial and non-financial benefits for both organisations, will require improvements to the building including essential works; internal refurbishment; and spatial reorganisation. These works will be designed to create a welcoming environment that encourages movement and exploration for customers, as well as maximising income-generating potential for both organisations.
65. The proposed partnership will be supported by a programme of building improvements. The Library Service and HCT will work together during Quarter 1 of the 2021-22 financial year to agree a programme of works that meets the aspirations of both organisations, but which will include:
  - Refurbished Café/Bar and WCs
  - Improvements to key spaces including the Children's Library and City Space gallery
  - Relocation of some library book stock to enable better flow throughout the building

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<sup>3</sup> A transfer of an undertaking under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246) (a TUPE transfer) occurs when the whole or part of an employer's business or undertaking is sold or transferred as a going concern to another employer.

- Creation of welcoming space at the heart of the building for groups and individuals to relax and spend time, or to begin exploring the cultural programme on offer
  - Development of a new, unique brand identity for WDC that will encapsulate the exciting joint venture, including new signage and wayfinding within the space.
66. A package of HCC and HCT funding is being assembled to meet the indicative costs of £630,000, with a further potential for a bid to the Arts Council for additional funding of c£70,000 in preparation pending the outcome of this decision.
67. The building handover date to HCT is planned for Quarter 4 of the 2021-22 financial year.

### **Key Risks / Other Key Issues**

68. A decision to proceed with the partnership between the Library Service and HCT is recommended on the grounds it represents the best opportunity to safeguard the long-term viability of WDC as a cultural venue for the people of Winchester and beyond. The proposed operating model is expected to deliver long-term financial and non-financial benefits for both organisations.
69. However, the proposed partnership is not without risk. A primary risk is that HCT is unable to deliver on its predicted financial performance. Potential risk areas that may impact on financial performance include the ability of funding partners to continue investment, and underachievement of visitor and income targets at WDC.
70. Moreover, the unprecedented circumstances brought about by the Covid-19 pandemic have significantly disrupted activities of the Library Service (at WDC and across the wider library network), and at HCT venues. Forced closures, cancelled events and limited visitor numbers have adversely impacted earned income for both organisations during 2020-21, and this is expected to continue into 2021-22 and beyond.
71. Although the financial positions of both organisations have been impacted by the Covid-19 pandemic, and may therefore take longer to realise the benefits of the partnership and require more effort to rebuild audiences, this partnership proposal still represents a strong option for the long-term success of WDC.
72. Under the proposed model, risk associated by underperformance of income or increased operational costs would be primarily borne by HCT. As a core element of ordinary budgeting procedures, HCT will be able to anticipate cash flow issues or budget pressures and put mitigation strategies into place to ensure a balanced budget, in discussion with HCT's Board and with funding partners. A break clause will be included within the tenure agreement for the benefit of both parties.

73. In addition to the income related pressures, the overall savings projections remain finely balanced for both parties. Other key factors, such as the eligibility of the new operational model for charitable relief on business rates, will have a significant effect on whether or not the arrangement can proceed. If the required savings cannot be made, officers will revisit the proposals and revise the model accordingly.
74. Similarly, the savings for the County Council are reliant on a reduction in staff over time. Library Service customer-facing staff have only recently been subject to an extensive consultation and service review exercise and managers are mindful of the additional uncertainty and pressure that any subsequent changes may place on library staff.

### **Consultation and Equalities**

75. In early 2020 the Library Service conducted a significant public consultation on the future strategy for the Service. This consultation elicited c28,000 responses and in July 2020 the Executive Member for Recreation and Heritage agreed to the proposals. This included proposals to generate additional income and deliver services differently. There was strong public support for partnering with other services to reduce costs.
76. Later in 2020 the Library Service ran a subsequent consultation on opening hours. Specific feedback was received regarding the opening hours at Winchester Discovery Centre.
77. The information gleaned through both of these consultation exercises has been taken into account in the development of this proposal.
78. The Local Member, Councillor Hiscock, is aware of the proposals).
79. Winchester City Council invested in the original refurbishment of the Discovery Centre and, as a condition of this investment, maintains the right to operate City Space from the premises. Winchester City Council comments:  
  
*“Winchester City Council welcomes this new partnership between Hampshire County Council and Hampshire Cultural Trust which seeks to enhance the cultural and customer experience at the Winchester Discovery Centre. As a founding partner to the Trust and with a continued desire to support the District’s cultural and creative sectors, the council supports this new approach to how the centre is operated. It will provide an opportunity to build on the offer already available at the City Museum, The Westgate, and City Space which, under this proposal, will be enhanced and benefit from closer operational links with The Gallery. We look forward to working with both HCC and HCT as the plans progress over the coming year.”*
80. Formal consultation with staff and unions is planned in 2021-22 for HC3S staff who are eligible for TUPE transfer to HCT.

81. Draft Equalities Impact Assessments for both staff and service users have been prepared.

### Next Steps and Timetable

82. Key events in the timetable for the proposed partnership are as follows:

Stage	Activity	Status/target date
Stage 1	<ul style="list-style-type: none"> <li>Development of vision and scoping of high-level business case</li> </ul>	Complete
Stage 2	<ul style="list-style-type: none"> <li>Decision by Hampshire County Council and Hampshire Cultural Trust to proceed in principle</li> <li>Communication with staff and Trade Unions.</li> <li>Engagement with Winchester City Council to discuss use of space and wider strategic benefits</li> <li>Agreement on Heads of Terms and Financial Model</li> </ul>	March- April 2021
Stage 3	<ul style="list-style-type: none"> <li>Development of phased transition and handover plan</li> <li>Formation of partnership agreement with HCT</li> <li>Commencement of statutory approvals and pre-construction phase for capital works</li> </ul>	2021-22, Q1 - Q2 (April – September)
	<ul style="list-style-type: none"> <li>Construction phase for capital works</li> <li>Enter into formal consultation with HC3S staff who are eligible for TUPE transfer to HCT</li> <li>HCT to commence recruiting team to deliver cultural programme and operational duties.</li> </ul>	2021-22, Q3 (October – December)
Stage 4	<ul style="list-style-type: none"> <li>Completion of capital works</li> <li>Building transfer to HCT.</li> </ul>	Q4 FY 21/22 (February handover)
Stage 5	<ul style="list-style-type: none"> <li>Monitor staff turnover and review of staffing levels</li> <li>Review of financial performance and future funding model (linked to wider HCT MFA)</li> </ul>	2022-23 onwards

## **Conclusions**

83. This report recommends a new partnership between the Library Service and HCT at WDC.
84. The partnership will transfer operational responsibility for the building and for cultural programming to HCT. The Library Service will continue to deliver a comprehensive and efficient library service, free at the point of access, within WDC.
85. A refurbishment of WDC is also proposed, which includes essential works, interior refurbishment and spatial reorganisation, to support and enable delivery of the shared vision.
86. The partnership will bring financial and non-financial benefits to both organisations, secure the long-term viability of the building, increase public access and participation, improve the customer experience and secure investment at a time of major financial challenge. It reduces dependency upon local authority funding, whilst maximising income generation and fundraising opportunities.
87. Both the Library Service and HCT endorse and recommend this partnership at WDC and present it as a sound option to secure the long-term viability of the building.

## **Appendices**

- 1 Hampshire Library Service – future vision
- 2 About Hampshire Cultural Trust
- 3 Shared vision for WDC

## **Appendix 1 - Library Service Future Vision**

A modern, relevant and sustainable library service that is valued by our communities and which plays an important role in the delivering Hampshire County Council's strategic goals through achieving three core priorities:

### **Priority one: Promoting reading**

- i. Providing a service for everyone – championing reading for pleasure.
- ii. Developing children's literacy, particularly within the Early Years (ages 0-5) – giving children the best start in life.
- iii. Investing in Hampshire's Digital Library – reflecting increasing use of electronic books and offering greater choice to readers.

### **Priority two: Supporting healthy, creative communities**

- i. Establishing council-run libraries as 'community hubs' – bringing individuals, communities and services together, thereby making better use of available public funds and improving outcomes for people.
- ii. Taking the Library Service into communities – engaging with residents in the most deprived areas, where use of library services is lowest, and partnering with voluntary and community sector organisations.
- iii. Delivering a programme of learning and activities that meet the needs of library users – promoting literacy, health, wellbeing and digital skills

### **Priority three: Investing in digital services**

- i. Providing access to technology, prioritising those at risk of digital exclusion – working with partners to help people access information, opportunities and services online.



## Appendix 2 - About Hampshire Cultural Trust

Hampshire Cultural Trust was established in 2014 to promote Hampshire as a great cultural county and our **vision** is to create inspirational cultural experiences in Hampshire that enrich and transform lives.

Our **mission** is to provide great arts, heritage, museums and creative programming, working closely with local and national partners, and placing communities, our collections and their stories at the heart of everything we do.

We run a huge variety of exhibitions, workshops, classes, events and projects for both young and old, with particular emphasis on reaching people who are vulnerable or disadvantaged and would not normally be able to access arts and culture.

Our goals are to:

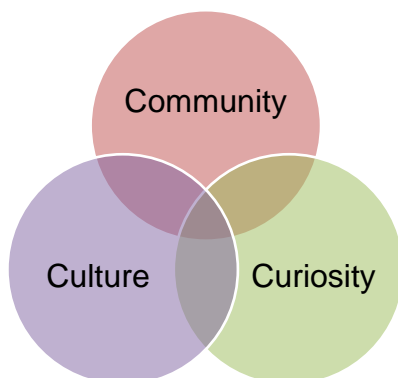
- To provide high-quality programmes and venues that engage diverse audiences and inspire local pride
- To improve wellbeing, health and happiness through cultural experiences
- To deliver a sustainable future for culture in Hampshire, contributing to the local economy and building stronger communities
- To create fulfilling employment and volunteering opportunities through culture

We achieve this by:

- Operating 18 museums across Hampshire and East Dorset, providing access to local history for residents and visitors
- Working in partnership with external organisations to deliver community museum services at three further venues in Hampshire
- Operating three arts centres in Hampshire, bringing high quality performing arts to local communities
- Delivering a flagship gallery programme, bringing major exhibitions to three government indemnified galleries in Winchester, Basingstoke and Gosport
- Delivering engaging cultural programmes for young people; Wessex Dance Academy works with the most vulnerable young people using contemporary dance and Horizon 20:20 engages young people in non-mainstream education settings using a variety of cultural activity
- Delivering of a schools and adult education programme creating learning opportunities inspired by local history, artists and creatives
- Caring for over 2.5 million objects relating to Hampshire's cultural heritage
- Operating of Hampshire Wardrobe which provides costume and loans materials for schools and other local users to support history and the arts
- Hosting of museum development advice for the wider museums sector in Hampshire and the Isle of Wight area via the Arts Council England funded Museum Development programme.

### **Appendix 3 - Shared Vision for WDC**

Hampshire Library Service and Hampshire Cultural Trust are working together in partnership to deliver a shared vision for WDC. There are three key elements to the vision: Community, Culture and Curiosity.



This vision has been developed to:

- Further develop HCC's partnership with HCT to realise benefits for both organisations, and for existing and potential users.
- Provide high-quality library and cultural experiences, contributing towards HCC's and HCT's strategic goals.
- Realise WDC's full potential and furthering its founding vision as a progressive cultural venue.
- Reimage the way in which the building and facilities are used and managed.
- Integrate all cultural aspects of WDC under one programming vision.
- Pilot a programming model with the potential to be delivered across the library network (phase 2).

The benefits of the partnership approach and shared vision are:

#### **Financial**

- To improve the return on investment for both organisations.
- To secure operational efficiencies related to management of the building.
- To enable joint funding applications to Arts Council England and other funders.

#### **Customer**

- To increase public access by safeguarding and increasing opening times.
- To continue to grow a diverse cultural programme.
- To enhance the customer journey and experience (before, during and after their visit).

#### **Organisational**

- To secure the long-term viability of the site.
- To grow participation and increase visitor numbers.

The shared vision is being delivered for:

- People who live, work or study in Winchester and Hampshire.
- People who visit Winchester for leisure.

## **How the vision will be delivered**

### **Delivering high-quality library services**

Hampshire Library Service will continue to provide a comprehensive and efficient library service, free at the point of access, within WDC. It will work to deliver its vision to promote reading and literacy, support healthy creative communities and invest in digital services, prioritising access to technology to those at most risk of exclusion.

This will be achieved through continued provision of existing community services, as well as using the partnership approach to explore and develop new opportunities to improve literacy and social outcomes. This includes:

- Promotion of reading for pleasure, with a strong focus on early years (ages 0-5 years)
- Access to a safe and inclusive space for diverse communities to meet, learn and discover
- Purposeful engagement with hard-to-reach communities to improve literacy and social outcomes
- Access to space for quiet study and reflection
- Support for community groups
- Access to technology to help people access information, opportunities and services online

Careful management of stock will continue to ensure the best possible offer for customers, including a significant financial investment to refresh the book stock held at WDC. The location of stock within WDC will be reviewed to ensure that the space is easily navigable, and some collections could be relocated as a result. The Library Service will continue to ensure that stock reflects changing customer needs, as well as being aligned to the cultural vision for the venue.

### **Cultural programme**

The cultural programme will create a narrative across the building and connect all activities, so that customers will be able to explore their interests in a range of different ways. Programming will be people-centric and grow with them as they progress on their personal journeys of exploration and learning at WDC.

Broad cultural and creative themes will be explored through a range of tried-and-tested programming formats:

- Flagship exhibition programme and community exhibition opportunities.
- Live performance (music, comedy, spoken word) in the Performance Hall and Café/Bar.
- Relaxed film screenings for young families and those with additional needs.

- Big name speakers in the Performance Hall and regular talks in the learning rooms.
- Regular one-off workshops for adults and young people, providing next steps to the free activities offered.
- Term-long classes for more in-depth learning experiences, focusing on life skills and creative practice.
- Digital workshops for young people and adults, developing skills in coding, gaming, and the digital arts.
- Weekly after school club for 11 to 14-year-olds to explore STEAM learning areas<sup>4</sup>.
- Large scale seasonal programming with half-term immersive experiences and biannual themed fairs.

The cultural programme piloted in WDC will have the potential to be adapted for delivery across the library network, which could leverage further investment in programming and increase participation.

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<sup>4</sup> Science, Technology, Engineering, Arts and Mathematics.

## REQUIRED CORPORATE AND LEGAL INFORMATION:

### Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	Yes
People in Hampshire live safe, healthy and independent lives:	Yes
People in Hampshire enjoy a rich and diverse environment:	Yes
People in Hampshire enjoy being part of strong, inclusive communities:	Yes

### Other Significant Links

Links to previous Member decisions:	
<u>Title</u> <a href="#">Results of Library Consultation</a>	<u>Date</u> 28 July 2020
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>

### Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

### **2. Equalities Impact Assessment:**

Draft Equalities Impact Assessments for both staff and service users have been prepared in relation to the proposed partnership.

For service users, impacts on age, disability and pregnancy and maternity have been assessed as positive, due to opportunities offered by the partnership, including an enhanced cultural offer, which will align with Hampshire Libraries' Strategy to 2025, which has a particular focus on supporting literacy in the Early Years (age 0-5). Improvements to facilities (including updates to the public WCs and Changing Spaces toilet), potential increases to the building opening hours and the continued promotion of the building as a safe and welcoming community space will all impact positively on service users.

For staff, impacts on age, disability, gender and pregnancy and maternity have been assessed as low. A lower percentage of the workforce at WDC are over 55 compared to the wider Library Service. Reasonable adjustments will continue to be made for staff who have declared a disability, where appropriate. 76% of the workforce at WDC identify as female and 24% identify as male and impacts on gender, pregnancy and maternity have been assessed as low."

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Executive Member for Recreation, Heritage, Countryside and Rural Affairs
<b>Date:</b>	19 March 2021
<b>Title:</b>	Grant Funding to Culture and Community Organisations in Hampshire
<b>Report From:</b>	Director of Culture, Communities and Business Services

**Contact name:** Emma Noyce  
Rosellen Lambert

**Tel:** 0370 779 8373  
0370 779 6594

**Email:** [emma.noyce@hants.gov.uk](mailto:emma.noyce@hants.gov.uk)  
[rosellen.lambert@hants.gov.uk](mailto:rosellen.lambert@hants.gov.uk)

### Purpose of this Report

1. The purpose of this report is to recommend approval of grant funding to culture and community organisations totalling £18,000 in 2020/21.

### Recommendation

2. That the Executive Member for Recreation, Heritage, Countryside and Rural Affairs approves grant funding to culture and community organisations totalling £18,000 in 2020/21.

### Executive Summary

3. The report considers applications from three community organisations to support transitions to Independent Community Libraries and recommends awards totalling £18,000 in 2020/21.

### Contextual information

4. On 28 July 2020, as part of decisions on the Library Service Transformation – Strategy to 2025, the Executive Member for Recreation and Heritage agreed that, as part of an offer for community organisations to take on closing branches and deliver services through them as Independent Community

Libraries, one-off pump-priming awards of up to £10,000 could be made. These awards are intended to support start up and transition costs.

5. To support the transfer of buildings, it was subsequently agreed by the Director of Culture, Communities and Business Services, that awards of up to £10,000 could also be applied for to support urgent works, recommended to be carried out within one to two years, identified in building condition surveys carried out by the department. These are available to organisations taking ownership of former Library Service buildings, from which an Independent Community Library will be delivered.
6. Applications have been received from three organisations to date for such funding, totalling £27,584.69. Further details and recommendations against each application are set out in the table titled Grant Funding to Culture and Community Organisations 2020/21 in Appendix 1. Further applications are anticipated and will be brought to future decision days.

### **Finance**

7. The recommended awards can be met from within existing budget provision.

### **Consultation and Equalities**

8. Equality Impact Assessments (EIAs) were carried out and published alongside the Changes to Culture and Communities Grants report which went to the Executive Member for Recreation and Heritage on 14 January 2019.

### **Other Key Issues**

9. Legal Implications: The Council has wide powers under Section 19 Local Government (Miscellaneous Provisions) Act 1976 to provide recreational facilities and to contribute by way of a grant or loan towards the expenses incurred by voluntary bodies in providing such facilities and activities.



## REQUIRED CORPORATE AND LEGAL INFORMATION:

### Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	no
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes
OR	
This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:	

### Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Changes to Culture and Communities Grants	14 January 2019
Library Service Transformation – Strategy to 2025	28 July 2020

### Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

### **2. Equalities Impact Assessment:**

A high-level Equalities Impact Assessment has been undertaken. The grants are intended to have a positive impact and advance equality.

## Grant Funding to Culture and Community Organisations, 2020/21

Organisation	Proposal	Amount Requested	Amount Recommended
North Baddesley Community Library (aka Friends of North Baddesley Library)	<p>The organisation has operated for eight years as a Community Managed Library within the Library Service network. It intends to operate an Independent Community Library from its existing premises, which it leases. The group is taking the opportunity to refresh the facilities and its offer to better meet local need and volunteer management capacity, setting them up to be more sustainable. It seeks funding towards the purchase public access computers and to set up a job club; wifi installation; shelving and furniture to support a new layout; a Library Management System and office equipment and re-branding and advertising.</p> <p><b>It is recommended that North Baddesley Community Library is awarded £5,000. The organisation may make an additional application later in 2021 for up to £5,000 to other items to support transition to an Independent Community Library.</b></p>	£4,987.50	£5,000
Fair Oak Community Library	<p>This community organisation is newly established, with an objective to operate an Independent Community Library in Fair Oak. It is supported by Fair Oak and Horton Heath Parish Council which has awarded a grant of £1,000 and which intends to take over the freehold of the Library Building from the Council under an asset transfer arrangement. The group seeks funding towards transition to an Independent Community Library through the reconfiguration and refurbishment of internal space, purchase of IT equipment and creation of training videos for volunteers. The identified costs are £12,500 leaving a small shortfall to be made up by local donations. Approx. £8,600 of these costs are for the internal reconfiguration and refurbishment which include alterations to a partition wall and bricking up three windows. These elements are not eligible under the capital funding opportunity.</p> <p><b>It is recommended that Fair Oak Community Library is awarded £10,000. As the majority of costs are to support building works, it is recommended payment of this portion of the award is on condition that exchange of contracts for the transfer of the freehold from the Council to Fair Oak and Horton Heath Parish Council is complete.</b></p>	£10,000	£10,000
Fair Oak and Horton Heath Parish Council	<p>The organisation intends to take on the ownership of the building and subsequently make it available to Fair Oak Community Library for the delivery of an Independent Community Library. It seeks funding towards rainwater goods and external handrails, both identified in the condition survey as urgent works with an estimated combined cost of £2,350. It has also applied for funding towards non-urgent works including kitchen refurbishment, toilet refurbishment and the installation of skylights. As these are not urgent works, they fall outside the purpose of this funding opportunity. It is recognised that due to lockdown restrictions the organisation has not been able to obtain full quotes from contractors and also that the cost of materials may have increased since the condition survey estimates. It is therefore recommended an award of up to £3,000 be made towards the urgent works identified and that any funds remaining from this sum may be used towards elements of the medium to long term works identified.</p>	£12,597.19	£3,000

	As not all elements of the project are eligible within the grant opportunity, it is recommended the application is partially supported and Fair Oak and Horton Heath Parish Council is awarded up to £3,000 on condition that exchange of contracts for the transfer of the freehold from the Council to Fair Oak and Horton Heath Parish Council is complete.		
<b>Total</b>		<b>£27,584.69</b>	<b>£18,000</b>

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Executive Member for Recreation, Heritage, Countryside and Rural Affairs
<b>Date:</b>	19 March 2021
<b>Title:</b>	Rights of Way and Countryside Paths (Covid)
<b>Report From:</b>	Director of Culture, Communities and Business Services

**Contact name:** Jo Heath

**Tel:** 07545735629

**Email:** [jo.heath@hants.gov.uk](mailto:jo.heath@hants.gov.uk)

### Purpose of this report

1. To provide an update on the use and condition of public rights of way and paths across the countryside estate over the past year, during the Covid 19 pandemic.
2. Outline a proposal for funding remedial works to identified priority rights of way and paths to improve their condition and enable their continued use.

### Recommendations

3. That the Executive Member for Recreation, Heritage, Countryside and Rural Affairs:
  - i) Notes the impact of increased use and weather conditions on the rights of way network and paths at country parks and countryside sites across Hampshire.
  - ii) Approves the establishment of a £500,000 Path Recovery programme to carry out remedial works to improve the condition of the worst affected rights of way and countryside paths in 2021/22 to be funded from the CCBS accumulated Cost of Change reserve.

### Executive Summary

4. Hampshire has an extensive public rights of way network across the whole county that provides opportunities for the public to explore the countryside, offering benefits for both mental and physical health and wellbeing.

5. The rights of way network along with paths across the whole countryside estate are highly valued by the people that use them and there is evidence that this appreciation has grown due to the Covid 19 pandemic.
6. Visits to the countryside have significantly increased and people who previously have not visited the countryside are now regularly taking their daily exercise at our parks, sites and on the rights of way network. Research has indicated that even when restrictions are lifted, they are likely to continue to visit the countryside.
7. This winter has been one of the wettest on record and the impact of this, in combination with increased footfall and use by cyclists, has been a deterioration in the surface of many paths across the county.
8. A Path Recovery programme is proposed to address some of the worst affected rights of way and paths across the countryside estate over the next 6 months and approval is sought for £500,000 of CCBS Departmental underspends to be allocated for 2021/22.

### **Contextual information**

9. The public rights of way network in Hampshire is 4,613km or 2,866 miles long and comprised of footpaths (3,312km, 2,058 miles), bridleways (761km, 473miles), restricted byways (253km, 157miles) and byways open to all traffic (287km, 178miles).
10. Although most of the rights of way network cross privately owned land the County Council has a statutory duty to maintain rights of way, including the surface of the path, in a fit state for public use.
11. All five of the County Council Country Parks and all the 80 other countryside sites, comprising National Nature Reserves, Local Nature Reserves and other conservation sites and green spaces, have permissive routes as well as public rights of way that enable visitors to actively explore the countryside. The Basingstoke Canal towpath is also an extremely popular and well used route for walkers and cyclists.
12. Since the beginning of the Covid 19 pandemic in March 2020 there has been an increase in the use of rights of way. This has been difficult to quantify however the number of reports to the Countryside Access Management System by members of the public (typically around 300 per month) has increased in some months by as much as 60%. During the summer months the increase in anti-social behaviour and conflicts on the rights of way network were evident and the Countryside Service introduced campaigns to encourage responsible behaviour and provided support to landowners wherever possible. The focus was to keep the network open and accessible for all legitimate users.

13. Research conducted in the summer 2020 also provided evidence of increased use and that this use is likely to continue. The survey indicated a significant rise in appreciation of the countryside and the importance of being outside for mental and physical health and wellbeing.
- Nearly all the 2,500 respondents acknowledge the key role of accessing public outdoor space and some 99% agree that it has a positive role on their mental health and wellbeing.
  - More than four in five respondents (81%) believe this has become even more important since the advent of Covid19. Facing a prolonged period of lockdown has reinforced and enhanced people's appreciation and attitude to the outdoors.
  - More than 70% confirm that their attitude to the outdoors has grown, with most of these confirming a major positive shift.
  - The demand for visiting local greenspaces and using local paths is not likely to wain with 98% of the respondents indicating that they will continue to visit these sites even as other facilities such as country parks open. This coupled with 85% indicating that they will be planning a staycation this year and potentially greater promotion of walking and cycling (from organisations such as Visit England) shows that the demand is likely to stay high.
14. Visits to the Country Parks has risen by between 120% – 160% over the past 6 months when compared to last year despite reduced catering facilities and no events or activities for much of that period. It is difficult to quantify the visits to other countryside sites however the site rangers have evidence of a significant upward shift in use over the past year.
15. The Basingstoke Canal towpath has seen a significant rise in pedestrian and cycle use – counts carried out during lockdown indicated that all use was at least 110% of previous levels and cycle use in places was up to 300% of previous levels. An average of 16,000 pedestrians a month were using the towpath near the Canal Centre.
16. According to the Met Office 2020 was in the top ten wettest years of all time, with the wettest day on record on 3 October and several extreme weather events affecting the South East over the past 6 months.
17. These conditions along with the increased footfall have had a significant impact on the surface of the paths across the majority of Hampshire. The worst conditions are in river valleys, on clay soils and paths close to conurbations that are heavily used. Paths in the Country Parks and across the rest of the countryside estate have also suffered with the same issues.
18. People often try to avoid the wettest parts of the paths which leads to a spreading of the width of the route. Depending on the location of the path this can have a detrimental impact on crops or sensitive habitats.

19. The Countryside Service has been gathering evidence of the impact of increased use, as a result of the pandemic, coupled with the wet weather experienced over the winter 2020/2021. The pictures in Appendix 1 illustrate the issues on some of the worst affected rights of way and paths.
20. There are in the region of 76 paths that are known to be affected either through reports received via CAMs (Countryside Access Management System) or complaints to Country Park and Sites management officers or through physical inspections.
21. A programme of improving the worst affected paths is proposed in order to keep these paths open for use and to reduce further damage.
22. The aim of the programme is to carry out remedial works to as many paths as possible that have been affected by increased use across the county due to Covid 19 within the budget allocation of £500,000.
23. It is proposed that the targeting of paths for remedial works is based on the following criteria and level of damage assessment: -
  - a. Paths located close to communities
  - b. Circular routes linked to car parks and communities
  - c. Promoted routes
  - d. Paths damaged through sensitive habitat areas

The degree of damage and inconvenience will be allocated against the following criteria:

- i. Path un-usable in large sections (effectively closed)
- ii. Path spread damaging surrounds in sensitive habitat areas
- iii. Path un-usable in one specific location
- iv. Path spread damaging surrounding areas
- v. Pinch points with significant localised damage (infrastructure damaged restricting passage)
- vi. Other

The degree of community concern level of reported problems

- 1) High – Multiple frequently
- 2) Medium - Multiple occasionally
- 3) Low – few reports
- 4) Not reported

Record in the service as concern raised by MP/Cllr/Parish Council - YES / NO

24. Once the Path Recovery programme is approved the ambition would be to carry out works to the priority routes between March and October to bring them back into use and build some resilience for next winter.
25. Details of the Path Recovery Programme will be communicated via the Parish Pages and we will be looking to work closely with Parish Councils to identify and co-ordinate works on paths that are important to the Parishes.



## **Finance**

26. The operational budget for the management of rights of way is £252,000 per annum, equivalent to approximately £88 per mile or £55 per km. This budget covers vegetation removal, signage, health, and safety related repairs on the network.
27. Capital funding of £330,000 has been allocated to bridge and byway repairs for 2021/22.
28. Additional funding is required in order to meet our responsibilities in repairing the paths most significantly damaged through increased use and wet weather.
29. Funding will be allocated across the parks, sites, Basingstoke Canal, and the rights of way network. Data has been collated and once approved the prioritisation criteria will be applied to provide a programme of works to be undertaken. This will be monitored via a new SharePoint site developed for this purpose. Appendix 2 illustrates the system developed for this programme.
30. The Path Recovery Programme budget of £500,000 will be allocated from CCBS accumulated Cost of Change reserve.

## **Future Direction**

31. Following approval the Countryside Service will prioritise the spend across the Countryside estate and rights of way network based on the criteria outlined in this report ensuring that there is a spread of investment across the county.
32. The Service will liaise with Parish Councils and others with the aim of delivering the programme in the first half of 2021/22.

## CORPORATE OR LEGAL INFORMATION:

### Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy, and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

### Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>

### Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation) and those who do not share it.
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard to:

- The need to remove or minimize disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

### **Equalities Impact Assessment:**

The Equalities Impact Assessment has identified that in general this scheme will have a neutral impact. The assessment has identified that the works programme will see a positive impact on accessibility and those with limited mobility, increasing the availability of routes following wet weather and will improving the resilience of routes to future damage.

Appendix 1 – Photos illustrating the impact of increased use



Dogmersfield FP3



Basingstoke Canal Towpath



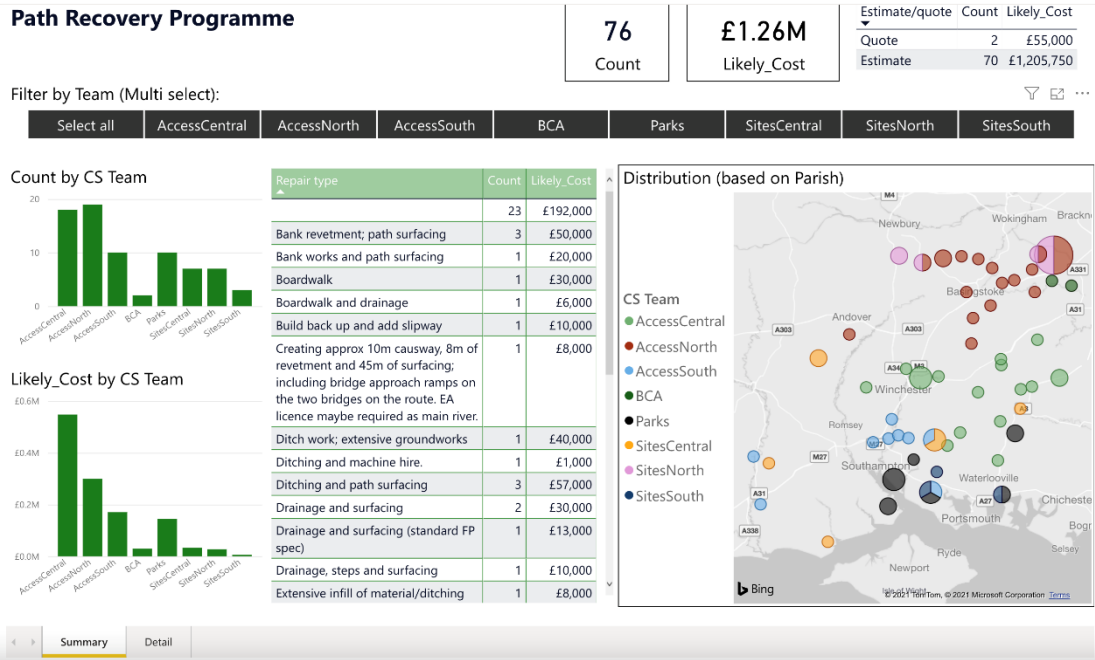
Royal Victoria Country Park



Stroud Pond



Appendix 2 – Programme prioritisation and monitoring system



## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Executive Member for Recreation, Heritage, Countryside and Rural Affairs
<b>Date:</b>	19 March 2021
<b>Title:</b>	Worthy Down and South Wonston Access Improvements
<b>Report From:</b>	Director of Culture, Communities and Business Services

**Contact name:** Jo Heath

**Tel:** 07545735629

**Email:** [jo.heath@hants.gov.uk](mailto:jo.heath@hants.gov.uk)

### Recommendations

1. That the Executive Member for Recreation, Heritage, Countryside and Rural Affairs:
  - i) Approves the addition of Worthy Down and South Wonston Access Improvements scheme to the 2021/22 CCBS capital programme at a value of £319,000 funded in full from developer contributions.
  - ii) Approves the project appraisal as set out in the report.
  - iii) Gives authority to procure and spend and enter into the necessary contractual agreements to implement the scheme at a value of £319,000.

### Executive Summary

2. The Worthy Down and South Wonston Access Improvements scheme will result in a new section of bridleway and an upgrading of an existing footpath to create a high quality off road walking and cycling route and improvements to sections of two existing restricted byways.
3. The scheme will provide safer links between South Wonston and Worthy Down and safer routes to South Wonston Primary School.
4. The access improvement scheme has a value of £319,000 and is entirely funded by Section 106 contribution from Worthy Down development.



## **Project Scope**

5. An additional 955m section of Bridleway will be added to the Public Rights of Way Network through a dedication between Restricted Byway 703 and Byway Open to All Traffic 12.
6. The legal and physical upgrade of Headbourne Worthy Footpath 2 will allow public cycle access providing 3,000 residents of South Wonston and Worthy Down with 2.6km of good quality off road walk and cycling route.
7. There is currently no ability to legally show the cycle use on the Definitive Map, however we will be asking OS to show it as traffic-free cycle route on OS Explorer and Landranger maps and it will be signed for cycling and walking use on site.
8. The scheme will include wildflower planting and the creation by the landowner of a pond overlooked by a publicly accessible bird hide.
9. This route meets needs specifically identified in Winchester City Council's Cycling Strategy (2012 – actions WC47 and KW01) and responds to local requests for off road cycle access towards Winchester and improved walking and cycling routes to South Wonston Primary School.
10. South Wonston Restricted Byways 730 and 703 will be resurfaced to provide level and improved access to South Wonston Primary School facilitating a Park and Stride initiative. Appendix 1 – map illustrates the routes for improvement.

## **Other Considerations**

11. This access improvement scheme meets the conditions of the Section 106 agreement and policies in the Local Transport Plan 2011-2013 to “to *invest in sustainable transport measures, including walking and cycling infrastructure... to provide a healthy alternative to the car for local short journeys to work, local services and schools*” and the Countryside Access Plan 2015 – 2025 objective “to focus existing and future resources on those routes which provide the most benefit to residents, visitors and the local economy”
12. This project is being delivered by the Countryside Service in partnership with Environment Transport and Economy Transport strategic transport team.

## **Finance**



13. The total budget for the scheme is £319,000 funded entirely through Section 106 contributions from the Worthy Down development.
14. The budget includes £270,000 for capital works and £49,000 for delivery and legal fees.

### **Consultation**

15. Local members have been consulted and are in support of the access improvement scheme.
16. The scheme was consulted on by local community, stakeholders and landowners at events organised by ETE in 2016 and subsequently with South Wonston Parish Council, landowners, local user groups and local councillors and is supported.
17. Hampshire Countryside Access Forum walking, cycling and equestrian representatives have also been consulted.

## CORPORATE OR LEGAL INFORMATION:

### Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	
People in Hampshire live safe, healthy, and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	

### Other Significant Links

<b>Links to previous Member decisions:</b>		
<u>Title</u>	<u>Date</u>	
<b>Direct links to specific legislation or Government Directives</b>		
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### Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation) and those who do not share it.
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard to:

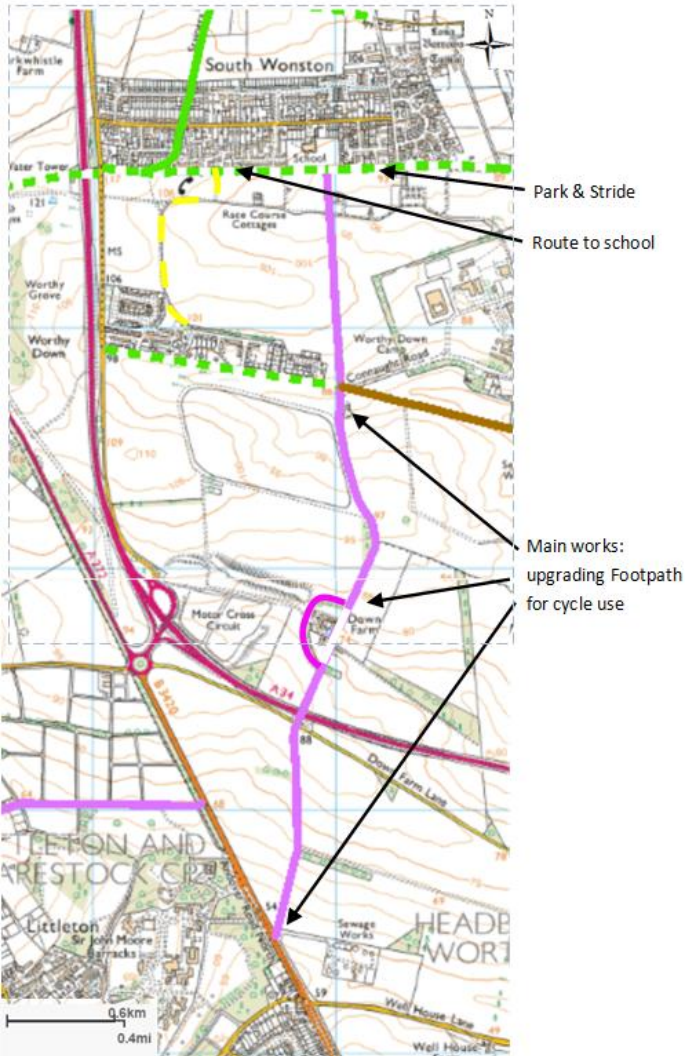
- The need to remove or minimize disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

### **Equalities Impact Assessment:**

EIA Reference number: EIA310179072.

The proposed changes are neutral for many of the protected characteristics with a positive impact on rurality, disability and poverty as free access is improved to provide level route for walkers and cyclists and those who are mobility impaired.

Appendix 1 – Map Worthy Down and South Wonston Access Improvements Scheme



## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Executive Member for Recreation, Heritage, Countryside and Rural Affairs
<b>Date:</b>	19 March 2021
<b>Title:</b>	Fly Grazing Policy
<b>Report From:</b>	Director of Culture, Communities and Business Services

**Contact name:** David T. Jones

**Tel:** 0370 779 3466

**Email:** david.t.jones@hants.gov.uk

### Purpose of this Report

1. This report consolidates the County Council's approach to the management of fly grazing, both as a land owner and as a statutory body. The report sets out a bespoke policy with the purpose of ensuring best and consistent practices, through clear processes, including protocols and proformas, in order to ensure the most effective outcomes in the management of fly grazing across the county.

### Recommendations

2. That the adoption of the fly grazing policy at Appendix 1 is approved.
3. That the procedures for implementing the policy, provided at Appendix 2, are noted and endorsed.

### Executive Summary

3. The purpose of this paper is to set out a formal policy for managing fly grazing within the framework of legislation which grants powers to local authorities to detain fly grazed horses.
4. This paper seeks to:
  - Provide a background to the occurrence of fly grazing
  - Sets out the policy and procedures proposed for the management of:
    - Complaints of fly grazed horses
    - Animal welfare, risk and site conditions
    - The service of warning notices
    - Enforcement and removal of horses
    - The consequent care, detention and rehousing of horses
  - Financial considerations

- Recommends that the policy be adopted cross all County Council departments that manage fly grazing.

### **Fly Grazing**

5. Fly grazing is the term applied to horses that are placed on land without permission of the landowner.
6. Fly grazing on land can give rise to issues of public safety, nuisance within the communities affected and impacts on agricultural and environmental land uses, as well as potential animal welfare questions to be addressed.
7. The County Council, as a local authority, has powers under the Animals Act 1971 as amended by the Control of Horses Act 2015. Subject to specific criteria, these powers allow fly grazed horses to be taken into detention, sold, re-homed, or otherwise disposed of, unless a lawful claim is made by their owner within 96 hours of detention.
8. In most circumstances owners recover fly grazed horses from land once a warning notice has been posted and prior to any action to detain has been initiated. However, the purpose of this report is to establish a clear policy and associated procedures for managing the entirety of the process and use of all powers, including detention and disposal of animals.

### **Responsibilities**

9. The landowner has responsibility and the discretion to choose how to manage fly grazing on their land, which may include toleration, but powers to detain fly grazed horses rests with local authorities as defined in legislation.
10. The legislation provides statutory powers for local authorities to remove fly grazed horses, however this is not a statutory duty and as such removal should be implemented when deemed appropriate and taking account of all prevailing circumstances.
11. The use of statutory powers of detention immediately transfers all responsibility for the welfare of the horse to the County Council, together with all associated costs.
12. Within 96 hours of detention the owner may reclaim the horse and the County Council has a duty of care to the owner who may claim damages for any loss or injury during the period of detention.
13. Animal welfare is a critical consideration at every stage and the policy makes explicit reference to ensuring suitable welfare assessments throughout the process and appropriate oversight from specialists, including removal and livery arrangements.
14. If no valid claim to the horse has been made then the ownership of the horse will transfer to the County Council.

## **Policy and Procedures**

15. The policy defines the principles to be adopted when managing fly grazing cases, from initial notification through detention and sale or disposal of a detained horse. The policy is supported by a procedure that sets out the detailed processes to be followed when applying the policy to ensure a consistent and structured approach that is in compliance with the legislation.
16. Following receipt of an initial complaint the policy sets out the requirement for a site visit to assess circumstances, including risk, welfare and hazards, and to record evidence and actions, including photographic records.
17. The procedure includes proforma to prompt the recording of actions and management of health and safety, welfare, hazards and the recording of site specific conditions. Escalation of any issues is provided for within the County Council and to partner organisations and external specialists.
18. The policy outlines the steps to be implemented to initiate removal or detention of fly grazed animals. Initially through the posting of a warning notice on site. Then, if the horse has not been removed from the land, through the formal appointment of specialist horse bailiffs who have the experience and expertise to manage animal removal, carry relevant certification and insurance and have access to appropriate green livery to ensure suitable care of detained animals.
19. A process for appointment is set out in the supporting procedure including the principal considerations in appointing bailiffs and the range of cost elements likely to arise and to be confirmed on appointment.
20. The policy identifies that Formal Notice of Detention must be served and the police notified and clear records of all actions maintained. Standard forms are provided in the procedure and implementation of these formalities is to be strictly agreed with any bailiff company instructed.
21. The policy sets out that the owner may claim the horse within 96 hours of detention, subject to proof of ownership and payment of costs, but if no claim is made ownership of the horse will pass to the County Council, who may thereafter dispose of the horse as deemed appropriate.

## **Financial Considerations**

22. The policy sets out the responsibilities for and approach to costs associated with the management of fly grazed horses.
23. Costs associated with the incursion onto land and any associated or consequent damage, is a matter for the landowner and impacts the County Council only in its role as landowner.
24. Costs associated with the detention and subsequent care of animals will fall to the County Council.
25. Recovery of costs is possible in two ways.
  - First, in the event that an owner claims a horse within 96 hours of detention, one of the conditions of a valid claim is payment for any costs

for damage to the land and property on which the horse was fly grazed, together with all costs associated with the lawful detention of the horse.

- Second, in the event that the horse is not claimed then the ownership transfers to the County Council and any consequent receipt from the sale of the horse will serve to defray costs incurred in the detention of the animal.

26. Maintaining a clear and accurate record of costs is essential to support any claim for costs incurred.

## **Consultation and Equalities**

27. The impact on all communities has been considered in the development of the Policy. The number of fly grazing incidents responded to by the County Council is low, but it is recognised that the Policy may impact on communities that have protected characteristics of race or ethnicity under the Equalities Act, which may include those in the gypsy and traveller community.

28. Any potential disproportionate impact will be mitigated by clear communication of the Policy through relevant channels and the posting of a warning notice prior to detaining a horse to allow the owner to remove the horse and avoid becoming liable for costs incurred where the County Council takes possession of the horse.

## **Conclusions**

29. Fly grazing is a recurrent problem across Hampshire. Whilst the landowner retains responsibility for the land and is the responsible person whilst horses are grazed on their land, the County Council holds the statutory powers to remove fly grazed horses when appropriate.

30. Occurrences of fly grazing give rise to issues of public safety, animal welfare, land management and nuisance.

31. Intervention requires a consistent and structured approach to ensure outcomes that reflect best practice, are practical, sufficiently adaptive, protect the animal's welfare and are in compliance with legislation.

32. The policy presented for approval establishes the principles to be followed to streamline the management of cases from initial notification through to final disposal of detained horses. This is supported by detailed procedures to ensure a structured and consistent approach that is compliant with legislation.

33. The policy enables a pragmatic evidence based approach to managing health and safety, animal welfare, site considerations, legal process and bailiff appointment in order to end the unlawful fly grazing and ensure the best outcome for detained horses.



**CORPORATE OR LEGAL INFORMATION:****Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	yes
<b>People in Hampshire live safe, healthy and independent lives:</b>	yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	no
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	no

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

- The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

#### **Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **2. Equalities Impact Assessment:**

- 2.1 An Equalities Impact Assessment has been undertaken which identified a potential impact on communities which may have protected characteristics of race or ethnicity under the Equality Act. The published EIA can be accessed via the following link: [Equality analysis | About the Council | Hampshire County Council \(hants.gov.uk\)](#)

**Hampshire County Council  
Policy for Management of Fly Grazing**

**Aim**

1. The aim of this policy is to ensure best practice and a consistent and structured approach to responding to and managing illegally placed horses across the Hampshire County Council responsible area to ensure outcomes that are practical, sufficiently adaptive, protect the animal's welfare and are in compliance with legislation.

**Application**

2. The County Council will apply this policy when responding to instances of fly grazing on land owned or occupied by the County Council or where a complaint is received by the County Council in relation to fly grazing on land within the Hampshire County Council responsible area.
3. Fly grazing is the term applied when horses are placed on land without permission. Their presence can give rise to issues of public safety, nuisance within the communities affected and impacts on agricultural and environmental land uses, as well as potential animal welfare concerns.

**Animal welfare**

4. When managing an occurrence of fly grazing, the County Council will:
  - Consider animal welfare at every stage and ensure that suitable welfare assessments are central throughout the process.
  - Ensure appropriate oversight from specialists, including removal and livery arrangements, to ensure the best outcome for detained horses.
  - Be responsible for the welfare of horses that are detained under the County Council's statutory powers.
  - All decisions concerning the welfare, care and treatment of detailed horses will be guided by veterinary advice.

**Initial response**

5. Following receipt of an initial complaint, a site visit will be carried out to assess circumstances, including risk, welfare and hazards, and to record evidence and actions, including photographic records.
6. The County Council will seek to identify and contact the owner of the horse(s) and request removal from the site.

**Removal and detention**

7. The removal and detention of fly grazed horses will be undertaken when deemed appropriate and taking account of all prevailing circumstances.

8. The removal and detention of fly-grazed horses shall be undertaken under the County Council's powers as a local authority under the Animals Act 1971 as amended by the Control of Horses Act 2015.
9. Prior to removal or detention of fly grazed animals the County Council will:
  - Liaise with the landowner to establish their approach to the incursion on their land.
  - Post a warning notice on site.
  - Formally appoint specialist horse bailiffs who have the experience and expertise to manage animal removal, carry relevant certification and insurance and have access to appropriate green livery to ensure suitable care of detained animals.
  - Ensure that Notice of Detention is served and the police are notified.
  - Fly grazed horses will only be removed by the County Council if the owner fails to remove the horse in response to notices posted.
10. Clear records shall be maintained of all actions undertaken by or on behalf of the County Council.

**Reclaiming and disposal of detained horses**

11. The owner of a detained horse shall be able to reclaim it within 96 hours (4 working days (Monday to Friday)) of detention subject to payment of reasonable expenses for keep and/or damages.
12. Where a detained horse is not reclaimed within 96 hours (4 days) the ownership shall pass to the County Council who shall dispose of it through the most appropriate means.

**Costs**

13. Clear and accurate record of costs will be maintained and claims for costs incurred pursued when achievable.
14. Costs associated with the incursion onto land and any associated or consequent damage shall be the responsibility of the landowner.
15. Costs associated with the detention and subsequent care of animals will fall to the County Council. The County Council will seek to recover these costs through the following statutory options:
  - Payment by the owner of the horse(s) where it is reclaimed within 96 hours of its detention, together with all costs for damage to the land and property on which the horse was fly grazed.
  - Receipt from the sale of the horse where it has not been claimed within 96 hours of its detention.
16. Where applicable, the owner of the horse may claim damages for any loss or injury during the period of detention.

# **Hampshire County Council Procedures for the Management of Fly Grazing**

# **Contents**

## **Part 1 - Background**

- Introduction
- Legislative Context
- Definitions
- The Legislation
- Other Avenue of Response

## **Part 2 – Process**

- Who should respond
- Receiving a complaint
- Dealing with a complaint
- Site Visit
- Warning Notices
- Removal of Horses
- Notice of detention
- Making a claim
- Intelligence reporting

## **Part 3 - Forms**

- Template site visit Form
- Template Warning Notice
- Template Detention Notice
- Template Police Notification
- Template Owner Notification
- Template Transfer of Ownership form

## **Part 4 - Useful Contacts**

## Part 1 - Background

### Introduction

1. Fly grazing is the term when horses are placed on land without permission. Their presence can sometimes cause several issues including public safety, nuisance to communities, agricultural and environmental impacts, and welfare concerns.
2. The Control of Horses Act 2015 amends the Animals Act 1971 to give local authorities and freeholders the powers to deal with fly grazing horses found on land controlled by them.
3. Hampshire County Council (HCC) owned and managed land is a diverse area and includes a variety of public spaces, including country parks, agricultural and strategic land for which different departments have responsibility.
4. This document aims to guide HCC officers on good practice and assist in providing a consistent approach to the issues of illegally placed horses across the Hampshire County Council responsible area. In the first instance officers should seek advice from the Gypsy and Traveller Service (GTS) or Trading Standards (TS). Contacts in Part 4. Any individual freeholder acting under this legislation should be advised to seek independent legal advice before doing so.

### Legislative Context

5. The Control of Horse Act 2015 (CHA) amends the Animals Act 1971 to provide legal powers to take appropriate action when equines are found on land without lawful authority. Subject to certain criteria, it allows for the detention, sale, re-homing, return, disposal and destruction of horses in a humane way after necessary notifications for their removal.
6. The landowner is generally the responsible person to be able to act for horses fly grazing on their land. It should be highlighted that the legislation is not a statutory duty for a landowner or for the Local Authority, it gives the power to consider taking any appropriate action to enable the horses' removal where deemed appropriate.

### Definitions

7. For the purpose of this provision the following definitions are used:

“Local authority” means—

- (a) a county council,
- (b) a district council,
- (c) a London borough council,
- (d) the Common Council of the City of London, and
- (e) the Council of the Isles of Scilly.

“horse” - includes an ass, mule or hinny;

“public place” includes— (a) any common land or town or village green; (b) any highway (and the verges of any highway)

“common land” means – (a) land registered as common land in a register of common land kept under Part 1 of the Commons Act 2006

(b) land to which Part 1 of that Act does not apply and which is subject to rights of common within the meaning of that Act

“town or village green” means land registered as a town or village green in a register of town or village greens kept under Part 1 of the Commons Act 2006.

## **The Legislation**

8. Part 7 of the Animals Act 1971 (amended by the Control of Horses Act 2015) outlines the technical detail for dealing with fly grazing horses:

### **8A Power of local authorities in England to detain horses**

*(1) A local authority in England may detain a horse which is in any public place in its area, if the conditions in subsection (2) are met.*

*(2) The conditions are—*

*(a) the local authority has reasonable grounds for believing that the horse is there without lawful authority, and*

*(b) if the land is lawfully occupied by a person—*

*(i) that person consents to the detention of the horse, or*

*(ii) the local authority has reasonable grounds for believing that that person would consent to the detention of the horse (but this does not require the authority to seek consent).*

### **8B Powers of freeholders and occupiers in England to detain horses**

*(1) This section applies where a horse is on any land in England without lawful authority.*

*(2) The horse may be detained—*

*(a) in any case, by the occupier of the land, and*

*(b) if the freeholder is not the occupier, by the freeholder with the occupier's consent.*

### **8C Detention of horses under sections 7A and 7B**

*(1) This section applies where a horse is detained under section 7A or 7B.*

*(2) The right to detain the horse ceases at the end of the period of 24 hours beginning with the time when it is first detained unless, within that period, the person detaining the horse gives notice of the detention to—*



*(a) the officer in charge of a police station, and*

*(b) if the person detaining the horse knows to whom the horse belongs, that person.*

*(3) Where notice is given under subsection (2), the right to detain the horse ceases if, within the period of 96 hours beginning with the time when it is first detained, the person entitled to possession of the horse—*

*(a) claims it, and*

*(b) complies with the condition in subsection (4).*

*(4) The condition is that the person tenders to each person with a claim under section 4A in respect of the horse such amount as is sufficient to satisfy the claim.*

*(5) If by the end of the 96-hour period referred to in subsection (3) the right to detain the horse has not ceased under this section—*

*(a) ownership of the horse passes to the person detaining the horse, and*

*(b) accordingly, the person detaining the horse may dispose of it by selling it, arranging for it to be destroyed or in any other way.*

*(6) Where a horse is sold under this section and the proceeds of sale, less the costs of the sale and any costs incurred in connection with it, exceed the amount of any claims under section 4A in respect of the horse, the excess is recoverable from the person detaining the horse by the person who would have been entitled to possession of the horse but for this section.*

*(7) A person detaining a horse under this section is liable for any damage caused to it by a failure to treat it with reasonable care and supply it with adequate food and water while it is so detained.*

*(8) References in this section to a claim under section 4A in respect of any horse do not include a claim under that section for damage done by or expenses incurred in respect of the horse before it was on the land without lawful authority.*

*(9) In calculating a period of 96 hours for the purposes of this section, disregard any time falling on—*

*(a) a Saturday or Sunday,*

*(b) Good Friday or Christmas Day, or*

*(c) a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971*

## **Other avenues of response**

### **Animals on a highway**

9. If the horse is on a highway constituting a danger to road users, then the police may use emergency powers under section 149 of the Highways Act 1980. The Highways Act 1835 creates an offence in section 72 for a person to tether animals on the highway. Even if a person is convicted of the offence it does not give the highway authority the power to remove them.

### **Statutory nuisance**

10. If the horse constitutes a nuisance the district council may act in line with a statutory nuisance under the Environmental Protection Act 1990

### **Injunctions**

11. Trespass- Fly-grazing may amount to an act of trespass. An injunction can be sought by the owner of the land against the person responsible for the fly-grazing with terms: requiring them to remove the horse forthwith from the land; and restraining them from further acts of trespass. Anti-social behaviour - A civil injunction can be sought under The Anti-social Behaviour, Crime and Policing Act 2014 by a local authority if there is evidence that the person responsible for the fly-grazing in its area has also engaged or threatened to engage in "Anti-social Behaviour". The term "Anti-social Behaviour" is defined by the Act as conduct that has caused, or is likely to cause, harassment, alarm or distress to any person".
12. A breach of an injunction if proven amounts to contempt of court. The Court does not have the power upon such a finding to make an order authorising the local authority to remove the horses from the land.

### **Animal Welfare**

13. Section 4 of the Animal Welfare Act 2006 creates an offence of unnecessary suffering and section 9 places a duty of care on a person to ensure that the needs of an animal for which he is responsible are met to the extent required by good practice.
14. Under Section 18 of this act steps can be taken by an authorised officer under the Animal Welfare Act 2006 or a constable to alleviate an animals suffering, and if certified by a veterinary surgeon the animal can be taken into possession or if in its own interests destroyed. Local Authority animal health and welfare officers have powers under this Act but in practice the welfare of horses is dealt with by partner agencies such as the RSPCA and World Horse Welfare who are best equipped to do so. Contacts can be found in Part 4.

## **Equine Identification (England) Regulations 2018**

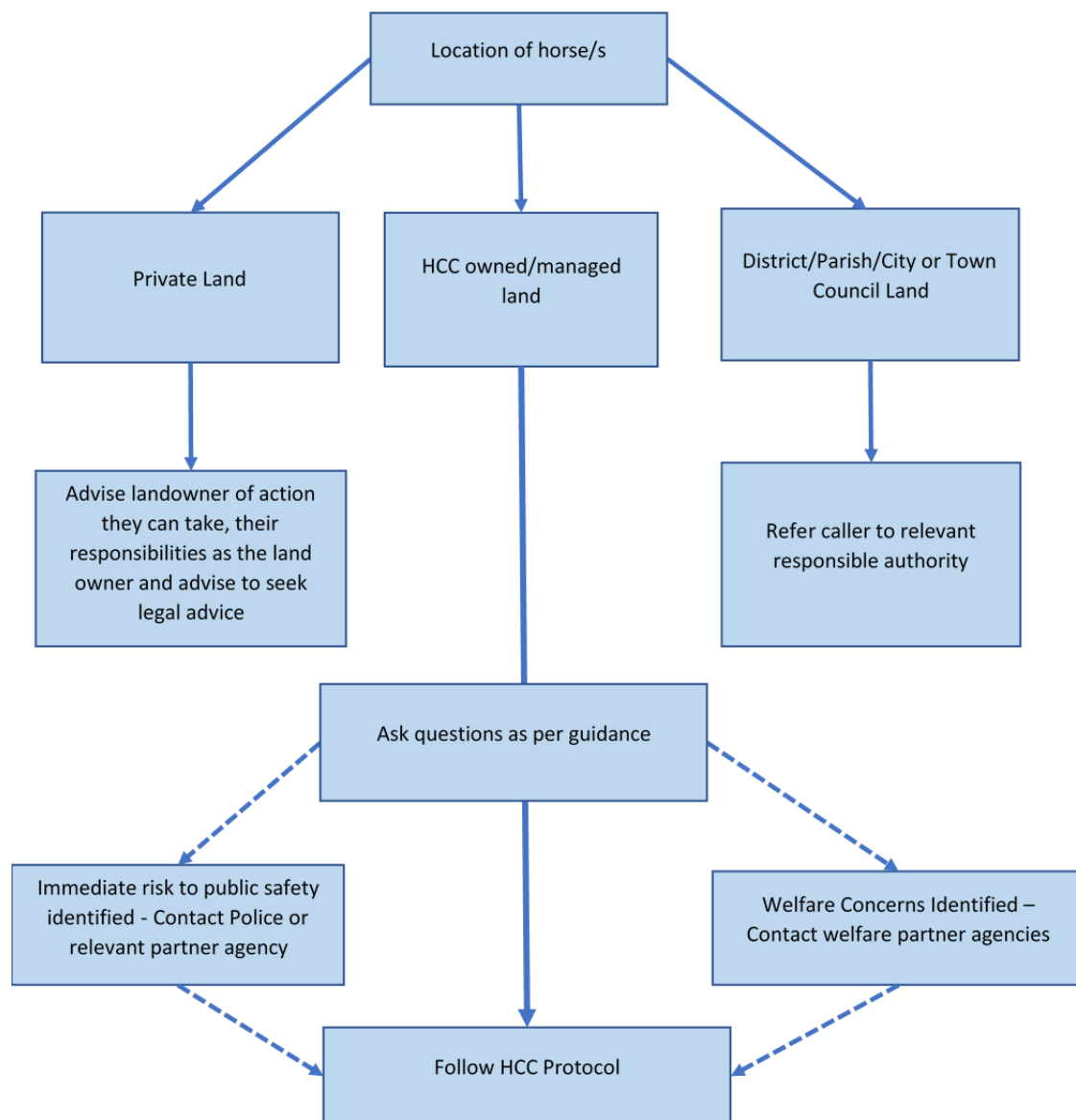
15. This legislation requires the owner of an equine to make an application for ID within 6 months beginning with the day on which the equine was born; or 30th November in the year in which the equine is born, whichever is the latter.
16. Horses born since 1 October 2018 need to be microchipped with a unique number and this must be done before applying for a horse passport.
17. Horses born before 1<sup>st</sup> October 2009 have until 30 October 2020 to apply for a passport.
18. A horse passport/microchip registration is not regarded as proof of ownership, although it is a requirement for it to be surrendered to a new owner and to be updated within 30 days of change of ownership, as well as accompany it on any movement (with exemptions).
19. Its primary function is to prevent horses that have been treated with certain veterinary medicines (such as wormers and analgesics) from entering the human food chain. It is a useful indication when trying to identify the owner of an animal but should not be relied on solely for absolute proof of ownership.
20. Trading Standards enforce this legislation and information regarding unchipped/passported horses should be passed to them for investigation as per its own enforcement policy, no action would be taken against a person who is uplifting a horse under the CHA.

## Part 2 – Process

21. Where horses are found to be fly grazing on HCC land the below practical protocol should be followed, in line with the legislative requirements.
22. It is recognised that each situation is different and the timescales for each will be dependent on many factors, including the animal's welfare, public safety and the availability of resources and partner agencies. In all circumstances public safety and animal welfare should remain a priority.

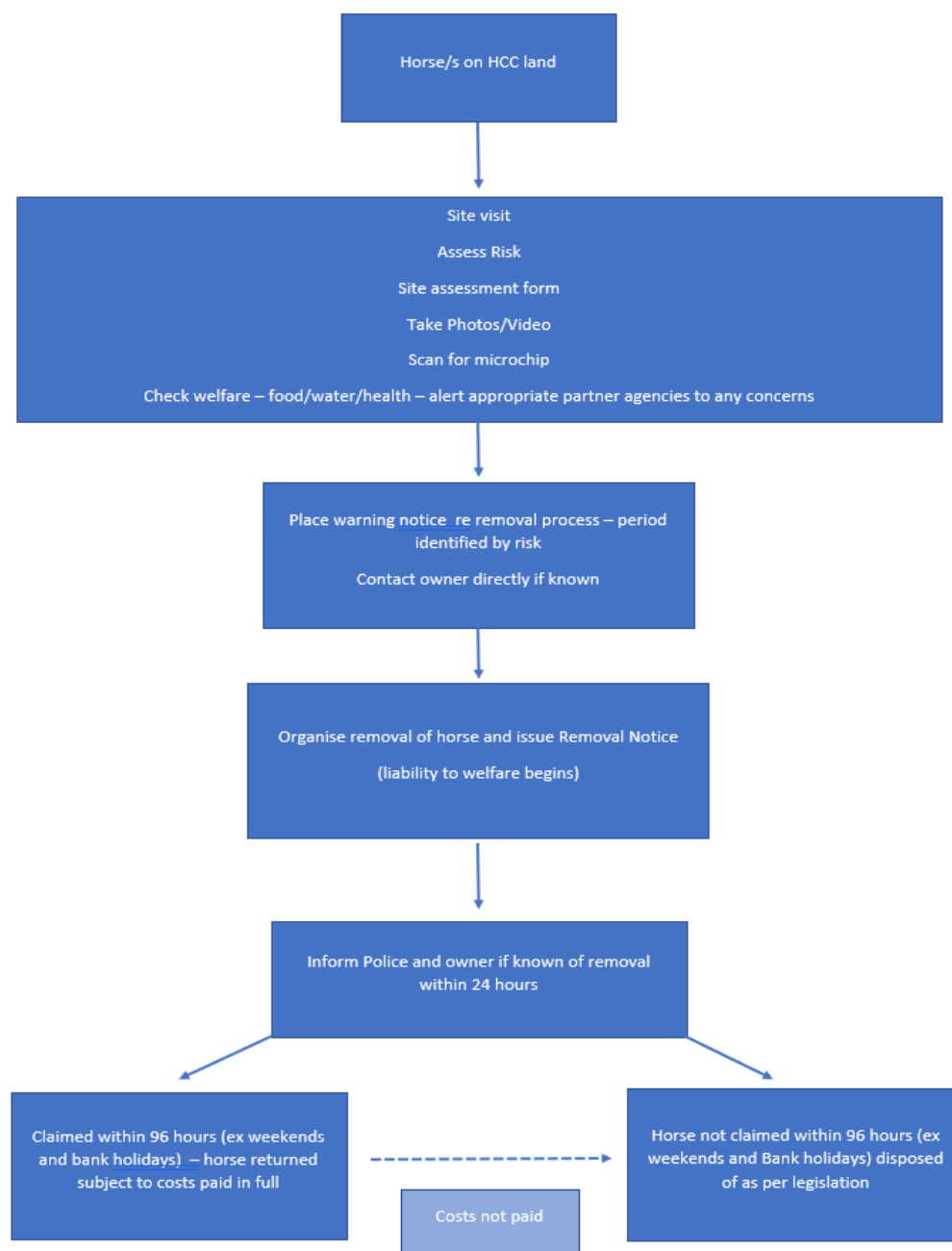
### Responding to a complainant

23. The appropriate department within HCC responsible for the land for which the horse is situated on should acknowledge the details of the complaint.
24. The below chart demonstrates the process that should be followed in identifying the appropriate authority to deal with the complaint and addressing immediate concerns.



## Dealing with a complaint

25. The process chart below sets out the process to be followed when responding to a complaint.



## Site Visit

1. An initial assessment should be carried out at the site to confirm the details of the complaint. **A pro forma can be found in 3.1.**
27. Firstly, consideration should be given to your own health and safety, is the site safe to access, are there any hazards.
28. Secondly, check the security of the site, can the horse/s escape?
29. Welfare should be assessed by eye, if there are any concerns this should be recorded, and a record of the relevant referrals made fully documented. You may not yet be responsible for the animal as it has not been detained, however you do have a duty of care to ensure you report any concerns to the relevant organisations (see welfare contact in Part 4). If possible, you should always scan for a microchip as this may help you in locating the owner and ensuring that the animal may not have been stolen. It is pertinent to remember however that it is not absolute proof of ownership. Please speak to the GTS on matters relating to 'scanning'.
30. Lastly, site access. In considering potential removal of the horses, how accessible is the site, are there any hazards, what is the behaviour of the horse like.

Photos should be taken of the site and horse to assist the persons carrying out the removal, access should be clearly shown, number, size and condition of the horses.

## Warning Notices

31. A warning notice is a good tool in getting the owner to take action before the animal is detained under the CHA. If the risk assessment shows there is no immediate concern for public safety or animal welfare it can be enough for the animal to be moved and the situation averted without costly formal action.
32. **It should however be noted that a warning notice is not appropriate in all circumstances. Where the owner is a known repeat offender it would not be appropriate as the offender has shown no change in behaviour from the last time.** By placing a warning notice, you would not be accepting responsibility for that horse at that stage. **A template can be found in 3.2.**
33. You should ensure the notice is placed securely in a prominent position such as on a gateway or a stake, take note that it is protected from adverse weather and does not risk becoming unreadable or blown away.
34. A warning notice should only be issued if the process is intended to be followed through, should the horse not be removed. **Placing a notice and then not taking action will encourage further fly grazing incidents.**
35. Take photos of the notice in situ.

## Decision to use a Bailiff Company

36. On making contact with a horse Bailiff company, it is important, from the outset, to ensure clarity with regard to the services you wish the Bailiff to undertake and if possible, to agree those services, together with the fees they will attract, in advance of any work being undertaken by the Bailiff.
37. Each Bailiff company will have its own terms and conditions, so it is important to request a copy of these terms and conditions prior to negotiating and agreeing what fees will be charged.
38. Also, view the Bailiff company's website to see the detail of the services offered, the processes and fees charged for all aspects of their work (see list below).
39. List of most common costs and fees charged by a Bailiff Company
  - Travel
  - Mileage
  - Site inspection
  - Site risk assessment
  - Notices
  - Horse box
  - Staff
  - Vets fees for inspection of the animal
  - Livery costs
  - Storage costs
  - Destruction costs to destroy the horse if requested by customer.
  - Rehoming costs
40. Consideration might be given to transferring ownership of the horse to the Bailiff company, if not reclaimed, in order to mitigate costs.

## Removal of horse/s

41. **It is imperative to be fully prepared before taking formal action and be aware that at the point of detention you become responsible for that horse and its welfare.**
42. Should the decision be made to use Horse bailiffs then ensure the cost / terms and conditions are checked and agreed prior to commissioning.
43. NOTE: It is good practise to check to see if the horse(s) is still in situ prior to activating collection by any horse bailiff company. There may be a time delay and any attendance to find the horse has been moved can prove expensive.

## Options for care

44. There are several options when it comes to the removal of horse/s and these will depend on the nature of the problem and scale in terms of number of horses. It may be that the horse has complex welfare needs for which a charity may agree to take on the horse on your behalf and then have it signed over to them after the 96 hours expire.

45. The use of a bailiff may be assessed as being appropriate in general circumstances. A bailiff company will often manage the situation from start to end, including making the site visit, placing warning notices and removing the horse/s on your behalf. They are often a resource to consider where there may be anticipated aggravation from the horse's removal and will correspond with any potential owner on your behalf. It should be noted however this can be an expensive option.
46. **As the council will assume legal responsibility for the horse(s) from detention until the point they are signed over to a 3<sup>rd</sup> party for rehoming/disposal; it is important that you are satisfied regarding the care and welfare including the disposal route a 3<sup>rd</sup> party will take on your behalf. It would be best practice to ensure a veterinary assessment of the horse whilst under detention. If you are unsure of the animal's fitness to be moved from the site, you should consult a veterinary surgeon who can certify its fitness for the intended journey.**
47. **Due to a conflict of interest for any subsequent claim that may be made by an owner it is important that the horse(s) is never cared for by the complainant whilst under detention or being considered for rehoming. It can not be ruled out that there could be historical issues between the two parties which may be identified as an issue later in proceedings.**

#### Notice of Detention

48. **By issuing this notice, Template in Part 3.3, you become legally responsible for the horse(s).**
49. **It is best practice to not leave a horse on the site whilst under a detention notice, as you are legally responsible at this stage for the welfare and safety of the animal and cannot guarantee it will not be removed by a 3<sup>rd</sup> party or be caused injury. The animal must be moved to a secure place of safety.**
50. In practice the organised removal and the notice of detention should be happening at the same time.
51. For a public place you will be using part 7A of the CHA and for council owned land that does not constitute a public place you will be using 7B of the Act, (See Paragraph 7)
52. **It is a legal requirement of the process that, within 24 hours:**
- a. You notify the officer in charge of a police station**
  - and**
  - b. If the person detaining the horse knows who the horse belongs to, advise that person. Otherwise your right to detain it ceases.**
53. You should keep a clear record of this process and any correspondence with the owner and best practice is to do this in writing. If you are writing to a known address this should include proof of delivery to that address, consider a photo of a hand delivery; If it is a phone call as you only have a contact number, record the details of the call including number, time and date of call and any discussion. You need to be satisfied that you have tried all avenues to contact the owner during this 24 hour



period. You can find a **template letter to notify the police in Part 3.4 and to notify the owner in Part in 3.5.**

54. It is important to keep track of your costs in case a claim is made for the horse.

### **Making Claim to a horse**

55. In order for a person to make claim to a horse(s) they must within 96 hours (excluding weekends/bank holidays) of detention make claim to it **and** tender to each person with a claim under section 4A in respect of the horse, such amount as is sufficient to satisfy the claim.
56. In practice they must:
57. Pay for any damage done by the horse to the land, or any property on it which is in the ownership or possession of the freeholder or occupier of the land Pay any expenses which are reasonably incurred by a person detaining the horse under section 7A or 7B of this Act in keeping the horse while it cannot be restored to the person to whom it belongs
- or
58. While it is detained under section 7A or 7B of the Act, or in ascertaining to whom it belongs (Section 4 of the Act).
59. If after a period of 96 hours there is no claim to the horse in line with the above, ownership of the horse passes to the person detaining the horse and accordingly, the person detaining the horse may dispose of it by selling it, arranging for it to be destroyed or in any other way.
60. The council would need to officially relinquish ownership to the party taking on the horse and a **template for this can be found in Part 3.6.**

### **Intelligence reporting**

61. To ensure there is cross boarder intelligence sharing any report detail should be entered on to IDB intelligence database for sharing with other Local Authorities and partner agencies such as the police. If your department does not have access Trading Standards Animal Health can enter this information for you. Details should be provided securely to them via the useful contacts information in appendix 4.

## Part 3 - Forms

### 3.1 Site Inspection Form – Fly grazing Horse(s)

Date:..... Time:..... Officer: .....

Location:.....

#### Health and Safety

Site safe to enter? (If not do not do so ) Y / N - If No carry out visual inspection from outside area:

Horse/s secure in area: Y / N

Horse(s) approachable Y / N

Is land tenanted? Y / N / U/K If so by whom: .....

Description of site; identify nearby hazards/concerns (open to roads, play parks):

.....  
.....

#### Welfare

Number of horses .....

Description of horse(s) (markings, height, body condition, age) .....

.....  
.....

Horse/checked for microchip Y / N

Chip found Y / N / N/A

Chip numbers: .....

.....

Horse/s tethered? Y / N      Secure tether Y / N

Food Y / N

Water Y / N

Shelter Y / N

Other information: .....

### 3.1. Continued

#### Accessibility

Ground conditions .....

Access for a lorry Y / N .....

Entrance width / turning area .....

Other vehicle accessibility Hazards / comments .....

**Photos taken** Horse/s

☐

Site layout

☐

Access

☐

**Warning Notice placed on this visit?** Y / N

Photo taken

☐

3.2 Warning Notice

ANIMALS ACT 1971  
(as amended by The Control of Horses Act 2015)

**WARNING NOTICE**

For the attention of the owner of horse(s) at:

.....  
.....  
These horse(s) are on this land without lawful authority

This notice is to inform that if any horse(s) remain on this land (or return  
to this land) on or after

.....  
Hampshire County Council may take further action after this time to  
detain the horse(s) under Section 7A/ 7B of the above Act

If you are the legal owner, or have information regarding the ownership  
of the animal(s) please contact

Name (in block capitals):.....

Hampshire County Council

Telephone: .....

Signed:.....Dated:.....

### 3.3 Detention Notice

**ANIMALS ACT 1971**  
**(as amended by The Control of Horses Act 2015)**

**TAKE NOTICE**

The following horse(s) have been detained under Section  
7A/ 7B of the above Act

Description of horse(s):.....

.....

.....

Found at the following address / location:

.....

.....

This notice hereby gives 4 days (96 hours) (not including weekends/bank holidays) for the above described horse(s) to be claimed by the owner. After this time period if no information is forthcoming, in relation to the provisions under Section 7C of the Animals Act 1971, the horse(s) will be disposed of by being re-homed, sold or humanely destroyed.

If you are the legal owner, or have information regarding the ownership of the animal(s) please contact:

Name (in block capitals):.....

Hampshire County Council

Telephone: .....

Signed:.....Dated:.....

4 Day notice Period Starts:.....

4 Day Notice Period Ends:.....

### 3.4 Police Notification Control of Horses Act 2015

Dear

*Insert contact address*

#### Animals Act 1971 & Control of Horses Act 2015

As required by section 7 of the Animals Act 1971 and Section 3 (7c) 2a of the Control of Horses Act 2015 I hereby give you notice that the following horse/s have been found on land owned/ managed by Hampshire County Council without lawful authority and have therefore been detained by Hampshire County Council on

Date ..... Time.....

Site on which found: .....

Description of horses: .....

.....

The owner has a period of 96 hours (excluding weekend and bank holidays) from the above time and date in which to reclaim the horse/s, by making claim and settling any costs associated with their detainment or any damage caused by the horse/s. If these costs are not met the horse/s will not be released. If no right of claim and settlement occurs within this time legal ownership of the horse/s transfers to Hampshire County Council.

Proof of ownership will be required to be provided to release the horse/s.

\*An owner has not been identified for these horse/s

\*A possible owner has been identified and where so have been informed of the detainment of the horses and procedure for claiming them by the following means:

.....

.....

*\*delete as appropriate*

Yours Sincerely,

Officer Signature .....

Officer name PRINT .....

Contact number: .....

Contact Email: .....

### 3.5 Owner Notification Control of Horses Act 2015

*Insert contact address*

Dear

#### Animals Act 1971 & Control of Horses Act 2015

As required by section 7 of the Animals Act 1971 and Section 3 (7c) 2b of the Control of Horses Act 2015 I hereby give you notice that the following horse/s have been found on land owned/ managed by Hampshire County Council without lawful authority and have therefore been detained by Hampshire County Council on Date ..... Time.....

Site on which found: .....

Description of horses: .....

.....

It is believed that you are the owner of these horse/s and as so I now notify you that you have a period of 96 hours from the above time and date (excluding weekend and bank holidays) in which to reclaim the horse/s, by making claim and settling any costs associated with their detainment and/or any damage caused by the horse/s. If these costs are not met the horse/s will not be released. If no right of claim and settlement occurs within this time legal ownership of the horse/s transfers to Hampshire County Council.

Proof of ownership will be required to be provided to release the horse/s.

Yours Sincerely,

Officer Signature .....

Officer name PRINT .....

Contact number: .....

Contact Email: .....

### 3.6 Transfer of Ownership from HCC

TRANSFER OF ANIMALS FROM HCC	
Department REF.: .....	
OFFICER's NAME.....	Tel N°: .....
I, ..... <i>Transferor on behalf of Hampshire County Council</i>	
hereby now and for all time in the future, renounce completely all claims, rights and	
ownership of: .....	
(brief description of animals)	
.....	
.....	
.....	
.....	
.....	
to .....,of	
.....	
.....	
Dated this ..... day of ..... 20 .....	
Time: .....	
Signed Transfrer : ..... <i>on behalf of Hampshire County Council</i>	
Print Name: .....	
Signed Transferee: .....	
Print Name:.....	
This Agreement constitutes the entire Agreement between the parties pertaining to its	
subject matter and supersedes all prior contemporaneous agreements, representations and	
undertakings of the parties.	
Witnessed by: .....	
Signed: .....	



### **TRANSFEROR'S REPRESENTATIONS**

As of the Effective Date and at the Transfer of Possession, the Transferor makes the following representations:

Transferor has provided the Transferee with copies of all the Animals vaccination records and other veterinary records in the possession of the Transferor.

Transferor is the sole owner of the Animal and has all authority to enter into this Agreement.

There is no lien or encumbrance on the Animal.

On completion of the Agreement the Transferor shall provide the Transferee with ALL documents necessary to transfer the Animal from the Transferor to the Transferee.

### **RISK OF LOSS**

Upon the Transfer of Possession the Transferee will assume all risk of loss or injury to the Animal from the Effective Date

## Part 4 - Useful Contacts

### Hampshire County Council

- Estates  
Chris Jelliffe 0370 779 3967
- County Farms  
Josie Palmer 0370 779 8057
- Gypsy Liaison  
GLO-Nicholas WAITE – 07736793003  
SGLO – Barry Jordan-Davis – 07736 792918
- Highways - <https://www.hants.gov.uk/transport>
- Trading Standards 01962 833620 - [tsadvice@hants.gov.uk](mailto:tsadvice@hants.gov.uk)

### External Partners

- Hampshire Fire and Rescue (animal rescue) 02380 725292  
[rural.safety@hantsfire.gov.uk](mailto:rural.safety@hantsfire.gov.uk)
- Hampshire Police non emergency 101

### Welfare Organisations

- RSPCA – 0300 1234999 [www.rspca.org.uk](http://www.rspca.org.uk)
- World Horse Welfare 08000 480180 [www.worldhorsewelfare.org.uk](http://www.worldhorsewelfare.org.uk)
- British Horse Society 02476840517 [www.bhs.org.uk](http://www.bhs.org.uk)
- National Equine Council [info@newc.co.uk](mailto:info@newc.co.uk) [www.newc.co.uk](http://www.newc.co.uk)
- Horse Trust 01494 488464 [info@horsetrust.org.uk](mailto:info@horsetrust.org.uk) [www.horsetrust.org.uk](http://www.horsetrust.org.uk)
- British Horse society 02476 840500 [enquiry@bhs.org.uk](mailto:enquiry@bhs.org.uk) [www.bhs.org.uk](http://www.bhs.org.uk)
- Redwings 01508 481000 [www.redwings.org.uk](http://www.redwings.org.uk)

### Bailiff companies

- GRC – 0845 6014307 [office@grcgroup.co.uk](mailto:office@grcgroup.co.uk)
- Dean & Company 01227 752665 [theb@iliffs.co.uk](mailto:theb@iliffs.co.uk)
- Equine and Land Management 0844 8099355
  - Equine Emergency Service [ees@mail.com](mailto:ees@mail.com)
  - The Sheriffs Office 0845 6889757
  - Traveller Evictions 01636 642868