



Date: 8th March 2021

TO: An Cathaoirleach and Each Member of Kilkenny County Council
RE: Control of Horses Act 1996 - Draft Bye Laws 2020

In accordance with the powers prescribed under the Control of Horses Act, 1996, Draft Kilkenny County Council - Control of Horses Act, 1996, Bye- Laws 2020 were prepared. The said Draft Bye-laws 2020 were put on public display from 30th October 2020 to 3rd December 2020. Written submissions were invited and the closing date for all submissions was 15th December 2020.

The local authority having considered the submissions received made one amendment to the Draft Bye-laws 2020 that went out to public display. I attach herewith recommendation of the Director of Services.

Having considered all the submissions made as set out in the attached report, I recommend that the Draft Kilkenny County Council - Control of Horses Act, 1996, Bye- Laws 2020 as attached be adopted by the Elected Members.

Mise, le meas,

Colette Byrne
Chief Executive Officer



Date: 8th March 2021

TO: Chief Executive

RE: Control of Horses Act 1996 - Draft Bye Laws 2020

Further to notice of motion 35(17) adopted by Kilkenny County Council on 19th February, 2018, revised Bye-laws for the Control of Horses in County Kilkenny were drafted. These draft Bye-laws were submitted for consideration by the SPC and the Animal Welfare Standards Committee as well as An Garda Síochána.

The Kilkenny County Council - Control of Horses Act, 1996, Draft Horse Bye-laws 2020 were put on public display from 30th October 2020 to 3rd December 2020. Written submissions were invited and the closing date for all submissions was 15th December 2020.

Three submissions were received and are summarised in the attached report from Frank Stafford, A/Senior Engineer.

The purpose of the Bye Laws is to safeguard the control and welfare of horses in County Kilkenny. These Bye Laws also incorporate exclusion zones within Kilkenny City, requested in the notice of motion 35(17).

Having considered all the submissions made as set out in the attached report, I recommend that the Draft Kilkenny County Council - Control of Horses Act, 1996, Bye Laws 2020 as attached be presented to Council for adoption by the Elected Members.

Mise, le meas

Sean McKeown,
Director of Services

Kilkenny County Council

Control of Horses Bye-Laws 2020



DRAFT

**CONTROL OF HORSES
BYE-LAWS 2020**

Kilkenny County Council in exercise of the powers conferred on it by the Control of Horses Act 1996 and the Control of Horses Regulations 1997 and the Local Government Acts 1925-2014 hereby makes the following Bye-Laws in respect of the Area of Kilkenny City as here and after defined.

The County Council of County Kilkenny - Control of Horses - Bye-Laws, 2015 are hereby revoked to the extent that they relate to the area of County Kilkenny as here and after defined.

PART 1 Preliminary 1. Citation 2. Commencement of Bye-Laws 3. Definitions PART 11 4. Control Area 5. Licence 6. Exemption 7 Passport 8. Public Place 9. Grazing in a Public Place 10. Keeping of Horses in Control Area 11. Horse at Market or Fair 12. Racing of Horse Drawn Vehicles on Public Roads 13. Horses detained under Section 37 of the Act 14. Disposal of Horse under Section 37 15. Authorised Person 16. Exclusion Areas 17. Offences 18. Penalties

PART 1 The County Council of the County of Kilkenny, in exercising the powers conferred on it by Sections 13, 17, 39, 40, 46 and 47 of the Control of Horses Act, 1996 (No. 37 of 1996), hereby makes the following Bye-Laws for the Control of Horses in the County of Kilkenny and to make provision for the control and welfare and licensing of Horses in the said County.

CITATION 1. These Bye-Laws may be cited as the Kilkenny County Council Control of Horses Act, 1996 - Bye-Laws 2020

COMMENCEMENT OF BYE-LAWS 2. These Bye-Laws shall come into operation on the **1st May 2021.**

DEFINITIONS 3. In these Bye-Laws except where expressly stated to the contrary the following words have the meanings hereby respectively assigned to them that is to say:

“The Act” Means the Control of Horses Act, 1996

“The Council” Means the County Council of the County of Kilkenny

“Control Area” Means any place declared by the Council in this Bye Law to be a Control Area for the purpose of the Act

“Authorised Person” Means a person appointed by the County Council of the County of Kilkenny under Section 3 of the Act.

“Horse” Means a Horse, pony, donkey, mule or hinny.

“Equine Registered Land” Means land which is registered pursuant by SI113 of 2014 .

“Exclusion Area” Means an area specified in the First Schedule hereto.

“Horse Drawn” Means a buggy, trap, sulky, carriage, cab, coach or other Vehicle” vehicle which is drawn or propelled by a Horse.

“Head of Household” Means in respect of a person under the age of eighteen, their father or mother with whom they habitually reside.

“Horse Licence” Means a Licence granted under Section 20 of the Act.

“Horse Passport” Means an identification document for a Horse as defined by SI 62 of 2016

“Owner or Keeper of a Horse” shall for the purposes of these Bye-Laws include a person who is the Head of Household of the Owner or Keeper of a Horse, where the Owner or Keeper of the Horse is under the age of 16 years

“Public Place” Means any street, road, sea shore, parkland, field or other place to which the public has access whether by right or permission, whether with or without vehicles and whether subject to a fee or free of charge and includes a market or fair.

“Race” Means a race, a trial of speed, a time trial, a competition or test in which participants are required to cover a certain distance in a Horse drawn vehicle in the shortest possible time, or an event or occasion which requires a Horse drawn vehicle to be driven furiously resulting in the welfare of the Horse being endangered.

“Superintendent” Means the Superintendent of An Garda Síochána for the area in which a Horse is seized or detained under the provisions of the Act, or the Acting Superintendent, duly appointed in accordance with the relevant legislation.

“Veterinary” Means any person who is for the time being registered in the Practitioner’s Register of Veterinary Practitioners established and maintained under the Veterinary Practice Act, 2005.

PART 11 CONTROL AREA

4(a) The entire area of the County of Kilkenny is and is hereby declared to be a Control Area for the purpose of the Act and these Bye-Laws.

4(b) For the purposes of the Act and these Bye-Laws the Control Area shall include the foreshore (within the meaning of the Foreshore Act 1933) in all areas where the County Boundary is the line of high water of the sea, or a tidal river or a tidal lake.

LICENCE

5(a) Subject to the provisions of Regulation 6 hereunder, no person shall keep or have charge or control of a Horse in the Control Area without a current Horse Licence issued by the Council being in force in respect of the said Horse.

5(b) The prohibition under Section 18 of the Act on keeping a Horse in a Control Area without a Horse Licence shall not apply in respect of Horses brought into the Control Area for the purpose of a gymkhana, sale or showing of Horses or any event of an equine nature for which the Council have given written permission in advance. This exemption shall apply on the day of the event and from noon the previous day and until noon on the day following the event, provided such adequate facilities similar to those set out in Bye Law 10 of these Bye-Laws are in place.

EXEMPTION

6. The following persons shall be exempt from the licensing requirements of Section 5(a) of these Bye-Laws:

- a) Any person who owns a minimum of 1 acre of land in respect of each Horse in that person’s ownership, or on livery with that person, provided that such lands shall be situated within the County of Kilkenny and that the said Horse/Horses are actually grazed thereon. Lands must be Equine Registered.
- b) Any person who leased a minimum of 1 acre of land in respect of each Horse in that person’s ownership, or on livery with that person, provided that the said Lease is for a

period in excess of 11 months, that the said lands are situated within the County of Kilkenny and that the said Horse/Horses are actually grazed thereon. Lands must be Equine Registered.

- c) Owners of Horses who are registered with Riding Clubs or Riding Establishments approved of by the Council.
- d) Owners or keepers of thoroughbred Horses which are kept for participation in, training for participation in or for breeding for participation in race meetings held under the Rules of Racing as laid down by the Turf Club or the Irish National Hunt Steeplechase Committee.
- e) The Garda Mounted Unit Proof of exemption status shall be provided to an authorised officer or to a member of An Garda Síochána when requested by them.
- f) Licenced owners/operators of jaunting cars in County Kilkenny.
- g) A pound keeper keeping Horses in a pound.
- h) A person accepting, detaining or disposing of a Horse under an arrangement with the Council or a Superintendent of An Garda Síochána.
- i) A Veterinary Surgeon keeping a Horse in the area for the purposes of receiving veterinary attention.
- j) A person bringing a Horse into the area for the purposes of competing in an event or gymkhana organised by a recognized equestrian organisation.

7. No person shall keep or have charge or control of a Horse unless:

- a) The Horse if born after the 1st of July 2009 is microchipped within six months of, or in the same calendar year as, birth whichever is the longer period.
- b) The Horse has a valid Horse Passport issued in the current owners name by an authorised Horse passport issuing agency.

PUBLIC PLACE

8(a) No person shall at any time have, keep or ride or drive a Horse in a Public Place except in such portion thereof as may for the time being be set aside to be used as an equestrian ride or carriageway or market or fair area and is clearly identified as such.

8(b) Notwithstanding the provisions of Bye-Law 8(a), a person may have a Horse on a public road provided that:

- (i) That person has a Horse Licence in respect of the said Horse or
- (ii) That person is exempt from acquiring a Horse Licence in respect of the said Horse by virtue of Bye-Law 6.
- (iii) In either case, the Horse must be fitted with a bridle.

8(c) Where a person is permitted to have, keep, ride, or drive a Horse in a Public Place he/she shall at all times ensure that the Horse is wearing a bridle and is under his/her control so as to prevent injury or nuisance to persons or damage to property.

GRAZING IN A PUBLIC PLACE

9. No person shall at any time in a Public Place turn out to graze or feed or allow to stray or remain any Horse without the written consent of the Council.

KEEPING OF HORSES IN CONTROL AREA

10. Where a Horse is kept at a premises and/or land not being a market or fair, within the Control Area, the owner or keeper of the Horse shall be responsible for the following:

- a) The person keeping the Horse shall be the owner or legal occupier of the premises and/or land in which it is kept.
- b) Potable water shall be constantly available.
- c) An adequate amount of wholesome and suitable food shall be supplied regularly.
- d) Where the Horse is not at grass, food shall be stored in a dry and secure place and suitable bedding material shall be available.
- e) Where the Horse is kept at grass, there shall be maintained at all times adequate pasture and shelter for the Horse.
- f) The Horse shall be adequately exercised, rested and visited at regular intervals. Evidence of access to adequate exercise facilities shall be provided.
- g) All reasonable precaution shall be taken to prevent and control the spread amongst Horses of infectious and contagious diseases.
- h) Sufficient care, including veterinary care shall be taken of the Horse.
- i) Adequate precaution shall be taken for the protection of the Horse in the event of fire.
- j) Only equipment and tackle suitable for the purpose shall be used in connection with the Horse.
- k) Adequate accommodation shall be provided for the storage of fodder, bedding, stable equipment and saddlery. Manure or other noisome or offensive material shall be removed and disposed of as soon as possible to avoid causing a nuisance to adjoining owners or occupiers.
- l) the premises and/or land where a Horse is kept shall be registered with the Department of Agriculture, Food and the Marine in accordance with the Control on Places where Horses are Kept Regulations 2014 (S.I. No 113 of 2014).

HORSE AT MARKET OR FAIR

11. Where a Horse is brought to a market or fair, the owner or keeper of the Horse shall be responsible for and ensure the following:

- a) Adequate food and potable water shall be available at all times.
- b) All equipment and tackle used in connection with the Horse shall be suitable for the purpose.
- c) All reasonable precautions shall be taken to prevent and control the spread among Horses of infectious or contagious diseases.
- d) Sufficient care, including veterinary care shall be taken of the Horse.
- e) Adequate precaution shall be taken for the protection of the Horse in the event of fire.

RACING OF HORSE DRAWN VEHICLES ON PUBLIC ROADS

12 (a) No person under the age of 16 years of age shall participate in or engage in a race of a Horse drawn vehicle on a public road within County Kilkenny.

12(b) Subject to Bye-Law 12 (c), a person shall not participate in or engage in a race of a Horse drawn vehicle on a public road within the County of Kilkenny.

12(c) Bye-Law 12 (b) shall not operate to prevent a race of a Horse drawn vehicle on a public road within County Kilkenny for which permission has been obtained pursuant to Sections 74 and 75 of the Roads Act, 1993.

SEIZURE AND DETENTION

13. Where a Horse is seized and detained within the Control Area pursuant to Section 37 of the Act, the following provisions shall apply:

- a) Notice of seizure and detention of the Horse shall be served in writing on the owner or keeper of the Horse where known as soon as possible and within 5 days of the date of seizure and detention of the Horse.
- b) Where the owner or keeper of the Horse is not known, Notice in writing shall be displayed in the Office of An Garda Síochána for the area in which the Horse was seized and in the Pound or place where the Horse is detained as soon as possible and on the Council's website www.kilkennycoco.ie
- c) Adequate services of a Veterinary Practitioner where required may be provided.
- d) The Council or Superintendent may recover from the owner or the keeper of the Horse all Pound fees payable in respect of the Horse together with all or any other expenses, including fees for keep, veterinary fees and transportation fees incurred by the Council or the Superintendent.
- e) The Horse may be released to the owner or the keeper of the Horse on proof being tendered of the following; (i) ownership or right to keep the Horse (ii) production of an appropriate current Horse Licence and Horse Passport (iii) proof of land ownership or a legal land lease agreement for lands suitable for the keeping of a Horse (iv) Proof that the lands referenced in (iii) are Equine Registered (v) payment of all outstanding fees, expenses and charges in respect of the Horse (vi) proof of entry on the Register of Horse Premises of the premises where the Horse is to be kept in accordance with the provisions of the **CONTROL ON PLACES WHERE HORSES ARE KEPT REGULATIONS 2014 (S.I. No. 113 of 2014)** and (vi) Evidence that the Horse is micro-chipped and registered in accordance with the provisions of the **EUROPEAN COMMUNITIES (EQUINE) REGULATIONS 2011, (S.I. No. 357 of 2011)** as amended by **EUROPEAN COMMUNITIES (EQUINE) (AMENDMENT) REGULATIONS 2012 (S.I. No. 371 of 2012)**, provided that the detention of the Horse is not required by the Council or a Superintendent in accordance with Section 39(1) (a), (b) or (c) of the Act, and provided that the Council or a Superintendent is satisfied that adequate accommodation and sustenance and if necessary adequate veterinary attention will be provided for the Horse and is satisfied that the Horse will not be cruelly treated.
- f) If the owner or keeper of the Horse shall fail to make himself known to the Council or cannot be found within a period of 5 days from the date of the seizure or detention, the Council or the Superintendent may dispose of the Horse in accordance with these Bye-Laws and the Act.
- g) If the owner or keeper of the Horse is known and can be readily found, but on the request by the Council or the Superintendent or the person in charge of the Pound or place where the Horse is kept, within 5 days or such longer period as may be specified in the request or demand being made, fails to pay fees due hereunder or fails to produce a current appropriate Horse Licence and Horse Passport or fails to remove the Horse, the Council

or the Superintendent may dispose of the Horse in accordance with these Bye-Laws and the Act.

- h) Where the Council or the Superintendent decides to dispose of the Horse, he may do so by way of sale or destruction. Sale may be by way of Public Auction or a market or in any other manner considered appropriate by the Council or the Superintendent.
- i) Where it is proposed to sell a Horse under these Bye-Laws, the Council or the Superintendent shall cause a Notice describing the animal or stating where it was seized, where it is being held, and the time and place of the proposed sale, to be displayed at the Garda Station for the area in which the Horse was seized and at the place where it is to be sold.
- j) If the proposed sale is otherwise than by way of Auction or at a market, the time and place of the sale may be omitted from the said Notice.
- k) The said Notice shall continue to be exhibited until the Horse has been sold or the Council or the Superintendent declares the sale aborted.
- l) Where the Horse has been sold under these Bye-Laws, the Council or the Superintendent may retain out of the proceeds of sale any amount equivalent to all costs, fees and expenses of any kind in relation to the Horse incurred by the Council or the Superintendent and any balance shall be remitted to the owner or keeper of the Horse, if known, or, if unknown, shall be retained by the Council.

DISPOSAL OF HORSE UNDER SECTION 37

14(a) Where a Horse is detained under Section 37 of the Act and has been so detained on two or more occasions within the previous twelve months and where the Council or the Superintendent is of the opinion that (i) The owner or keeper of the Horse is not exercising adequate control of the Horse so as to prevent it straying, causing a nuisance or posing a danger to persons or property or (ii) Such Horse is likely to be in a Public Place while it is not under adequate control, or identifiable or capable of identification as may be required by Section 28 of the Act, the Council or the Superintendent may decide to dispose of the Horse.

14(b) On the disposal of the Horse under these Bye-Laws, the owner or keeper shall pay to the Council all veterinary expenses including fees, veterinary fees, transportation fees, fees of sale and Pound fees.

AUTHORISED PERSON

15(a) Where an Authorised Person or a member of An Garda Síochána suspects that the person is in breach of these Bye-Laws and directs the person to desist from so offending, the person shall obey the direction of the Authorised Person or a member of An Garda Síochána.

15(b) An Authorised Person or a member of An Garda Síochána may seize and detain any Horse that the person or member has reason to suspect is being kept or ridden or driven in any area contrary to these Bye-Laws.

EXCLUSION AREAS

16(a) The Council, considering that Horses are causing or may cause a nuisance or danger to persons or damage to property in the areas specified in the First Schedule, hereby prohibits a person from having, keeping, riding or driving a Horse in those areas at all times and declares them to be exclusion areas in accordance with Section 47 of the Act, with the exception of persons mentioned 16(b).

16(b) The classes of persons to whom and circumstances in which Bye-Law No. 16(a) shall not apply:

- (a) An authorised person under the Act or a member of An Garda Síochána acting in the course of his or her duty.
- (b) A person accepting, detaining or disposing of a Horse under an arrangement with the Council or a Superintendent of An Garda Síochána.
- (c) The transportation of a Horse by vehicle through the area.
- (d) The keeping of a Horse in the area by a Veterinary Surgeon for the purpose of receiving veterinary attention.
- (e) The bringing of a Horse into the area for the purpose of participating in events that are authorised by the Council or An Garda Síochána.
- (f) Licenced owners/operators of jaunting cars in County Kilkenny.
- (g) The use of a Horse or Horses for the specific use of pulling a horse-drawn carriage carrying a casket as part of a funeral procession.

OFFENCES

17. A person who fails to comply with a Bye-Law shall be guilty of an offence under Section 46 of the Act.

First Schedule

Bye-Law No 16

Exclusion Areas

As highlighted in red on Map 1 attached hereto

1. Parliament Street
2. High Street
3. The Parade
4. Patrick Street
5. Johns Street
6. Kieran Street
7. Pennyfeather Lane
8. Friary Street
9. William Street
10. Poyntz Lane
11. Colliers Lane
12. Chapel Lane
13. James Street
14. Bateman Quay
15. Evan's Lane
16. New Building Lane
17. Abbey Street
18. Johns Quay
19. Michael Street
20. Maudlin Street
21. Peace Park
22. Market Yard
23. Horse Barrack Lane
24. St. Francis Bridge
25. Lady Desart Bridge
26. Irishtown

KILKENNY COUNTY COUNCIL
Comhairle Chontae Chill Chainnigh



Draft Control of Horse Bye-laws 2020 - Submissions Received

The submissions received are summarised in the following Table and a full copy of the submissions received provided.

Submission By	Summary of Submission Details	Comments
<p>Tom McDonald on behalf of the Kilkenny Traveller Community Movement (KTCM)</p>	<p>1. States that the exclusion zones discriminate against some members of the community that have no access to transport apart from horses.</p> <p>2. Queries whether equine transport by vehicle and access from one side of the</p>	<p>1. Many families in Kilkenny City do not have access to private modes of transport. The City is a relatively small and compact area suitable for pedestrian and cycling access with additional public transport routes now available, for example through the 2 new cross City services provided by City Direct. It is not accepted that alternative modes of transport are not available.</p> <p>It should be noted that the exclusion zones are located within the historic core City District. Furthermore, horses and transport by horse drawn vehicles can still be made from one part of the City to the other, using alternate routes, including for example Dean Street, Vicar Street, Green Street, Green's Bridge and New Road which are not within the exclusion zones.</p> <p>The narrow streetscape of Kilkenny City core is challenged to meet multi-modal means of transport and where horses and sulky are used within such areas they present a real risk to public, property and the animals themselves. An Garda Síochána supports the introduction of horse exclusion zones within the city core on traffic, public and animal safety grounds having encountered a number of incidents within the City core area in recent times, where the public and or the animals themselves were put in danger (see attached copy of correspondence from An Garda Síochána.) The issue of the control of horses generally and in particular the drafting of the new Bye-laws and the provision of horse exclusion zones has also been a regular topic of discussion at meetings of the Joint Policing Committee (JPC) in Kilkenny for the past 4 years.</p> <p>2. It should be noted that under 16(b)(c), the transportation of a Horse by a vehicle through the exclusion zone is permitted.</p>

	<p>city to the other is permissible</p> <p>3. Queries the use of horse drawn carriages for funerals.</p> <p>4. States that the Bye-laws serve to eradicate horse ownership and asks what alternatives in terms of activities are to be provided</p>	<p>3. In acknowledgement of this tradition within the traveller community, the draft Bye-laws have been amended to include the following additional exemption under 16(b): The use of a Horse or Horses for the specific use of pulling a horse-drawn carriage carrying a casket as part of a funeral procession.</p> <p>4. These Bye-laws do not seek to eradicate horse ownership. In all cases, Kilkenny County Council is required to meet regulatory requirements in respect of equine, environmental and agricultural legislation. The challenges to horse ownership in the city relate to the availability of adequate areas of suitable lands to cater for the number of horses present. The onus is on horse owners to ensure they only own animals that they have suitable lands and facilities to ensure appropriate animal welfare.</p> <p>These Bye-laws identify areas which are considered to be unsuitable for equine activities due to the risks posed to the public, to property and the animals themselves. These Bye-laws seek to remove the risks associated with the presence of horses in these areas, thereby improving safe accessibility of these activities for all service users. The city centre area as indicated is not considered to be appropriate for equine activities and therefore no displacement of activities should arise.</p>
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<p>Cllr. Maria Dollard</p>	<p>1. It is not proven that the proposed new exclusion zone measures are required.</p> <p>2. Suggests that there will be a negative impact on the City Centre from the necessity to erect exclusion zone signage.</p>	<p>1. An Garda Síochána as far back as April, 2019 have sought the introduction of horse exclusion zones within the historic core of Kilkenny City for traffic and public safety reasons. It was also recommended that these horse free areas encompass all connecting lanes and streets to the city core. The narrow streets within the core of Kilkenny City are challenged to meet multi-modal means of transport including pedestrians, cyclists, public transport and other vehicles. Where horses and sulkies are used within such areas, there can be a real risk to the public, property and the animals themselves.</p> <p>This need for the introduction of a horse exclusion zone within the city core on traffic, public and animal safety grounds was reiterated most recently again by the Garda Superintendent in Kilkenny at a joint meeting with Council Officials in January 2021. It was subsequently confirmed that the Gardai have encountered at least 9 no. such incidents since 2019, whereby the presence of a horse in the City centre area created a risk to pedestrians and/or vehicular traffic or the animal itself.</p> <p>In addition, the issue of the control of horses generally and in particular the drafting of the new Bye-laws and the provision of horse exclusion zones has been a regular topic of discussion at meetings of the Joint Policing Committee (JPC) in Kilkenny for the past 4 years.</p> <p>2. It is agreed that measures arising from the introduction of these Bye-laws must not detract in any way from the built heritage of the city core. It is acknowledged that the installation of signage at the entry points into the exclusion zones would be a negative intervention. Hence, legal opinion was obtained on the need to erect such signage. The advice received concludes that signage (as identified in the Traffic Signs Manual) would be necessary if the Council were relying on The Road Traffic Acts to implement the controls. However, the legal advice obtained states that it is equally acceptable to deal with this matter by way of The Control of Horses Act and accordingly no signage is required under the latter Act.</p> <p>The Council recognises that engagement to raise awareness of the new Bye-laws therefore in advance of their enactment will be necessary. In this regard, the Council will defer the introduction of the Bye-laws</p>
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	<p>3. Suggests that the Bye-laws are Discriminatory against travelling community.</p>	<p>until 1st May, 2021 to afford time to engage with the Kilkenny Traveller Community Movement and the Traveller Interagency Group.</p> <p>In conjunction with the enactment of the Bye-laws, the Council's Traveller Liaison Officers will engage with the traveller communities residing in the City and will make copies of the Bye-laws and exclusion zone maps available to them.</p> <p>Maps will also be available from the Council's website, The Environment Section at County Hall on John Street and The Tholsel, High Street, Kilkenny.</p> <p>3. The submission suggests that the introduction of these Bye-laws may be considered to discriminate against traveller community horse ownership. The submission states that accommodation provided to traveller families "must include accommodation for their horses." It must be stated that it is not the responsibility of Kilkenny County Council to provide accommodation for animals. Rather it is the responsibility of all the Council's housing tenants to provide accommodation for animals that they keep. It is the responsibility of horse owners to provide stables and adequate lands for the upkeep of their horses. Reference to other lands for equine use in Kilkenny is not relevant to the consideration of these Bye-laws. In all cases, Kilkenny County Council is required to meet regulatory requirements in respect of equine, environmental and agricultural legislation.</p>
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<p>On behalf of Michael Reilly. Animal Welfare Committee Rep</p> <p>Martin Rafter Kilkenny LEADER Partnership</p>	<ol style="list-style-type: none"> 1. Queries if a person can transport horses through the exclusion zones in a horse trailer? 2. Queries the use of a horse drawn hearse in the exclusion zone. 3. Asks, as it becomes more difficult for Travellers to own horses in the city, is there something that can be done to occupy young Travellers in a different way? 	<ol style="list-style-type: none"> 1. Yes under 16(b)(c), the transportation of a Horse by vehicle through the exclusion zone is permitted. 2. In acknowledgement of this tradition within the traveller community, whilst rear, the Bye-laws have been amended to include the following additional exemption under 16(b) 16(b)(g) The use of a Horse or Horses for the specific use of pulling a horse-drawn carriage carrying a casket as part of a funeral procession. 3. The main challenges to horse ownership in the city relates to the availability of equine registered lands suitable to cater for the large number of horses that are present. The onus is on all animal owners to ensure they only own animals that they have suitable lands and facilities to provide for. The city centre area within the horse exclusion zone included in these ye-laws is not used for the keeping of horses and restrictions on access to these areas will not impact on the ongoing challenges to horse ownership in the urban area. The large number of horses in the city area and the lack of lands to house, feed and exercise them is a difficulty for traveller horse ownership.
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Full Copy of Submissions Received

Submission 1

Tom McDonald on behalf of the Kilkenny Traveller Community Movement (KTCM)

Concern over the introduction of Horse Exclusion Zones which raises several issues:

Some members of the community have no access to transport apart from horses. This is due to variety of reasons many related to literacy and multiple disadvantage. Can the local authorities support initiatives which tackle this issues?

Is it possible for a horse owner to transport a horse from one side of the city to the other? Access to the bridge should be available as otherwise the horse owner will be forced to use the ring road which can be dangerous with the amount of traffic and is also a longer journey.

It is presumed that horses can be transported through the control area in a trailer or vehicles suitable for the transporting horses.

As the use of Horse drawn hearses are traditional in Traveller funerals can this be provided for in the legislation

The KTCM and the Traveller community are of the opinion that this legislation and the control of horses act generally is being introduced specifically to eradicate the use of horses by the Traveller community. The local authority in doing this fail to appreciate the role that horse ownership plays in proving meaningful activity and engagement for men in a community which suffers from high levels of disadvantage, mental health issues and a level of suicide six times the level in the settled community

In the context we would ask the authority what alternatives in terms of activities or projects are being considered to replace the equine activities and to provide meaningful activity for the members of the community.

Submission 2

Cllr Maria Dollard -Submission to Kilkenny County Council on Draft Horse Bye – Laws

I wish to submit the following two points re the Horse bye laws under review. I fully support the efforts of the bye laws to ensure that horses are cared for properly and not subjected to any form of cruelty or mistreatment. Cruelty to animals can never be tolerated. Animal cruelty in any form must be identified and acted upon with legislation. My concerns with these bye laws stem from two perspectives. These are:

1. regard to the sensitive nature of the built environment in Kilkenny and our promotion of the mediaeval mile
2. with regard to a danger that the law may be discriminatory against a protected marginal group in society, namely, members of the travelling community.

Kilkenny's heritage and built environment

"In Kilkenny City a substantial investment in tourism development has been approved through

the development of the Medieval Mile project which will see investment in the public realm

between Kilkenny Castle and St Canice's Cathedral, the restoration of St Mary's hall, the

construction of a new Butler Gallery at Evan's Home and the further development of the linear

walk along the River Nore with the creation of a great garden in the city centre." (Kilkenny County Development Plan 2014-20 2.4)

Kilkenny County Council have been successful in doing exemplary work to achieve this objective of creating a 'Medieval Mile' as a tourist destination and a lot of investment of time, expertise and money has gone into this project so far. The creation of these bye laws as outlined will necessitate the installation of signs all along the Medieval Mile and throughout most of the part of our city visited by tourists.

I submit that these signs would detract from the visual amenity of our city centre and give locals and tourists the impression that we have a very significant problem with stray or dangerous horse in our city centre. I do not believe this is the case. The FAQ's document provided by the council states:

"16. Why are Kilkenny County Council introducing Horse Exclusion Areas?"

Kilkenny County Council consider that Horses have the potential to cause a nuisance or danger to persons or damage to property in certain streets and public spaces in Kilkenny City. The Council therefore intends to prohibit the keeping, riding or driving of a Horse in these areas. The streets and public spaces to be Horse Exclusion Areas are listed in the first schedule of these Draft Bye-laws."

I believe a case has not been established that an exclusion zone is required and the associated signage will significantly detract from the beauty of our city and give the wrong impression of a danger that does not exist.

Kilkenny County Council have been successful in doing exemplary work to achieve this objective of creating a 'Medieval Mile' as a tourist destination and the creation of these bye laws as outlined will necessitate the installation of signs all along the Medieval Mile and throughout most of the part of our city visited by tourists. I understand that these signs will be required throughout the city and may look something like the following examples:



I submit that in a city that relies heavily on tourism that these signs will give an inaccurate impression of the problems of horse welfare in Kilkenny, which is mainly confined to other areas but not the city centre. The FAQ's document accompanying the above draft laws does not indicate that there is any significant problem and merely alludes to the fact that horses have the potential to cause harm to business or people but does not cite any example. There is also no suggestion that this measure is related to animal welfare.

My observation is that the exclusion zones proposed will give the impression that there is serious danger to life, limb and property but no evidence that this is the case. These signs must be there to communicate the law to everyone should these bye laws be passed and yet the signs will seriously detract from the visual amenity of the area.

Potential perceived discrimination against members of travelling community.

Horses are an integral part of Traveller culture. Travellers are protected by Law under the Equal Status Acts 2000-2004. These bye law proposals must be seen in the overall context of how travellers are accommodated in Kilkenny. My child attended Primary School in the Presentaion on Parnell St and a family regularly brought their children to school on a sulky. It was their Primary choice of transport. There was never an accident or incident that I recall and they bothered nobody. This bye law would discriminate against any Traveller family using their sulky to bring their children to school. Accommodation for Travellers must include their culture and way of life. It must include accommodation for their horses. Numerous reports have highlighted the barriers to Travellers who keep horses and at the moment in Kilkenny, land they have been using for horses beside their homes, in St Catherines is being transferred to KCETB for education purposes. Meanwhile at St Marys halting site, land designated for use by Travellers has been taken away from them in order to reseed it. All of these combined actions might give the impression that Kilkenny County Council is behaving in a way that does not accommodate Traveller culture and may in fact discriminate against them.

The timing of all these actions, together, in the middle of a pandemic when stress rates are very high. According to the National Traveller Mental Health Project suicide rates are 7

times higher amongst men in the Travelling Community and 6 times higher amongst women. Senator Eileen Flynn has stated:

"Travellers suffer more from mental health due to the level of oppression and rejection that is put upon us on a daily basis"

Horse ownership is vital to Travellers. In 2018. Pavee Point produced a research project and recommended re bye laws:

"Bye-laws. The Department of Housing, Planning and Local Government should establish standards for the engagement of local authorities in both the developmental and enforcement elements of the strategy to promote and support Traveller horse ownership. These standards should address the design and provision of accommodation facilities and the identification of a liaison person to deal with Traveller horse owners. They should address the Bye-laws put in place on this issue by local authorities. Current Bye-laws should be reviewed against this standard and developed in a more coherent form, while allowing for local particularities."

I believe there is a risk that these exclusion zones will be perceived by Travellers and the public, as targeting Kilkenny members of the Travelling Community and will not be effective in dealing with animal welfare issues and as stated the exclusion zones are designed to protect people and property.

We appear to be trying to solve an animal welfare problem by legislation that may be designed to discourage Travellers from owning horses. This will not work and may cause greater deterioration in relationships between the settled and Travelling community. END

Submission 3

Martin Rafter on behalf of Michael Reilly. Animal Welfare Committee Rep

Two questions from Michael Reilly on Bye Law;

1. Can you transport horses in are mapped in a horse trailer
2. Is the use of a horse drawn hearse permitted in the mapped rea?
3. As it becomes more difficult for Travellers to own horses in the city is there something that can be done to occupy young Travellers in a different way?

Martin – on behalf of Michael Reilly.

Martin Rafter.

Assistant CEO & Social Inclusion Programmes Manager

Kilkenny LEADER Partnership.