

**Cabinet Member for Finance and Resources**

**Snaring Policy**

**May 2017**

**Report by Director of Economy, Planning and Place**

<b>Ref No: FR01(17/18)</b>
<b>Key Decision: No</b>
<b>Part I</b>
<b>Electoral Divisions:  All</b>

**Executive Summary**

Approval is sought to introduce a new policy banning snaring on County Council land.

To implement this policy this report seeks authority for the County Council to introduce an additional clause in all new Farm Business Tenancies and as they come up for renewal, which would have a clause that bans snaring.

Additionally this report seeks authority to send a letter to all current County Council tenants and licensees of Farm Businesses and Smallholding Agreements informing them of the County Council's policy to ban snaring on its land and seeking their compliance with the policy on a voluntary basis.

**Recommendations**

- (1) That from the 2 June 2017, all new Business Farm Tenancies on County Council owned land, and those to be renewed, will include a clause which bans snaring.
- (2) That a letter is sent to all current tenants and licensees of Business Farm Tenancies and Smallholding Agreements informing them of the County Council's policy to ban snaring on its land, seeking immediate compliance on a voluntary basis

**1. Background and Context**

- 1.1 The County Council owns approximately 1,400 acres of land which comprises a range of smallholdings and other land which it lets to farmers and others under the terms of Smallholding Agreements, Farm Business Tenancies and short-term licences. All of these agreements fall under the Agricultural Holdings Act 1986 or the Agricultural Tenancies Act 1995. The majority of these tenancies have been created in the last 16 years

and are mostly Farm Business Tenancies. The County Council's estate is managed by its retained agents, Strutt & Parker.

- 1.2 The Farm Business Tenancies are standardised agreements which reserve to the County Council the rights to take game (rights which are not exercised in practice). The agreements do not cover the use of snares. Snaring of vermin is therefore permissible under the County Council's agreements, subject to the over-riding requirements of the Wildlife and Countryside Act (W&CA) 1981 which regulates the use of snares.
- 1.3 Under the W&CA 1981, the use of snares is permitted, but these snares have to be free-running and hold the animal until the snare is checked (at least every 24 hours), it can then be humanely despatched. The W&CA 1981 also prescribes other procedures designed to prevent unnecessary suffering.
- 1.4 The County Council currently does not have a policy in relation to snaring on its land. It has no evidence in relation to the use of snares on its land and has not received any specific complaints in relation to such use.
- 1.5 A notice of motion was submitted by the member for Bognor Regis East asking for the imposition of a ban on snaring on all Council-owned land. The request was referred to the Cabinet Member for his consideration. It is proposed that a policy on banning the use of snares will be implemented through the introduction of a clause in all new Farm Business Tenancies, those to be renewed and through a request for voluntary compliance by from existing tenants and licensees.

It is proposed to introduce a clause to the following effect:-

*"The Tenant/Licensee shall not (and shall not permit any other person to) use any type of snare for any purpose on any land or premises which are included within the tenancy agreement."*

## 2. **Consultation**

- 2.1 **Members** - member for Bognor Regis East and member for Tarring. The Chairman of the County Council referred a notice of motion submitted by the member for Bognor Regis East and seconded by the member for Tarring, on snaring on County Council land to the Cabinet Member for Finance on 24 March 2017. The Cabinet Member and member for Bognor Regis East met in April and agreed that a Cabinet Member decision be taken to approve the policy as proposed in this report.
- 2.3 **External** – Strutt and Parker LLP, County Council Contractors for the provision of Agricultural Estate Management Services.
- 2.4 **Public** – Not applicable
- 2.5 **Internal** – This report has been circulated and approved by Executive Director of Economy, Infrastructure and Environment.

## 3. **Proposal**

- 3.1 To introduce a new policy banning snaring on County Council land.

- 3.2 To implement this policy this report seeks authority for the County Council to introduce an additional clause banning snaring in Farm Business Tenancies as they come up for renewal.
- 3.3 To send a letter to all County Council tenants and licensees informing them of the County Council's policy to ban snaring on its land and seeking their compliance.

#### **4. Other Options considered**

- 4.1 An option to introduce the ban across County Council land immediately was considered, however this would have meant the re-negotiation of a new clause in each tenancy, licence and smallholding agreement on an individual basis, the resource cost of administering this would have been prohibitive and disproportionate given that there are no current reports of snaring on County Council land.

#### **5. Resource Implications and Value for Money**

- 5.1 The current contract with Strutt and Parker, allows for them to write to all existing tenants and smallholders advising them of the new policy and request compliance.
- 5.2 County Council Legal Services has drafted the new tenancy clause – as proposed in Paragraph 1.5 above, this will be added to new and renewed agreements by Strutt and Parker with no additional cost to the County Council.
- 5.3 There are no resources available under the existing Agricultural Estates Management contract to monitor, police or report on the new snaring ban. The only exception will be to respond to reports of violation where the violation occurs on land subject to the agreements which contain the new clause banning snaring; in which case the breach in tenancy will be followed up as per any other breach of tenancy.
- 5.4 The resource impact of managing this new policy will need to be monitored and if necessary factored into the re-negotiation of the Agricultural Estate Management services contract on its expiry in March 2019.

#### **6. Impact of the proposal**

- 6.1 It is anticipated that the proposal will ensure that the use of snares on County Council land is restricted either through enforcement of tenancy conditions or by voluntary compliance.

6.2 **Equality Duty.**

An Equality Impact Report is not required for this decision.

6.3 **Crime and Disorder Act Implications**

Not applicable

6.7 **Human Rights**

Not applicable

6.8 **Social Value**

Not applicable

7. **Risk Management Implications**

- 7.1 There is a risk that snaring may happen on County Council land despite the introduction of the policy.

**Nick Smales**

Director of Economy, Planning and Place

Contact: Elaine Sanders, Property Services Manager,  
External: 0330 2225605 | Email: [elaine.sanders@westsussex.gov.uk](mailto:elaine.sanders@westsussex.gov.uk)

**Background Papers**

None