

HAVANT BOROUGH COUNCIL  
PUBLIC SERVICE PLAZA  
CIVIC CENTRE ROAD  
HAVANT  
HAMPSHIRE P09 2AX



**Havant**  
BOROUGH COUNCIL

Telephone: 023 9244 6019  
Website: [www.havant.gov.uk](http://www.havant.gov.uk)

Tuesday, 27 February 2024

## SUMMONS

Dear Councillor

You are requested to attend the following meeting:

**Meeting:** Cabinet  
**Date:** Wednesday 6 March 2024  
**Time:** 5.30 pm  
**Venue:** Hurstwood Room, Public Service Plaza, Civic Centre Road, Havant, Hampshire PO9 2AX

The business to be transacted is set out below:

Steve Jordan  
Chief Executive

## CABINET MEMBERSHIP

**Chairman:** Councillor Rennie (Chairman)

Councillors Robinson, Bowdell, Bowerman, Fairhurst and Lloyd

Contact Officer: Jenni Harding 02392 446234  
Email: [jenni.harding@havant.gov.uk](mailto:jenni.harding@havant.gov.uk)

## AGENDA

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### PART 1 (Items open for public attendance)

**1 Apologies for Absence**

To receive and record any apologies for absence.

**2 Declarations of Interests**

To receive and record any declarations of interest from members present.

<b>3</b>	<b>Minutes</b>	<b>1 - 4</b>
	To confirm the minutes of the last meeting of Cabinet held on 14 February 2024.	
<b>4</b>	<b>Chairman's Report</b>	
	To receive a report from the Chairman.	
<b>5</b>	<b>Councillor Questions under Cabinet (Executive) Standing Order 9.3</b>	
	In accordance with Cabinet (Executive) Standing Order 9.3, to receive questions from the Chairman of the Overview & Scrutiny Committee and other Councillors. A period of 20 minutes is permitted to receive questions put to Cabinet by Councillors.	
<b>6</b>	<b>Matters referred by Full Council or the Overview &amp; Scrutiny Committee Under Cabinet (Executive) Standing Order 9.4c</b>	
<b>6a</b>	<b>Review of the Operation of the Meridian Centre.</b>	<b>5 - 38</b>
<b>Deputy Leader of the Council, Communities &amp; Housing</b>		
<b>7</b>	<b>Public Space Protection Order (Dogs)</b>	<b>39 - 216</b>
<b>8</b>	<b>Public Space Protection Order (Pigeons in Waterlooville Town Centre)</b>	<b>217 - 294</b>
<b>Cabinet Lead for Finance</b>		
<b>9</b>	<b>Q3 Finance Report</b>	<b>295 - 352</b>
<b>Cabinet Lead for Coastal</b>		
<b>10</b>	<b>Langstone FCERM Scheme - Planning and Consenting Phase</b>	<b>353 - 404</b>
<b>11</b>	<b>Chichester Harbour Investment and Adaption Plan (CHIAP)</b>	<b>405 - 416</b>
<b>12</b>	<b>Horizon Leisure Centre Lease Variation</b>	<b>417 - 506</b>
<b>Cabinet Lead for Planning, Environment and Water Quality</b>		
<b>13</b>	<b>Environmental Health Enforcement Policy</b>	<b>507 - 550</b>
<b>14</b>	<b>Langstone Harbour Sea Water Sampling Update</b>	<b>551 - 558</b>
<b>15</b>	<b>Cabinet Lead Delegated Decisions, Minutes from Meetings etc.</b>	
	None	

## 16 Exclusion of the Press and Public

The Committee is asked to consider whether to pass a resolution excluding the public from the meeting during consideration of Appendices 3, 4 and 5 of Item 12 on the agenda. If members wish to do so then this could be achieved by passing the following resolution. Members are not required to pass the resolution but the Monitoring Officer recommends this as to the item set out below.

That the public be excluded from the meeting during consideration of the item headed and numbered as below because:

it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information of the descriptions specified in paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 shown against the heading in question; and

in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Item 16            Horizon Leisure Trust Lease Variation  
(Paragraph 3)

Paragraph 3      Information relating to the financial or business affairs of any particular person (including the authority holding that information).

## **GENERAL INFORMATION**

**IF YOU WOULD LIKE A VERSION OF THIS AGENDA, OR ANY OF ITS REPORTS, IN LARGE PRINT, BRAILLE, AUDIO OR IN ANOTHER LANGUAGE PLEASE CONTACT DEMOCRATIC SERVICES ON 023 9244 6019**

### **Internet**

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### **Public Attendance and Participation**

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IP addresses will not be collected, however in order to function, Teams Live collects background data limited to when a user enters and leaves the meeting and the web browser version used. Data collected will be kept and recorded for the purposes of this meeting.

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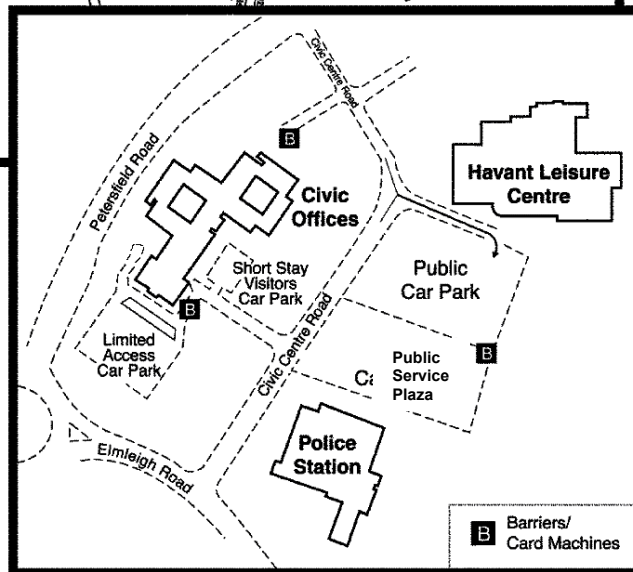
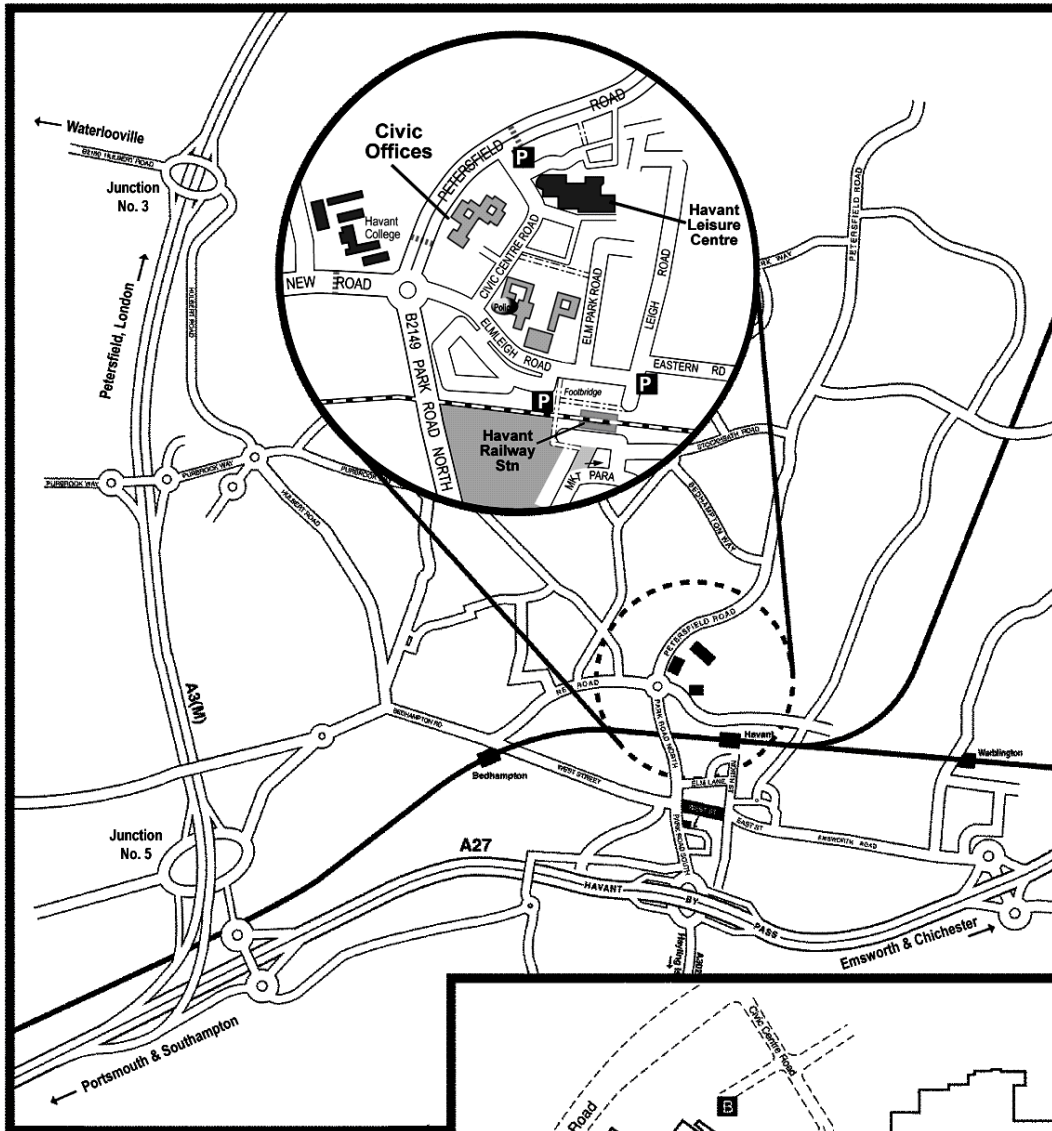
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## HAVANT BOROUGH COUNCIL

At a meeting of the Cabinet held on 14 February 2024

Present

Councillor Rennie (Chairman)

Councillors Robinson, Bowdell, Bowerman, Fairhurst and Lloyd

Assistant Cabinet Leads

Councillors Richardson and Stone

### **67 Apologies for Absence**

Apologies for absence were received from Councillor Robinson

### **68 Declarations of Interests**

There were no declarations of interests relating to matters on the agenda.

### **69 Minutes**

RESOLVED that the minutes of the Cabinet meeting held on 24 January 2024 were approved as a true record and signed by the Chairman.

### **70 Chairman's Report**

Councillor Rennie, the Chairman, had no matters to report.

### **71 Councillor Questions under Standing Order 9.3.3**

There were no questions from Councillors under the provision of Standing Order 9.3.3.

### **72 Matters referred by Full Council or the Overview & Scrutiny Committee Under Cabinet Standing Order 9.4**

There were no matters for Cabinet to consider under the provision of Cabinet Standing Order 9.4.

### **73 Council Tax Support Scheme**

Councillor Bowdell, as relevant Cabinet Lead, introduced a report setting out the proposed Council Tax Scheme for 2024/25.

Cabinet discussed the report and the options available to Cabinet.

Following a question and answer session, debate and vote, Cabinet agreed the report's recommendations for the reasons set out in the submitted report.

RESOLVED that Council be RECOMMENDED to:

- 1) agree to amend the current scheme so that the allowances and premiums used in determining entitlement for working age claims are uplifted in line with the figures applied by the Department for Works and Pensions, (DWP), for the Housing Benefit Scheme in 2024/25;
- 2) agree to amend the current scheme so that the non-dependant deductions used in determining entitlement for working age claims are adapted in line with the rates as set by the Department of Levelling Up, Housing and Communities for non-dependant pension age claims;
- 3) approve that The Council continues to facilitate a Council Tax Support Hardship Fund;
- 4) approve the retention of all remaining elements of the current 2023/24 scheme; and
- 5) approve the necessary amendments being made to the Council Tax Support Scheme document and that it then being published in accordance with Local Government Finance Act 1992 Section 13A(2).

#### **74 Havant Borough Council Budget 2024/25**

Councillor Bowdell, as relevant Cabinet Lead, introduced a report setting out the budget for 2024/25.

Cabinet discussed the budget and the options available to Cabinet.

Following a debate and vote, Cabinet agreed the report's recommendations for the reasons set out in the submitted report.

RESOLVED that Council be RECOMMENDED to:

- 1) approve the proposed Revenue Budget and Capital Programme for 2024-25 and sets a Council Tax rate of £232.82 at Band D, representing a £6.76 increase on the current charge;
- 2) approve the Medium-Term Financial Strategy for the period 2024/25 to 2028/29, Capital Strategy, Investment Strategy, Treasury Management Strategy Business Rates 2024/25 and Prudential Indicators;
- 3) approve the Fees & Charges schedule for 2024-25 subject to the fees and charges for cricket pitches being frozen in line with other pitch charges;
- 4) approve the Council Tax Reduction, as per Appendix I;



- 5) approve the application of a Council Tax premium of 100% for all dwellings which are unoccupied but substantially furnished (second homes) with effect from 1st April 2025;
- 6) approve the drawdown of up to £500,000 from the ringfenced Leisure;
- 7) approve the drawdown of up to £500,000 from the ringfenced Leisure Contingency Reserve to be used to secure the main leisure facilities in Havant Town and Waterlooville.
- 8) Delegate authority to the Chief Executive Officer, in conjunction with the Section 151 Officer to agree terms with Horizon Leisure Trust in line with the approved drawdown.
- 9) Note and endorse the Statement of the S151 Officer on the robustness of the budget and the adequacy of the Council's reserves.

## **75 Coastal environmental & Research Initiatives**

Councillor Fairhurst, as relevant Cabinet Lead, introduced a report on the coastal environmental and research initiatives.

Cabinet discussed the report and the options available to Cabinet.

Following a question and answer session, debate and vote, Cabinet agreed the report's recommendations for the reasons set out in the submitted report.

RESOLVED that:

- 1) it be noted that Coastal Partners are bidding for up to £1,920,500 of funding across six initiatives for the benefit of the Council and the Southern Coastal Group / SCOPAC; and
- 2) authority be delegated to the Executive Head of Coastal Partners, following consultation with the Cabinet Lead for Coastal and the S151 Officer, to implement the six Coastal Environmental & Research Initiatives identified in the submitted report, subject to securing the necessary funding.

**The meeting commenced at 5.30 pm and concluded at 5.55 pm**

.....  
**Chairman**

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<b>Name of Committee:</b>	Cabinet		
<b>Committee Date:</b>	6 March 2024		
<b>Report Title:</b>	Review of the Operation of the Meridian Centre.		
<b>Report From:</b>	Councillor Kennett, Chairman of the Overview and Scrutiny Committee		
<b>Cabinet Lead:</b>	Councillor Fairhurst		
<b>Status:</b>	Part Exempt		
<b>Urgent Decision:</b>	No	<b>Key Decision:</b>	No
<b>Appendices:</b>	Appendix 1 – Report of the Meridian Centre Task Group Appendix 2 – Presentation by the Chairman of the Meridian Centre Task Group Appendix 3 – Updates to the Meridian Centre Task Group's Report Appendix 4 – Revised Performance Details		
<b>Background Papers:</b>	Responses from local resident association (open) Tenancy Schedule (Exempt) Mall Events (unredacted – Exempt)		
<b>Contact:</b>	Councillor Kennett <a href="mailto:Richard.Kennett@havant.gov.uk">Richard.Kennett@havant.gov.uk</a>		
<b>Report Number:</b>	HBC/89/2024		

<b>Corporate Priorities:</b>
<p>As part of the Corporate Strategy the Meridian Centre plays an important role in the regeneration of Havant Town Centre and supports the growth theme of the Corporate Strategy.</p>

<b>Executive Summary:</b>
<p>At its meeting held on 6 December 2023, the Overview and Scrutiny Committee considered a report by the Meridian Centre Task Group (“Task Group”) on the performance of the Meridian Centre (“The Centre”).</p> <p>Although several units had become vacant since the report was finalised, which had resulted in a fall of footfall and a loss of income, the Committee was satisfied that, at the time of the meeting, The Centre was operating successfully and should be retained as an asset.</p> <p>The Committee also agreed with the Task Group that the enhancements recommended in the report would encourage shoppers to the town centre from the Solent Road Retail Park and from elsewhere, which would in turn have a beneficial impact on the operation of The Centre.</p>

In view of the concerns raised by the Head of Property and Asset Management that the current operation arrangements would not be sustainable in the long term, the Committee considered that it would be prudent to monitor the operation of The Centre in the next municipal year.

## **Recommendations:**

Cabinet be recommended to:

1. Write to Hampshire County Council, the Highway Authority to request that they:
  - a. Improve the connection with Solent Road Retail Park to attract more shoppers to visit the town centre by waymarking the route more effectively and possible changing the position of the pedestrian crossing on Park Road South.
  - b. Make the area outside St Faiths Church into a pedestrian zone with demountable bollards, enabling the development of an outdoor café culture during summer months. This might also possibly attract someone to open a restaurant in this area.
2. focus on improvements to Market Parade, encouraging more shops to cluster around the Meridian Centre, reducing the footprint of the town centre shops to create a busier atmosphere, reducing the vacant shop sites; and
3. to form a group to take responsibility for the further development of the Meridian Centre and Havant Town Centre.

## 1.0 Introduction

- 1.1 At its meeting held on 6 December 2023, the Overview and Scrutiny Committee considered the recommendations of the Meridian Task Group (Appendix 1) together with updates on the performance and occupancy of The Centre since the report was finalised (Appendix 2).

## 2.0 Background

- 2.1 The Task Group was asked by the Overview and Scrutiny Committee to review the working of the Meridian Centre in 2022/23 and submit its findings to the Committee.
- 2.2 Although a number of units had become vacant since the report was finalised which had resulted in a fall of footfall and a loss of income, the Committee was satisfied that, at the time of the meeting, The Centre was operating successfully and should be retained as an asset.
- 2.3 The Committee also agreed that the enhancements recommended by the Task Group (recommendations 1(a) and (b) of the Task Group's report) would encourage shoppers from the Solent Road Retail Park and elsewhere to the town centre. The Committee noted that Hampshire County Council was already looking into the pedestrianisation of the area outside St Faith's Church in such a way that funeral and weddings vehicles could still be able to park outside the church, when required.
- 2.4 In view of the concerns raised by the Head of Property and Asset Management that the current operation arrangements would not be sustainable in the long term, the Committee considered that it would be prudent to monitor the operation of The Centre in the next municipal year.

## 3.0 Options

- 3.1 The following options were by the Task Group:
  - a. selling The Centre on the open Market to raise revenue;
  - b. partial or full demolition of The Centre to reduce costs and to provide an opportunity for town centre redevelopment;
  - c. maintaining The Centre using the current management model.

## 4.0 Relationship to the Corporate Strategy

- 4.1 The Council has a duty to ensure that maximises its returns from its assets. The Meridian Centre plays an important part in the delivery of the Council's initiative" to delivering improvements to Havant town centre".

## 5.0 Conclusion

- 5.1 Despite a recent increase in the vacancy rate of units which had led to a fall in income and footfall, the Committee was satisfied that, at the time of the meeting, that the Centre was operating well and should be retained as an asset,
- 5.2 The Committee also considered that the enhancements set out below would enhance the Meridian Centre and encourage more use of town centre shops, including the Meridian Centre.
- a) Improve the connection with Solent Road Retail Park to attract more shoppers to visit the town centre by waymarking the route more effectively and possible changing the position of the pedestrian crossing on Park Road South.
  - b) Make the area outside St Faiths Church into a pedestrian zone with demountable bollards, enabling the development of an outdoor café culture during summer months. This might also possibly attract someone to open a restaurant in this area.
  - c) Focus on improvements to Market Parade, encouraging more shops to cluster around the Meridian Centre, reducing the footprint of the town centre shops to create a busier atmosphere, reducing the vacant shop sites.
  - d) The High Street Task Force visited the town centre in March of this year and produced a short but insightful report. They were positive about much that they saw a but identified 'the lack of an organisation or group to take responsibility for the town centre as the main barrier to transformation in Havant.' This would be a valuable way to further support the development of the Meridian Centre and also Havant Town.

## 6.0 Implications and Comments

### 6.1 S151 Comments

The Meridian Centre Task and Finish Group is a member lead group. Whilst its contribution is extremely valuable, any recommendations leading to financial expenditure should be referred to the relevant Executive Officer for a business case and/or financial appraisal before the Cabinet has enough comfort to agree to any such recommendations.

The recommendations in this report do not result directly in any financial expenditure, so I am happy to support them, although it will be important to ensure any new group from recommendation 3 is considered in how it integrates with the existing property management team and the regeneration team to avoid duplication of work and commitment of internal resources.

## 6.2 Monitoring Officer Comments

The Monitoring Officer supports the work of the Overview and Scrutiny Committee and its Task Groups. The Monitoring Officer has no concerns or observations which need to be brought to the Committee's attention.

## 6.3 Head of Service Comments

The Centre was originally acquired for regeneration purposes based on a 5-year hold that expires towards the end of 2024. The Council has to be mindful of the possibility of redevelopment and cannot offer open-ended lettings that would make vacant possession of the premises at a future date challenging. As such, new lettings at the centre are currently being aligned to a 29th September 2029 end / break date, to retain flexibility.

## 6.4 Cabinet Lead's Comments

None received.

## 6.5 Equality and Diversity

An improvement in waymarking and relocation of the pedestrian crossing in Park Road South is an ideal opportunity to introducing a route to and from Solent Road to the Town Centre for all everybody.

The recommended enhancements to Market Parade and pedestrianisation of that part of West Street outside St Faiths Church is an opportunity to design a more user friendly area for everybody.

The creation of group to oversee the development of the Meridian and the Town Centre is an opportunity to ensure that any future developments promote equality and diversity.

## 6.6 Human Resources

None arising from this report.

## 6.7 Information Governance

None arising from this report.

## 6.8 Climate and Environment

A more pedestrian friendly location for the pedestrian crossing on Park Road South and an improvement in signage to the town centre could encourage more people to walk to and from Solent Road instead of using a vehicle to make the journey to the centre.

The pedestrianisation of that part of West Street outside St Faith's Church will lead to a reduction of vehicles parking in this area and

the introduction of an outside café culture in the area will improve the environment to the benefit of shoppers and commercial users

## 7.0 Risks

7.1 There are no immediate risks arising this report.

## 8.0 Consultation

8.1 The group:

- Meet with The Centre manager, Rob Fryer to find information on the operation of The Centre and his thoughts on how to promote and develop The Centre.
- Meet with Havant Borough Council Asset Manager, Martyn Fenwick, to review the financial workings of The Centre
- Ask local residents associations for their views on the operation of The Centre and any improvements they would like

## 9.0 Communications

9.1 This is ideal opportunity to promote the Meridian Centre to encourage more shoppers.

<b>Agreed and signed off by:</b>		<b>Date:</b>
<b>Chairman of the Overview and Scrutiny Committee</b>	Councillor Kennett	23 January2024

/



<b>Name of Committee:</b>	Overview and Scrutiny Committee		
<b>Committee Date:</b>	8 December 2023		
<b>Report Title:</b>	Report from the Meridian Centre Task Group to the Overview and Scrutiny Committee.		
<b>Lead Councillor:</b>	Councillor Munday, Chairman of the Meridian Task Group		
<b>Cabinet Lead:</b>	Councillor Fairhurst		
<b>Status:</b>	Non-Exempt		
<b>Urgent Decision:</b>	No	<b>Key Decision:</b>	No
<b>Appendices:</b>	Appendix 1 – Performance Dashboard Appendix 2 – Mall Events (redacted)		
<b>Background Papers:</b>	Responses from local resident association (open) Tenancy Schedule (Exempt) Mall Events (unredacted – Exempt)		
<b>Contact:</b>	Name: Councillor Munday Email: <a href="mailto:Phil.Munday@havant.gov.uk">Phil.Munday@havant.gov.uk</a>		
<b>Report Number:</b>	HBC/56/2023		

### Corporate Priorities:

As part of the Corporate Strategy the Meridian Centre plays an important role in the regeneration of Havant Town Centre and supports the growth theme of the Corporate Strategy.

### Executive Summary:

The Meridian Centre is clearly well run and quite successful. The management team are to be congratulated for their efforts to maintain it as a thriving shopping centre. It also acts as a central hub for the town shopping area. We suggest it should be kept as a Council asset. There were also a number of suggestions that came up during our discussions, which we think could enhance the Meridian Centre and encourage more use of town centre shops, including the Meridian Centre.

## Recommendations:

O&S recommend to Cabinet to:

1. request Hampshire County Council, the Highway Authority to:
  - a. Improve the connection with Solent Road Retail Park to attract more shoppers to visit the town centre by waymarking the route more effectively and possible changing the position of the pedestrian crossing on Park Road South.
  - b. Make the area outside St Faiths Church into a pedestrian zone with demountable bollards, enabling the development of an outdoor café culture during summer months. This might also possibly attract someone to open a restaurant in this area.
2. focus on improvements to Market Parade, encouraging more shops to cluster around the Meridian Centre, reducing the footprint of the town centre shops to create a busier atmosphere, reducing the vacant shop sites; and
3. to form a group to take responsibility for the further development of the Meridian Centre and Havant Town Centre.

## 1.0 Introduction

- 1.1 The Meridian Centre was built in 1991. Along with the multi-storey car park in Bulbeck Road it was purchased by the Council in December 2019 for the sum of £4.1M. Since then, the Asset Manager has had an overview of the centre, which has been run on a day-to-day basis by a Centre Manager.
- 1.2 We were tasked by the Overview and Scrutiny Committee to review the working of the Meridian Centre. In Autumn 2022 when we started, a bid had been submitted by the Council to the Levelling Up Fund, which included plans to partly demolish and rebuild the Centre. This bid was unsuccessful. It was decided that there was little point in starting our work until the outcome of the bid had been decided in January 2023, so we started work then.
- 1.3 We decided to carry out the following actions to get a clearer picture:
  - a. Meet with Councillor Pike, as the portfolio holder, to discuss the scope of our report and gain background information.
  - b. Walk round the site, including the car parking decks to review occupancy.
  - c. Meet with the Centre manager, Rob Fryer to find information on the operation of the Centre and his thoughts on how to promote and develop the Centre.

- d. Meet with Havant Borough Council Asset Manager, Martyn Fenwick, to review the financial workings of the Centre
- e. Ask local residents associations for their views on the operation of the Centre and any improvements they would like

## 2.0 What we Found

- 2.1 **Occupancy of the Meridian Centre** is high and far higher than most comparable shopping centres. The Centre Manager reported to us a vacancy rate of 3.7% with 32 tenants and 3 empty units and explained that there was already interest in the vacant units. We carried out a separate review at a different time, which showed only four vacancies, including two small units upstairs.
- 2.2 **Parking** brings in a revenue of approximately £200,000 though this was closer to £300,000 pa before the pandemic when operated by Parking Eye, a third party parking operator. There are 365 parking spaces on the top two floors and a further 380 parking spaces in Bulbeck Road car park. We found that the car park was normally about half full, though higher at peak shopping periods. Use of the car park may well increase when Bulbeck Road car park is demolished.
- 2.3 **Footfall** has increased steadily since the pandemic, increasing by between 10 – 20% from 2022 to 2023. However, figures are still about 20% below pre pandemic levels. More detailed figures on traffic are attached. There is clear evidence of a positive trend.
- 2.4 **The Centre has a good range of shops and cafes** though the closure of Shoe zone means that the town centre no longer has any specialist shoe shops. The potential closure of Wilco's would also be a loss. However, there remains good interest in vacant shops and recent additions, including the Horizon Hub and the Play zone for pre-school children are proving popular and increasing footfall.
- 2.5 **All tenants pay a service charge.** This money is ringfenced and for year-end 31.3.2024 the estimated Service Charge currently in the region of £842,957 pa. After the costs of running the Centre (including landlord shortfalls) are deducted, the Net Operating Income is approximately £400,000 pa resulting in a surplus to HBC of approx. £162,000. The service charge has been kept at the same level for 3-4 years at approx. £730k pa however it is planned to increase the service charge by less than 15.00 % this financial year to reflect the increased costs of utilities and staffing costs.

The service charge includes the cost of all Daily and long-term PPM to the building, especially aimed at meeting compliance under H&S which is audited annually by an independent company, service charge costs also cover the daily management of the centre along with cleaning staff and security guards, who are valued by the tenants because they help to keep down levels of theft and deal with unruly behaviour. This budget is also utilised to run the ongoing positive marketing of the centre via website, social media and other digital and media avenues, Centre mall events during school holidays and key holiday dates with special attention given to the centres Christmas Grotto a loss leader but a specific focal point for the community and catchment who cannot afford expensive grottos such as Gunwharf, this has always been well received by our customers and all monies collected are donated to local charities .

The Centre opens its doors at 08.00 and fully closes its doors at 6.00 pm Monday to Saturday and 10.00 – 16.30 Sundays and Bank holidays and this provides good security for tenants. However, it does mean that the Centre cannot be used in the evenings so precludes restaurants. During the year the centre only currently fully closes Easter Sunday, Christmas Day and New Years Day.

- 2.6 **Comments by residents.** We only received one written feedback from the Residents Association from Hayling Island but from that, and verbal comments by others, there is an acknowledgement of the value of the Meridian centre to the town. Comments also suggested specific shops and services that could be offered.

## 4.0 Options

4.1 We considered the following options:

- a. selling the centre on the open Market to raise revenue;
- b. partial or full demolition of the centre to reduce costs and to provide an opportunity for town centre redevelopment;
- c. maintaining the centre using the current management model.

## 5.0 Relationship to the Corporate Strategy

- 5.1 The Council has a duty to ensure that maximises its returns from its assets. The Meridian Centre plays an important part in the delivery of the Council's initiative" to delivering improvements to Havant town centre"

## 6.0 Conclusion

- 6.1 The Meridian Centre is clearly well run and quite successful. The management team are to be congratulated for their efforts to maintain it as a thriving shopping centre. It also acts as a central hub for the town shopping area. We suggest it should be kept as a Council asset. There were also a number of suggestions that came up during our discussions, which we think could enhance the Meridian Centre and encourage more use of town centre shops, including the Meridian Centre. These include:
- a) Improve the connection with Solent Road Retail Park to attract more shoppers to visit the town centre by waymarking the route more effectively and possibly changing the position of the pedestrian crossing on Park Road South.
  - b) Make the area outside St Faiths Church into a pedestrian zone with demountable bollards, enabling the development of an outdoor café culture during summer months. This might also possibly attract someone to open a restaurant in this area.
  - c) Focus on improvements to Market Parade, encouraging more shops to cluster around the Meridian Centre, reducing the footprint of the town centre shops to create a busier atmosphere, reducing the vacant shop sites.
  - d) The High Street Task Force visited the town centre in March of this year and produced a short but insightful report. They were positive about much that they saw but identified 'the lack of an organisation or group to take responsibility for the town centre as the main barrier to transformation in Havant.' This would be a valuable way to further support the development of the Meridian Centre and also Havant Town.

## 7.0 Implications and Comments

- 7.1 Executive Head's Comments  
Not applicable
- 7.2 S151 Comments
- 7.3 The Meridian Centre Task and Finish Group is a member lead group. Whilst its contribution is extremely valuable, any recommendations leading to financial expenditure should be referred to the relevant Executive Officer for a business case and/or financial appraisal before the Cabinet has enough comfort to agree to any such recommendations.

7.4 The recommendations in this report do not result directly in any financial expenditure, so I am happy to support them, although it will be important to ensure any new group from recommendation 3 is considered in how it integrates with the existing property management team and the regeneration team to avoid duplication of work and commitment of internal resources.

7.5 Monitoring Officer Comments

This report was received from the Meridian Centre Task Group to the Overview and Scrutiny Committee. Task Group's play an important role in the Council's scrutiny function and contribute towards the good governance of the Council.

7.6 Legal Implications

None arising from this report.

7.7 Equality and Diversity

The response from residents was limited with only 1 response and it would have been helpful if more feedback from the users could have been incorporated into the report to better understand the footfall of the centre.

7.8 Human Resources

None arising from this report.

7.9 Information Governance

None arising from this report.

7.10 Climate and Environment

None arising from this report.

## 8.0 Risks

8.1 There are no immediate risks arising this report.

## 9.0 Consultation

9.1 The group:

- a. Meet with the centre manager, Rob Fryer to find information on the operation of the centre and his thoughts on how to promote and develop the centre.
- b. Meet with Havant Borough Council Asset Manager, Martyn Fenwick, to review the financial workings of the Centre
- c. Ask local residents associations for their views on the operation of the Centre and any improvements they would like

**10.0 Communications**

10.1 Not applicable

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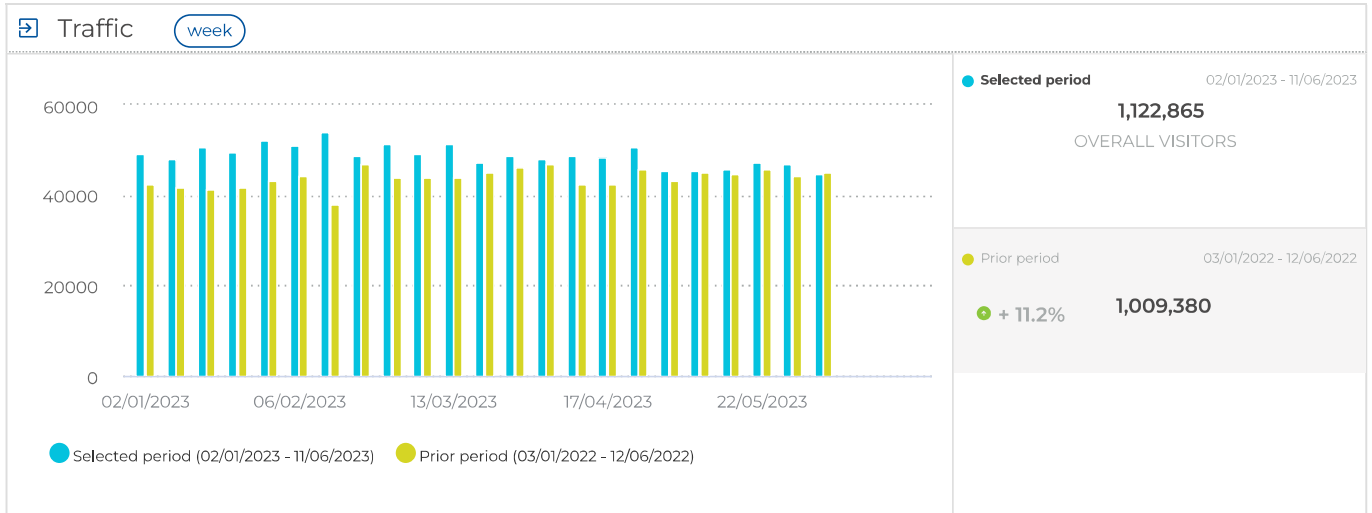
Organization: Montagu Evans Llp  
Site: Meridian Shopping Centre

Time period: 02/01/2023 - 11/06/2023, 03/01/2022 - 12/06/2022  
Area: Property overall

Site performance				
<b>TRAFFIC</b> <b>1,122,865</b> <span style="color: green;">+ 11.2%</span> OVERALL VISITORS	<b>AVG HOURLY OCCUPANCY</b> <b>222</b> <span style="color: green;">+ 58.5%</span> AVG HOURLY OCCUPANCY	<b>AVERAGE TRAFFIC</b> <b>6,974</b> <span style="color: green;">+ 11.2%</span> AVERAGE TRAFFIC	<b>AVERAGE HOURLY TRAFFIC</b> <b>697</b> <span style="color: green;">+ 11.2%</span> AVERAGE HOURLY TRAFFIC	<b>HIGHEST TRAFFIC ENTRANCE</b> <b>500,304</b> <span style="color: green;">+ 16.2%</span> HIGHEST TRAFFIC ENTRANCE West Entrance

Organization: Montagu Evans Llp  
Site: Meridian Shopping Centre

Time period: 02/01/2023 - 11/06/2023, 03/01/2022 - 12/06/2022  
Area: Property overall



PERIOD	TRAFFIC	PRIOR PERIOD	% PRIOR PERIOD
02/01/2023	49,129	42,332	16.1%
09/01/2023	47,992	41,754	14.9%
16/01/2023	50,621	41,264	22.7%
23/01/2023	49,588	41,713	18.9%
30/01/2023	52,057	43,073	20.9%
06/02/2023	50,880	44,522	14.3%
13/02/2023	53,948	38,128	41.5%
20/02/2023	48,891	46,996	4.0%
27/02/2023	51,389	43,810	17.3%
06/03/2023	49,129	43,991	11.7%
13/03/2023	51,565	43,964	17.3%
20/03/2023	47,280	45,016	5.0%
27/03/2023	48,715	46,305	5.2%
03/04/2023	47,993	46,967	2.2%
10/04/2023	48,959	42,658	14.8%
17/04/2023	48,545	42,669	13.8%
24/04/2023	50,582	45,870	10.3%
01/05/2023	45,586	43,259	5.4%
08/05/2023	45,562	45,217	0.8%
15/05/2023	45,737	44,801	2.1%

PERIOD	TRAFFIC	PRIOR PERIOD	% PRIOR PERIOD
22/05/2023	47,156	45,726	3.1%
29/05/2023	46,946	44,409	5.7%
05/06/2023	44,615	44,936	-0.7%

Organization: Montagu Evans LLP  
 Site: Meridian Shopping Centre

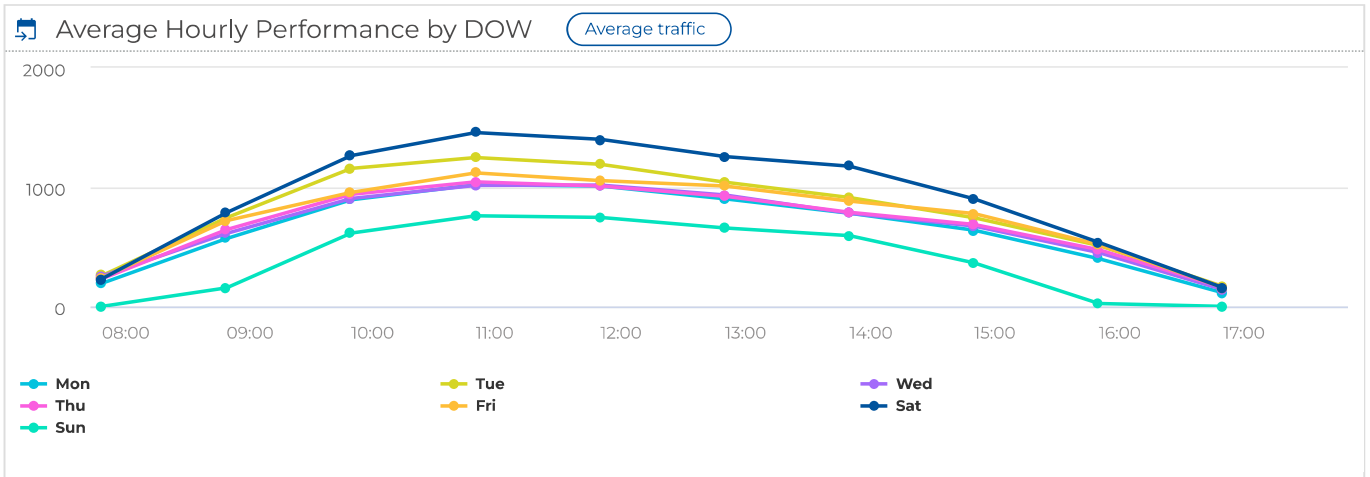
Time period: 02/01/2023 - 11/06/2023, 03/01/2022 - 12/06/2022  
 Area: Property overall

Entrance summary

	SELECTED PERIOD TRAFFIC	% CHANGE PRIOR PERIOD	PRIOR PERIOD TRAFFIC
Elm Lane Entrance	264,452	4.6%	252,741
First Floor Lift	22,363	21.3%	18,439
First Floor Stairs	36,138	6.4%	33,965
Ground Floor Lift	77,237	18.7%	65,088
The Works	82,267	8.8%	75,608
West Entrance	500,304	16.2%	430,634
Wilkinsons	140,104	5.4%	132,905

Organization: Montagu Evans LLP  
 Site: Meridian Shopping Centre

Time period: 02/01/2023 - 11/06/2023, 03/01/2022 - 12/06/2022  
 Area: Property overall



⚡ Power hours Average traffic

	MON	TUE	WED	THU	FRI	SAT	SUN	TOTAL
	Average Traffic	Average Traffic	Average Traffic	Average Traffic	Average Traffic	Average Traffic	Average Traffic	Average Traffic
8 - 9	196	261	258	233	242	232	3	1,425
9 - 10	572	745	615	645	722	788	157	4,244
10 - 11	895	1,159	907	941	956	1,266	616	6,739
11 - 12	1,022	1,249	1,016	1,046	1,121	1,459	762	7,675
12 - 13	1,010	1,194	1,019	1,010	1,057	1,401	747	7,437
13 - 14	904	1,042	936	926	1,011	1,257	660	6,737
14 - 15	783	913	782	792	885	1,178	594	5,927
15 - 16	640	745	676	688	779	904	368	4,801
16 - 17	402	513	452	477	519	538	27	2,927
17 - 18	114	168	143	161	161	158	1	906
DAILY	6,538	7,990	6,805	6,919	7,453	9,180	3,934	48,820

0.5% <= Traffic <= 1.5% Traffic > 1.5%

📈 Trend Summary

<p>Year-to-date</p> <p>UNITED KINGDOM / TOTAL MALL</p> <p>➕ 8.7%</p>	<p>Year-to-date</p> <p>SOUTH EAST ENGLAND / TOTAL MALL</p> <p>➕ 7.9%</p>	<p>⊕ Add data to summary</p>	<p>⊕ Add data to summary</p>	<p>⊕ Add data to summary</p>
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## MERIDIAN SHOPPING CENTRE

## Free of Charge Mall Events - Fund Raiser and Community Events

<b>MALL EVENTS</b>		
<b>Date From</b>	<b>Charity or Exhibitor</b>	<b>Event Details</b>
01.02.2022	MIND	Time to Talk Event
08.03.2022	Stop Domestic Abuse	Information Event
26.03.2022	Portsmouth Hospital Charity	Genie Wish
05.04.2022	Portsmouth Hospital Charity	Walk for Wards
12.04.2022	Chestnut Tree House	Easter Egg Raffle
19.04.2022	Children of Lasotho	Tombola
10.05.2022	MIND	Mental Health Awareness
17.05.2022	Dementia Friendly Havant	Dementia Awareness
11.06.2022	Northney Rowing Club	Information Event
02.06.2022	Help for Heroes	
19.07.2022	Horizon Leisure Centre	Health Awareness
29.07.2022	Hampshire Healthy Families	Information Event
22.09.2022	The Great Big Green Week	Information Event
24.09.2022	One Great Day	Treasure Map/Buzzer
04.10.2022	Portsmouth Players	Information Event
29.10.2022	Poppy Appeal	Poppy Selling
11.11.2022	Citizens Advice	Cake Sale
19.11.2022	Stop Domestic Abuse/Hampshire Air Ambulance	Tombola
09/10/16.12.2022	St Wilfreds Hospice	Tombola
10.12.2022	Solent Male Choir	Singing
10.12.2022	Grace Church Choir	Singing
13.12.2022	Stella's Voice	Tombola
02.02.2023	MIND	Time to Talk Event
10.03.2023	Hampshire Forstering	Information Event
10/11.02.2023	FatFace Charities	Information Event
14.03.2023	Mayors Charity Event	Tombola
21.03.2023	Police Community Team	Awareness Event
24.03.2023	Mayors Charity Event	Tombola
25.03.2023	Havant Passion Play	Polar Bear Sales
28.03.2023	Samaritans	Book Sale
04.04.2023	Portsmouth Hospital Charity	Walk for Wards
07.04.2023	RCCG Parish	Easter Event
15.04.2023	South Downe Musical Society	Give out Flyers
28.04.2023	Mayors Charity Event	Tombola
12.05.2023	Mayors Charity Event	Tombola
<b>PIANO DONATIONS</b>		
11.03.2022	Stella's Voice	
04.04.2022	Stella's Voice	
19.04.2022	Children of Lasotho	
08.07.2022	Stella's Voice	
17.10.2022	One Great Day	
17.10.2022	Stella's Voice	
20.12.2022	Stella's Voice	
02.03.2023	Stella's Voice	
<b>SANTA DONATIONS</b>		
December 2022	Chestnut Tree House	Christmas Grotto
December 2022	Rowans Hospice	Christmas Grotto
December 2022	Beacon Food Bank	Christmas Grotto

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# **Meridian Centre Task and Finish Report**

**Councillors Phil Munday, Kris Tindall and Michael  
Wilson (until April 2023)**

# Questions

- What does it look like?
- How busy is it?
- What are occupancy rates?
- How financially viable is it?
- What do users think of it?



# What we did

- Met Councillor Pike as the portfolio holder to discuss the scope of the report.
- Visited the site ourselves and looked at occupancy
- Interviewed the Centre Manager, Rob Fryer
- Interviewed the Council Asset Manager, Martyn Fenwick
- Asked residents and users for their views

# What we found

- Occupancy is high and higher than most comparable shopping centres. Recent figures do show a dip
- Parking brings in good revenue.
- Footfall increased steadily after the Pandemic. Again, recent figures do show a dip due to vacancy rates. This is likely to be temporary.
- Good range of shops
- Tenants pay a service charge which pays for centre running costs and provides a surplus to HBC of £162K.

# The current situation

- Due to Wilco and Bargain Buys both recently closing currently occupancy rates have fallen to about 75% and as a consequence there has been a similar fall in revenue.
- However, negotiations are ongoing with several potential tenants and the Asset Manager is reasonably confident that at least some of the vacancies will be taken up in the near future.

# Options

- Sell the Centre to raise revenue
- Partial or full demolition
- Maintain the Centre using the current management model

# Recommendations

1. Maintain the Centre using the current management model
2. Improve the connection with Solent Road Retail Park
3. Make the area outside St Faiths church into a pedestrianised zone
4. Focus on improvements to Market Parade, including shrinking the footprint of the shops around the Meridian Centre
5. Develop the Town Centre Partnership Board

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## **Item 4 – Meridian Task and Finish Group Report**

### **Update Sheet**

Since the report was written there have been several changes such as the closure of the Wilko store and Compass House due to occupants going into administration, which has had the following impact upon the centre:

1. Since the closure of the Wilko store, footfall has fallen by approx. 25% (paragraph 2.3 of the report);
2. The vacancy rate within the centre has increased from 3.7% to 26.14% (paragraph 2.1 of the report);
3. The net operating income has fallen to £39,000 pa (before depreciation and the cost of borrowing);
4. Until the Wilko unit can be re-let and after an allowance is made for the notional cost of PWLB borrowing and depreciation (MRP), the Centre is currently operating at a loss of approx. £200,000 pa (the unit is being proactively marketed by local agents and any expressions of interest are being pursued).

A revised Appendix A is attached.

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Organization: Montagu Evans Llp  
Site: Meridian Shopping Centre

Time period: 06/11/2023 - 12/11/2023, 07/11/2022 - 13/11/2022 & 30/10/2023 - 05/11/2023  
Area: Property overall

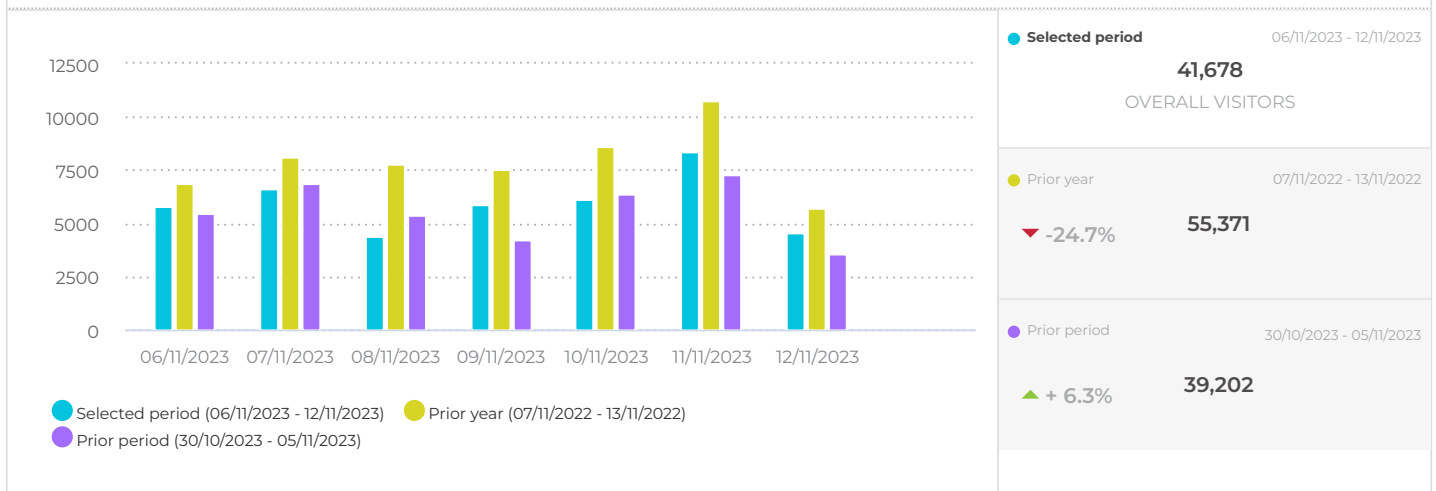
Site performance

<b>TRAFFIC</b> 41,678 ▼ -24.7% OVERALL VISITORS	<b>AVG HOURLY OCCUPANCY</b> 197 ▼ -21.6% AVG HOURLY OCCUPANCY	<b>AVERAGE TRAFFIC</b> 5,954 ▼ -24.7% AVERAGE TRAFFIC	<b>AVERAGE HOURLY TRAFFIC</b> 595 ▼ -24.7% AVERAGE HOURLY TRAFFIC	<b>HIGHEST TRAFFIC ENTRANCE</b> 20,786 ▼ -18.3% HIGHEST TRAFFIC ENTRANCE West Entrance
<b>FROM PRIOR PERIOD</b> ▲ 6.3%	<b>FROM PRIOR PERIOD</b> ▼ -6.8%	<b>FROM PRIOR PERIOD</b> ▲ 6.3%	<b>FROM PRIOR PERIOD</b> ▲ 6.3%	<b>FROM PRIOR PERIOD</b> ▲ 8.1%

Organization: Montagu Evans Llp  
Site: Meridian Shopping Centre

Time period: 06/11/2023 - 12/11/2023, 07/11/2022 - 13/11/2022 & 30/10/2023 - 05/11/2023  
Area: Property overall

Traffic



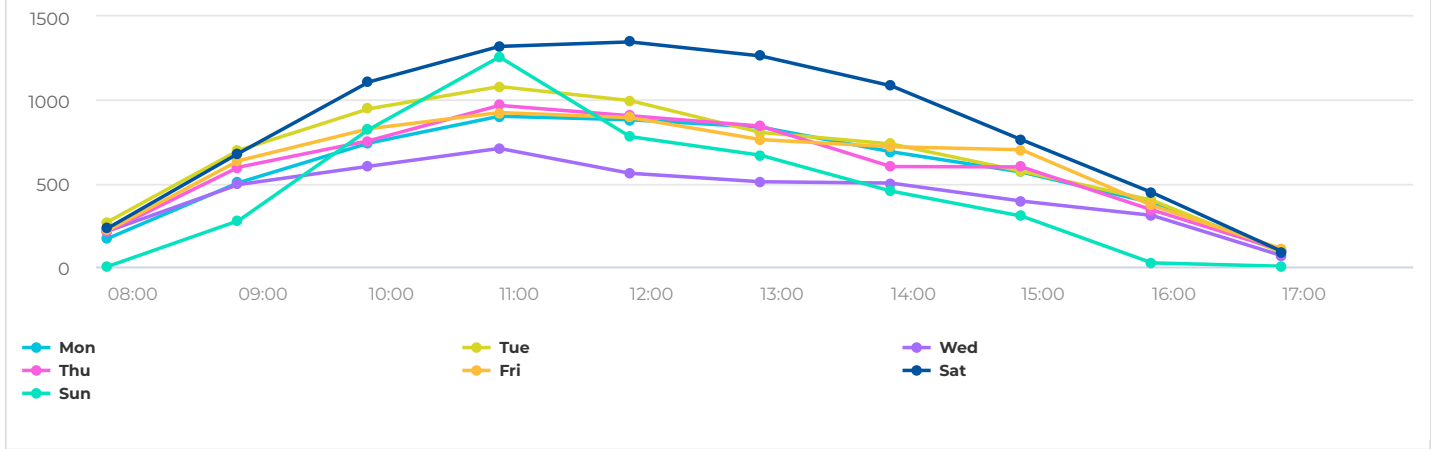
Organization: Montagu Evans Llp  
Site: Meridian Shopping Centre

Time period: 06/11/2023 - 12/11/2023, 07/11/2022 - 13/11/2022 & 30/10/2023 - 05/11/2023  
Area: Property overall

Entrance summary

	SELECTED PERIOD TRAFFIC	% CHANGE PRIOR YEAR	PRIOR YEAR TRAFFIC	% CHANGE PRIOR PERIOD	PRIOR PERIOD TRAFFIC
Elm Lane Entrance	11,319	-8.1%	12,321	7.5%	10,525
First Floor Lift	813	-23.7%	1,066	-7.0%	874
First Floor Stairs	1,575	-9.4%	1,739	-6.5%	1,684
Ground Floor Lift	3,285	-9.3%	3,620	2.8%	3,197
The Works	3,900	-23.2%	5,079	5.5%	3,698
West Entrance	20,786	-18.3%	25,428	8.1%	19,220
Wilkinsons	0	-100.0%	6,118	-100.0%	4

Average Hourly Performance by DOW Average traffic



⚡ Power hours Average traffic

	MON	TUE	WED	THU	FRI	SAT	SUN	TOTAL
	Average Traffic	Average Traffic	Average Traffic	Average Traffic	Average Traffic	Average Traffic	Average Traffic	Average Traffic
8 - 9	169	269	213	211	217	231	1	1,311
9 - 10	503	697	492	596	635	679	275	3,877
10 - 11	741	947	602	755	827	1,108	823	5,803
11 - 12	902	1,080	709	967	924	1,321	1,258	7,161
12 - 13	881	996	560	905	894	1,348	780	6,364
13 - 14	837	805	509	843	762	1,264	668	5,688
14 - 15	689	736	501	600	719	1,085	453	4,783
15 - 16	567	572	393	598	701	761	303	3,895
16 - 17	383	398	307	340	367	444	22	2,261
17 - 18	96	82	64	97	105	89	2	535
DAILY	5,768	6,582	4,350	5,912	6,151	8,330	4,585	41,678

0.5% <= Traffic <= 1.5%
Traffic > 1.5%

📈 Trend Summary

UNITED KINGDOM / TOTAL MALL  <span style="color: red;">▼ -5.6%</span>	SOUTH EAST ENGLAND / TOTAL MALL  <span style="color: red;">▼ -3.0%</span>	<span style="background-color: #0070c0; color: white; border-radius: 10px; padding: 2px;">Year-to-date</span> UNITED KINGDOM / TOTAL MALL  <span style="color: green;">▲ 3.7%</span>	<span style="background-color: #0070c0; color: white; border-radius: 10px; padding: 2px;">Year-to-date</span> SOUTH EAST ENGLAND / TOTAL MALL  <span style="color: green;">▲ 5.0%</span>	<span style="background-color: #0070c0; color: white; border-radius: 10px; padding: 2px;">Last year</span> UNITED KINGDOM / TOTAL MALL  <span style="color: green;">▲ 31.1%</span>
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<b>Name of Committee:</b>	Cabinet		
<b>Committee Date:</b>	6 March 2024		
<b>Report Title:</b>	Public Spaces Protection Order (Dogs) Renewal		
<b>Responsible Officer:</b>	Wayne Layton, Executive Head of Regeneration, Economic Development and Preventative Service		
<b>Cabinet Lead:</b>	Councillor Gwen Robinson - Cabinet Lead for Communities and Housing		
<b>Status:</b>	Non-Exempt		
<b>Urgent Decision:</b>	No	<b>Key Decision:</b>	Yes
<b>Appendices:</b>	Appendix 1 - Public Space Protection Order (Dogs) and Schedule Appendix 2 – Results of the Statutory Consultation Exercise		
<b>Background Papers:</b>	None		
<b>Officer Contact:</b>	Name: Gary Morton, Public Space Protection Officer Email: <a href="mailto:gary.morton@havant.gov.uk">gary.morton@havant.gov.uk</a>		
<b>Report Number:</b>	HBC/		
<b>Corporate Priorities:</b>			
The renewal of the Public Spaces Protection Order will help towards the aim of the Council to improve our public spaces, town centres and villages in the Borough.			
<b>Executive Summary:</b>			
<p>Cabinet is recommended to approve the renewal the Public Spaces Protection Order - Dogs (relating to the control of dogs in the Borough of Havant) for three years (to expire at 11.59pm on 30 April 2027).</p> <p>An order has been in place since 2016 and is one of the tools available to local authorities to reduce anti-social behaviour from inappropriate dog ownership.</p> <p>The current measures relate to the removal of dog faeces, the control of dogs in designated areas such as play areas and cemeteries, the exclusion of dogs from areas such as tennis courts, failure to put a dog on a lead when directed to do so by an authorised officer and the seasonal exclusion of dogs from Blue Flag beaches.</p> <p>In line with legislation, a statutory consultation was undertaken to understand public views on renewing, changing or discharging the PSPO. This exercise was undertaken between November and December 2023 and provided a clear indication in favour of renewing the current measures for three years. This, alongside data and officer consideration, has informed the recommendation to extend the current PSPO.</p>			
<b>Recommendations:</b>			
That Cabinet approves the renewal of the Public Spaces Protection Order - Dogs (relating to the control of dogs in the Borough of Havant) for three years (to expire at 11.59pm on 30 April 2027).			

## 1.0 Introduction

- 1.1 Public Space Protection Orders are made by the Council under the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”). A PSPO is designed to deal with a particular nuisance or problem in an area. The behaviour must be having a detrimental effect on the quality of life of those in the community.
- 1.2 The Council may make a PSPOs for up to three years after which they can be extended for further periods of up to three years. There is no limit on the number of times a PSPO can be reviewed and renewed.
- 1.3 The existing Public Space Protection Order (Dogs)(“PSPO”) which was originally made in April 2017 (and subsequently extended) ends on 30 April 2024.

## 2.0 Background

- 2.1 Section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014, requires a local authority to carry out the necessary consultation and the necessary publicity when deciding on the future course of action in relation to a PSPO.
- 2.2 The findings of a consultation exercise (Appendix 2) indicate support for the renewal of the PSPO.
- 2.3 The feedback from the consultation relating to the PSPO provided the following evidence:
  - a) The need for the PSPO remains proportionate and necessary in the Borough of Havant due to the ongoing nature of the original issue and the consultation provided evidence for the continuing need for the PSPO;
  - b) There was no strong feedback that the areas or terms of the PSPO should be varied and therefore varying the PSPO is not appropriate.
  - c) The consultation indicated a continuing need for the PSPO and therefore the findings do not support a discharge of the PSPO.
- 2.4 Evidence supports the need to renew the PSPO. Although the number of complaints will rise and fall in line with the seasons, the average number of complaints over the past four years is 57 complaints per year.
- 2.5 The Council continues to work hard to ensure that all dog owners behaviour in a responsible and respectful manner. Owning a dog can bring great happiness but also places a lifelong responsibility on the owner to ensure that the dog is not a hazard, a health risk or nuisance to other members of the community. Unfortunately, some

owners do not take a responsible attitude towards dog ownership. The Council needs to balance the needs of those in charge of dogs with the interests of those affected by the activities of dogs, bearing in mind the need for people, in particular children, to have access to dog-free areas and areas where dogs are kept under strict control. The renewal of the PSPO achieves this aim.

- 2.6 The wording of the PSPO and schedule can be found at Appendix 1. There are no proposed amendments to content of the PSPO.

### **3.0 Options**

- 3.1 Section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014, a local authority must decide on one of the following options when considering the future course of action for a PSPO:

- a) Extend the period for which a Public Spaces Protection Order has effect and if so for how long
- b) Vary a Public Spaces Protection Order and if so how
- c) Discharge (cease) a Public Spaces Protection Order

- 3.2 Alternative options for the Council's officers to manage this type of anti-social behaviour in public spaces are limited due to available enforcement legislation. It is recommended that the Council extends the PSPO for a further three year period.

### **4.0 Relationship to the Corporate Strategy**

- 4.1 The extension of the PSPO will be in accordance with the aims of the Council to improve our public spaces in particular our seafront, towns and village centres across the borough (People First)

### **5.0 Conclusion**

- 5.1 The current PSPO has proved successful since its introduction and its extension is supported by feedback from public consultation and ongoing issues associated with responsible owner behaviour.

### **6.0 Implications and Comments**

- 6.1 S151 Comments

Members can be assured that the financial implications arising from this report, and its recommendations, are not significant and to be met from existing budgets.

- 6.2 Financial Implications

There are no significant financial implications to the recommendation and no additional funds are being sought.

The costs of implementation of a renewed PSPO is minimal, given the primary costs are in relation to ensuring the order continues to be widely publicised and understood by all residents, businesses and visitors to the borough via existing pathways and signage.

- 6.3 As with almost any decision made by the council, the risk exists that a decision to renew the PSPO may be challenged by an interested party. Havant's experience indicates the likelihood of such challenge is low and that our PSPO has been through a rigorous process of investigation, consultation and review. Should the decision to renew the order be challenged, such a challenge would be heard in the High Court and resisting such a challenge may involve associated costs. Monitoring Officer Comments

The Council must decide to renew the PSPO before it expires at the end of April. A decision to do so is a matter to be determined by Cabinet. The legal provisions and implications are outlined in the below section.

- 6.4 Legal Implications

Under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 the Council is able to make a PSPO if two conditions are met. The first is that the Council is satisfied that activities carried on in a public place have had or are likely to have a detrimental effect on the quality of life of those in the locality. The second condition is that the effect or likely effect of the activities are persistent or continuing in nature and are unreasonable and also that the effect of the activities justifies the restrictions imposed by the PSPO.

- 6.5 The Council has carried out the consultation under section 72 of the Act and there are no legal impediments to Cabinet renew the PSPO.

- 6.6 Equality and Diversity

Impact on those with disabilities are considered and included within the order. Officers will obviously be able to apply common sense when enforcing the PSPO involving residents with disabilities or other impairments.

- 6.7 Human Resources

There are no specific resource implications arising directly from the renewal of the PSPO.

- 6.8 Information Governance

There are no specific governance implications arising directly from the renewal of the PSPO

- 6.9 Climate and Environment



There are no specific climate and environment implications arising directly from the renewal of the PSPO

## 7.0 Risks

- 7.1 There are no specific risks identified as part of this proposal, beyond the potential for the decision to renew the order being challenged. However, these risks have been mitigated and recommendations are considered robust as the consultation response provided a strong indication of resident views, while the implementation of a PSPO for this issue is deemed to be legal, appropriate and proportionate.
- 7.2 If the PSPO is not renewed, the council will have no powers to control dogs, and will impact prevention of dog fouling, dogs on leads in sensitive areas, and may affect the Blue Flag Award on Hayling Beach.

## 8.0 Consultation

- 8.1 An extensive consultation exercise was conducted between Wednesday 1 November and Wednesday 13 December 2023, with the results indicating support for the renewal of the PSPO.

## 9.0 Communications

- 9.1 The Public Relations Team have been working closely with the Prevention and Enforcement Team through the consultation process, and following renewal, will continue to publicise progress. Details of the final decision will be made available on the council's website and via signage in the Borough.

<b>Agreed and signed off by:</b>		<b>Date:</b>
<b>Cabinet Lead:</b>	Councillor Robinson	27 February 2024
<b>Executive Head:</b>	Wayne Layton	27 February 2024
<b>Monitoring Officer:</b>	Jo McIntosh	27 February 2024
<b>Section151 Officer:</b>	Steven Pink	27 February 2024

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# **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

## **HAVANT BOROUGH COUNCIL**

### **PUBLIC SPACES PROTECTION ORDER (DOGS)**

Havant Borough Council (in this Order, called "the Council") hereby makes the following Order pursuant to Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") and to all other enabling powers.

1. This Order may be cited as the Havant Borough Council Dog Control Public Spaces Protection Order and shall come into force on 1<sup>st</sup> May 2024. Unless the Council extends or varies this order before it has expired, it shall expire on 30<sup>th</sup> April 2027.
2. This Order covers the following dog controls:
  - A. Exclusion of dogs from land
  - B. Fouling of land by dogs and the removal of dog faeces
  - C. Dogs on leads
  - D. Dogs on leads by direction

and creates the offences outlined below.

3. This Order applies to the land described in the Schedules to this Order below, being public places in the area of the Council, identified for the purposes of Section 59(4) of the Act, and in this Order referred to as the "restricted area".
4. In this Order, "an authorised officer of the Council" means a person who is authorised in writing by the Council for the purpose of enforcement of this Order.
5. The Council makes the Order on the basis it is satisfied that, without these controls, the activities likely to be carried on in the restricted areas will have a detrimental effect on the quality of life of those in the locality. The effect or likely effect of the aforementioned behaviour is, or is likely to be, of a persistent or continuing nature, is or is likely to be, such as to make it unreasonable, and justifies the restrictions imposed by the Order.

#### **Penalty**

6. A person who is guilty of an offence under this order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A constable, Police Community Support Officer or authorised person may issue a fixed penalty notice of £80 to anyone he or she believes has committed an offence. The person will have 14 days to pay the fixed penalty. If they pay the fixed penalty within the 14 days they will not be prosecuted.

## **The Offences.**

### ***Exclusion of dogs from land***

1. A person in charge of a dog shall be guilty of an offence if, between 1<sup>st</sup> May and 30<sup>th</sup> September inclusive in any year and without reasonable excuse, he/she takes the dog on to, or permits the dog to enter or to remain on, any restricted area detailed in Schedule A below unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her doing so.
2. A person in charge of a dog shall be guilty of an offence if, at any time and without reasonable excuse, he/she takes the dog on to, or permits the dog to enter or to remain on, any restricted area detailed in Schedule B below unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her doing so.
3. This shall not apply to a person who;
  - a. is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
  - b. is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he/she relies for assistance; or
  - c. has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance. The term "prescribed charity" includes but is not limited to;
    - i. Dogs for the Disabled (registered charity number 700454); and
    - ii. Support Dogs Limited (registered charity number 1088281); and
    - iii. Canine Partners for Independence (registered charity number (803680).

### ***Fouling of land by dogs and the removal of dog faeces***

1. If within the administrative area of the Authority, as shown in Schedule C below, a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, and a person who is in charge of the dog at the time, without reasonable excuse, fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.
2. Excepted from the description in paragraph 1 above is land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967.
3. This shall not apply to a person who;
  - a. is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
  - b. is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he/she relies for assistance; or
  - c. has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained

by a prescribed charity and upon which he relies for assistance. The term “prescribed charity” includes but is not limited to;

- (i) Dogs for the Disabled (registered charity number 700454); and
- (ii) Support Dogs Limited (registered charity number 1088281); and
- (iii) Canine Partners for Independence (registered charity number (803680).

### ***Dogs on leads***

1. A person in charge of a dog shall be guilty of an offence if, at any time and without reasonable excuse, on land detailed in Schedule D below, he/she does not keep the dog secured on a lead of a maximum length of 2 metres unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.
2. This shall not apply to a person who;
  - a. is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
  - b. is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he/she relies for assistance; or
  - c. has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance. The term “prescribed charity” includes but is not limited to;
    - (i) Dogs for the Disabled (registered charity number 700454); and
    - (ii) Support Dogs Limited (registered charity number 1088281); and
    - (iii) Canine Partners for Independence (registered charity number (803680).

### ***Dogs on leads by direction***

1. A person in charge of a dog shall be guilty of an offence if, at any time and without reasonable excuse, on land detailed in Schedule E, below he/she does not comply with a direction given to him by an authorised officer to put and keep the dog secured on a lead of a maximum length of 2 metres unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.
2. This shall not apply to a person who;
  - a. is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
  - b. is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he/she relies for assistance; or
  - c. has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance. The term “prescribed charity” includes but is not limited to;
    - (i) Dogs for the Disabled (registered charity number 700454); and
    - (ii) Support Dogs Limited (registered charity number 1088281); and
    - (iii) Canine Partners for Independence (registered charity number (803680).

## Appeals

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it coming in to force. An interested person is someone who lives in, regularly works in, or regularly visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge.

Interested persons can challenge the validity of this Order on two grounds:

1. That the Council did not have the power to make the order, or to include particular prohibitions or requirements;
2. That one of the requirements of the Act, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it or vary it.

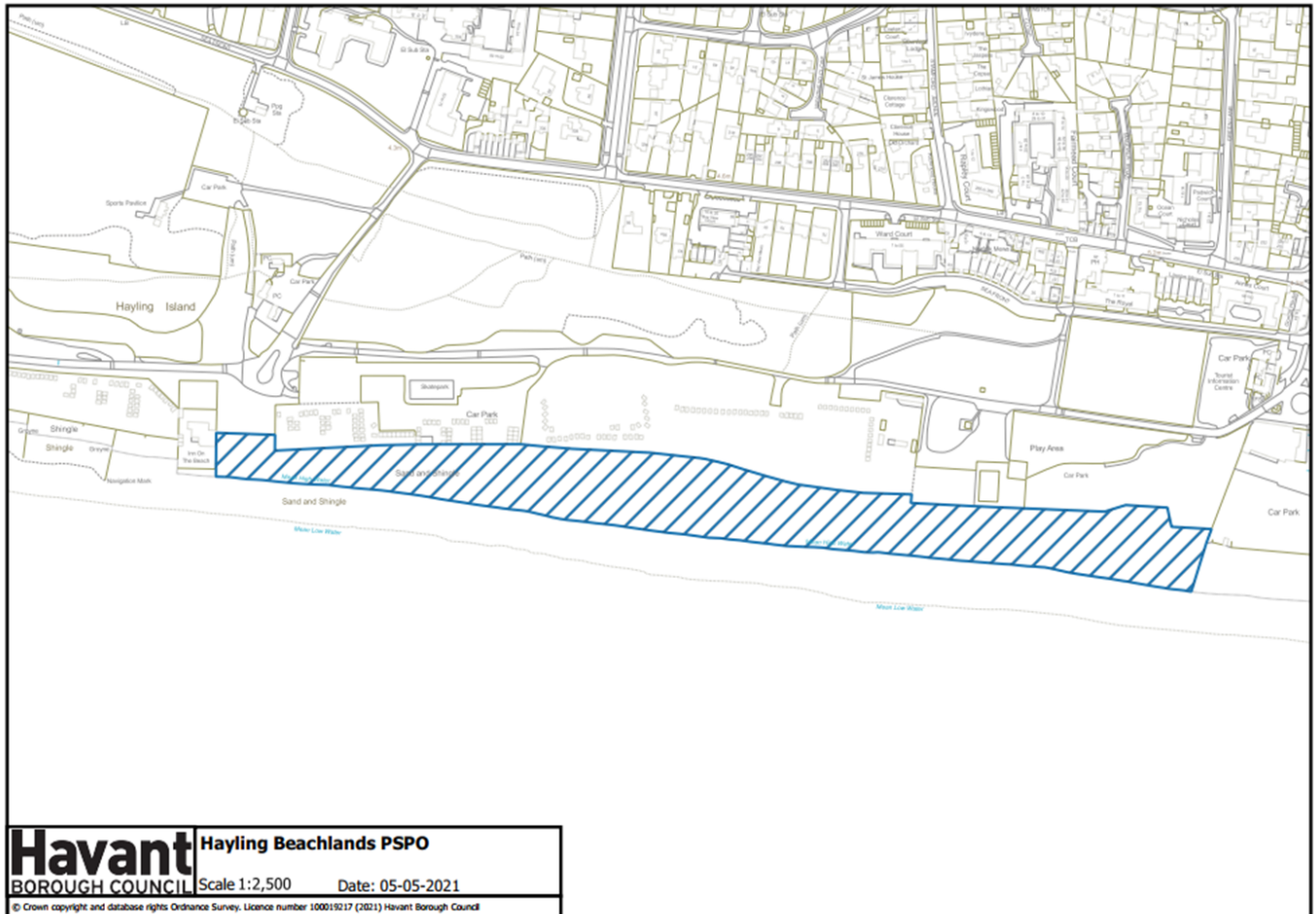
Dated this                      day of    2024

## Havant Dogs Public Space Protection Order – Schedules.

Schedule A.

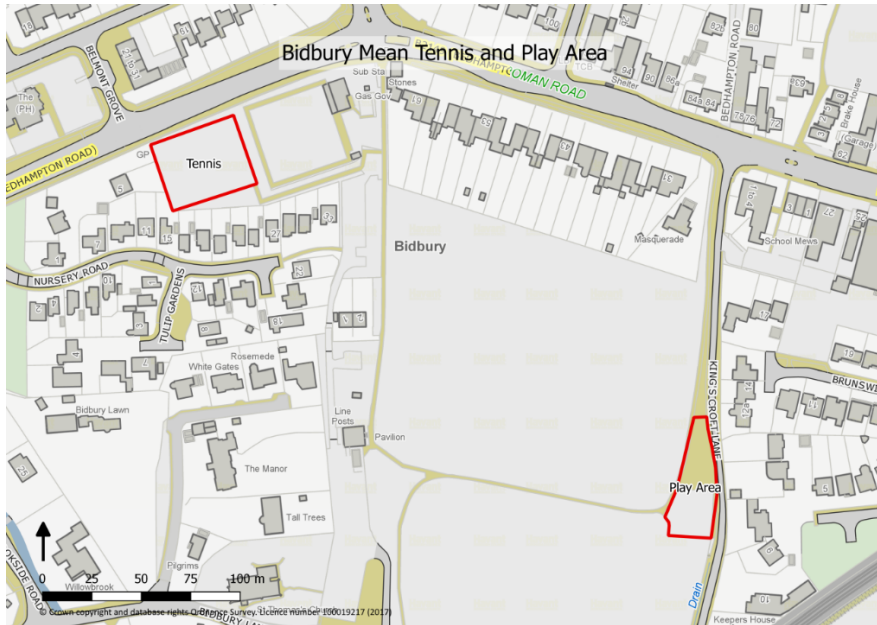
**Exclusion of dogs from land between 1<sup>st</sup> May and 30<sup>th</sup> September each year.**

Area 1. That Part of Hayling Beach between the western boundary of the Beachlands Car Park at Central Beachlands (the Fair) and the eastern boundary of The Inn on the Beach, Public House.

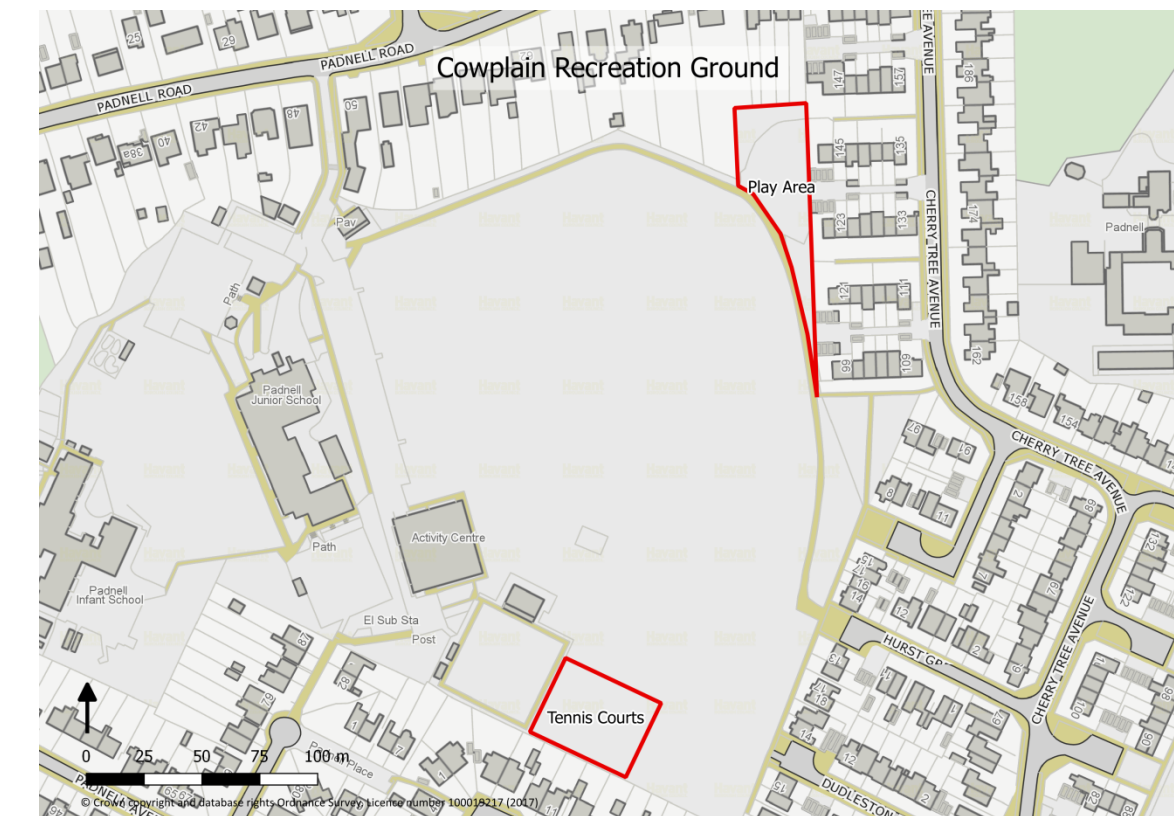


### Schedule B - Exclusion of dogs from land

**The gated and fenced Tennis courts at:**  
Bidbury Mead, Bedhampton, PO9 3JG



Bidbury Mean Tennis and Play Area



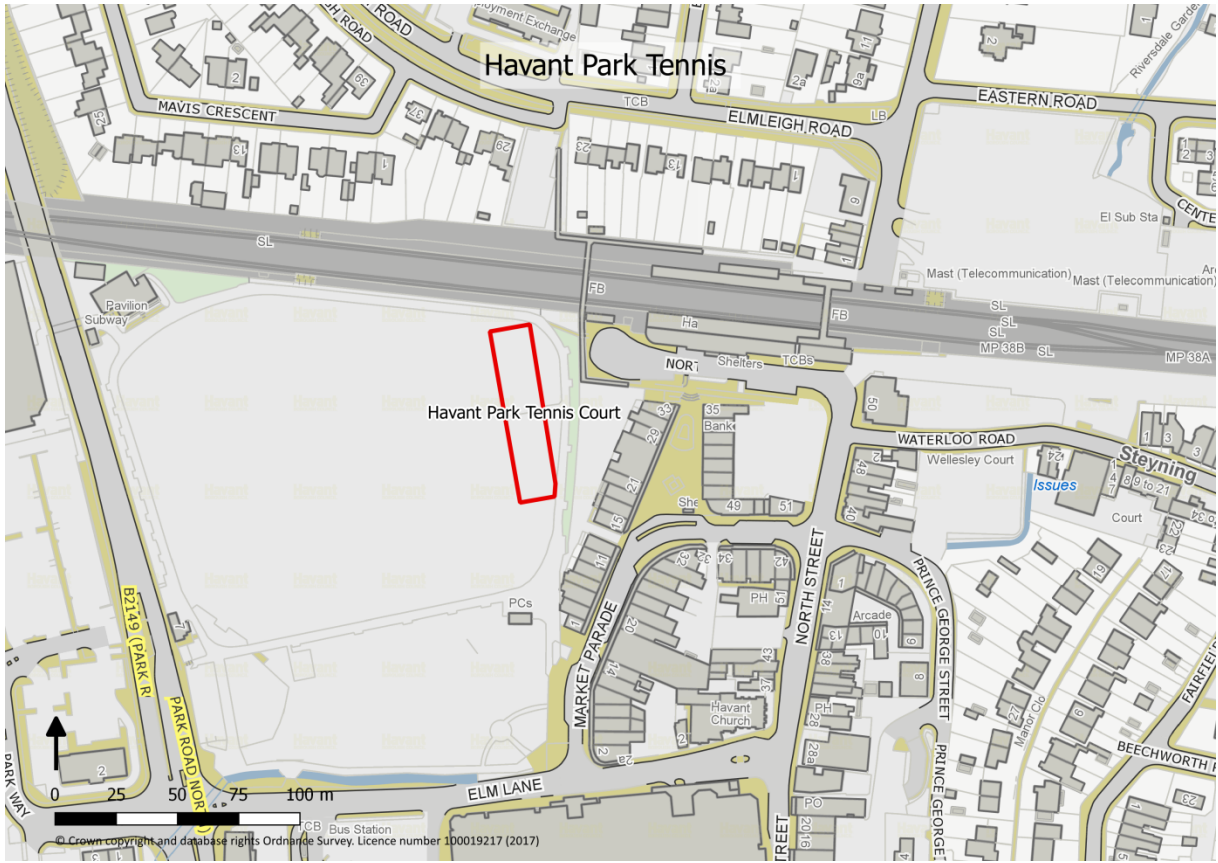
Cowplain Recreation Ground, Padnell Road, Cowplain, PO8 8EH

Emsworth Recreation Ground, Horndean Road, Emsworth, PO10 7PT





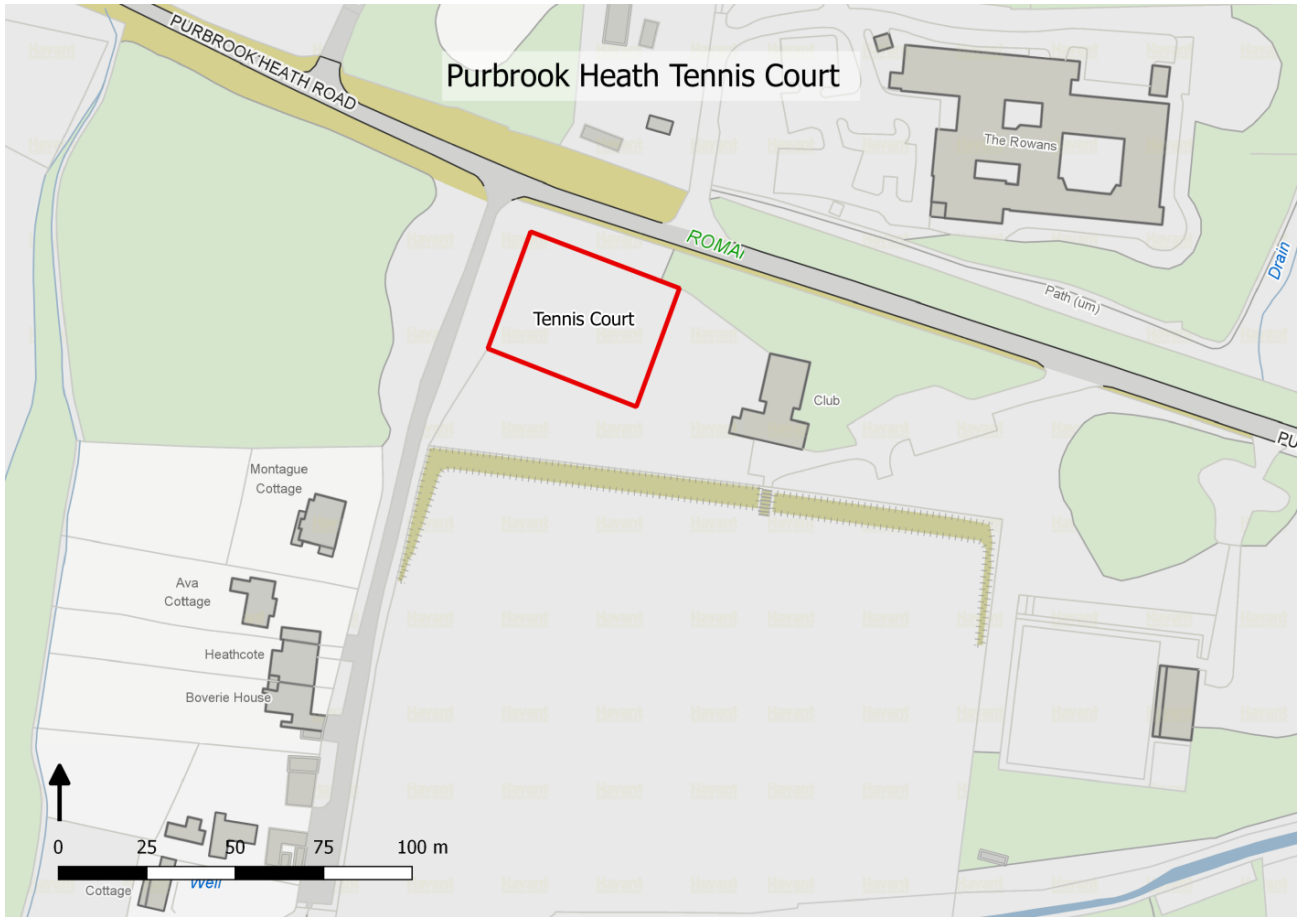
Havant Park, Elm Lane, Havant PO9 1QF



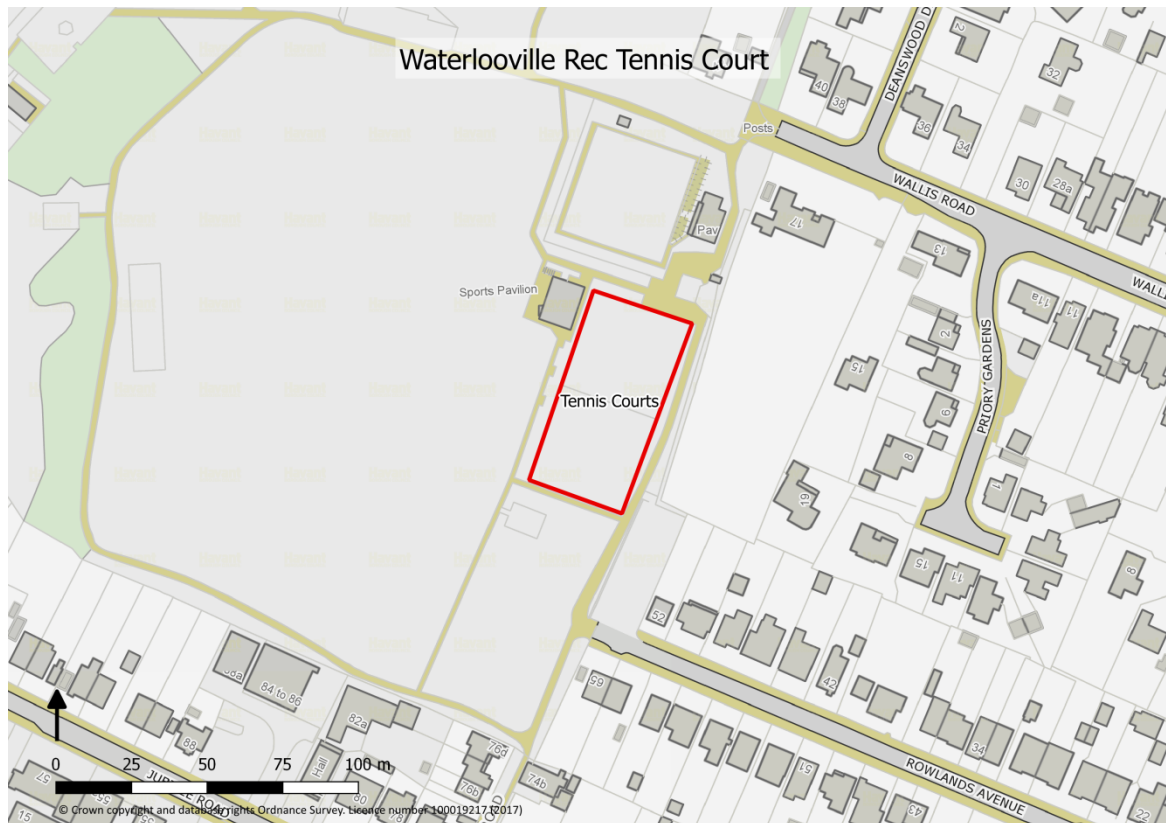
Hayling Park, Station Road, Hayling Island PO11 0HB



Purbrook Heath Recreation Ground, Purbrook Heath Road, Purbrook, Waterlooville PO7 5RU



Waterlooville Recreation Ground, Rowlands Avenue, Waterlooville PO7 6AN



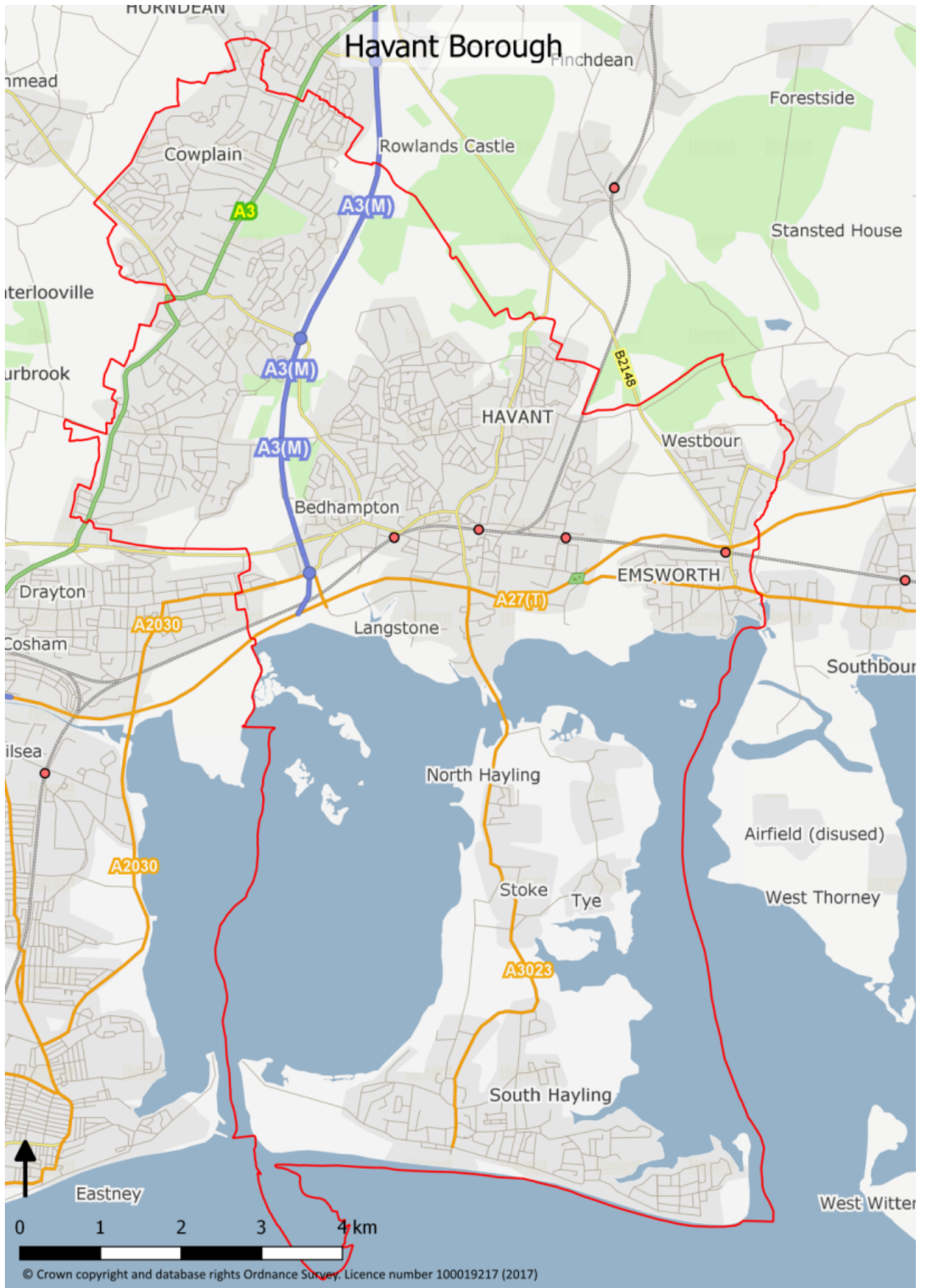
3. Tennis courts and All-weather football pitch at Front Lawn Recreation Ground

**4. Fenced and gated children's play areas in the Borough of Havant, to include but not limited to:**

Bartons Green, West Leigh.  
Beachlands East.  
Beachlands West.  
Chalton Crescent, Leigh Park.  
Daffodil Way, Denvilles.  
Douglas Gardens, West Leigh.  
Eaststoke Corner, Hayling Island.  
Elizabeth Road Recreation Ground, Stakes .  
Emsworth (Diamond Jubilee) Recreation Ground.  
Fielders Park, Purbrook.  
Fulmer Walk, Wecock.  
Greywell Precinct, Leigh Park.  
Ham Field, West Town, Hayling.  
Havant Park.  
Hayling Park.  
Hooks Lane Recreation Ground, Bedhampton.  
Kings Road, Hayling.  
Legion Field, Legion Road, Hayling.  
Locks Farm, Denvilles.  
Mengham Park, Hayling.  
Nutwick Road play area, Denvilles.  
Old Copse Road play area, Havant.  
Propsect Lane Open Space, West Leigh.  
Purbrook Heath.  
Scratchface Lane Recreation Ground Bedhampton.  
Spencers Field, Emsworth.  
Solent Drive, Hayling.  
Springwood Avenue Open Space, Stakes.  
Stockheath Common, Leigh Park.  
St Albans Open Space, West Leigh.  
St Christophers Open Space, Bedhampton.  
St Claires Avenue Open Space, Warren Park.  
Waterlooville Recreation Ground.  
Wecock Open Space (Hobby Close)  
Westbrook Open Space, Waterlooville.

**Schedule C**

Fouling of Land and the Removal of Dog Faeces.



## Schedule D

### Dogs on Leads.

Any dog to be secured on a lead of a maximum length of 2 metres within:

The Children's play areas at:

1. Avenue Road, Hayling Island.
2. Bidbury Mead, Bedhampton.
3. Southwood Road, Hayling Island

See map in schedule B - Exclusion of dogs from land

2. Cowplain Recreation Ground

See map in schedule B - Exclusion of dogs from land

3. The Childrens play area at Front Lawn Recreation Ground

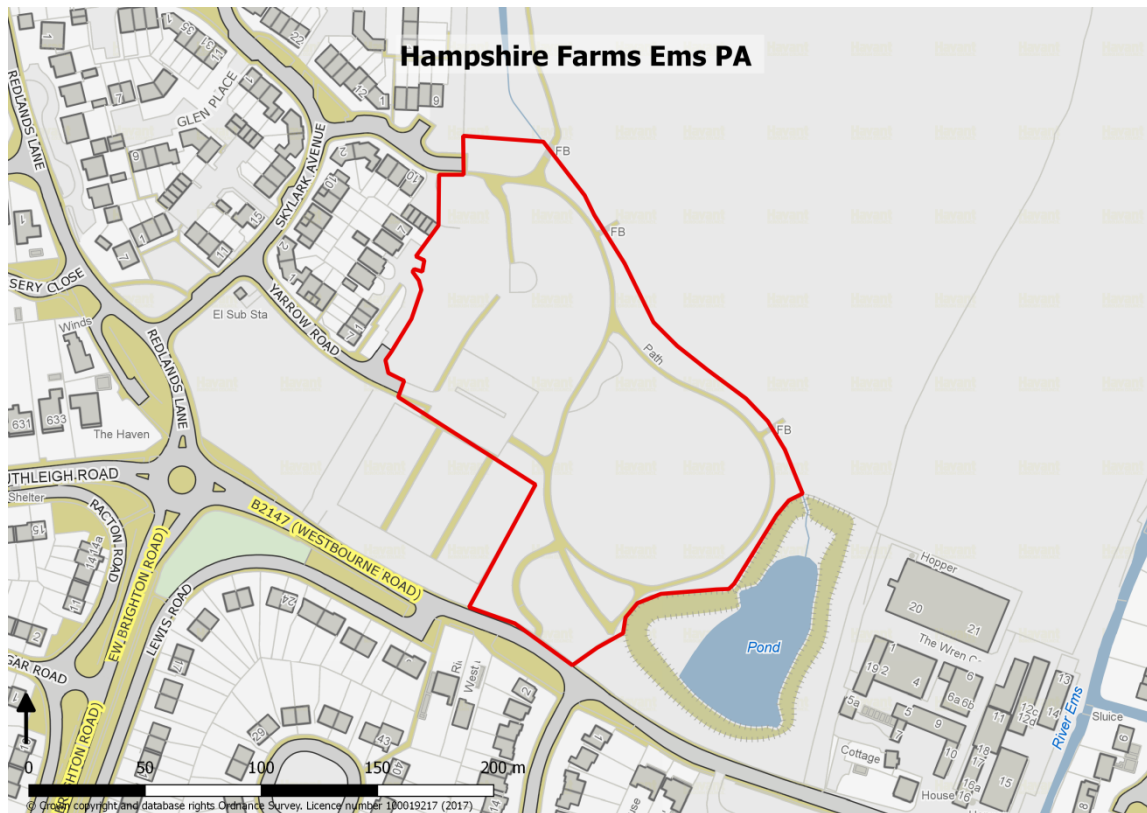
See map in schedule B - Exclusion of dogs from land

4. Gauntletts Park, Crookhorn

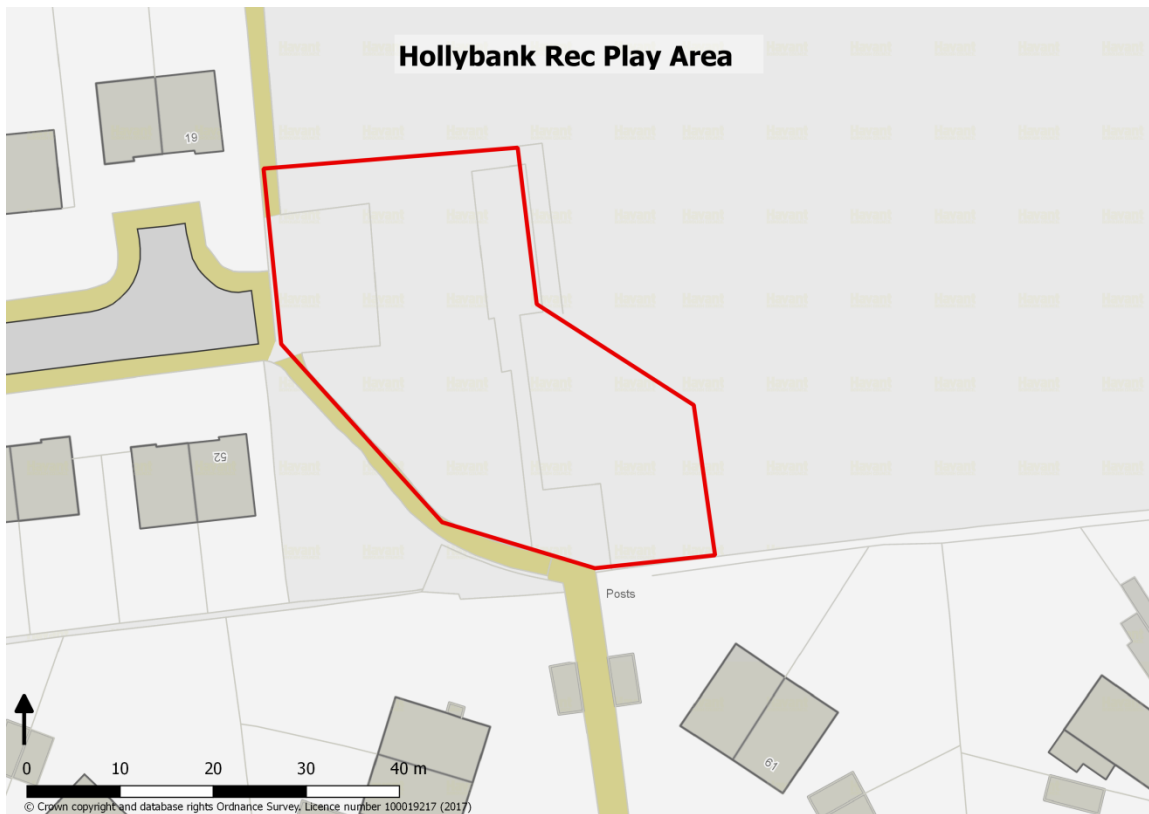




5. Hampshire Farm Play Area, Emsworth



6. Hollybank Recreation Ground

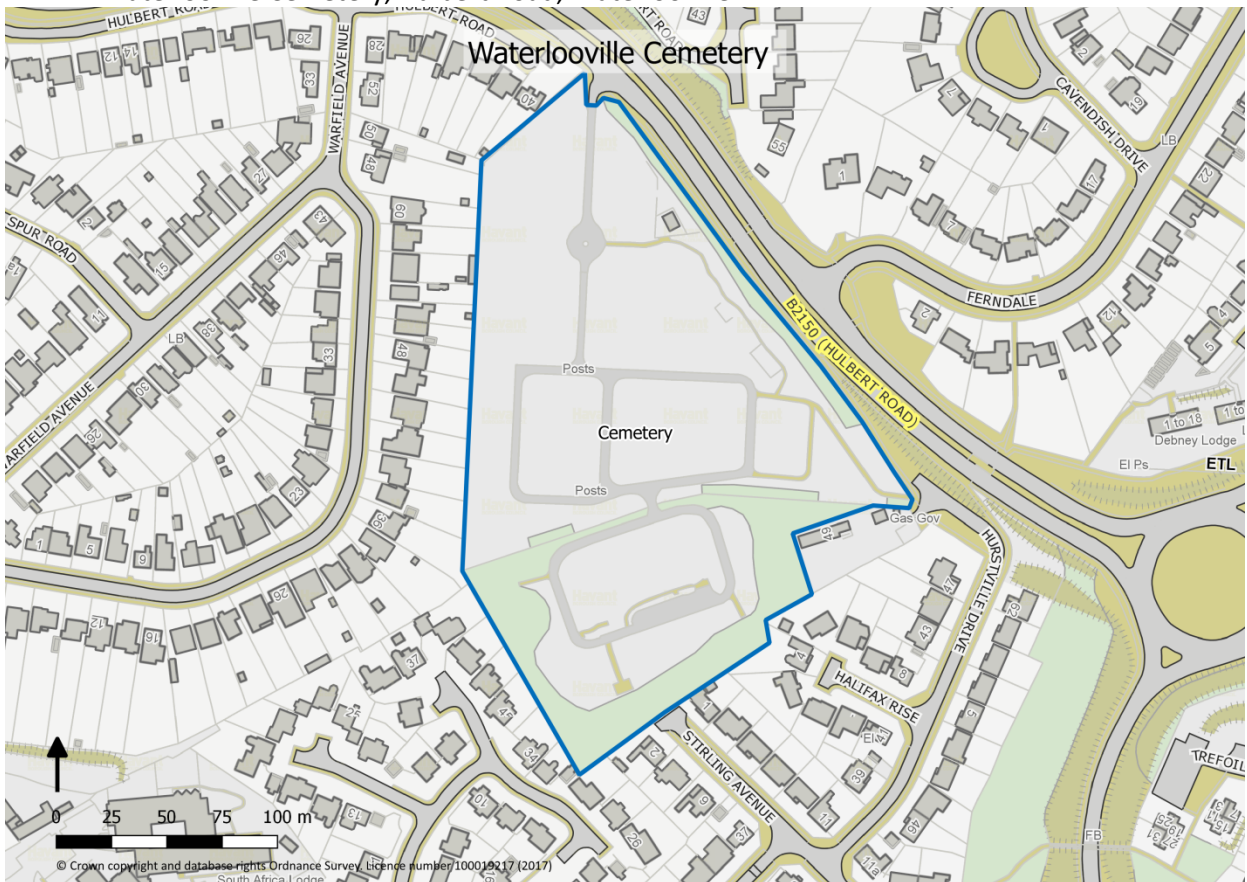


### Dogs on leads in cemeteries

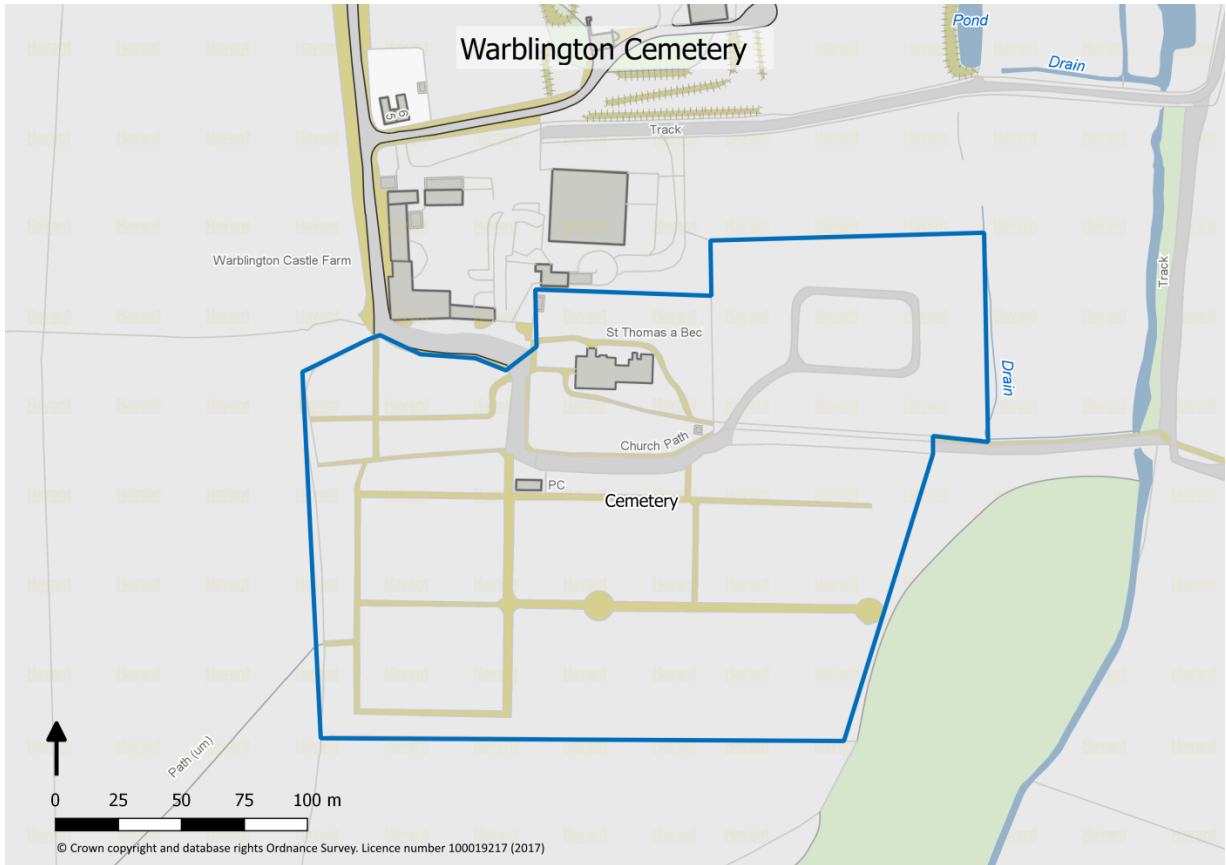
1. Havant Cemetery (HBC), St Faiths Extension and The Dissenters Cemetery, Havant.



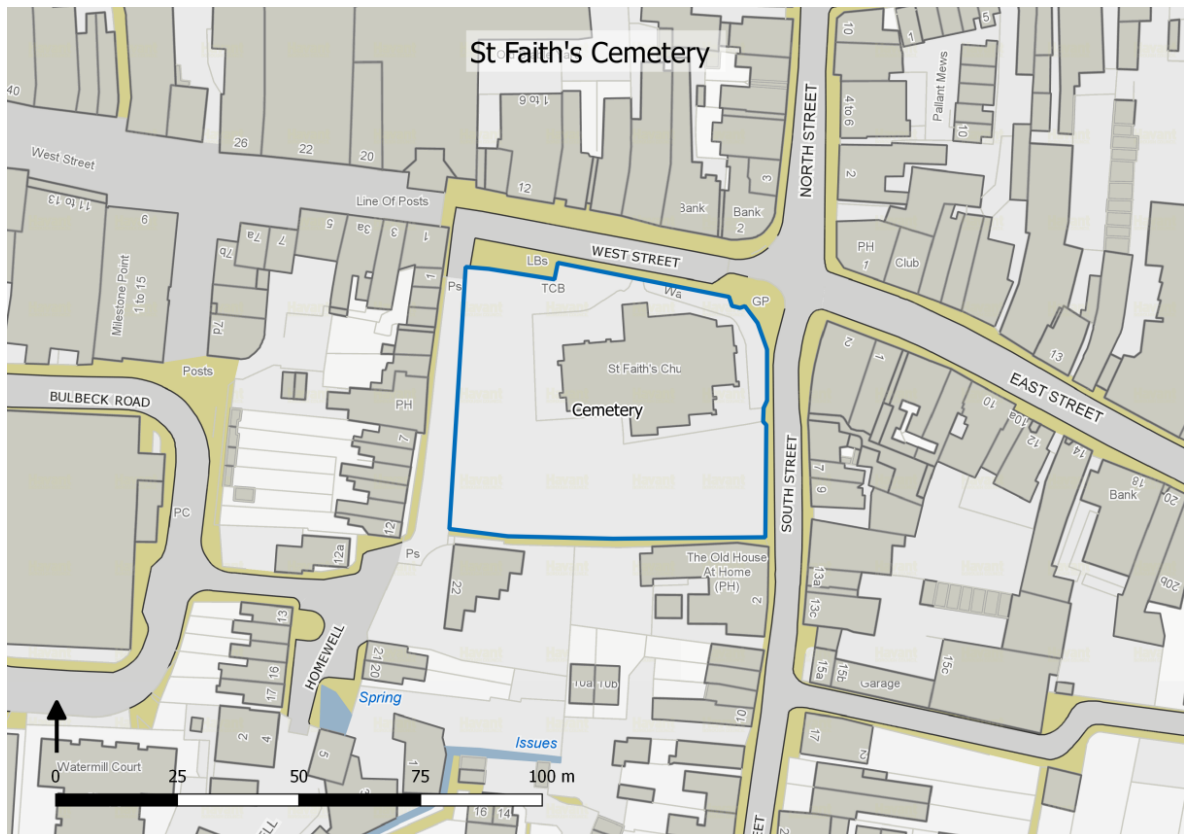
2. Waterlooille Cemetery, Hulbert Road, Waterlooille.



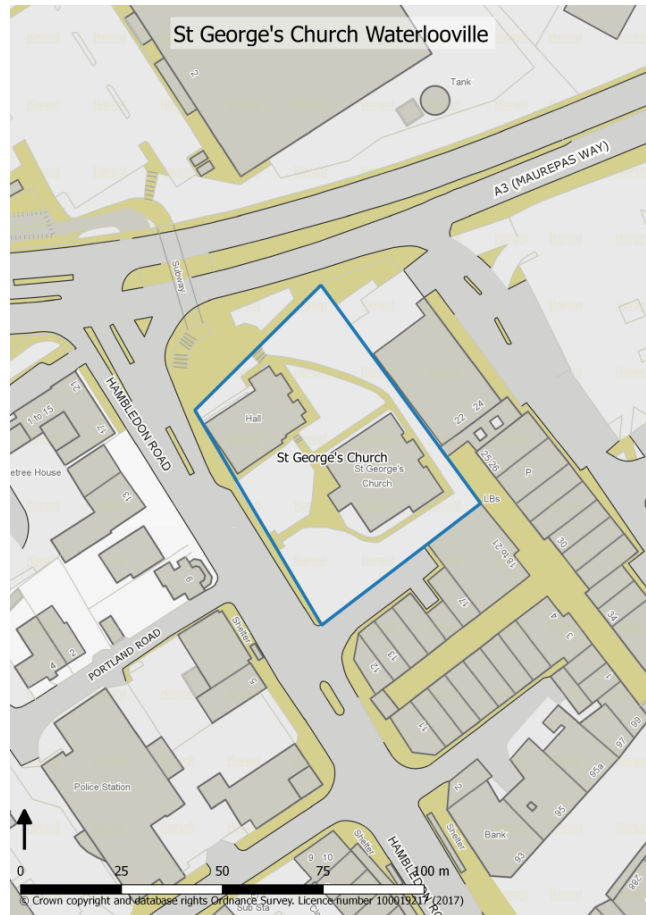
3. Warblington Cemetery, including St Thomas 'a' Beckett Church, Church Lane, Warblington.



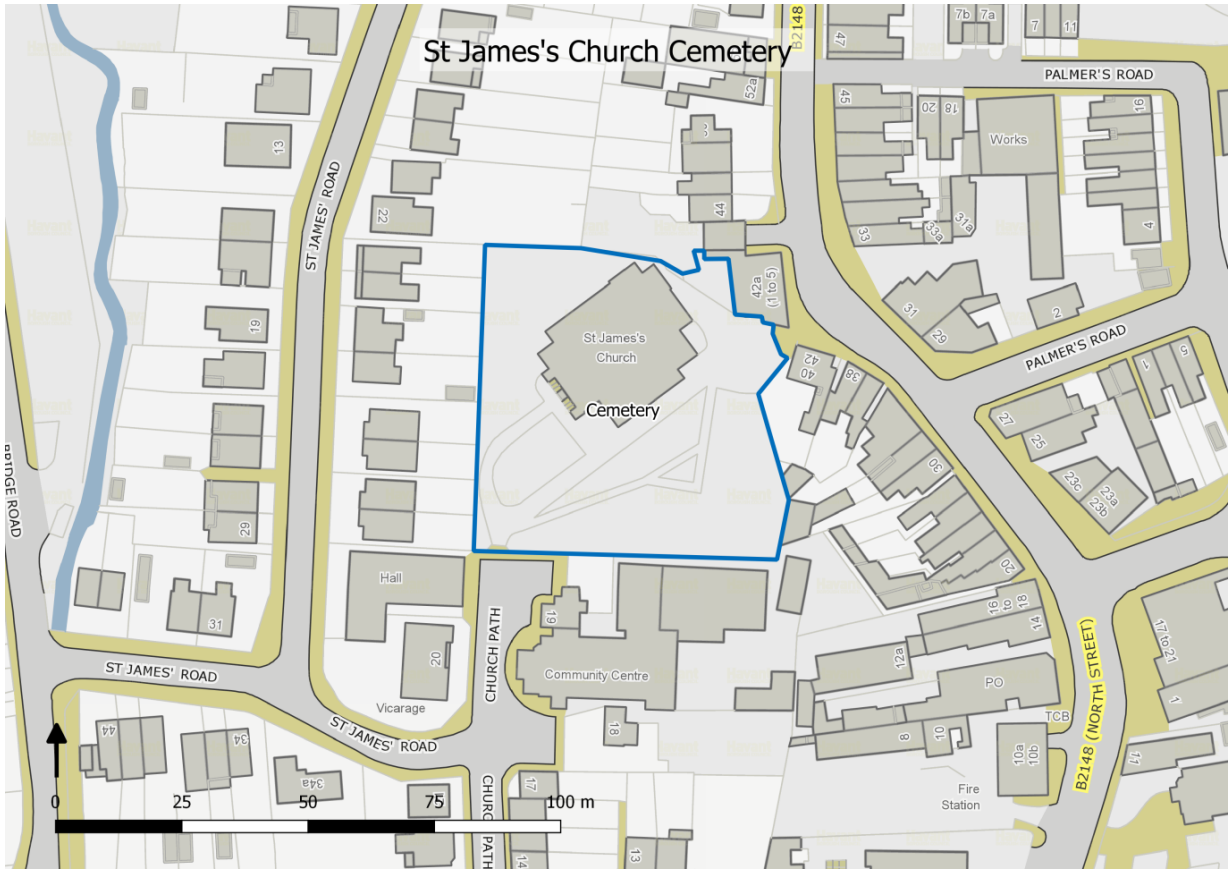
4. St Faiths Church and Cemetery, Havant



5. St George's Church, Waterlooille



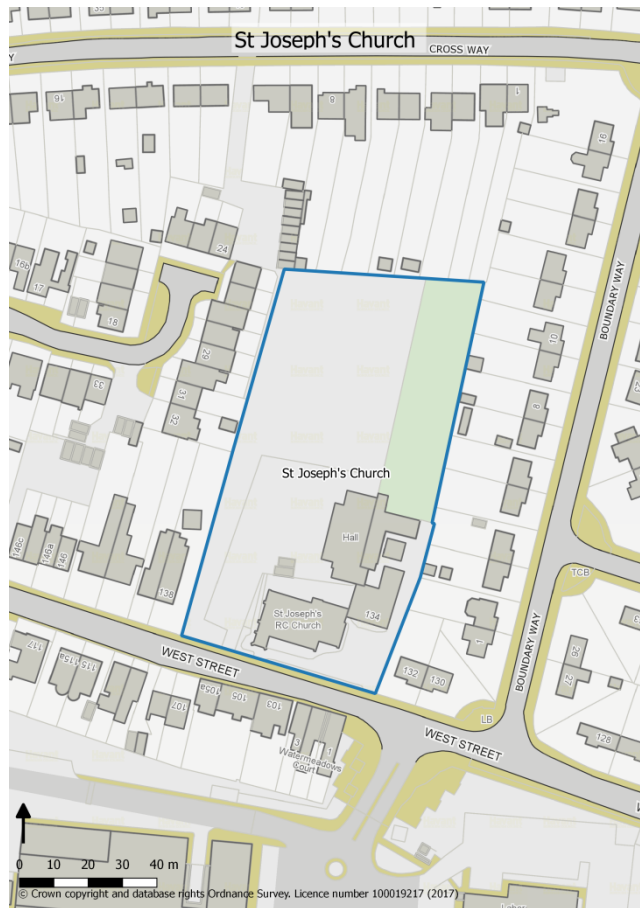
6. St James Church Cemetery, Emsworth



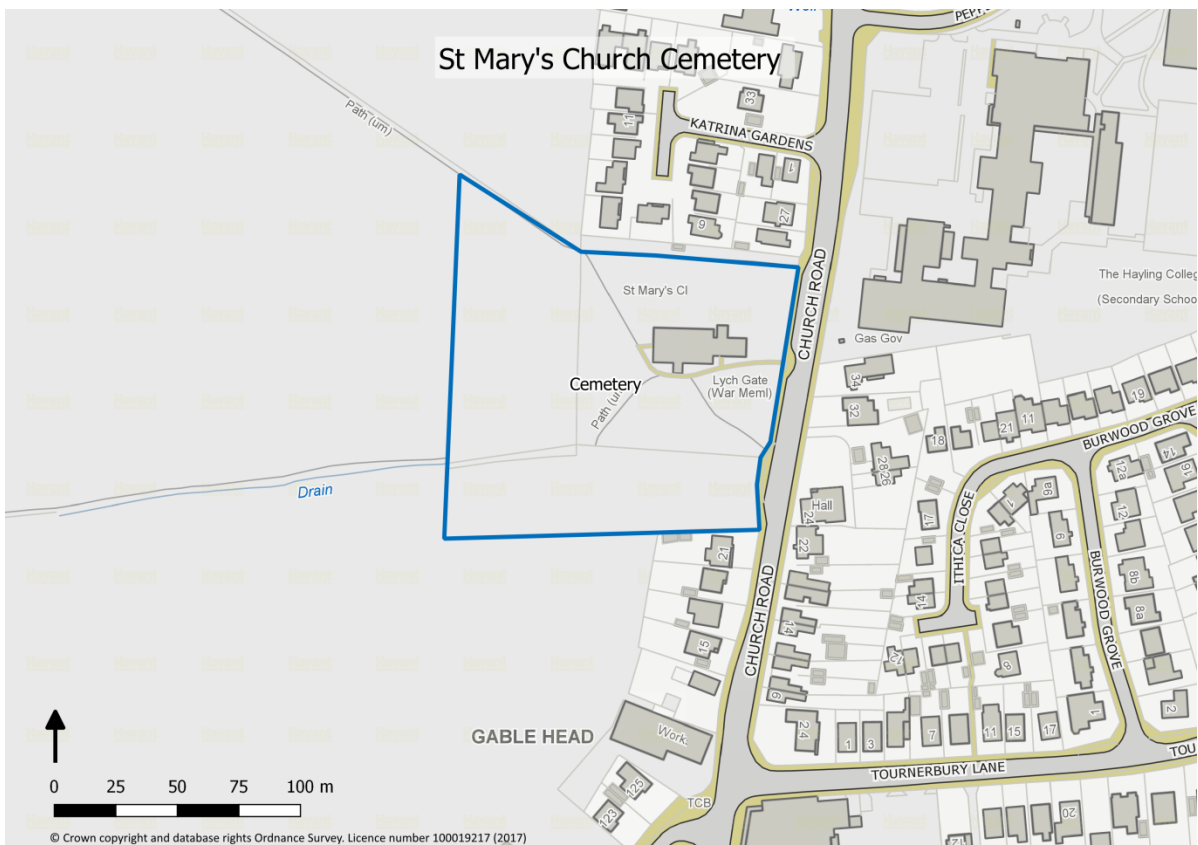
St John the Baptist, Purbrook



7. St Joseph's RC Church, Havant

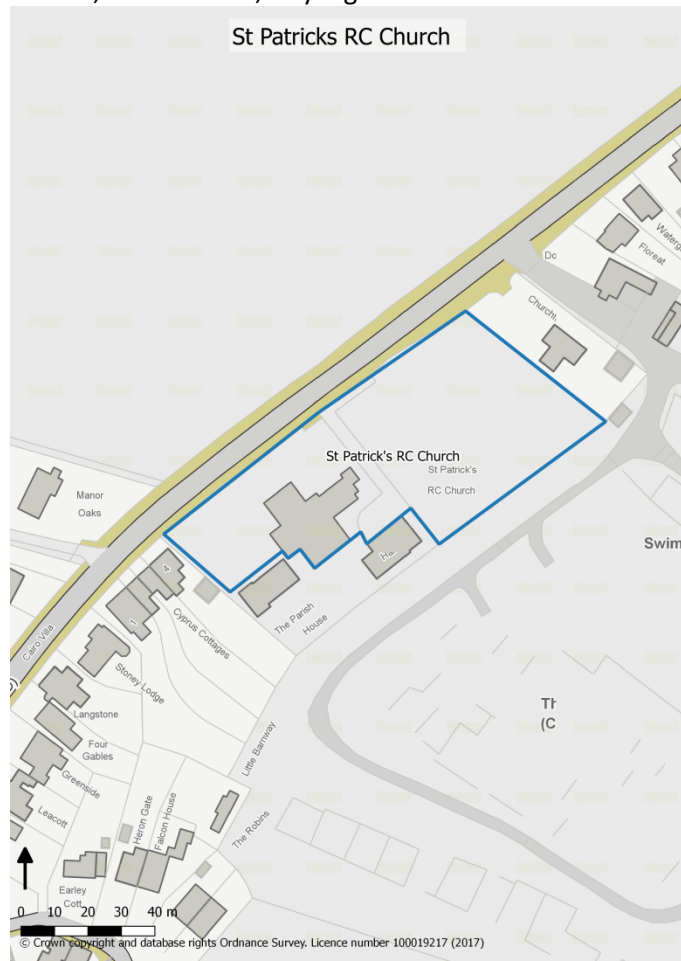


8. St Mary's Church, Church Road, Hayling Island

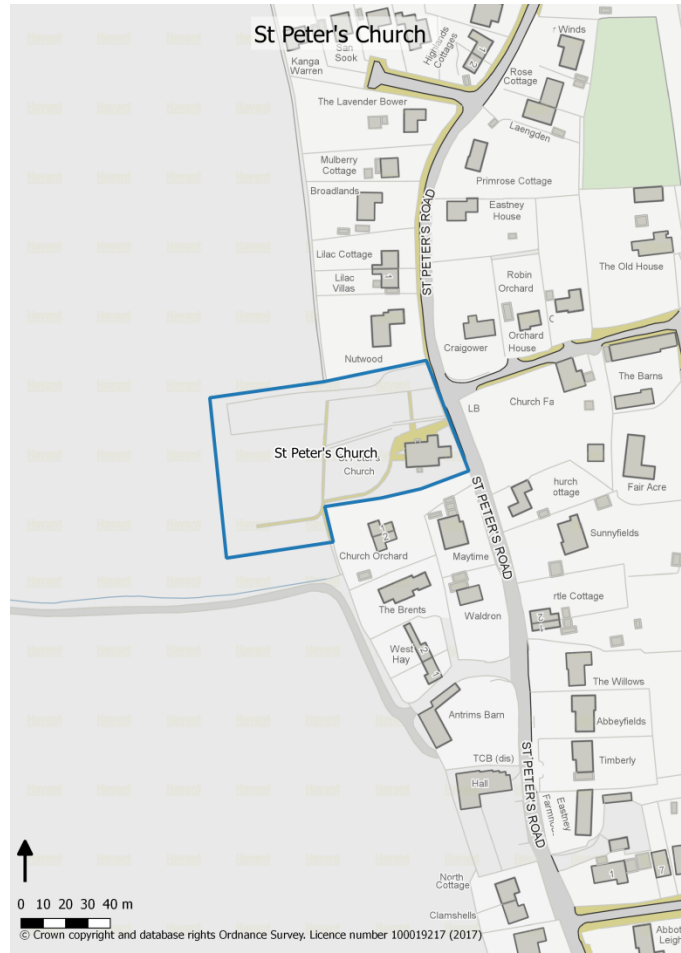




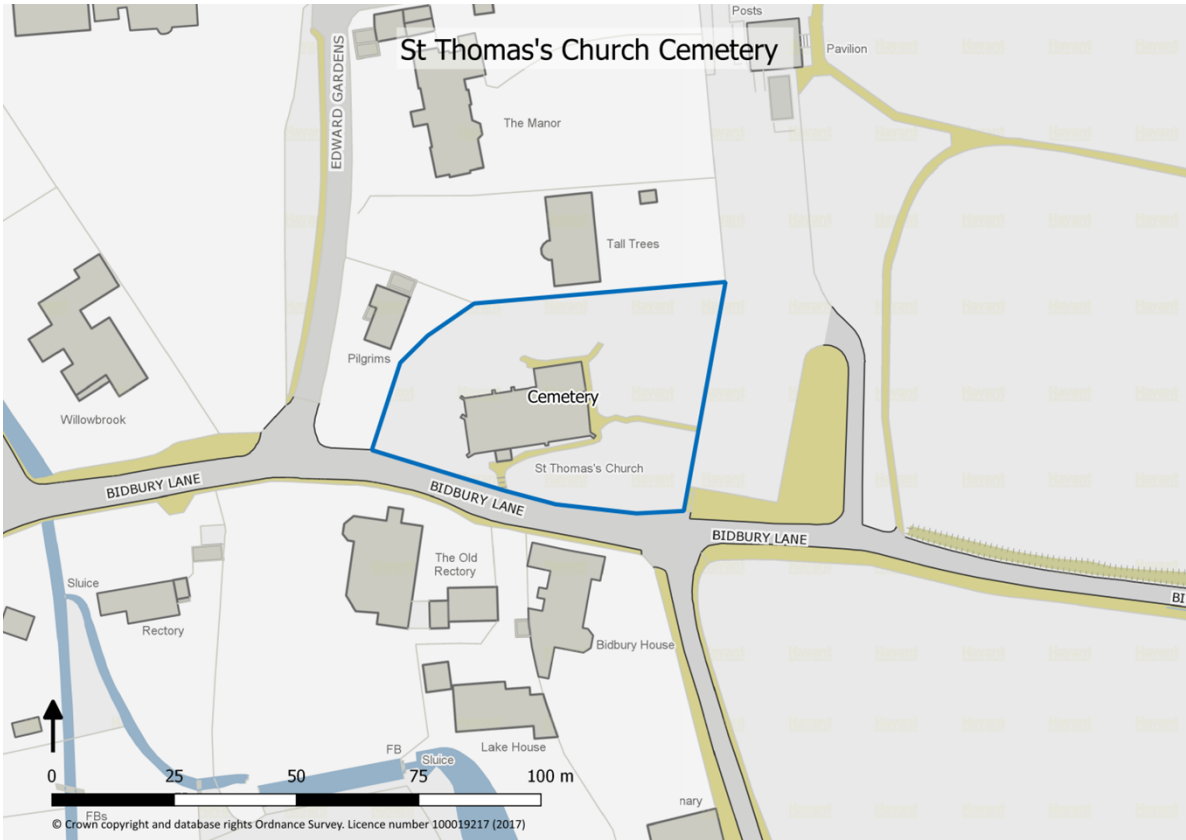
9. St Patricks RC Church, Manor Road, Hayling Island



10. St Peter's Church, Northney, Hayling Island



11. St Thomas's Church, Bedhampton



**Schedule E**

**Dogs on leads by Direction**



# Dog survey running until 13 December

What do you think about dogs in open spaces?



*Figure 1 – Promotional banner used in dogs PSPO consultation artwork*

**Public Spaces Protection Order: Dogs in the Borough**  
**Consultation Findings Report**  
**December 2023**

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## 1. Executive Summary and Recommendations

- There was broad support for all of the measures in the current PSPO remaining in place going forward.
- For all but one of the current measures, there was an overwhelming agreement for these being renewed with these five measures recording 88% and over of all respondents agreeing that they should remain in place.
- For the other measure – the seasonal continuation of the exclusion of dogs on Hayling Seafront during the summer months – this received a more balanced response, with two thirds of respondents (64%) agreeing with the renewal of this measure compared to 21% stating that this should not be renewed.
- Dog fouling remains a very or fairly big problem for just under two thirds of respondents (59%), compared to 35% who feel that this is not a very big problem or not a problem at all.
- When asked where dog fouling is a problem, Hayling Seafront and the Hayling Billy Trail were the most popular locations referenced. Respondents also indicated that this was a general issue on footpaths and pavements throughout the borough.
- Just over half of respondents (53%) felt that dogs not being under control was not a very big problem or not a problem at all in Havant – this compares to 42% who felt that this was a very or fairly big problem.
- For those who felt this was an issue, Hayling Seafront and the Hayling Billy Trail were again the most common locations given. Additionally and on a more general point, respondents indicated that this was a problem in parks, play areas and open spaces in the borough.
- For both dog fouling and dogs not being kept under control, a wide range of locations were given by respondents that indicate that these issues are present across the borough.
- There was a notable difference in the views between dog owners and non-dog owners as well as dog walkers and non-dog walkers. In each case, non-dog owners / walkers were more likely to express support for the PSPO measures and to indicate that dog fouling and dogs not being under control was a problem in the borough when compared to dog owners / walkers.
- It should be stated however that support for the PSPO being renewed remains strong across these groups – only the final measure concerning the seasonal exclusion of dogs on Hayling Island showed a difference in opinion (less than half of dog owners and walkers were in support of this measure compared to over 80% of non-dog owners and walkers).
- Respondents who indicated that they live with a disability or long-term health condition provided broadly consistent responses compared to those who did not state that they have a disability or long-term health condition.
- Increased enforcement of the PSPO measures, a general view that dogs should be on leads in public spaces and a perception that owners need to take responsibility were raised when respondents were asked for any further considerations, as well as increased dog waste bins and the view that most dog owners are responsible.

- It is clear from responses that this remains an emotive topic for many from many perspectives – those who love dogs and the ability to walk their dogs freely compared to those in favour of stricter restrictions for dogs in the area. From the comments received, a majority support the PSPO measures as these are generally viewed as proportionate and reasonable.



## 2. Introduction and Background

Havant Borough Council (HBC) adopted a Public Space Protection Order (PSPO) relating to dogs in the Borough in 2017, as per the powers set out in the Anti-Social Behaviour, Crime and Policing Act 2014.

The PSPO was introduced to replace a number of byelaws that were in place regarding dogs, with the aim of preventing offences in relation to this matter and to enable actions to be taken against offenders in a manner that was easy for all to understand.

The original public consultation was carried out from 2 January 2017 to 10 February 2017 and received a total of 606 responses. The key message from the replies received made it clear that this is an emotive subject that encouraged much discussion, and the views expressed that any restrictions should be balanced to ensure responsible dog owners were not penalised. Whilst supportive of the measures proposed, a number of suggestions were put forward to help make sure the Order was proportionate to the issue.

The PSPO set out the following:

- a) authorises the making of the proposed Public Space Protection Orders – Dogs (Havant Borough Council) 2017 in relation to
- failing to dispose of dog faeces
  - the control of dogs in designated children's play areas
  - the control of dogs within cemeteries
  - the exclusion of dogs from gated and fenced tennis courts
  - failing to put a dog on a lead when directed to do so
  - seasonal exclusion of dogs from blue flag beaches

- b) agrees to the use of £80 fixed penalty notices to tackle offences disclosed

and

- c) delegates authority to the Service Manager Neighbourhood Support in consultation with the Portfolio Holder to carry out all necessary publicity required by virtue of the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations.

This Order was put in place to prevent offences of this nature and enable actions to be taken against offenders in a way that was clear for all residents to understand.

As per the legislation, a PSPO was made for a period of three years. In 2020, the Council provisionally extended this PSPO for a period of 12 months to enable full and proper consultation to be carried out.

This consultation took place between Monday 19 October to Friday 27 November 2020, and received a total of 1071 responses, representing a notable increase on the original engagement on this topic. The responses made clear that respondents supported the continuing of all measures outlined in the PSPO, and therefore it was renewed for three years in February 2021.

As this term is coming to an end (on 30 April 2024), the Council is obliged to consult with relevant stakeholders and ensure that their views are considered when deciding on the future action in relation to this PSPO. The Council therefore undertook this consultation in line with legal obligations and in line with council priorities to remain open and transparent whilst communicating with residents.

### 3. Stakeholder Analysis

It is crucial that the views of relevant stakeholders are taken into account when making this decision, and the outcomes of the consultation will be fully considered when the Council makes its final decision on whether to renew, vary or cease the PSPO.

As per the above, a stakeholder analysis was undertaken to ascertain stakeholders who need to be notified of and included in the consultation. This analysis was intended to ensure the Council not only consulted with those that it is legally obliged to, but also included all those persons or organisations that it felt should have their say on this issue.

The list of key stakeholders identified is as follows:

- HBC Residents
- Borough Councillors
- County Councillors
- Dog owners and walkers including those with seeing and hearing dogs
- The Kennel Club
- The Dogs Trust
- RSPCA
- National Trust
- Hampshire County Council
- Natural England
- Sports Clubs
- Beach Hut Owners
- Chief Officer of Police / Local Policing Body.

Following this analysis, a survey was designed in collaboration with the Neighbourhood Quality Team to obtain feedback in a consistent and structured way across all consultees.

To ensure that this questionnaire was appropriate and asked the correct questions, draft versions were sent to a number of key stakeholders prior to the launch of the public consultation. This was to provide these bodies with the opportunity to suggest amendments to the survey questions.

These draft copies were sent to the following key stakeholders:

- The Kennel Club
- The Dog's Trust
- RSPCA
- Hampshire County Council
- National Trust
- Natural England
- Police

Responses were received from the National Trust and the Dog's Trust and these provided comments for inclusion within the findings of the engagement. No comments were received with suggested amendments or concerns with the wording of the survey, and therefore this remained unchanged for the public consultation.

#### 4. Methodology

The public consultation on the PSPO was conducted from Wednesday 1 November to Wednesday 13 December 2023.

It was decided that the consultation be conducted using the following methods:

- **Online survey** – The main method for capturing views was via the online survey. The survey was accessed via the webpage [www.havant.gov.uk/pspo](http://www.havant.gov.uk/pspo) and was open to anyone to respond to. The webpage provided information about the current PSPO and a link to the online survey. This webpage was publicised widely using online and offline methods (see Section 5).
- **Paper survey** – A paper version of the online survey was designed for those who are unable to access the electronic version. Responses submitted via the paper survey were uploaded to the online version and included within the final analysis of this method. Paper versions were available on request and copies were available to collect from all libraries in the borough of Havant and the following community centres:
  - o The Acorn Centre (Wecock Farm, PO8 9UX)
  - o Bedhampton Community Centre (Bedhampton, PO9 3ES)
  - o Cowplain Activity Centre (Cowplain, PO8 8EH)
  - o Emsworth Community Centre (Emsworth, PO10 7DD)
  - o Hayling Island Community Centre (Hayling Island, PO11 0WB)
  - o Leigh Park Community Centre (Leigh Park, PO9 5BG)
  - o Springwood Community Building (Waterlooville, PO7 8BJ)
  - o Waterlooville Community Centre (Waterlooville, PO7 7AY)

A phone number was also provided for those without internet access to contact the council. The paper version of this survey can be viewed at Appendix A.

- **Stakeholder emails / letters** – The key stakeholders were contacted directly to provide a response either via the online survey or via a letter or email representation. In addition, any member of the public who submitted an email or letter written response was included within the findings.

#### 5. Communications Programme

The consultation was promoted using the following methods:

- Links to the survey provided on the Havant Borough Council website at [www.havant.gov.uk/pspo](http://www.havant.gov.uk/pspo)
- Press release circulated on 1 November 2023
- 'Your Borough' virtual edition circulated on 1 November 2023
- Havant Borough Community Bulletins circulated on 3 November and 1 December 2023
- A banner at the bottom of all bulletins circulated during the consultation period (1 November to 13 December 2023).
- 7 Facebook posts
- 9 Twitter posts
- 9 Instagram posts
- 1 LinkedIn post
- 2 TikTok videos

- 8 large format posters displayed at each of the poster sites within the borough (see Appendix D)
- Posters displayed at all libraries in the borough of Havant (see Appendix D)
- Posters displayed at community centres (list included at Section 4) (see Appendix D)
- Radio promotion on Express FM on Thursday 14 November 2023, featuring an interview with the Deputy Leader and Cabinet Lead for Communities and Housing

A full breakdown of the statistics related to press releases / community bulletins and social media posts can be found at Appendix B. Screenshots of these can be viewed at Appendix C.

## **6. Engagement Response**

In total, the consultation received 930 responses (including 13 paper survey submissions).

This represents an encouraging response as this is the third occasion that this topic has been consulted on in the borough – previous consultations received 606 responses (initial consultation in 2017) and 1,071 responses (renewal in 2021).

## **7. GDPR**

The Council was mindful of its data protection duties and responsibilities, and in line with this the survey was designed in a manner to only collect the information from respondents that was necessary for the intended outcomes.

Respondents were informed at the outset of the survey that the information provided will not be used in a manner which would identify them.

This page also provided a link to the relevant Havant Borough Council privacy policy at <https://www.havant.gov.uk/service-privacy-notice>.

## 8. Survey Findings

The following section provides a breakdown of responses for each question asked within the survey.

Where applicable, findings have also been split between those who do and do not own a dog / dogs, and those who do and do not regularly walk a dog or dogs.

In addition and where appropriate, results have been compared to previous PSPO consultation undertaken in 2020.

### Q1. Which of the following best describes you?

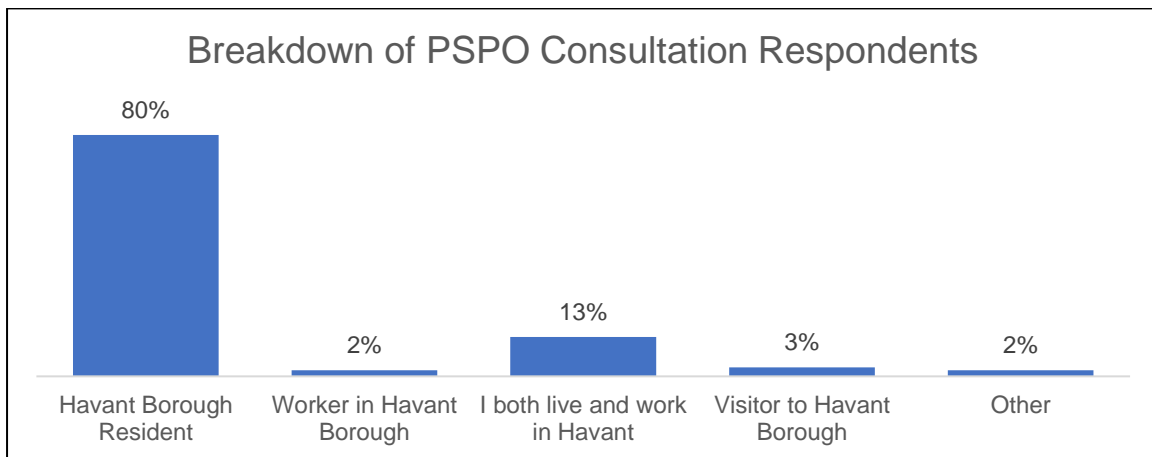


Figure 2: Responses to Q1 – Which of the following best describes you?  
SAMPLE: 923

### Q2. Do you currently own a dog or dogs?

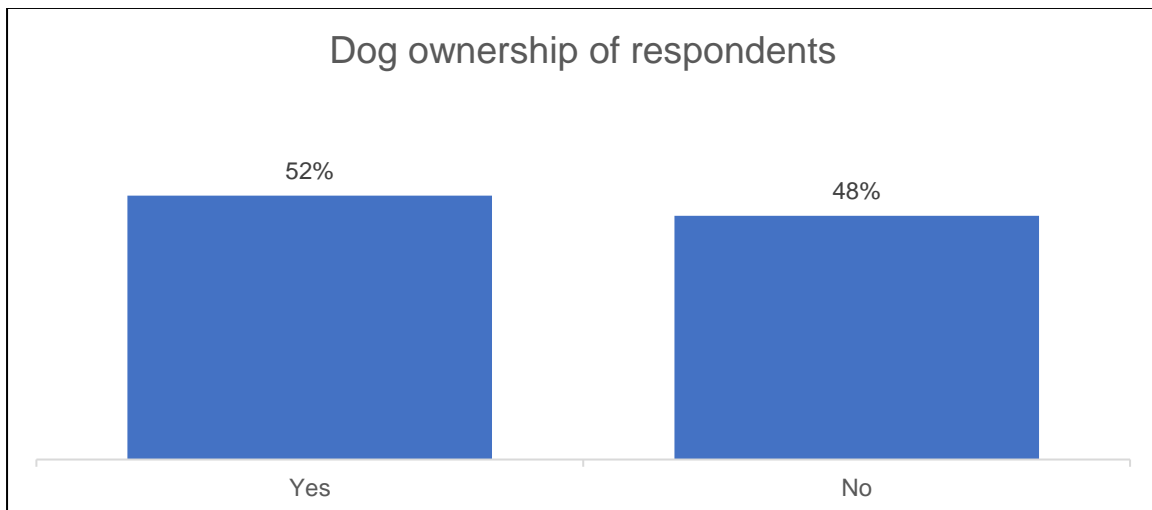
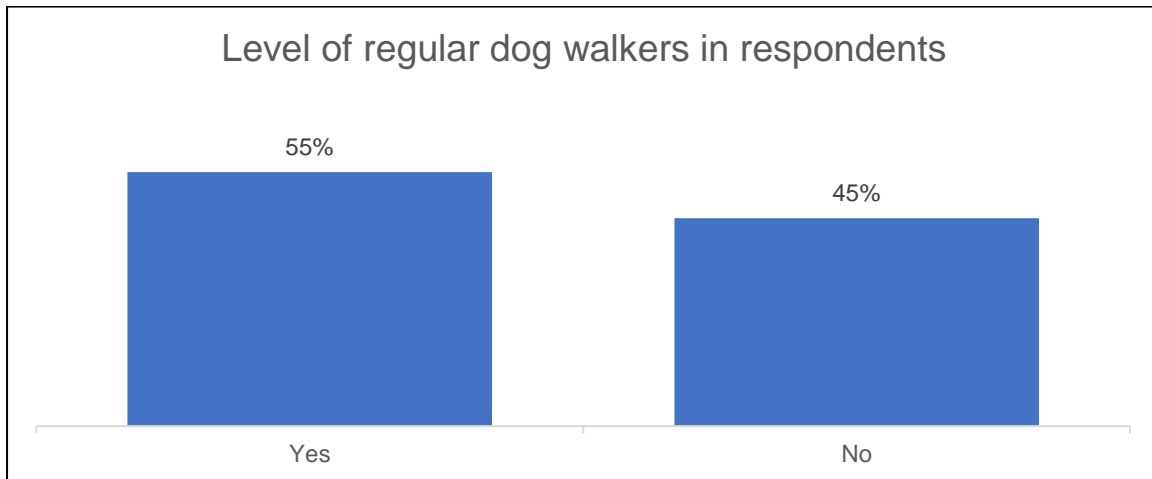


Figure 3 - Responses to Q2 – Do you currently own a dog or dogs?  
SAMPLE: 922

The consultation received a broadly even split of respondents who do own a dog or dogs (52%) compared to those who do not own a dog or dogs (48%).

The following results have been split by these groups to ascertain if there is any notable difference in the responses from these groups.

**Q3. Do you currently regularly walk a dog or dogs?**



*Figure 4 – Responses to Q3 – Do you currently regularly walk a dog or dogs?*

**SAMPLE: 919**

The consultation received a broadly even split of respondents who regularly walk a dog or dogs (55%) compared to those who do not regularly walk a dog or dogs (45%).

The following results have been split by these groups to ascertain if there is any notable difference in the responses from these groups.

#### Q4. Do you think that dog fouling is or is not a problem in the Borough of Havant?

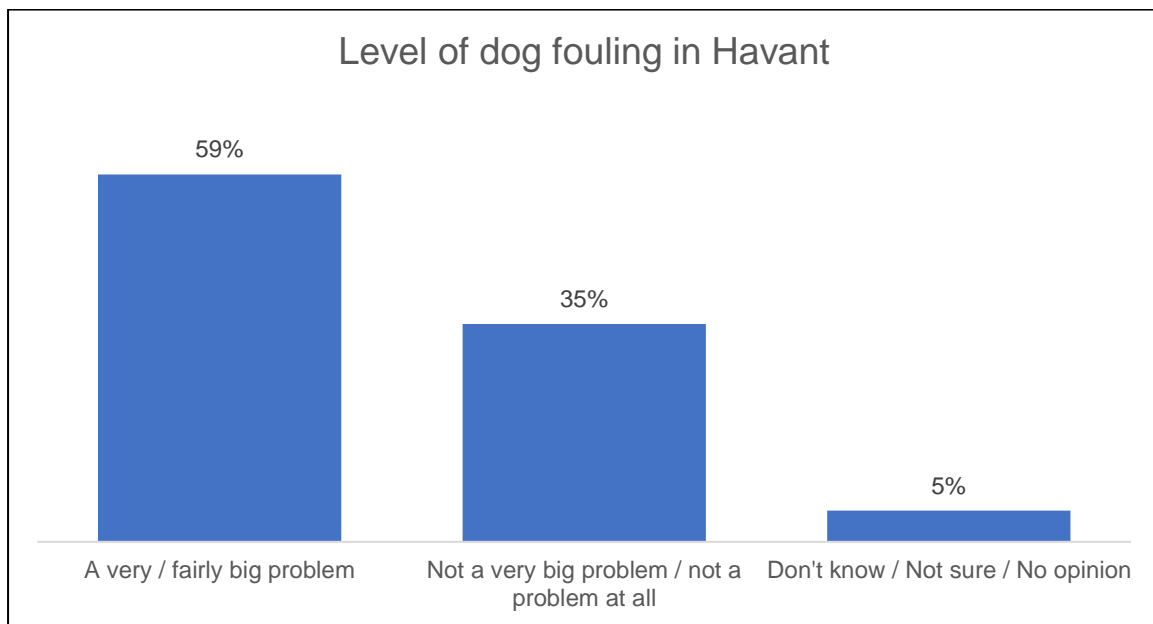


Figure 5 - Responses to Q4 – Do you think that dog fouling is or is not a problem in the Borough of Havant?  
SAMPLE: 926

Just under two thirds of respondents (59%) indicated that dog fouling remains a very or fairly big problem in the Borough of Havant. This compares to 35% who felt that this was not a very big problem or not a problem at all.

5% of respondents were unsure or provided no opinion on this question.

#### Comparison to previous consultation

There has been a slight increase in the rate of respondents reporting a problem with dog fouling compared to the previous consultation – 48% of respondents indicated that it was a very or fairly big problem in 2020 (sample of 1,064) compared to 59% in the recent consultation exercise.

Similarly, the rate of respondents indicating not a very big problem or no problem at all with dog fouling in the recent consultation (35%) is reduced from the previous consultation rate of 50%.

#### Respondents with a disability or long-term health condition

Responses from those with a disability or long-term health condition were broadly similar to those who did not indicate that they do not – 64% of respondents with a disability or long-term health condition stated that they felt that dog fouling was a very or fairly big problem, compared to 57% of respondents who did not have a disability or health condition.

## Dog Owner / Walker Comparison

	<b>Respondents who own a dog / dogs</b>	<b>Respondents who do not own a dog / dogs</b>
Sample size	479	441
A very / fairly big problem	48%	71%
Not a very big problem / not a problem at all	50%	26%
Don't know / Not sure / No opinion	2%	3%

Figure 6 - Responses to Q4 - Do you think that dog fouling is or is not a problem in the Borough of Havant? Results split by respondents who do and do not own a dog / dogs

There is a notable difference between the views of those who do or do not own a dog or dogs. Non-dog owners were much more likely to respond that there is a very or fairly big problem with dog fouling (71%) than dog owners (48%)

Similarly, dog owners were twice as likely to suggest there was not a very big or no problem (50%) compared to non-dog owners (26%).

	<b>Respondents who regularly walk a dog / dogs</b>	<b>Respondents who do not regularly walk a dog / dogs</b>
Sample size	502	417
A very / fairly big problem	49%	72%
Not a very big problem / not a problem at all	50%	25%
Don't know / Not sure / No opinion	2%	3%

Figure 7 - Responses to Q4 - Do you think that dog fouling is or is not a problem in the Borough of Havant? Results split by respondents who do and do not regularly walk a dog / dogs

Mirroring the previous results, non-dog walkers (72%) were more likely to respond that dog fouling is a problem than dog walkers (49%).

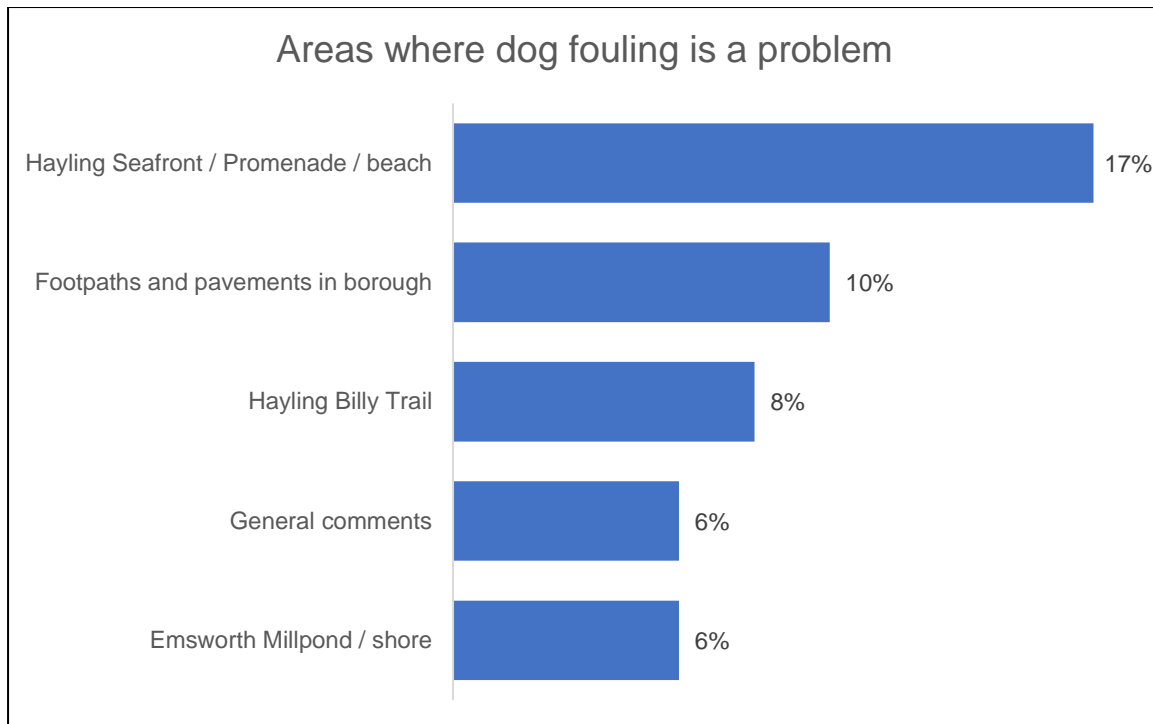
Again, dog walkers were twice as likely to suggest there was not a very big or no problem (50%) compared to non-dog walkers (25%).

### Key stakeholder responses

**The National Trust** indicated that they view dog fouling in the borough as 'a very big problem', stating that this occurs in 'coastal areas and the countryside' in their response.



**Q5. If you answered that you feel that dog fouling is a problem in the Borough of Havant, please identify ONE area where you think this is an issue. Please be as specific as possible.**



*Figure 8 - Responses to Q5 – If you answered that you feel that dog fouling is a problem in the Borough of Havant, please identify ONE area where you think this is an issue. Please be as specific as possible. Please note this question was only asked of those who answered a very or fairly big problem at Q4. This chart only includes the top five responses given by respondents – a full list of responses can be viewed at Appendix F.*  
**SAMPLE: 483**

For those who felt that dog fouling was a very or fairly big problem in the borough, the main area identified as where this issue is present was **Hayling Seafront, promenade or beach**. This was the most common response received, as 17% indicated that they had experienced issues with dog fouling at this location. While some comments cited particular parts of the seafront, including the Blue Flag beach area or specific car park, others highlighted this as a problem across the seafront location. It was clear from these comments that the issue of dog fouling took away from many user's enjoyment of the seafront area.

The second most cited theme was **footpaths and pavements in the borough (10%)**, with these comments stating that it was a problem not tied to any specific geographic area but instead more widespread across the Havant area. Views given here gave the perception that this problem is being experienced across the borough and is not specific to any individual location.

The **Hayling Billy Trail (8%)** was the second most common specific location given by respondents, and feedback here highlighted this as a popular route for many users that, in their view, is spoilt or negatively impacted by dog fouling. Many comments cited the Billy Trail as a general area where this issue is present, with a smaller number of responses here citing specific sections of the Billy Trail as having problems with dog fouling.

6% of respondents provided more **general comments** around the issue of dog fouling that did not provide detail of any particular areas or locations where this problem occurs. These comments were generally wider points on how some dog owners were viewed as

irresponsible, issues with the enforcement of dog fouling restrictions and experiences of setting in dog faeces.

Finally, the **Emsworth Millpond / shore** area was referenced (by 6% of respondents) as a location with a dog fouling problem.

It should be noted that in total, 111 distinct road names were provided by respondents to this question as areas where dog fouling is an issue. Whilst many of these were only referenced by a small number of respondents, this provides an indication of the widespread nature of the perception of this issue. These street names were from locations across the borough and not tied to any specific locality, which again reinforces the observation that this is not a problem for any specific geographic area.

Responses received from those who indicated that they have **a disability or long-term health condition** reported similar areas to those without.

**Q6. Do you think that dogs not being kept under control is or is not a problem in the Borough of Havant?**

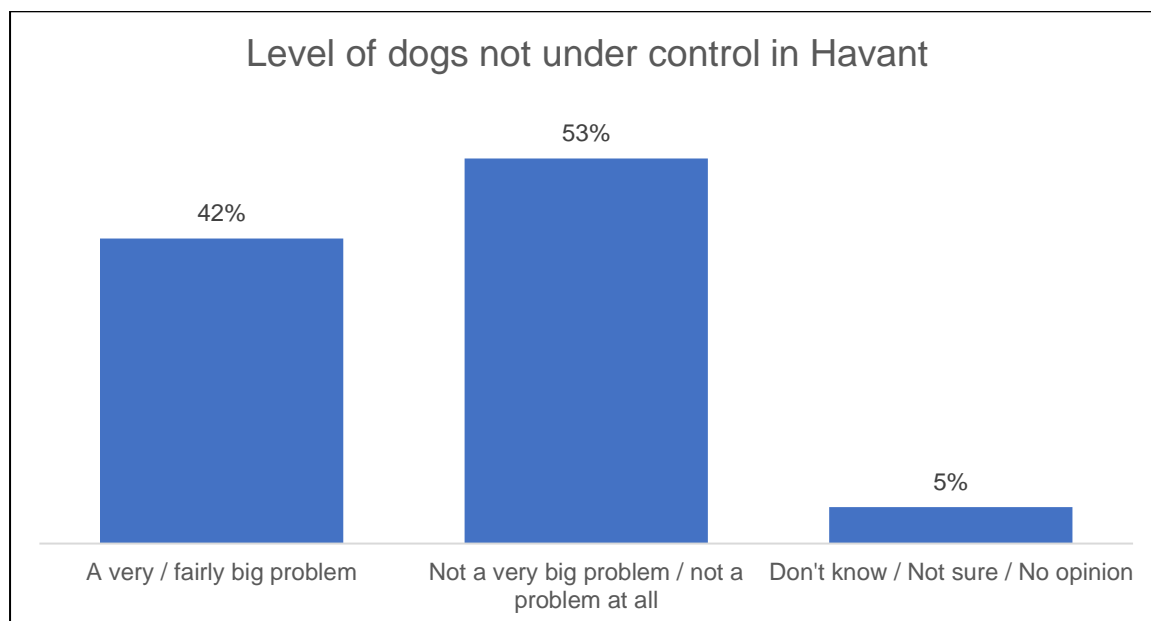


Figure 9 - Responses to Q6 – Do you think that dogs not being kept under control is or is not a problem in the Borough of Havant?  
**SAMPLE: 881**

Just over half of respondents (53%) felt that was not a very big problem or no problem at all in Havant with dogs not being kept under control, compared to 42% who felt that this was a very or fairly big problem.

**Comparison to previous consultation**

There has been an increase in the rate of respondents reporting a problem with dogs not being kept under control compared to the previous consultation – 27% of respondents indicated that it was a very or fairly big problem in 2020 (sample of 1,063) compared to 42% in the recent consultation exercise.

Similarly, the rate of respondents indicating not a very big problem or no problem at all with dog fouling in the recent consultation (53%) is reduced from the previous consultation rate of 66%.

**Respondents with a disability or long-term health condition**

The views of those with a disability or long-term health condition were consistent to those without – 44% of respondents with a disability or long-term health condition felt that there was a very or fairly big problem with dogs not being kept under control, compared to 42% of respondents who stated they do not have a disability or long-term health condition.

**Dog Owner / Walker Comparison**

	<b>Respondents who own a dog / dogs</b>	<b>Respondents who do not own a dog / dogs</b>
Sample size	463	412
A very / fairly big problem	24%	62%

Not a very big problem / not a problem at all	70%%	33%
Don't know / Not sure / No opinion	6%	5%

Figure 10 - Responses to Q6 - Do you think that dogs not being kept under control is or is not a problem in the Borough of Havant? Results split by those who do and do not own a dog / dogs

There is a notable difference between the views of those who do or do not own a dog or dogs. Non-dog owners were much more likely to respond that there is a very or fairly big problem with dogs not being kept under control (62%) than dog owners (24%)

Similarly, dog owners were twice as likely to suggest there was not a very big or no problem (70%) compared to non-dog owners (33%).

	<b>Respondents who regularly walk a dog / dogs</b>	<b>Respondents who do not regularly walk a dog / dogs</b>
Sample size	482	392
A very / fairly big problem	24%	64%
Not a very big problem / not a problem at all	70%	30%
Don't know / Not sure / No opinion	5%	6%

Figure 11 - Responses to Q6 - Do you think that dogs not being kept under control is or is not a problem in the Borough of Havant? Results split by those who do and do not regularly walk a dog / dogs

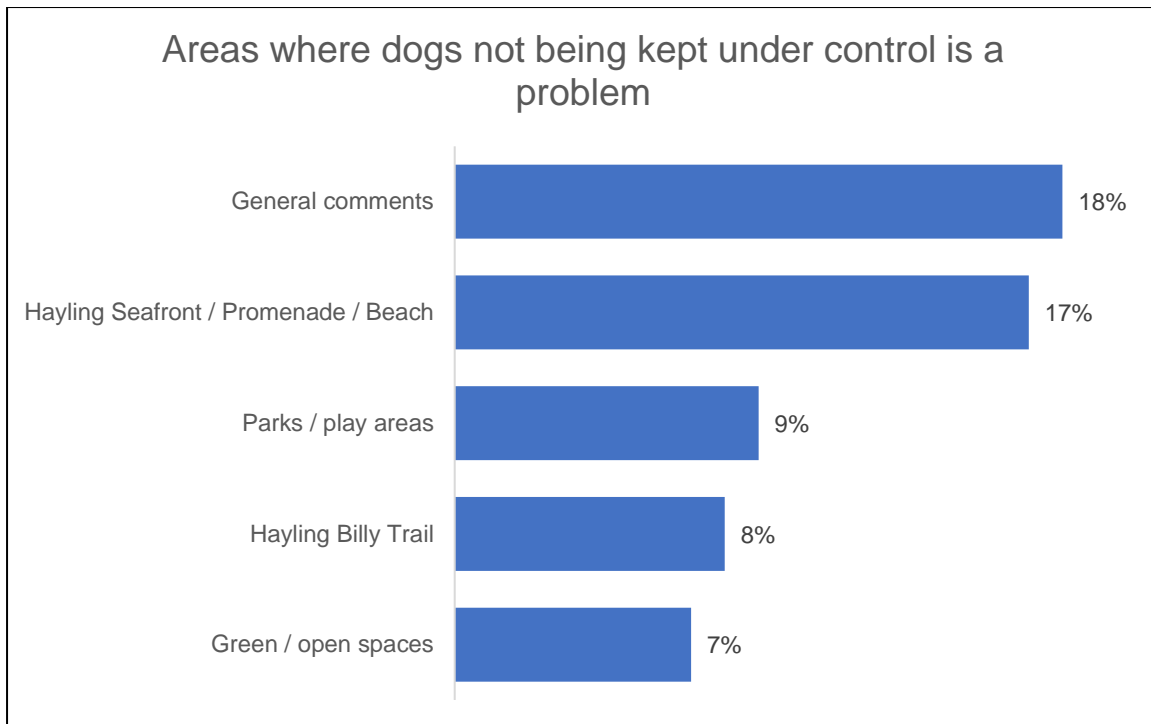
Mirroring the previous results, non-dog walkers (64%) were more likely to respond that dog fouling is a problem than dog walkers (24%).

Again, dog walkers were more than twice as likely to suggest there was not a very big or no problem (70%) compared to non-dog walkers (30%).

### **Key Stakeholder Responses**

**The National Trust** indicated that they view dogs not being kept under control was 'a fairly big problem' in Havant. When asked for an area where this is an issue, they stated 'dogs are left off leads around wildlife and signs to keep dogs under control are ignored'.

**Q7. If you answered that you feel that dogs not being kept under control is a problem in the Borough of Havant, please identify ONE area where you think this is an issue. Please be as specific as possible.**



*Figure 12 - Responses to Q7 – If you answered that you feel that dogs not being kept under control is a problem in the Borough of Havant, please identify ONE area where you think this is an issue. Please note this question was only asked of those who answered a very or fairly big problem at Q6. This chart only includes the top five responses given by respondents – a full list of responses can be viewed at Appendix F.*  
**SAMPLE: 344**

For those who felt that dogs being out of control was a very or fairly big problem in the borough, the main theme given by respondents were more **general comments (18%)** about the issue of dogs not being under control. These responses referred to wider points about irresponsible owners, dog specific or dog free areas and experiences of dogs being dangerous or out of control.

The main area identified by responses was again **Hayling Seafront, promenade or beach**, with 17% of respondents referring to this location. Feedback amongst these comments expressed the view that dogs not being under control was an issue for seafront users, with many stating that they have experienced unruly or dangerous dogs at this location and that this has either led to a negative view of the location or deterred them from visiting in the future.

9% of respondents indicated that the issue with dogs not being under control was experienced more generally in **parks and play areas** in the borough. These comments did not cite specific parks in their response but instead indicated that the issue was present at play areas generally. Many comments gave experiences of dogs being allowed off of leads in the close vicinity of parks and play areas and the issues this has created with scared park users, dog fights or incidents where dogs have attacked people.

The next most popular response was the **Hayling Billy Trail (8%)**, again mirroring the similar question about dog fouling. As a popular walking route, a number of respondents highlighted experiences where dogs have been allowed off of leads and have caused problems at this location.

Finally, 7% of respondents stated there was an issue in **green and open spaces** in the borough. Similar to the points raised about parks and play areas, these comments highlighted experiences where dogs off leads have not been kept under control and have caused distress or injury in green or open spaces in the borough. These views were not tied to a specific geographic location but to wider open space in our area.

It should be noted that 47 specific road or play area locations were given by respondents for this question. Whilst many of these were only referenced by a small number of respondents, this provides an indication of the widespread nature of the perception of this issue.

However the prevalence of parks, play areas and open spaces (referred to either specifically or more generally within responses) amongst the feedback indicates that this is a widespread issue at recreational spaces throughout the borough.

Responses received from those who indicated that they have **a disability or long-term health condition** reported similar areas to those without.

**Q8. Under the current PSPO, Havant Borough Council has a number of controls in relation to dogs in the borough.**

**To what extent do you agree or disagree that these powers should continue to be in place?**

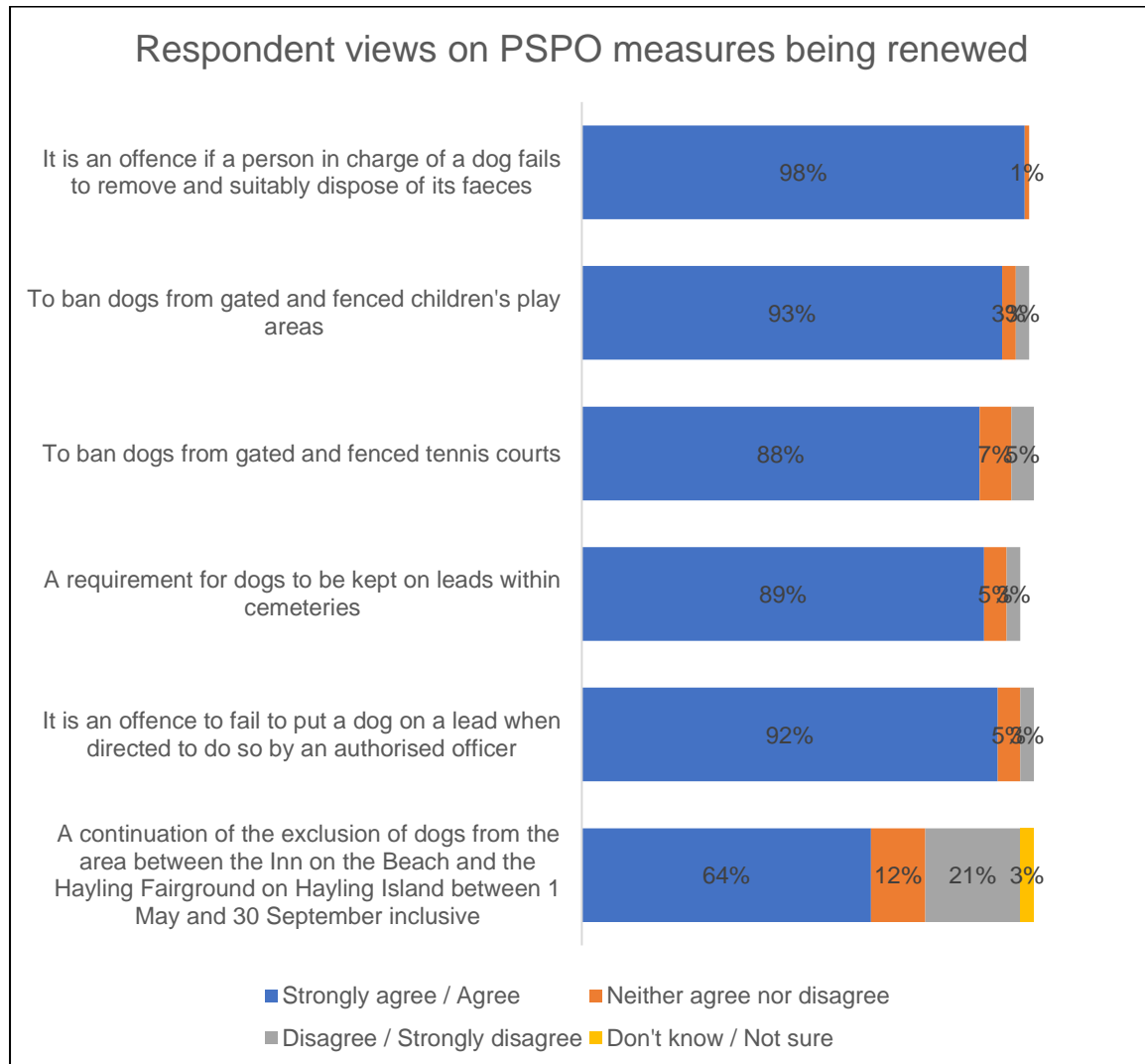


Figure 13 - Responses to Q8 – Under the current PSPO, Havant Borough Council has a number of controls in relation to dogs in the borough. To what extent do you agree or disagree that these powers should continue to be in place?

**SAMPLE: 861**

There was broad support for all of the measures in the current dogs PSPO remaining in place going forward.

For all but one of the current measures, there was an overwhelming agreement for these being renewed – for example, 98% of respondents agreed that it should be an offence if a person in charge of a dog fails to remove and suitably dispose of its faeces. Low numbers of respondents indicated that they disagree with these measures.

The measure proposing a continuation of the exclusion of dogs from the area between the Inn on the Beach and the Hayling Fairground between 1 May and 30 September inclusive received a more balanced response, though two thirds of respondents (64%) were in agreement that it should be extended. One in five respondents (21%) however were of the

view that this should not be part of the renewed PSPO, with an additional 12% stating that they neither agreed nor disagreed.

Overall, the responses provide a clear view in favour of renewing the PSPO with the current measures included.

### Comparison to previous consultation

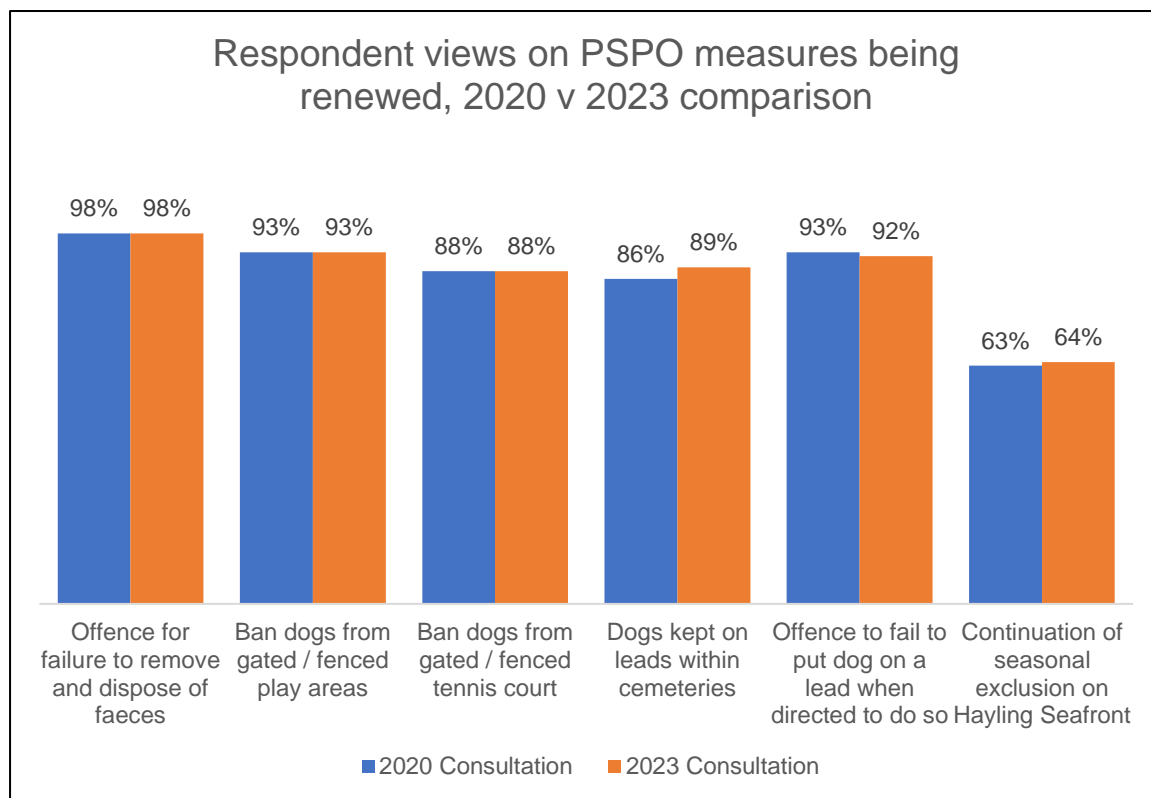


Figure 14 – Responses to Q8 – Under the current PSPO, Havant Borough Council has a number of controls in relation to dogs in the borough. To what extent do you agree or disagree that these powers should continue to be in place? Comparison between results from 2020 Consultation and 2023 Consultation.

**SAMPLE:**

When comparing results to those received in the 2020 consultation, responses have remained notably similar. All response rates remain within three percentage points of the previous consultation, suggesting a consistent view between the previous and recent consultation exercise.

### Respondents with a disability or long-term health condition

	Respondents with a disability or long-term health condition – Strongly Agree / Agree (sample size in brackets)	Respondents who did not report a disability or long-term health condition – Strongly Agree / Agree (sample size in brackets)
Offence for failure to remove and dispose of faeces	98% (197)	98% (648)
Ban dogs from gated / fenced play areas	92% (195)	94% (648)



Ban dogs from gated / fenced tennis courts	87% (197)	89% (648)
Dogs kept on leads within cemeteries	90% (197)	89% (648)
Offence to fail to put dog on a lead when directed to do so	93% (197)	92% (647)
Continuation of seasonal exclusion on Hayling Seafront	70% (197)	63% (648)

Figure 15 - Responses to Q8 – Under the current PSPO, Havant Borough Council has a number of controls in relation to dogs in the borough. To what extent do you agree or disagree that these powers should continue to be in place? Results split by those who do and do not report a disability or long-term health condition.

Responses from those who indicated that they have a disability or long-term health condition were broadly similar to responses from those who did not report a disability or long-term health condition, with most options receiving very similar support from both groups.

There was a slightly higher degree of difference when considering the continuation of the seasonal exclusion on Hayling Seafront, with those living with a disability / long-term health condition narrowly more likely to support this measure (70%) than those who did not report a disability / long-term health condition (63%). This difference is minimal however.

#### Dog Owner / Walker Comparison

	<b>Respondents who own a dog / dogs – Strongly Agree / Agree (sample size in brackets)</b>	<b>Respondents who do not own a dog / dogs (sample size in brackets)</b>
Offence for failure to remove and dispose of faeces	97% (443)	99% (412)
Ban dogs from gated / fenced play areas	90% (441)	96% (412)
Ban dogs from gated / fenced tennis courts	81% (442)	95% (412)
Dogs kept on leads within cemeteries	84% (443)	95% (412)
Offence to fail to put dog on a lead when directed to do so	87% (442)	98% (412)
Continuation of seasonal exclusion on Hayling Seafront	47% (443)	83% (412)

Figure 16 - Responses to Q8 - Under the current PSPO, Havant Borough Council has a number of controls in relation to dogs in the borough. To what extent do you agree or disagree that these powers should continue to be in place? Results split by those who do and do not own a dog / dogs.

There is again a difference between the views of those who do or do not own a dog or dogs. Support for measures being renewed was stronger in all cases for non-dog owners compared to dog owners, though it should be recognised that dog owners supported the renewal of all but one of the measures.

The one measure that was more contrasting was the continuation of the seasonal exclusion of dogs on Hayling Seafront, where less than half of dog owner respondents (47%) agreed that this should be renewed compared to 83% of non-dog owners.

	<b>Respondents who regularly walk a dog / dogs – Strongly Agree / Agree (sample size in brackets)</b>	<b>Respondents who do not regularly walk a dog / dogs – Strongly Agree / Agree (sample size in brackets)</b>
Offence for failure to remove and dispose of faeces	98%(463)	98% (390)
Ban dogs from gated / fenced play areas	89% (462)	97% (389)
Ban dogs from gated / fenced tennis courts	82% (463)	95% (389)
Dogs kept on leads within cemeteries	84% (463)	96% (390)
Offence to fail to put dog on a lead when directed to do so	87% (462)	98% (390)
Continuation of seasonal exclusion on Hayling Seafront	49% (463)	83% (390)

Figure 17 - Responses to Q8 - Under the current PSPO, Havant Borough Council has a number of controls in relation to dogs in the borough. To what extent do you agree or disagree that these powers should continue to be in place? Results split by those who do and do not regularly walk a dog / dogs.

Mirroring the previous results, there is a difference in views between dog walkers and non-dog walkers. Support for measures being renewed was stronger in all cases for non-dog walkers compared to dog walkers, though it should be recognised that dog walkers supported the renewal of all but one of the measures.

Again the one measure that was more contrasting was the continuation of the seasonal exclusion of dogs on Hayling Seafront, where narrowly less than half of dog walker respondents (49%) agreed that this should be renewed compared to 83% of non-dog walkers.

### **Key Stakeholder Responses**

**The National Trust** expressed support for the first five measures of the dogs PSPO to be renewed, while responding 'Don't know / Not sure' for the continuation of seasonal exclusion on Hayling Seafront.

**The Dog's Trust** provided the following responses to each of the proposed elements of the dogs PSPO:

#### Fouling of Land by Dogs Order:

- Dogs Trust consider 'scooping the poop' to be an integral element of responsible dog ownership and would fully support a well-implemented order on fouling. We urge the Council to enforce any such order rigorously. In order to maximise compliance, we urge the Council to consider whether an adequate number of disposal points have

been provided for responsible owners to use, to consider providing free disposal bags and to ensure that there is sufficient signage in place.

- We question the effectiveness of issuing on-the-spot fines for not being in possession of a poo bag and whether this is practical to enforce.

#### Dog Exclusion Order:

- Dogs Trust accepts that there are some areas where it is desirable that dogs should be excluded, such as children's play areas, however we would recommend that exclusion areas are kept to a minimum and that, for enforcement reasons, they are restricted to enclosed areas. We would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
- Dogs Trust would highlight the need to provide plenty of signage to direct owners to alternative areas nearby in which to exercise dogs.

#### Dog Exclusion and sport pitches

- Excluding dogs from areas that are not enclosed could pose enforcement problems - we would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
- We feel that exclusion zones should be kept to a minimum, and that excluding dogs from all sports pitches for long stretches of the year is unnecessary. In some cases sports pitches may account for a large part of the open space available in a public park, and therefore excluding dogs could significantly reduce available dog walking space for owners.
- We would urge the Council to consider focusing its efforts on reducing dog fouling in these areas, rather than excluding dogs entirely, with adequate provision of bins and provision of free disposal bags

#### Dogs on Leads Order:

- Dogs Trust accept that there are some areas where it is desirable that dogs should be kept on a lead. Dogs Trust would urge the Council to consider the Animal Welfare Act 2006 section 9 requirements (the 'duty of care') that include the dog's need to exhibit normal behaviour patterns – this includes the need for sufficient exercise including the need to run off lead in appropriate areas. Dog Control Orders should not restrict the ability of dog keepers to comply with the requirements of this Act.
- The Council should ensure that there is an adequate number, and a variety of, well sign-posted areas locally for owners to exercise their dog off-lead.

#### Dogs on Lead by Direction Order:

- Dogs Trust enthusiastically support Dogs on Leads by Direction orders (for dogs that are considered to be out of control or causing alarm or distress to members of the public to be put on and kept on a lead when directed to do so by an authorised official).
- We consider that this order is by far the most useful, other than the fouling order, because it allows enforcement officers to target the owners of dogs that are allowing them to cause a nuisance without restricting the responsible owner and their dog. As none of the other orders, less fouling, are likely to be effective without proper enforcement we would be content if the others were dropped in favour of this order.

Their response additionally included the following comments:

*The PDSA's 'Paw Report 2018' found that 89% of veterinary professionals believe that the welfare of dogs will suffer if owners are banned from walking their dogs in public spaces such as parks and beaches, or if dogs are required to be kept on leads in these spaces. Their report also states that 78% of owners rely on these types of spaces to walk their dog.*

*We believe that the vast majority of dog owners are responsible, and that the majority of dogs are well behaved. In recognition of this, we would encourage local authorities to exercise its power to issue Community Protection Notices, targeting irresponsible owners and proactively addressing anti-social behaviours.*

**Q9. If you have any further comments or suggestions in relation to this PSPO, please state below**

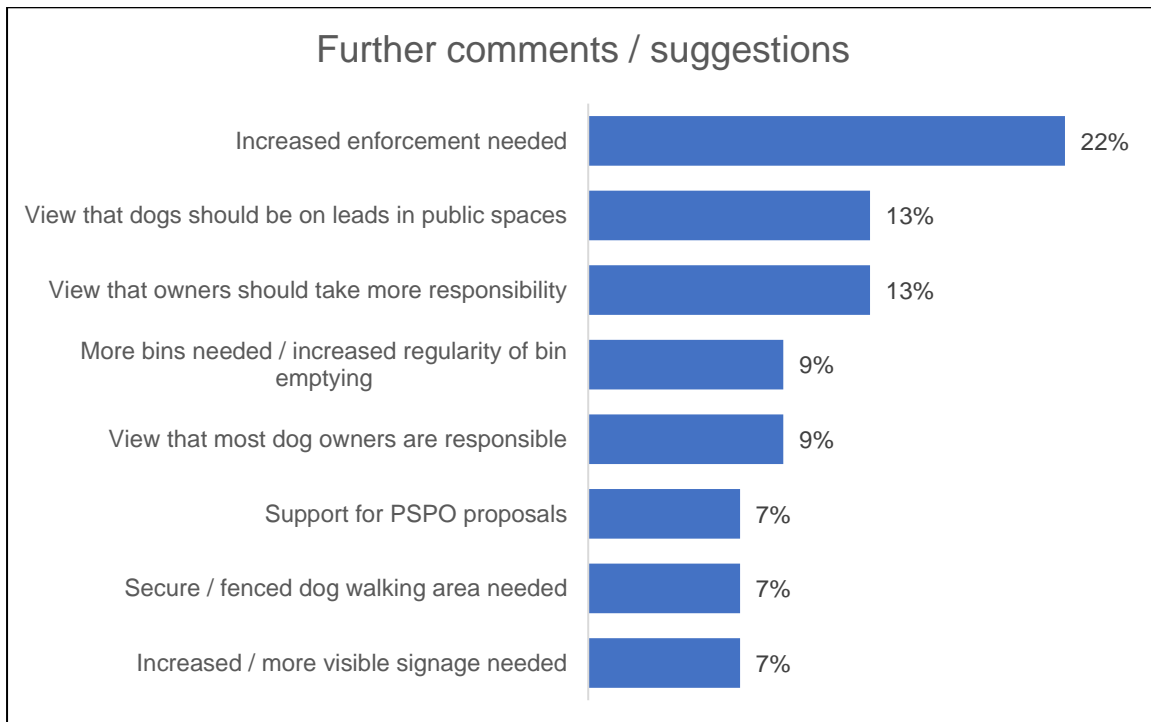


Figure 18 - Responses to Q9 – If you have any further comments or suggestions in relation to this, please state below. Please note that the above chart only includes the most popular themes raised – a full list of themes can be viewed at Appendix F.

**SAMPLE: 475**

When asked for further comments or suggestions in relation to the PSPO, the following key themes were raised:

**Increased enforcement needed**

*“Dog Wardens / authorised officers should be visible and carry out ad hoc visits to parks etc, this may act as a deterrent”*

The most common theme amongst responses was a view that more enforcement of the PSPO measures was needed. For many, this should be done through increased monitoring and patrolling of problem areas, with some highlighting a perception that patrols are not currently undertaken regularly in beach, play area or open space areas. This was seen by many as important as more visible enforcement would ensure better adherence to the PSPO measures and reduce issues with both dog fouling and dogs not being under control.

**View that dogs should be on leads in public spaces**

*“Dogs should be on lead in any public park or beach area”*

Many responses indicated a view that dogs should be kept on leads in public spaces, including areas not currently within the PSPO measures. For many, they felt that in public spaces such as play areas, the seafront and open spaces should be free to enjoy without the potential for dogs being off of the lead as these would take away from their enjoyment of these spaces. Some comments here went further in suggesting that all dogs should be kept on leads whenever in areas that are not homes or private property. A number of these comments also included negative experiences with dogs out of control.

### **View that owners should take more responsibility**

*“I’m pleased that you’ve placed the emphasis on OWNERS since it is their responsibility to train & socialise their dogs.”*

Another key theme raised was a general view that dog owners should take more responsibility when taking dogs into public spaces. There was a perception that many issues with both dog fouling and dogs not being under control were due to inconsiderate or inexperienced owners, and that anyone who owns a dog should ensure they are prepared to deal with these problems when taking their dog into public spaces. For some, this included positive comments about the PSPO measures as these seek to ensure dog owners are considerate in the local area.

### **More bins needed / increased regularity of bin emptying**

*“I believe that if more bins were available then people would be more likely to dispose of dog waste.”*

Respondents also indicated that more dog waste bins or increased regularity of bin emptying was needed to resolve dog fouling issues. Comments here highlighted a perceived lack of bins in key locations such as the seafront, play areas and open spaces that lead to even considerate dog owners in being unable to pick up dog waste. Other views stated how an increased provision of bins would act as a further deterrent to leaving waste unattended, while a number of respondents stated that dog waste bins needed more regular emptying, as there were experiences where these were too full to add any further bags to and this in turn deterred dog owners from responsibly disposing of waste.

### **View that most dog owners are responsible**

*“Most owners are highly responsible and very embarrassed/frustrated by the offenders”*

Finally, the next most common theme raised by respondents was a general view that most dog owners and walkers were responsible when taking their dog into public spaces. Many here were keen to emphasise that in their experience, most dog owners observed rules and agreed with the proposed measures in the PSPO, and that these should stay in place in order to deter the minority who do not do so.

Other key themes raised included a **supportive view for the PSPO proposals**, the possible implementation of a bespoke and **secure dog-walking area** with the purpose of providing a safe area for dogs to be allowed off of their lead, and a request for **increased and more visible signage** giving information on the PSPO measures (**all 7%**).

## Appendix A – Breakdown of Respondents

**Q10. Which of the following age bands do you fall into? Please select one option.**

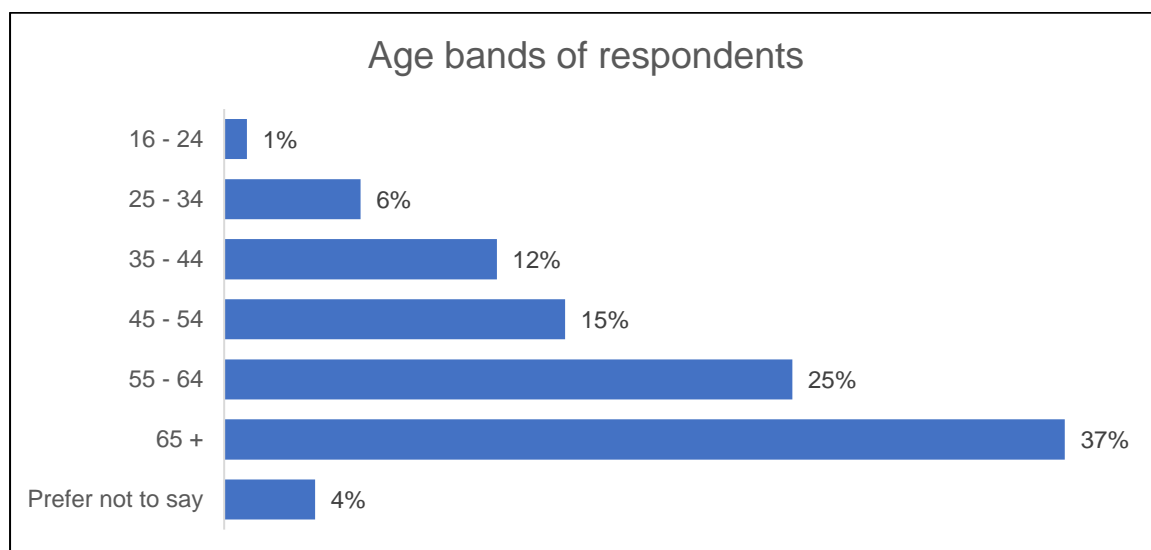


Figure 19 - Responses to Q10 – Which of the following age bands do you fall into? Please select one option.  
SAMPLE: 849

**Q11. Do you feel that your day-to-day activities are limited because of a health condition or disability which has lasted, or is expected to last, at least 12 months?**

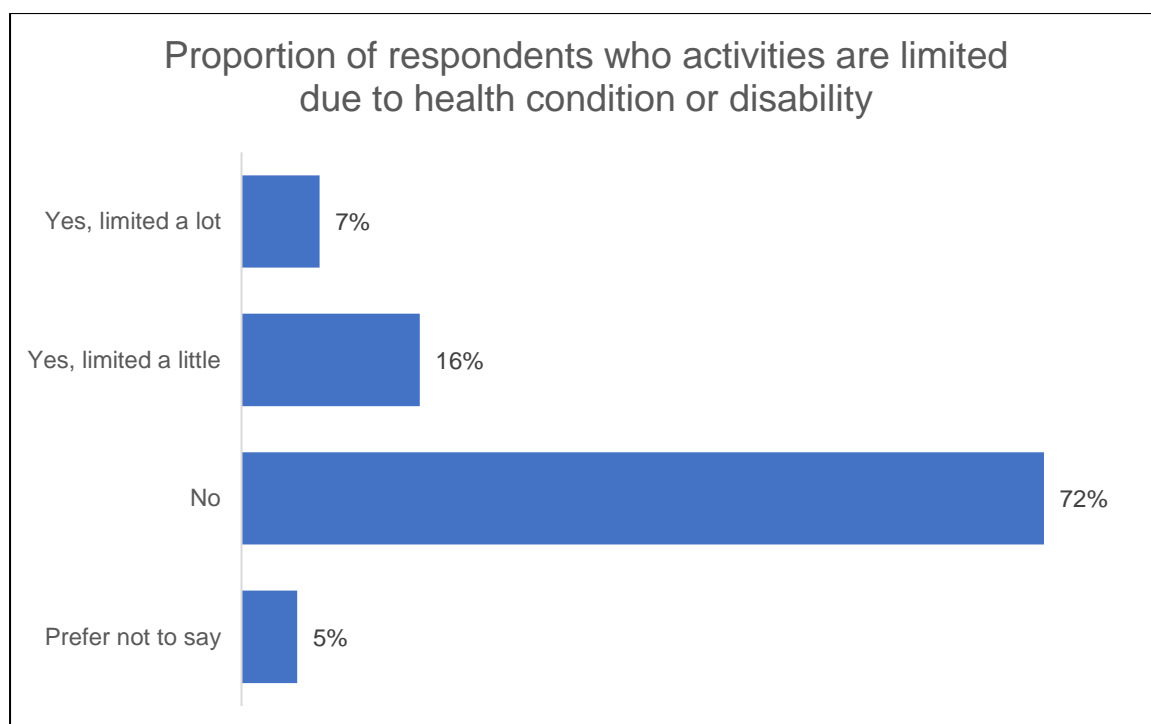


Figure 20 - Responses to Q11 – Do you feel that your day-to-day activities are limited because of a health condition or disability which has lasted, or is expected to last, at least 12 months  
SAMPLE: 845

Q12 - POSTCODES

GRAPHIC TO BE ADDED



## **Appendix B - Consultation Survey**

### **Dogs in the Borough - PSPO**

**Havant Borough Council introduced a Public Spaces Protection Order (PSPO) for dogs in the borough in 2017, and this was extended in 2021. This PSPO updated all previous dog byelaws into a single Order, and covers the following:**

- The fouling of land by dogs
- The removal of dog faeces, dogs on leads and dogs on leads by direction
- The exclusion of dogs from specified land including recreation grounds and tennis courts

**Anyone who is found to be committing an offence under this Order can receive a fixed penalty notice of £100.**

**Full information on the existing PSPO and the areas covered within the current Order can be found at [www.havant.gov.uk/pspo](http://www.havant.gov.uk/pspo).**

**As the PSPO has been in effect for three years since it was last extended, the Council is now reviewing this Order and before deciding on the future course of action, we want to hear from you on how we should proceed. Dogs are a huge and enjoyable part of everyday life for many of our residents and visitors, and the Council recognises the pleasure that dogs bring to individuals and families. We therefore want to take into account the views of those affected before any decision is made.**

**The public consultation will run from Wednesday 1 November 2023 to Wednesday 13 December 2023.**

**Please note that a registered blind person, or a person with a disability affecting their mobility, manual dexterity, physical co-ordination or ability to lift, carry or move everyday objects and who relies upon a dog trained by a prescribed charity for assistance is exempt from this Order.**

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### **Privacy notice**

**The information you provide will not be used in a manner which would identify you. More information on how your data is processed can be found [here](#).**

**If you have any questions about this survey, please contact us at 02392 446468.**

**Once completed, please use the pre-paid envelope provided with this survey to post your response back to Havant Borough Council.**

**1. Which of the following best describes you?**

- Havant Borough Resident
- Worker in Havant Borough
- I both live and work in Havant Borough
- Visitor to Havant Borough
- Other (please specify):

**2. Do you currently own a dog or dogs?**

- Yes
- No

**3. Do you currently regularly walk a dog or dogs?**

- Yes
- No

**4. Do you think that dog fouling is or is not a problem in the Borough of Havant?**

- A very big problem
- A fairly big problem
- Not a very big problem
- Not a problem at all
- Don't know / Not sure / No opinion

**5. If you answered that you feel that dog fouling is a problem in the Borough of Havant, please identify ONE area where you think this is an issue.**

**Please be as specific as possible.**

**6. Do you think that dogs not being kept under control is or is not a problem in the Borough of Havant?**

- A very big problem
- A fairly big problem
- Not a very big problem
- Not a problem at all
- Don't know / Not sure / No opinion

**7. If you answered that you feel that dogs not being kept under control is a problem in the Borough of Havant, please identify ONE area where you think this is an issue.**

**Please be as specific as possible.**

**8. Under the current PSPO, Havant Borough Council has a number of controls in relation to dogs in the borough.**

**To what extent do you agree or disagree that these powers should continue to be in place?**

**For more information on the current PSPO, please click here.**

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	Don't know / Not sure
It is an offence if a person in charge of a dog fails to remove and suitably dispose of its faeces	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
To ban dogs from gated and fenced children's play areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
To ban dogs from gated and fenced tennis courts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A requirement for dogs to be kept on leads within cemeteries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It is an offence to fail to put a dog on a lead when directed to do so by an authorised officer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A continuation of dogs from the area between the Inn on the Beach and the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	Don't know / Not sure
Hayling Fairground on Hayling Island between 1 May and 30 September inclusive						

To help us understand if there are any particular adverse impacts upon certain groups, the next two questions ask for more information about you.

The information you provide will not be used in a manner which would identify you. You do not have to participate and even if you do, you do not have to answer any questions you would rather not.

For more information on our privacy notice, please click [here](#).

9. Which of the following age bands do you fall into? Please select one option.

- 16 - 24       55 - 64  
 25 - 34       65 +  
 35 - 44       Prefer not to say  
 45 - 54

10. Do you feel that your day-to-day activities are limited because of a health condition or disability which has lasted, or is expected to last, at least 12 months?

- Yes, limited a lot     No  
 Yes, limited a little    Prefer not to say

11. What are the first four / five characters of your postcode? (For example, PO9 2 or PO11 4)

We are asking for this information to understand if there are any particular issues in a certain geographical area.

Thank you for submitting your views to this consultation.

Please use the pre-paid envelope provided with this survey to post your response back to Havant Borough Council.

## Appendix C – Communications Statistics

All statistics were taken in the week commencing 18 December (the week following the close of the consultation period).

### Press release statistics

<b>Date</b>	<b>Title</b>	<b>Subscriber groups sent to</b>	<b>Number of Recipients (delivery rate)</b>	<b>Total unique opens (% of overall recipients)</b>	<b>Total unique clicks (% of overall recipients)</b>
01/11/23	Share your views on dog control orders in the borough	Community news and events Havant Borough Councillors Latest council news Media – General Public notices and consultations	9,376 (98.1%)	6,269 (42%)	408 (4%)
01/11/23	Your online edition of Your Borough - October	Community news and events Latest council news	9,292 (98.2%)	4,293 (47%)	705 (8%)
03/11/23	Havant Borough Community Bulletin (November edition)	Havant Borough Community Bulletin	247 (100%)	84 (34%)	25 (10%)
01/12/23	Havant Borough Community Bulletin (December edition)	Havant Borough Community Bulletin	613 (97.9%)	240 (40%)	28 (5%)

Figure 21 - Statistics for Dogs PSPO Consultation media releases

\* Note that these bulletins were on a variety of topics, of which the dogs PSPO was included. Open and click statistics relate to the bulletin as a whole, not just the PSPO article.

### Social media statistics

#### Facebook Post Statistics

<b>Date</b>	<b>Content</b>	<b>Engagement Rate</b>	<b>Reach</b>	<b>Reactions</b>
01/11/23	Launch of dogs PSPO consultation	4.52%	2,521	7
09/11/23	Promotion of dogs PSPO consultation	6.27%	2,663	2

23/11/23	Promotion of dogs PSPO consultation	10.22%	4,744	10
30/11/23	Promotion of dogs PSPO consultation	7.4%	2,933	3
06/12/23	Final week of dogs PSPO consultation	6.46%	2,246	10
13/12/23	Final day for responses to the dogs PSPO consultation	5.07%	1,735	4
14/12/23	Close and thank you for dogs PSPO consultation	4.91%	1,528	11

Figure 22 - Statistics for Dogs PSPO Consultation Facebook posts

#### Twitter Post Statistics

Date	Content	Engagement Rate	Engagements	Impressions
01/11/23	Launch of dogs PSPO consultation	4.04%	12	297
09/11/23	Promotion of dogs PSPO consultation	2.19%	4	183
16/11/23	Promotion of dogs PSPO consultation (video)	4.26%	10	235
23/11/23	Promotion of dogs PSPO consultation	2.79%	22	788
30/11/23	Promotion of dogs PSPO consultation	0.79%	1	127
06/12/23	Final week for dogs PSPO consultation	0.71%	1	141
08/12/23	Promotion of dogs PSPO consultation	6.63%	12	181
13/12/23	Final day for responses to dogs PSPO consultation	2.33%	3	129
14/12/23	Close and thank you for dogs PSPO consultation	1.6%	2	125

Figure 23 - Statistics for Dogs PSPO Consultation Twitter posts

#### Instagram Statistics

Date	Content	Engagement Rate	Likes	Reach
01/11/23	Launch of dogs PSPO consultation	0%	0	165
09/11/23	Promotion of dogs PSPO consultation	0.61%	1	164
16/11/23	Promotion of dogs PSPO consultation (video)	3.52%	9	256
23/11/23	Promotion of dogs PSPO consultation	2.61%	6	230
30/11/23	Promotion of dogs PSPO consultation	1.05%	1	95

06/12/23	Final week of dogs PSPO consultation	1.77%	2	113
08/12/23	Promotion of dogs PSPO consultation	0.85%	2	236
13/12/23	Final day for responses to dogs PSPO consultation	3.98%	7	176
14/12/23	Close and thank you for dogs PSPO consultation	2.68%	3	112

Figure 24 - Statistics for Dogs PSPO Consultation Instagram posts

#### LinkedIn Statistics

Date	Content	Engagement Rate	Reactions	Shares
01/11/23	Launch of dogs PSPO consultation	2.67%	1	0

Figure 25 - Statistics for Dogs PSPO Consultation LinkedIn posts

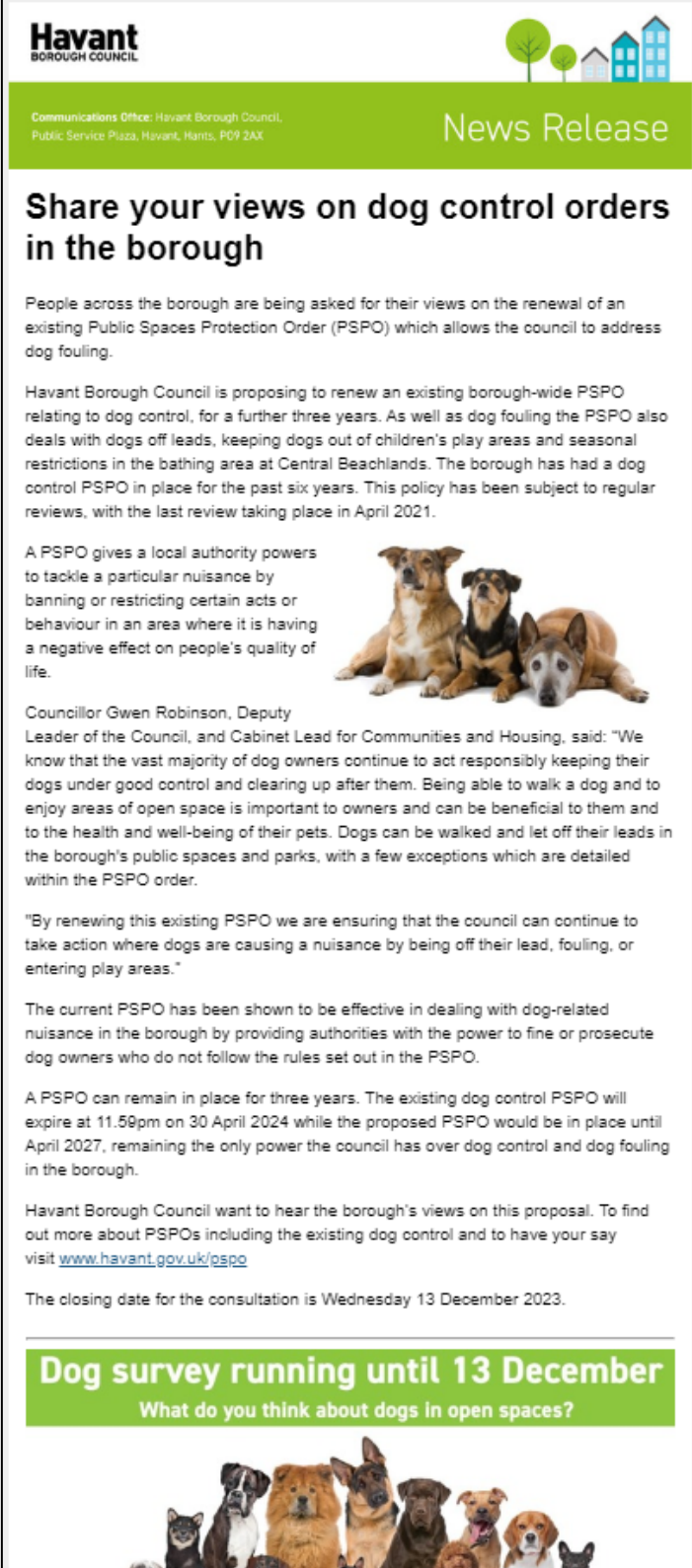
#### TikTok Statistics

Date	Content	Views	Reactions
16/11/23	Promotion of dogs PSPO Consultation	832	73
08/12/23	Promotion of dogs PSPO consultation	846	8

Figure 26 - Statistics for Dogs PSPO Consultation TikTok posts

## Appendix D – Social Media Screenshots

Press release – 1 November 2023



**Havant**  
BOROUGH COUNCIL

Communications Office: Havant Borough Council,  
Public Service Plaza, Havant, Hants, PO9 2AX


News Release

### Share your views on dog control orders in the borough

People across the borough are being asked for their views on the renewal of an existing Public Spaces Protection Order (PSPO) which allows the council to address dog fouling.

Havant Borough Council is proposing to renew an existing borough-wide PSPO relating to dog control, for a further three years. As well as dog fouling the PSPO also deals with dogs off leads, keeping dogs out of children's play areas and seasonal restrictions in the bathing area at Central Beachlands. The borough has had a dog control PSPO in place for the past six years. This policy has been subject to regular reviews, with the last review taking place in April 2021.

A PSPO gives a local authority powers to tackle a particular nuisance by banning or restricting certain acts or behaviour in an area where it is having a negative effect on people's quality of life.



Councillor Gwen Robinson, Deputy Leader of the Council, and Cabinet Lead for Communities and Housing, said: "We know that the vast majority of dog owners continue to act responsibly keeping their dogs under good control and clearing up after them. Being able to walk a dog and to enjoy areas of open space is important to owners and can be beneficial to them and to the health and well-being of their pets. Dogs can be walked and let off their leads in the borough's public spaces and parks, with a few exceptions which are detailed within the PSPO order.

"By renewing this existing PSPO we are ensuring that the council can continue to take action where dogs are causing a nuisance by being off their lead, fouling, or entering play areas."

The current PSPO has been shown to be effective in dealing with dog-related nuisance in the borough by providing authorities with the power to fine or prosecute dog owners who do not follow the rules set out in the PSPO.

A PSPO can remain in place for three years. The existing dog control PSPO will expire at 11.59pm on 30 April 2024 while the proposed PSPO would be in place until April 2027, remaining the only power the council has over dog control and dog fouling in the borough.

Havant Borough Council want to hear the borough's views on this proposal. To find out more about PSPOs including the existing dog control and to have your say visit [www.havant.gov.uk/pspo](http://www.havant.gov.uk/pspo)

The closing date for the consultation is Wednesday 13 December 2023.

**Dog survey running until 13 December**  
What do you think about dogs in open spaces?




Figure 27 - Screenshot of Dogs PSPO Consultation press release circulated on 1 November 2023



# YOUR BOROUGH

## Your council is here to help you

Welcome to Havant Borough Council's online newsletter which gives you the opportunity to find out more about what's going on and keep you up-to-date with our news.

**Know someone who would like to receive this newsletter?**

If anyone you know would like to sign up for this bulletin, please forward this newsletter to them and they can [sign up here](#).

Please follow our social media channels for daily updates. Thank you for your support.

### Remembrance weekend in the borough

The civic service of Remembrance will take place on Sunday 12 November at St Faiths War Memorial, Havant.

Residents are invited to join the Mayor from 10:35 am when the parade leaves the Royal British Legion Ex-servicemen's club, Brockhampton Lane, Havant accompanied by Denton Smith, bagpiper accompanied by drums courtesy of Hampshire Caledonian Pipe Band.

A wreath-laying ceremony will also be held at the Cenotaph in St Mary's Road, Hayling Island, with the Deputy Mayor in attendance.

Wreath-laying will also take place at St James Hall, Church Path, Emsworth, PO10 7DP in the afternoon from 2:30pm.

### Share your views on dog control orders

Have your say on the renewal of an existing Public Spaces Protection Order (PSPO) which allows the council to address dog fouling and the control of dogs in our area.

Havant Borough Council is proposing to renew an existing borough-wide PSPO relating to dog control, for a further three years. As well as dog fouling, the PSPO also deals with dogs off leads, keeping dogs out of children's play areas and seasonal restrictions in the bathing area at Central Beachlands.

The borough has had a dog control PSPO in place for the past six years. This policy has been subject to regular reviews, with the last review taking place in April 2021.

[Take part here](#)

The easiest way to register to vote is online

Important changes to postal voting

GET SET TO SAVE ON ENERGY BILLS THIS WINTER

Figure 28 - Screenshot of Dogs PSPO Consultation section of Your Borough Community Newsletter circulated on 1 November 2023

 **Havant Borough Council**  
1 November 2023 · 🌐

How dogs and dog walkers behave can affect how people enjoy their local parks, play areas, sports facilities, beaches and cemeteries. It can also affect the animals and plants in these important natural habitats.

Our Dog PSPOs set out how dog walkers should control their dogs to balance the needs of all. For example:

- where dogs must be on a lead
- where dogs are not allowed
- owners responsibility to clean up after their dogs

Have your say on the current dog controls and new proposals by Wednesday 13 December.  
<https://ow.ly/47oB50Q18mt>

**Dog survey running until 13 December**

**What do you think about dogs in open spaces?**



👍 7 2 comments 7 shares

👍 Like 💬 Comment

Figure 29 - Screenshot of Dogs PSPO Consultation Facebook post published on 1 November 2023

Twitter post – 1 November 2023

**Havant** Havant Borough Council  
@HavantBorough

How dogs and dog walkers behave can affect how people enjoy their local parks, play areas, sports facilities, beaches and cemeteries. Our Dog PSPOs set out how dog walkers should control their dogs to balance the needs of all. Have your say by Wednesday 13 December.

**Dog survey running until 13 December**

What do you think about dogs in open spaces?



10:30 am · 1 Nov 2023 · 298 Views

Reply Retweet Like Bookmark Share

Figure 30 - Screenshot of Dogs PSPO Consultation Twitter post published on 1 November 2023

Instagram post – 1 November 2023



Figure 31 - Screenshot of Dogs PSPO Consultation Instagram post published on 1 November 2023

**Havant** Havant Borough Council  
2,352 followers  
3mo

How dogs and dog walkers behave can affect how people enjoy their local parks, play areas, sports facilities, beaches and cemeteries. It can also affect the animals and plants in these important natural habitats.

Our Dog PSPOs set out how dog walkers should control their dogs to balance the needs of all. For example:

- where dogs must be on a lead
- where dogs are not allowed
- owners responsibility to clean up after their dogs

Have your say on the current dog controls and new proposals by Wednesday 13 December.  
<https://ow.ly/y0fT50Q18mu>

**Dog survey running until 13 December**

**What do you think about dogs in open spaces?**



1

Like Comment Share


Figure 32 - Screenshot of Dogs PSPO Consultation LinkedIn post published on 1 November 2023

6<sup>th</sup> & 7<sup>th</sup> January 2024, 11am & 2pm  
Performance on 4<sup>th</sup> January will be BSL interpreted  
Tickets: £10, Under 18s £6.50  
Written by Dafydd Meurig & Antony Borden  
**The Spring**  
Great experiences for everyone

Cinderella - A family pantomime at [The Spring](#)  
3 - 5 January 2024, 7:30pm  
6 and 7 January 2024, 11am and 2pm  
Tickets £10


---

**Havant**  
BOROUGH COUNCIL



**Community News**

**Dogs in the Borough**



Havant Borough Council are conducting a statutory consultation to review the Public Spaces Protection Order relating to the control of dogs in the borough.

This PSPO replaced the existing dog byelaws in the borough when it was first adopted in 2017, and was extended following public consultation in 2021.

The Order covers dog fouling, the exclusion of dogs in designated areas, areas where dogs must be on a lead and dogs being put on a lead by direction from a designated officer.

Currently, anyone who is found to be committing an offence under this Order can receive a fixed penalty notice of £100.

As the PSPO has been in effect for three years since it was last extended, the Council is now reviewing this Order and before deciding on the future course of action, we want to hear from you on how we should proceed.

Dogs are a huge and enjoyable part of everyday life for many of our residents and visitors, and the Council recognises the pleasure that dogs bring to individuals and families. We therefore want to take into account the views of those affected before any decision is made.


For more information on the current Order (including the areas covered) and to submit your views on this consultation, visit [www.havant.gov.uk/pspo](http://www.havant.gov.uk/pspo).

This consultation will be open from Wednesday 1 November to Wednesday 13 December 2023.

If you are unable to complete this survey online, paper copies are available to collect from libraries and community centres in the borough with a pre-paid envelope to return to us.

Alternatively, you can complete this survey over the phone by contacting 023 9244 8019.

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**30,000 Volunteers are on standby**

More than 30,000 NHS and Care Volunteer Responders are standing by to boost capacity in health and care this winter and support some of the country's most vulnerable people. Volunteers are ready to help the NHS and social care teams with winter priorities, including quicker patient discharge from hospitals and the expansion of virtual wards enabling people to be cared for at home. Find out more by visiting this link - <https://nhs.carevolunteerresponders.org/referral> to refer

Figure 33 - Screenshot of Dogs PSPO Consultation section of Havant Borough Community Bulletin circulated on 3 November 2023

Facebook post – 9 November 2023

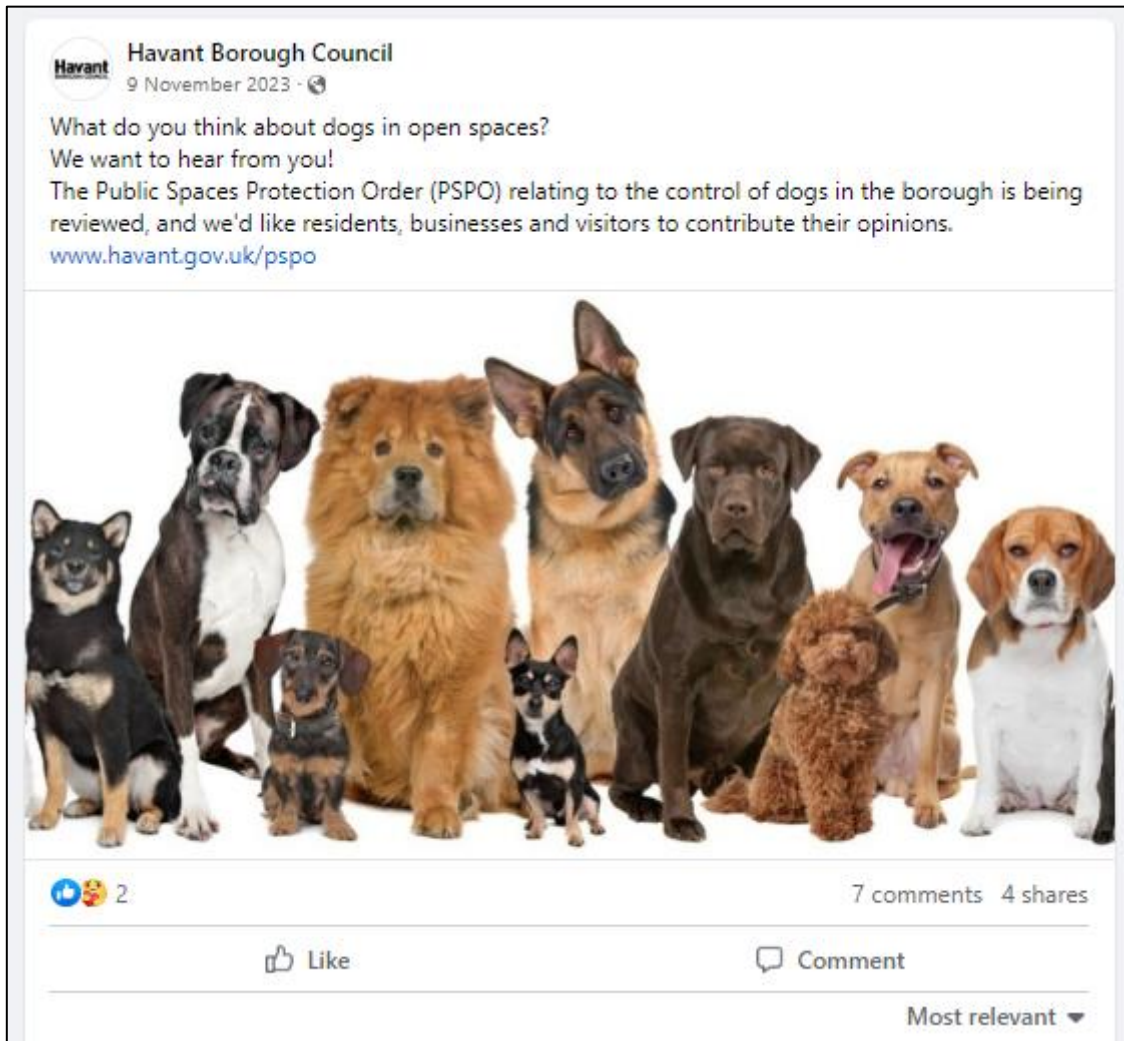


Figure 34 - Screenshot of Dogs PSPO Consultation Facebook post published on 9 November 2023

Twitter post – 9 November 2023



Figure 35 - Screenshot of Dogs PSPO Consultation Twitter post published on 9 November 2023



Instagram post – 9 November 2023

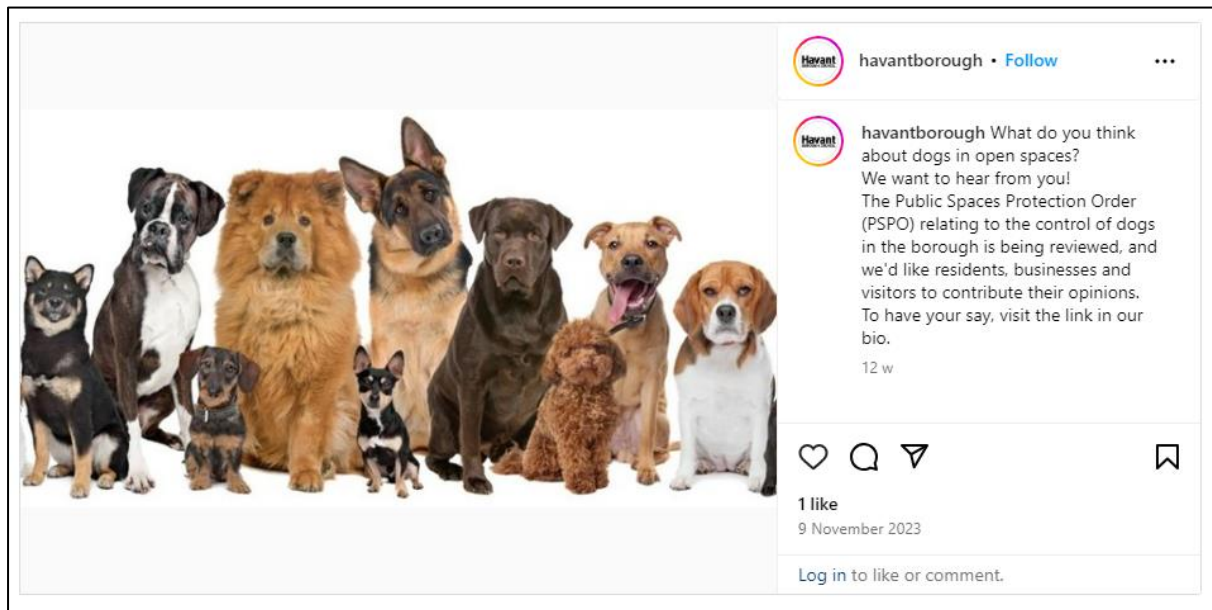


Figure 36 - Screenshot of Dogs PSPO Consultation Instagram post published on 9 November 2023

Twitter post – 16 November 2023

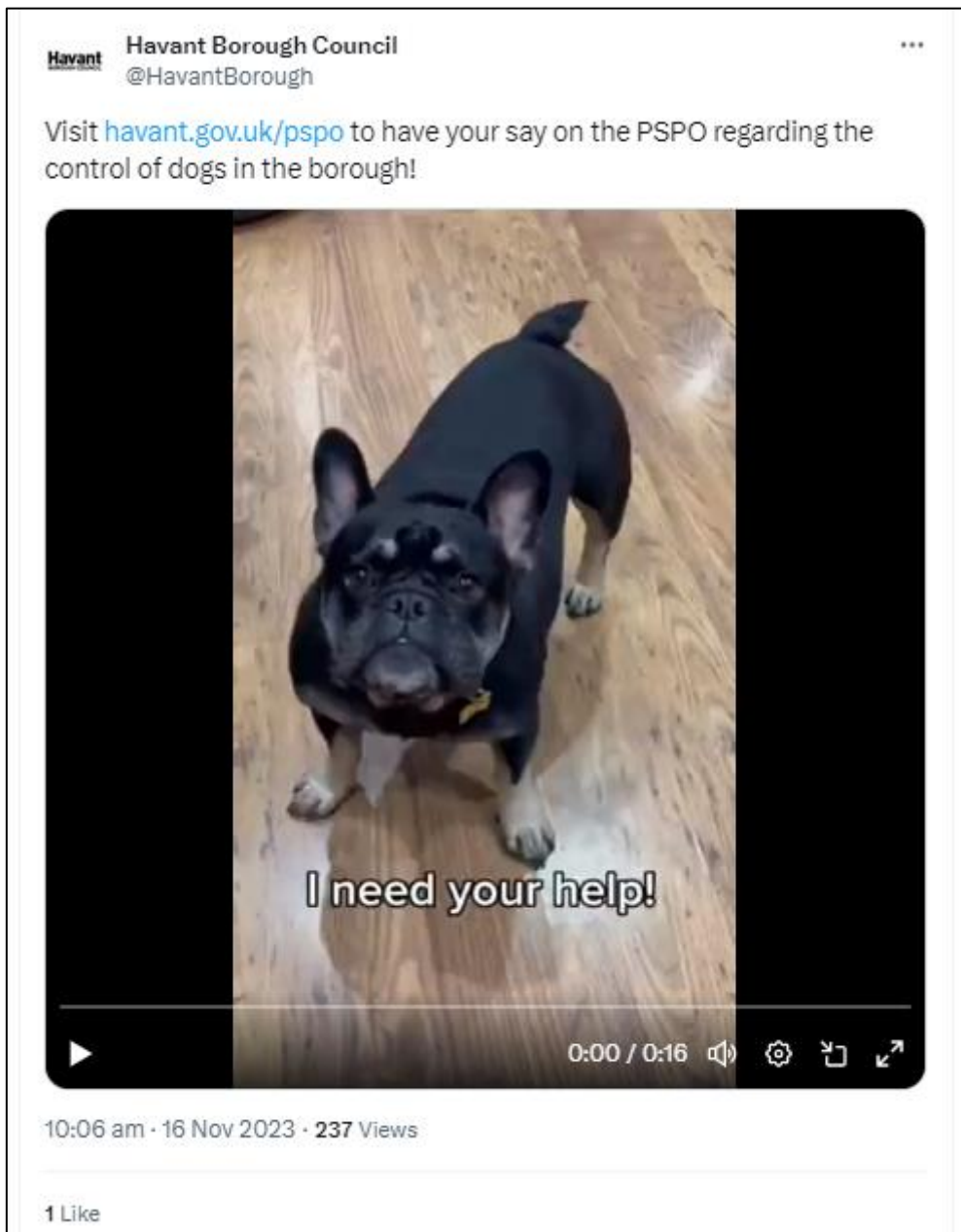


Figure 37 - Screenshot of Dogs PSPO Consultation Twitter post published on 16 November 2023

Instagram post – 16 November 2023

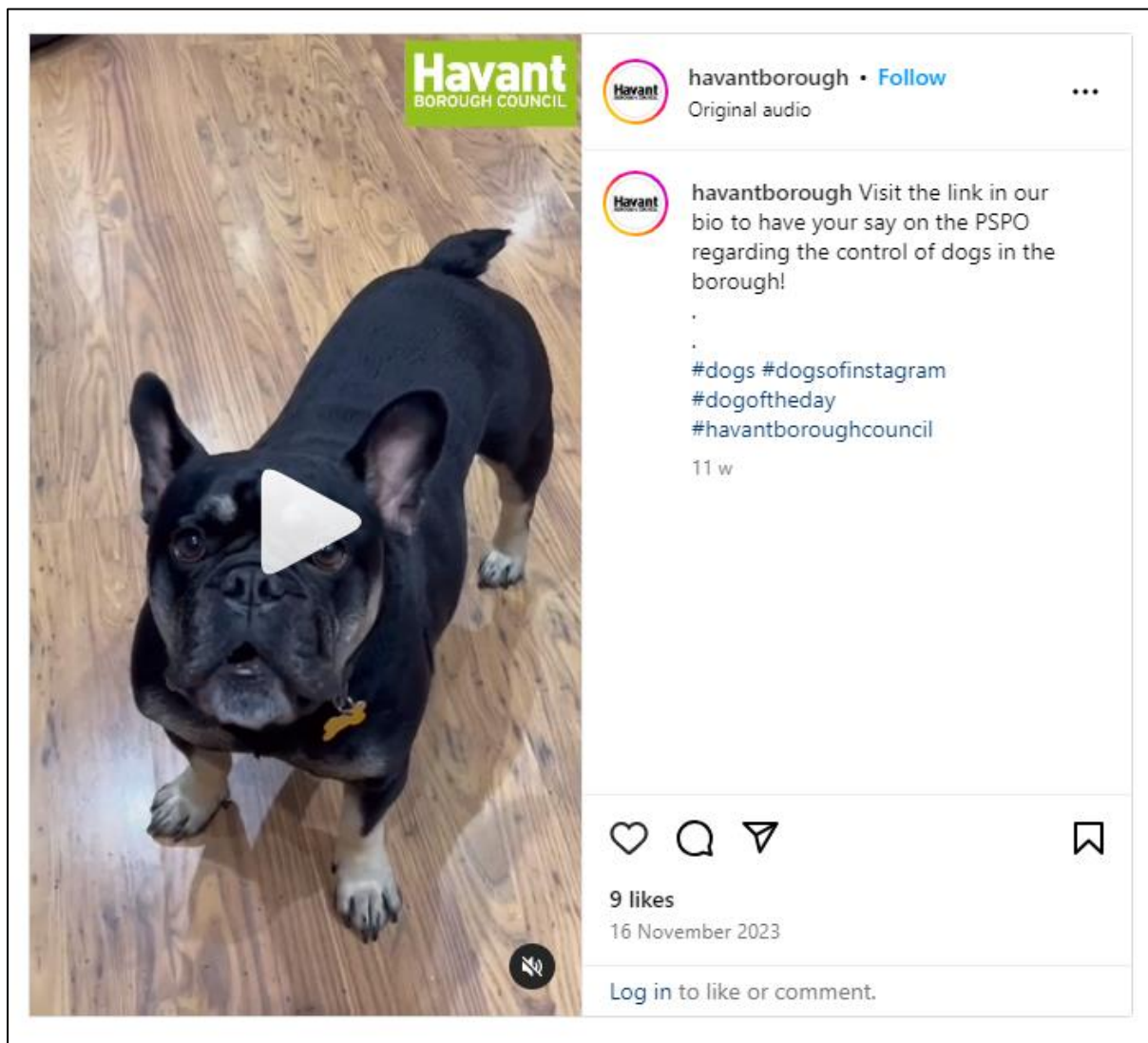


Figure 38 - Screenshot of Dogs PSPO Consultation Instagram post published on 16 November 2023

TikTok post – 16 November 2023

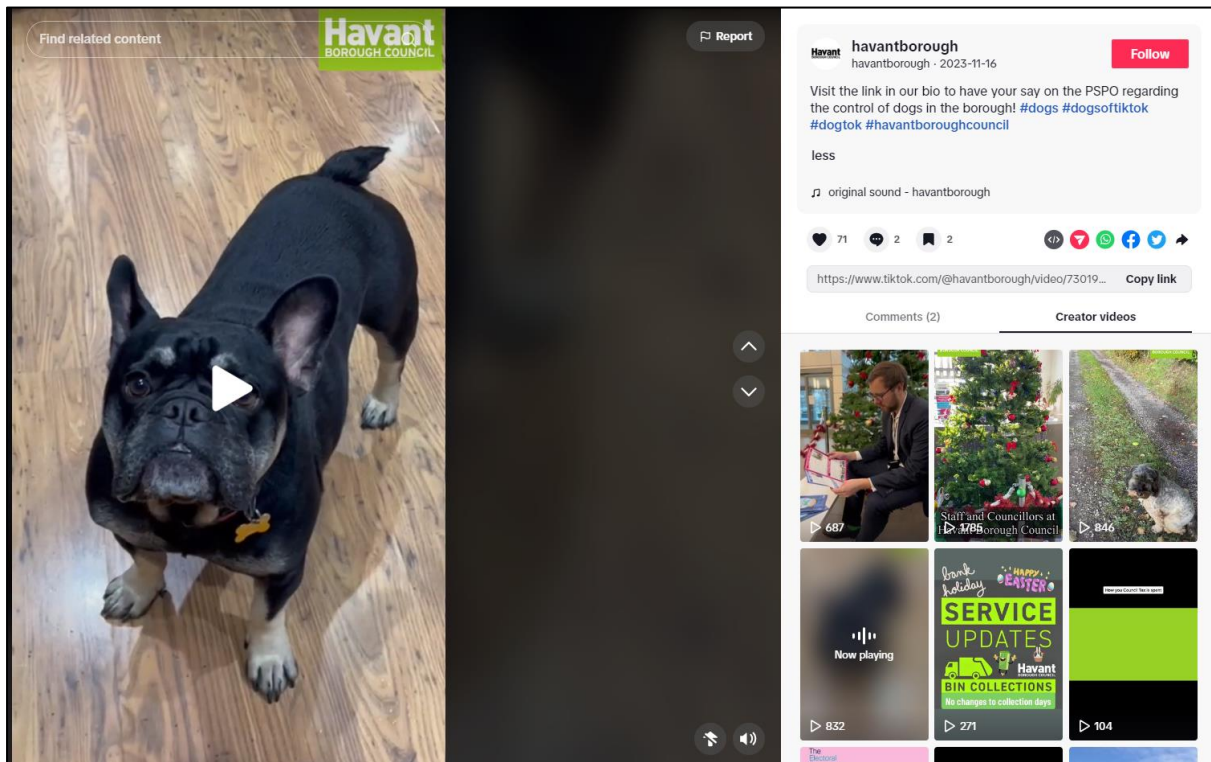


Figure 39 - Screenshot of Dogs PSPO Consultation TikTok post published on 16 November 2023

Facebook post – 23 November 2023



Figure 40 - Screenshot of Dogs PSPO Consultation Facebook post on 23 November 2023

Twitter post – 23 November 2023

**Havant** Havant Borough Council  
@HavantBorough

What do you think about dogs in open spaces? We want to hear from you!  
The Public Spaces Protection Order (PSPO) relating to the control of dogs in the borough is being reviewed, and we'd like you to contribute with your opinions.  
[havant.gov.uk/pspo](https://havant.gov.uk/pspo)



12:01 pm · 23 Nov 2023 · 790 Views

1 Quote 1 Like


Figure 41 - Screenshot of Dogs PSPO Consultation Twitter post on 23 November 2023

Instagram post – 23 November 2023





Figure 42 - Screenshot of Dogs PSPO Consultation Instagram post published on 23 November 2023

Facebook post – 30 November 2023

 **Havant Borough Council**  
30 November 2023 · 🌐

What do you think about dog fouling?  
We want to hear from you!  
The Public Spaces Protection Order (PSPO) relating to the control of dogs in the borough is being reviewed, and we'd like residents, businesses and visitors to contribute their opinions.  
[www.havant.gov.uk/pspo](http://www.havant.gov.uk/pspo)



 3 12 comments 3 shares



 Like  Comment

Figure 43 - Screenshot of Dogs PSPO Consultation Facebook post published on 30 November 2023



Twitter post – 30 November 2023



Figure 44 - Screenshot of Dogs PSPO Consultation Twitter post on 30 November 2023

Instagram post – 30 November 2023

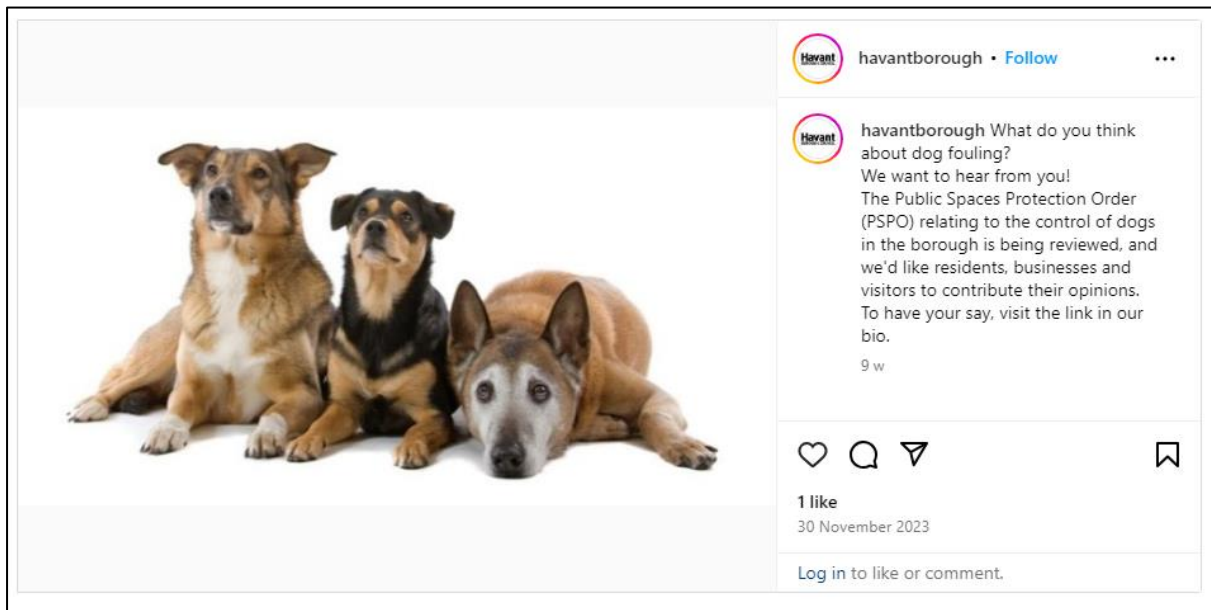


Figure 45 - Screenshot of Dogs PSPO Consultation Instagram post on 30 November 2023

**Any times out of these please contact us below**

**@ Growing Places Mill Hill, Waterlooville PO77DB  
The Meadow building next to Mill Hill school**

**For more information call us on: 07770806533  
or email [community@growingplaces.org.uk](mailto:community@growingplaces.org.uk)**

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**Connect to Support Hampshire**

Community Directory

- [Community Pantries](#) across Hampshire now have their own listing on the community directory.
- [Foodbanks](#) across Hampshire also have their own listing.
- [Walk N Talk 4 Mental Health](#) – their aim is to preserve and protect physical and mental health for the public benefit by organising free walks in Hampshire with trained Mental Health first aiders.
- [Seetec Plus WHP Pioneer Programme](#) – helping those with disabilities or health conditions with building confidence and skills to enter the job market

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**Dogs in the Borough**



Havant Borough Council are conducting a statutory consultation to review the Public Spaces Protection Order relating to the control of dogs in the borough.

This PSPO replaced the existing dog byelaws in the borough when it was first adopted in 2017, and was extended following public consultation in 2021.

The Order covers dog fouling, the exclusion of dogs in designated areas, areas where dogs must be on a lead and dogs being put on a lead by direction from a designated officer.

Currently, anyone who is found to be committing an offence under this Order can receive a fixed penalty notice of £100.

As the PSPO has been in effect for three years since it was last extended, the Council is now reviewing this Order and before deciding on the future course of action, we want to hear from you on how we should proceed.

Dogs are a huge and enjoyable part of everyday life for many of our residents and visitors, and the Council recognises the pleasure that dogs bring to individuals and families. We therefore want to take into account the views of those affected before any decision is made.


For more information on the current Order (including the areas covered) and to submit your views on this consultation, visit [www.havant.gov.uk/pspo](http://www.havant.gov.uk/pspo).

This consultation will be open from Wednesday 1 November to Wednesday 13 December 2023.

If you are unable to complete this survey online, paper copies are available to collect from libraries and community centres in the borough with a pre-paid envelope to return to us.

Alternatively, you can complete this survey over the phone by contacting 023 9244 6019.

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 Call Adviceline: 0808.278.2829  
**Citizens Advice Havant**  
Free, Confidential & Impartial

Christmas Opening Times  
Open from 10 am to 3 pm  
Wednesday 27, Thursday 28  
and Friday 29 Dec  
[Meridian Centre](#)

**Lighten Up Your Day  
with Citizens Advice  
Havant**

Figure 46 - Screenshot of Dogs PSPO Consultation section of Havant Borough Community Bulletin circulated on 1 December 2023

Facebook post – 6 December 2023



Figure 47 - Screenshot of Dogs PSPO Consultation Facebook post published on 6 December 2023

Twitter post – 6 December 2023



Figure 48 - Screenshot of Dogs PSPO Consultation Twitter post published on 6 December 2023

Instagram post – 6 December 2023



Figure 49 - Screenshot of Dogs PSPO Consultation Instagram post published on 6 December 2023

Twitter post – 8 December 2023



Figure 50 - Screenshot of Dogs PSPO Consultation Twitter post published on 8 December 2023

TikTok post – 8 December 2023

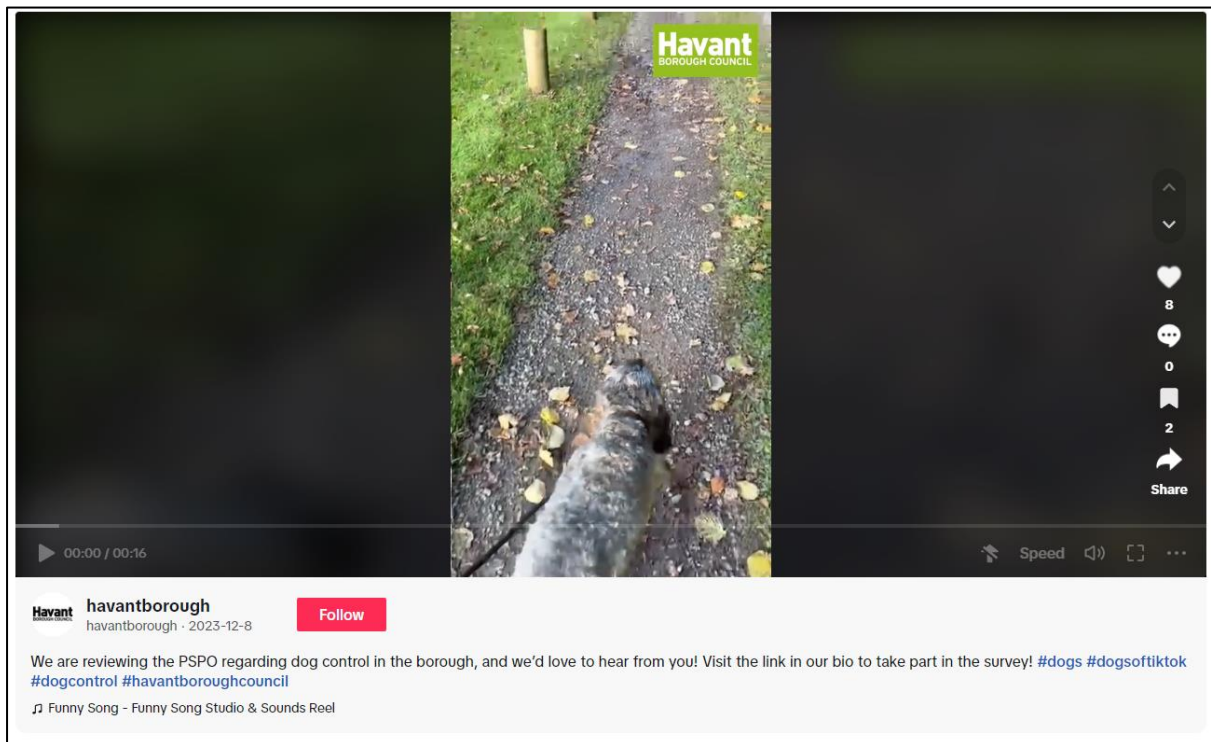


Figure 51 - Screenshot of Dogs PSPO Consultation TikTok post published on 8 December 2023



Instagram post – 13 December 2023

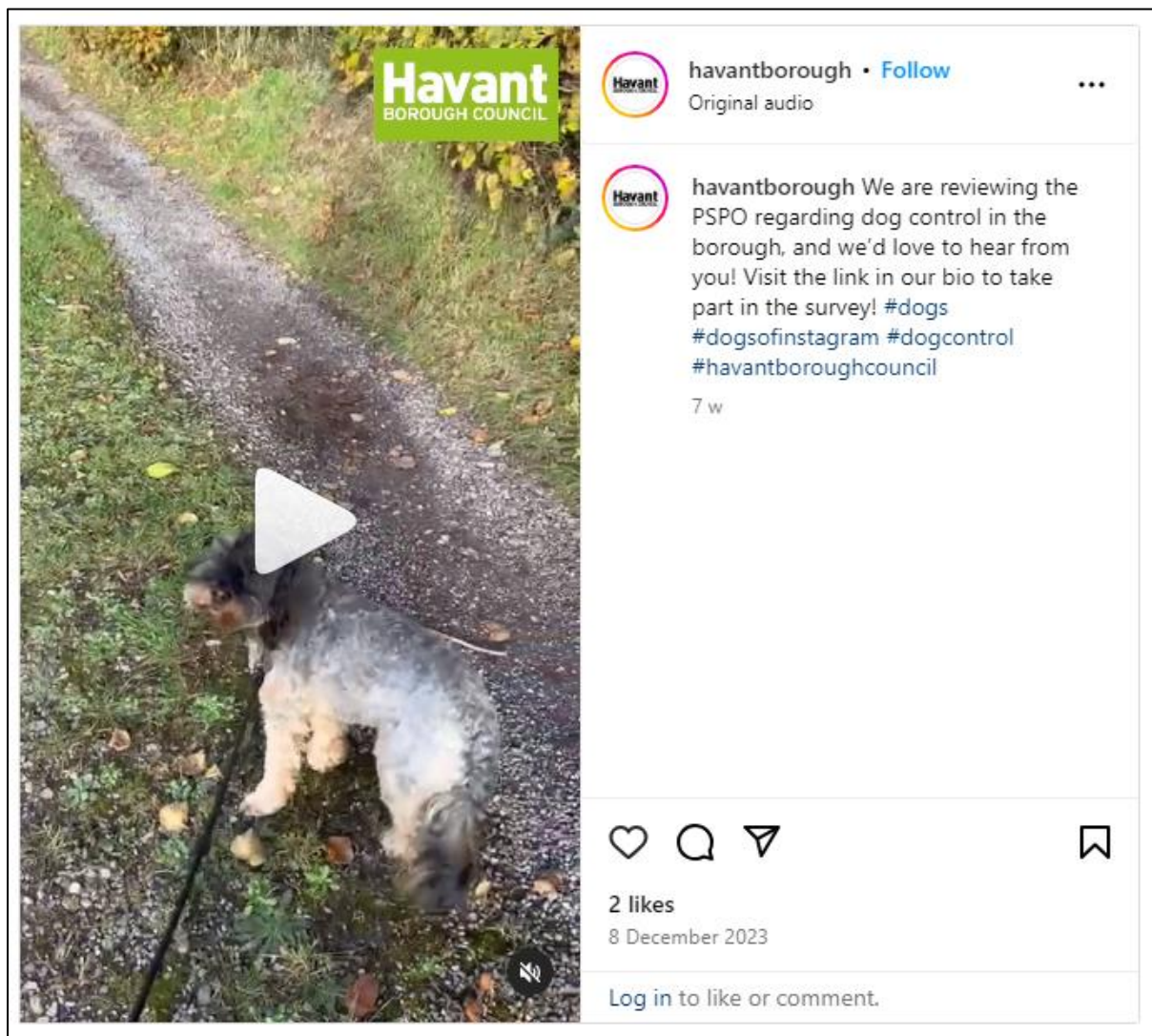


Figure 52 - Screenshot of Dogs PSPO Consultation Instagram post published on 13 December 2023

Facebook post – 13 December 2023



Figure 53 - Screenshot of Dogs PSPO Consultation Facebook post published on 13 December 2023

Twitter post – 13 December 2023

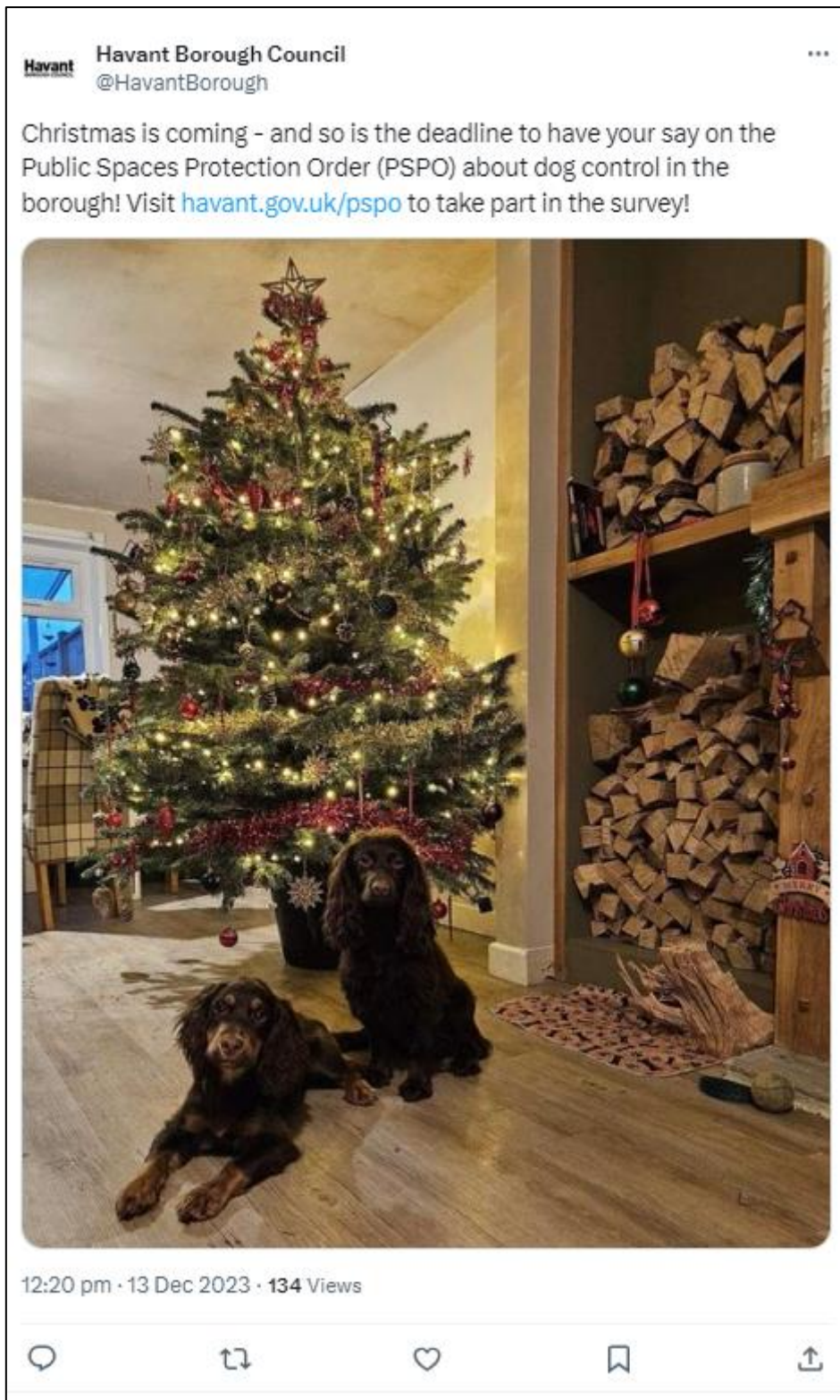


Figure 54 - Screenshot of Dogs PSPO Consultation Twitter post published on 13 December 2023

Instagram post – 13 December 2023



Figure 55 - Screenshot of Dogs PSPO Consultation Instagram post published on 13 December 2023

Facebook post – 14 December 2023



Figure 56 - Screenshot of Dogs PSPO Consultation Facebook post published on 14 December 2023

Twitter post – 14 December 2023



Figure 57 - Screenshot of Dogs PSPO Consultation Twitter post published on 14 December 2023

Instagram post – 14 December 2023



Figure 58 - Screenshot of Dogs PSPO Consultation Instagram post published on 14 December 2023

## Appendix E – Poster Designs

Large format poster design for Dogs PSPO Consultation

Page 138



# Dog survey running until 13 December

## What do you think about dogs in open spaces?

**We want to hear from you!** The Public Spaces Protection Order (PSPO) relating to the control of dogs in the borough is being reviewed. We'd like residents, businesses and visitors to contribute their opinions.

This statutory consultation is running from **Wednesday 1 November to Wednesday 13 December 2023**. To find out more use the QR code below or visit:

**Havant**  
BOROUGH COUNCIL

[www.havant.gov.uk/pspo](http://www.havant.gov.uk/pspo)



Figure 59 - Artwork for Dogs PSPO Consultation large format poster design



A4 poster design for Dogs PSPO Consultation (displayed at libraries and community centres as per Section 5)

# Dog survey running until 13 December

What do you think about dogs in open spaces?

**We want to hear from you!** The Public Spaces Protection Order (PSPO) relating to the control of dogs in the borough is being reviewed.

We'd like residents, businesses and visitors to contribute their opinions. This statutory consultation is running from **Wednesday 1 November to Wednesday 13 December 2023**. To find out more use the QR code or visit:

**Havant**  
BOROUGH COUNCIL

[www.havant.gov.uk/pspo](http://www.havant.gov.uk/pspo)

Figure 60 - Artwork of Dogs PSPO Consultation A4 poster design

## **Appendix F – Full list of themes raised**

The following charts provide the full list of themes raised at specific questions by respondents.

**Q5. If you answered that dog fouling is a problem in the Borough of Havant, please identify ONE area where you think this is an issue. Please be as specific as possible.**

## Full list of areas raised as having problems with dog fouling (Part One)

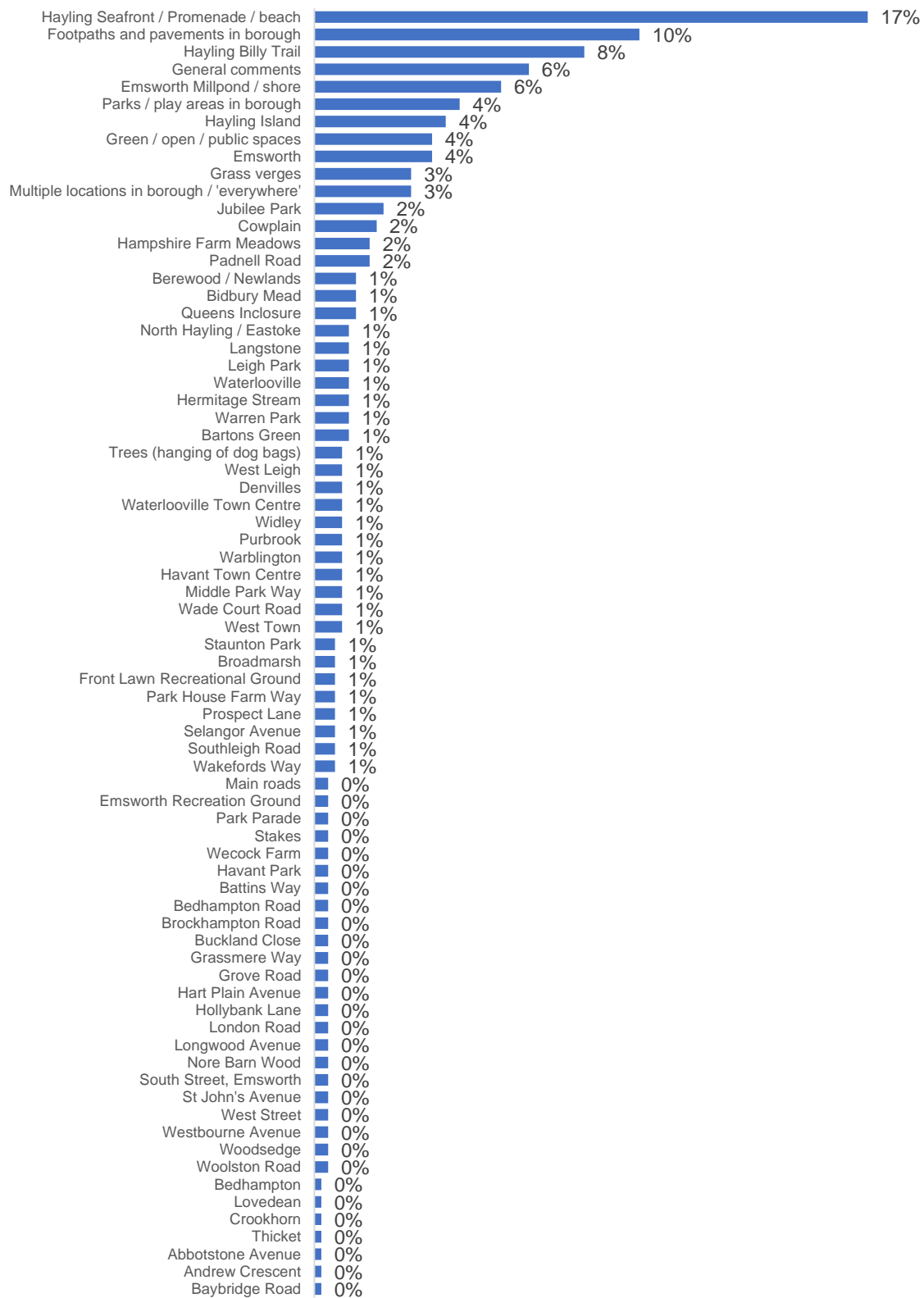


Figure 61 - Responses to Q5 – If you answered that dog fouling is a problem, please could you identify ONE area where you think this is an issue . Please be as specific as possible. Please note that this question was only asked of those who indicated 'a very big problem' or 'a fairly big problem' at Q4.

**SAMPLE: 483**

## Full list of areas raised as having problems with dog fouling (Part Two)

Beach Road	0%
Beaulieu Avenue	0%
Bedhampton Way	0%
Bellair	0%
Billy Lawn Avenue	0%
Blackmoor Walk	0%
Blendworth Crescent	0%
Broadlands Avenue	0%
Brockenhurst Avenue	0%
Bursledon Road	0%
Chalton Crescent	0%
Charlesworth Drive	0%
Colbury Grove	0%
Daffodil Way	0%
Dunsbury Way	0%
Elm Grove	0%
Emsworth House Close	0%
Emsworth North Street	0%
Finchdean Road	0%
Fourth Avenue	0%
Froxfield Road	0%
Gladys Avenue	0%
Greywell Road	0%
Harold Road	0%
Haslar Crescent	0%
Havant Pallant	0%
Hazelton Common	0%
Hooks Lane	0%
Hurstborne Close	0%
Hurstwood Woods	0%
Inhurst Avenue	0%
Kentidge Road	0%
Kings Road	0%
Lavant Drive	0%
Littlegreen Avenue	0%
Lovedean Lane	0%
Lysander Way	0%
Manor Farm Close	0%
Maralyn Avenue	0%
Martin Road	0%
Milton Road	0%
Newlands Walk	0%
Normandy Way	0%
Old Copse Road	0%
Park Community School	0%
Pook Lane	0%
Poppy Way	0%
Purbrook Way	0%
Quareley Road	0%
Ramsdale Avenue	0%
Record Road	0%
Riders Lane	0%
Rogers Mead	0%
Scratchface Lane	0%
Seagull Lane	0%
Shawford Grove	0%
Sherowash Road	0%
Shipwrights Way	0%
Southwood Road	0%
Springwood Park	0%
Spruce Avenue	0%
St Albans Park	0%
St Christophers Square	0%
Stakes Road	0%
Stakes Hill Road	0%
Steep Close	0%
Stamford Avenue	0%
Stratford Road	0%
Sunnymead Drive	0%
Warnford Crescent	0%
White Ladies Close	0%
White Oak Walk	0%
Winchester House	0%
Winterslow Drive	0%

Figure 62 - Responses to Q5 – If you answered that dog fouling is a problem, please could you identify ONE area where you think this is an issue .Please be as specific as possible. Please note that this question was only asked of those who indicated 'a very big problem' or 'a fairly big problem' at Q4.

**SAMPLE: 483**

**Q7. If you answered that you feel that dogs not being kept under control is a problem in the Borough of Havant, please identify ONE area where you think this is an issue. Please be as specific as possible.**

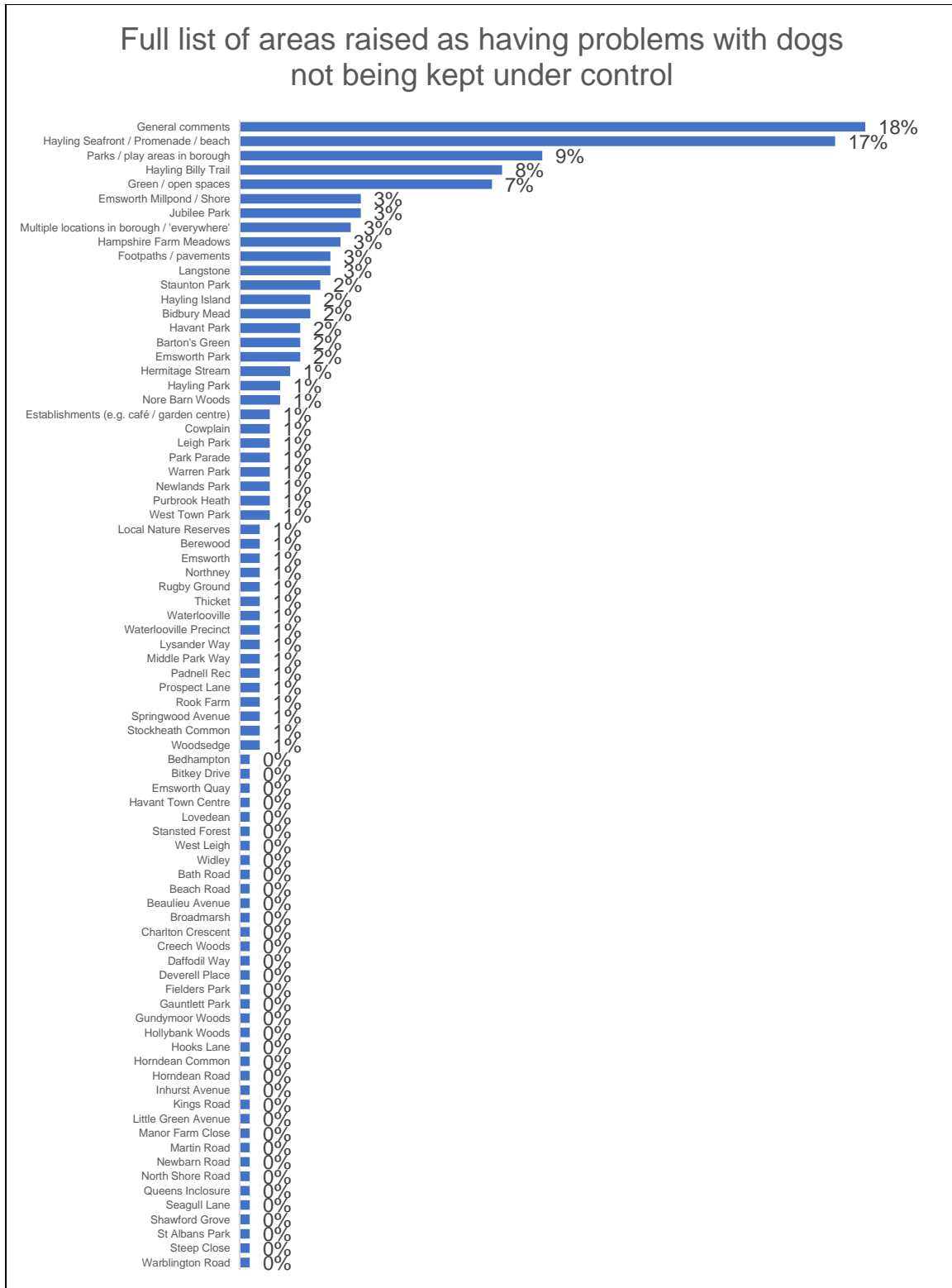


Figure 63 - Responses to Q7 – If you answered that you feel that dogs not being kept under control is a problem in the Borough of Havant, please identify ONE area where you think this is an issue. Please be as specific as possible. Please note that this question was only asked of those who indicated 'a very big problem' or 'a fairly big problem' at Q6.

SAMPLE: 344

**Q7. If you have any further comments or suggestions in relation to this PSPO, please state below**

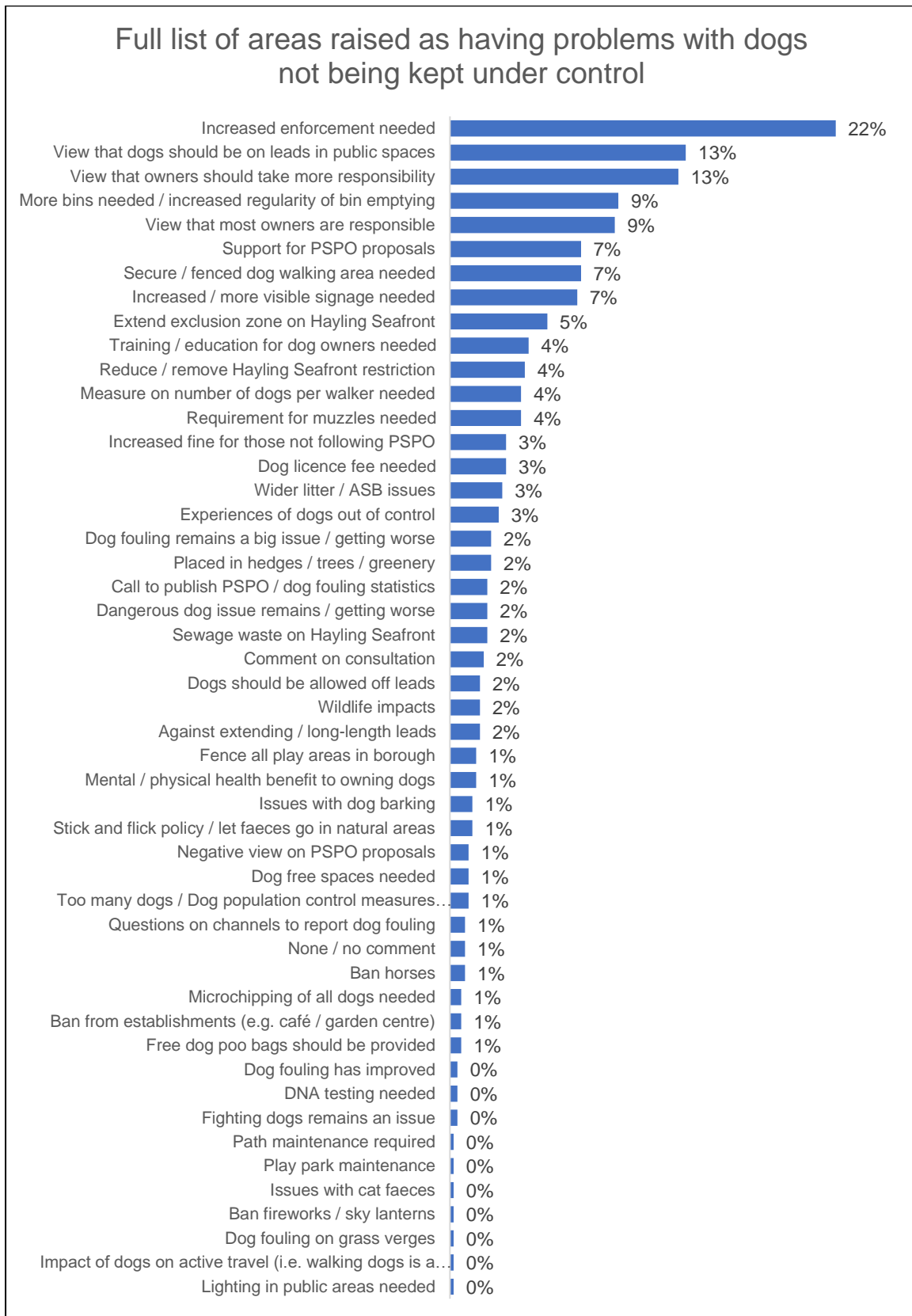


Figure 64 - Responses to Q5 – If you have any further comments or suggestions in relation to this PSPO, please state below.

SAMPLE: 475

## Appendix G – Literal Responses (INTERNAL REPORT ONLY)

The below table provides the full responses given for the open-ended questions asked as part of the consultation.

**Q5. If you answered that you feel that dog fouling is a problem in the Borough of Havant, please identify ONE area where you think this is an issue. Please be as specific as possible.**

The Billy Trail
Footpaths
Dog owners are not cleaning up the waste from their pets or hanging the waste bags from trees as though they expect someone to clean up after them.
Emsworth village pavements
Along the beach and on verges all around Hayling
Leigh park Billy lawn Avenue The grass area between Winchester House and Bournemouth House
The Emsworth millpond wall. Use of poop bags is not 100%
It is worse on the beach stea after lots of visitors. They don't seem to care about picking it up
Pavements
Havant Pallant area
The pavement in Padnell Road
As you state, most dog owners are very responsible. However, in the Denvilles area where the new estate has been erected on Harts Farm Way (?), the fouling has increased. Bags of dog poo are being left before the entrance of the remaining field opposite the Coop in Snowberry Crescent, and from the new estate along from the entrance on Bartons Way back onto what left of the land/field. I have no idea what these people are thinking. Why put it in a bag if you then dump it? Maybe the council could consider insisting on clearing up the dog poo in public places, but adopt what Stansted has whereby if you're in a field etc, push the poo to one side off the public path. The insects/animals will soon eat it. I have lived here for 24 years and I don't remember this being a real problem prior to the estate being built.
Larger areas of grass like verges, dog walkers seem to think you only need to pick up poo off the pavement but verges are OK.
around the middle park way area
Hayling Beachlands
Hayling billy line
Dogs on the beach at Hayling. Dog owners let their dog(s) run free and have no idea where they are pooing or choose not to see.
All parks and play areas
Owners letting their dogs run off leads and not clearing up behind me them
All green spaces, and those footpaths that are not on main highways.
All over Hayling Island
The Billy Trail to Langstone and beyond.
PO92QN
Fouling not being cleared by owners walking dogs in the PO7 area. This area has schools and young children that play in the good weather. The mess is left and even I have just avoided stepping into other dog poop when I bend down to clear my own dogs' mess.

We live near Waterlooville town, our road and adjacent ones have a significant problem with dogs fouling the pavement and grass verges, and dog owners who collect the faeces in a bag and then "drop" it, or throw it.
During summer months in Emsworth around the mill pond and beach
I live in Emsworth House Close and people whom don't walk their dogs in the road and grassed areas and let their dogs foul without picking it up. Not once has a dog Patrol been near here. It's as if we don't exist. The same for dogs off leads.
Failure of the council to put more dog waste bins in locations that make sense to dog walkers and the behaviours of dogs when they need to poo and also ensuring the bins are emptied. Sadly bad dogs like any one who litters will not change their behaviours, the council needs to think better how to change its teams thinking on bin locations, collections and actively enforcing the regulations
Along Bedhampton Road and New Road
I cannot walk from my house in Cowplain any distance without seeing dog fouling on the pavement. It is becoming worse and needs to be controlled.
I have asked but nothing has happened but a dog poo bin installed on the end of Padnell Road by Padnell grange due to the large amount of discarded poo bags at the entrance and of the hump's and bumps and general rubbish left everywhere, I did ask my local councillor and included photos to which he agreed and passed the information on the right department . As it is the entrance to Hazelton common which is very popular with dog walking and kids on bikes on the humps and bumps it's crying out for some common sense and install a bin which has been asked for for years.
St John's Avenue
There is a slight problem from fouling in the Widley area. Mostly owners of large dogs.
The Woodland path running from Stratford Road, parallel to Lysander Way, all the way up to Jessica Close. The path also runs parallel with Angelo Close, Florentine Way.
Around the beach huts at Eastoke
Walking around emsworth millpond
The Billy Track
Hayling Island beach. Specifically when dogs are banned as well as during the permitted period on the blue flag area.
In grassy areas such as Bartons Green and the green at Acer Way. I use a wheeled walking aid and it's almost usual to find dog poo on the wheels after a walk. Also the path between Normandy way and Bartons road.. its terrible for dog mess, I guess because it's not in public view. Many owners do t clear up if no one is looking. Finally the Billy track between the Spring and theHavant Station
Owners put dog excreta in bag and the toss it on ther verge
Purbrook and Widley pavements. Especially roads around Purbrook Primary school. I have stated this before, all dogs should be licensed and chipped. The guilty parties could be identified by DNA testing and fined. The current Order is a waste of time as not possible to police.
too many carelessly "dropped" dog poo bags; increasing amount of uncollected dog poo
Hayling Island West Beach SSSI
Queens inclosure
Jubilee Park, Waterlooville and all roads leading to it, ie Wallis Road, Rowlands Avenue, Jubilee Road
There are still those who do not clear up
Fouling on pavements in Fourth Avenue. Repeated offenders, failed to pick up.



I regularly litter pick around Emsworth and find uncollected poo, full poo-bags which have been dumped or inexplicably hung on bushes/trees, and many unused bags which have presumably dropped when the owner is collecting in another bag. All the streets, both Millponds, the Tescos and Community Centre carpark, even the churchyard suffer from these problems. It is widespread and I can't identify any particular blackspot.
Longwood Avenue sometimes, depending on who's walked their dog along that road and Gladys Avenue.
Everywhere . It is difficult to do a reasonable length walk without coming across dog fouling
One Stop Hart Plain Ave Cowplain and the surrounding footpaths of nearby roads.
On public footpaths, around North Hayling and Eastoke
Jubilee Park, fielders, most rec areas and footpaths to be honest
Public footpaths around Spruce Avenue Waterloo
people don't pick up after their dogs or if they do they then throw the poo bag in the bushes.
Woodsedge. People don't pick it up, and if they do then they often don't put it in a bin. There is one wooded area where some lovely individual has create a whole pile of poo bags
Parks and walkways
Beachlands
Pavements
Wakefords Way, West Leigh.
Around hurstborne close and botley road
People don't clean up after their dogs. This is toxic for humans to breathe when left outside like that everywhere.
Central Beach lands and Hayling park
Hart Plain Avenue (Cowplain School and Hart Plain Infant School end) and the cut through (near the London Road) from there to Silvester Road.
Hayling seafront
Maralyn Avenue. Dogs are being let off lead and are wondering people's front gardens, doing their business on private property. Last week I had a dog that pooped at my front door
Housing estate grass verges Denvilles area
Bedhampton Way - grass areas
There is literally dog poop EVERYWHERE ... walkways, grass verges, open spaces etc. As a responsible dog owner, i pick up and bin my dog poop, and it really angers me that so many people are not doing the same. HBC need to increase the number of staff patrolling areas and actually enforce this and issue fines.
On most streets and at Emsworth foreshore and Bartons Green there is always evidence of dog fouling.
There is always dog muck left on the pavements and verges in the Stakes area. Especially near the recreation park
Waterloo precinct.
Colbury grove

<p>It is a very big problem at Hampshire Farm Meadows in Emsworth where there has been no requirement for owners to keep their dogs on leads since the open space was opened to the public in around 2014 much to the detriment to the local wildlife, especially skylarks that used to nest there but have now completely disappeared. Dog fouling is a problem over the entire meadow and because there have been no restrictions, professional dog walkers often arrive with 5 or 6 dogs off the lead and the person walking them have no control over where they are doing their business and consequently do not clear it up. Another issue is that dog owners are often speaking on their mobile phones and don't notice when or where their dog has fouled. Also, many dogs are brought to the meadow in cars and when they are let out they run straight out onto the meadow and do their business, often while their owner is still locking the car so again it doesn't get picked up.</p>
<p>Emsworth North Street and Seagull Lane going down to the Nature Reserve and in the Nature Reserve</p>
<p>The public footpath from Seafarers Walk down to the seashore and both directions-beach and footpath, East to West ie. The Lifeboat station to Eastoke -the Nab car park, is regularly fouled by dogs with irresponsible owners who either are too lazy to pick it up or just don't care .The idea of using a poo bag seems alien to them and great lumps of faeces are left right where people and children walk! There are plenty of special bins but I have seen piles of poo literally next to them. People also leave bags of poo hanging on the trees;they can't be bothered to carry them to the nearest bin.</p>
<p>On the south side of West Street just either side of the entrance to Portsmouth Water</p>
<p>Any</p>
<p>Around Emsworth millpond and along the foreshore and Norse Farm open space</p>
<p>Along Purbrook Way &amp; Park House Farm Way. Along Hermitage Stream.</p>
<p>Hart plain avenue, cowplain</p>
<p>The area of common between Inn on the Beach and Hayling Gold Club. Some people do not clear up after their dogs often leaving mess in the pathways ready to be trodden on. Most owners are very good but those who do not even try know that nothing will happen to them.</p>
<p>Berewood estate, people either don't pick up or leave in bags next to a bin</p>
<p>The poo bags that are used and then thrown on the ground and not disposed of properly</p>
<p>The area around Wade court road and through the footpath leading on to the path along and around Langstone millpond.</p>
<p>South street Emsworth&gt; The Mill Pond walk way Emsworth</p>
<p>Along shoreline at Nore Barn Woods and Billy Trail</p>
<p>Staunton Park Havant</p>
<p>It's a problem in first, second,third and fourth avenue Havant.</p>
<p>streets round about Jubilee Park. People seem quite good at clearing up in the park, but less careful on the way there. Also on paths in Park Wood and Queens Inclosure</p>
<p>People who insist on walking their dogs on dog free beaches, ie blue flag beaches, Hayling Island particularly affected</p>
<p>From Wade Lane, past pond and fields to Wade Lane.</p>
<p>The Promenade</p>
<p>Near parks in st albans and old copse rd</p>
<p>Hayling Island beach area.</p>
<p>Stansted Forest and Havant Thicket.</p>
<p>We live in Charlesworth Drive PO7, in the last year, dogs mess on pavements as before worse. We no longer walk out in the dark as several times trod in dog mess. All dogs outside the house should be muzzled as we seem to except 8 people per year being killed by dogs.</p>

Anywhere there is an area of grass and or bushes. The park off Bay bridge Road is always full of people letting their dogs off lead to foul and don't clean it up. One woman, when challenged, proudly stated she'd trained her dog to foul in the bushes so no one would see it. When I pointed out that kids played there and the council workers had to walk there she shrugged her shoulders and said oh well.
Broadmarsh Coastal Park, along all the metalled pathways near the slipway car park.
Roads near where I live, regularly see dog faeces not picked up
Not always but time to time will notice huge piles on the pavement, Finchdean rd
Around the costal walks and maybe due to lack of bins.
Public footpath along the Eastern edge of the SSSI at Sandy Point Hayling Island.
Broadmarsh despite several dog bins peoples don't bother especially if no-one's around.
Grass verges SELANGOR Avenue Emsworth
people do not always pick up their dogs mess. If owners are challenged on this they can be quite abusive and, sometimes even aggressive. Further, it can be quite intimidating when some owners allow their dogs of the lead, especially when the dogs are large or noisy it would held if the borough cut the grass more regularly so picking up poo would be mush easier.
Area of woodland alongside Lysander Way (footpath leading to underpass on Tempest Way) overrun with dog walkers, noise from dogs from 5am onwards either constant barking, or loud conversations from dog owners when they meet early in the morning. Dogs on leads, running free, sometimes into the road and fouling of footpaths leading to this woodland walk area. Noticeably increased since the pandemic with owners having several dogs, not just one.
Beach Road Hayling Island
Langstone. I find dog poo bags on a regular basis just dumped
Padnell Road and London Road Cowplain
Pretty much everywhere. I walk regularly in Jubilee Park and some dog owners are completely oblivious. Understand it is a difficult problem to address. Bring back dog licences I think!!
Hayling Sea Front foreshore
In the stakes area around woods edge and Jasmine grove
All open spaces!
I live in Broadlands Avenue and because it has grass on the verges it is a regular dog walking route. There is often fouling on the grass and even bagged dog mess left on the garden walls or dropped over the walls into the gardens. I also reported many bagged dog mess on the walking routes on Bere Wood but gues this is in Winchester council area.
Public pathways, owners not cleaning up.
I have had dogs for many years and look after many dogs when the owners are on holiday. I see many people pick up but often I see filled poop bags in hedges and in ditches. Grass verges and small lanes between public roads people tend to feel that no one is watching and they can just leave it. There are now so many dogs that even a small number of dog owners can make public places unsafe for the majority of people to use. I also see lots of takeaway packaging and single use vapes abandoned in similar places until one of the residents eventually pick up.
Footpaths along the coast from Emsworth to West of Langstone
On any public footbath used by dog walkers
I think that there will always be some owners who do not clean up but I think those who let their dogs off lead are perhaps the greatest culprits as they cannot possibly always see when their dog fouls?
Around parks and play areas.

Kings road where kids walk from school, lots on pavements
Not a people walking dogs pick up after them. Some just walk away from their dog and leave them to it.
Public spaces
Beach past Eastoke Corner, HI Various footpath/alleyways on island
Dog fouling is prominent throughout the borough.
Haslar Crescent, Waterlooville
Hampshire Farm Meadow and general public footpaths in Emsworth.
I have noticed that in certain areas ie on pavements around Grassmere Way dog owners have failed to pick up dog mess. I would suggest it is probably down to one or two irresponsible owners.
West Street, the section between the level crossing and Brockhampton Rd. Dog owners frequently do not clear up dog mess here.
Discarded bags of dog mess
Hermitage Stream path
There are still a number of owners who do not clear up after their dogs and owners who clear up but then fling their poo bag into a hedge or tree. Padnell Recreation Ground Queens Inclosure
Pavements in Emsworth
On most verges in Waterlooville
Common area between Inn on the Beach and the Fair on Hayling island.
There is far too much dog cr*p on pavements and in alleyways and paths.
Pavements
Wecock
Hayling
Hayling island around carvan park areas, seems to be Holiday makers in the main I would say.
Westboune Avenue in Emsworth, Southleigh Road from Emsworth through to Warblington
Pavements and wood walkways in the area. Pavements between houses. eg. Inhurst Avenue. Woodland paths in the area between Inhurst Avenue and Complain through Queens Inclosure.
Public Footpaths
Nore Barn Woods/Selangor Path
local open spaces - parks/on the grass. People are lazy and don't pick their dog's poo up.
Beer wood and Newlands
The Billy trail between Havant and Langstone
Billy line from town to Langstone
Public footpath alongside Warblington School south of the railway running from Southleigh Road, Warblington, to School Lane, Havant.
Hematige stream
Cowplain, Padnell Road, Sherowash Road, Padnell Park, Hazelton Park
Hayling beach front area, creek area,
Emsworth recreation ground/park
Hampshire Farm Meadows and Hollybank Lane seem to be prime areas. It seems that dog fouling seems to increase in wet weather.

Foot paths on Stakes Road PO7
Blendworth Crescent
Hayling Island beach promenade and especially alleyways to Southwood Road. But dog fouling on the beach and virtually everywhere on Hayling is disappointing and disgusting. So many lazy inconsiderate owners, so little warning signage and zero sign of any enforcement.
Hampshire farm meadows
Newlands
Emsworth Mill Pond walkway. It seems the early morning dog walkers think that as it is dark or that not many people are about, they do not need to keep an eye on their pets fouling on the foot path. I have witnessed may toddlers, pre school age, tottering along right into the mess. It doesn't seem to happen later when there are more people about watching and call to owners who miss their dogs fouling. I do think that more designated dog mess bins would help 'advertise' the need for owners to be responsible - maybe ask product manufacturers or local pet shops for sponsorship to help with costs?? Their names or products on the bin might be attractive to them?
The Hayling Billy Trail, especially in the gravel under the bridge under the A27
Emsworth mill ponds and harbour routes
People who don't put poo bags in a bin but leave them in trees, bushes etc
Around Berewood site and the local walks. Dog bags are continually left with dog poo inside
Parks and open spaces
Pavements in residential streets
Crockhorn / Purbrook
Hampshire Farm Meadow and open grounds adjacent to Westbourne avenue and Westbourne Road
Ensworth new housing developments as there are no dog bins
Stakes hill road
Hurstwood woods
Dog poo in our drive and regularly on the pavement down our road- Grove rd, po91Ar Lots of dogs walking down our road to walk on the hayling billy
Areas around the Berewood Estate in Waterlooville, including the borough of Havant and Winchester
dunsbury way, brockenhurst ave
Jubilee park
Anywhere you walk in the borough
When I take my own dogs for a walk, lately I'm having to dodge other dogs poo around the silverdale drive area(Cowplain)-as a responsible dog owner I find it disgusting that people don't pick up, especially now the clocks have changed and it's darker, nobody wants to be stepping in it !!!
Hayling Sea Front, the land alongside the tea/coffee van and the public toilets.
.
On the roads leading to Emsworth foreshore and on the foreshore, not only fouling but lots of poo bags hanging from trees all the way from Emsworth to Langstone
Warren Park
Pavements in Emsworth.
Hayling Island sea front. However I think the issue is with visitors as all the residents I know always pick up

The nature reserve that runs behind the old Northney holiday camp, North Hayling, there's always Pooh along the path.
Berg estate around Andrew crescent , sunnymede Road especially in school holidays .
The grass area behind the beach between the inn on the beach and beachlands
The parks inc Havant park
Dog fouling on pavements in Fourth Avenue, Third Avenue, the footbridge from Third Avenue to Fairfield Road and the Billy Line
The 3 fields in Langstone in between the billy line and The Royal Oak pub
Coast path/beach
Between Emsworth Road and the town centre including the twitten. There's dog mess in these areas every day.
The Emsworth Millpond area
Over the parks
in the grassy verges beside roads, even small areas you can tread on something foul if you walk across the grass.
General problem throughout the Borough.
Hampshire farm meadow
Mostly pavement fouling and particularly those people who pick it up and bag it and then either leave it on the ground or throw it into trees and hedges.
Hayling Billy trail, langstone millpond path
Havant Thicket Hayling Beach - bags of dog poo left everywhere
A lot of people pick up their dog's poo and leave the bag behind. This is worse than not putting it in a bag and increases pollution.
Public notices saying it's a fine of 100 pounds if you don't clear up the dogs mess.
There are a few inconsiderate dog owners that do not clear after their own dogs and there is evidence of this in and around the Park at the end of Harold Road. Spotting and catching them is the issue.
Parks and beaches
Eastoke corner Hayling island and beach
The beach and promenade on Hayling, absolutely disgusting and unacceptable level of dog fouling in these areas
The alleyway going to the beach at the bottom of Eastoke Avenue, Hayling Island
On the beach , footpaths hayling billy track as no bins
Children's play areas and adjacent green space. Bidbury Mead and Rugby field
It's people who walk their dogs late evenings and nights and it's been outside our house in Buckland Close and I've noticed it in Sunnymead Drive.
Public footpaths around the area from White Ladies Close all the way into the centre and surrounding areas. The Hayling Billy Trail is also full of it.
Grassmere Way and surrounding area
Too many joggers and owners allow their dogs offload without adequate supervision so the dogs can foul open spaces without the owner even knowing that there dog has done so and therefore not picking it up after the event. I am not advocating that dogs should be kept on lead as they too need freedom and exercise, but owners need to be reminded of their responsibility.
The play park on south wood Road even though it clearly says no dogs owners still go in there took my grand daughter in there she fell dog poo all over her shoes and coat she was such a mess and very upset disgusting I wouldn't mind there is a bin very near to it.
Both at Hayling Oyster Beds local nature reserve and the Car Park at Gunner Point that leads onto the beach at Gunner

Grass verges.
My grandfather was blind and one of his great fears was stepping in dog excrement. I know that others, including mothers out walking with children feel the same way.
The streets in the area of Bellair and Oaklands Road. East Street ,East Pallant and the Hayling Billy trail
On the grass areas along seafront Hayling
Jubilee Park Waterlooville
Beachlands
I frequently encounter dog mess on Beachlands beach.
Dogs off lead on the beach
We own a beach hut in H section on the Hayling Beach. Fouling is an occurrence around our hut and we have to check our area before getting settled, i.e. the route from the car park to the hut and the area around our hut. In 2022/2023 season, probably about 8 incidents of uncleared fouling or faeces left in bags tucked under our hut.
Beach at end of chichester ave
The whole of the seafront on Hayling especially near car parking and on the Hayling Billy line especially near the car parks .
Grass verges
Hayling Island beaches
On the green space area at Beachlands. This used to be a no dogs area but now it has been reduced to no dogs on the beach only. As a beach hut owner we regularly have to clean up dog poo before we can allow the grandchildren to play there.
The complete stretch of the Hayling Island beaches.
Even the most responsible dog owners cannot remove dog "mess" from the pebbled areas & therefore many do not bother to attempt this.
Those that do clear up after their dogs often leave plastic bags strewn around the area.
Hayling beach and grounds.
Not enough enforcement of people letting their dogs foul. Especially on hayling beaches &surrounds.
On the Billy Line on Hayling Island where people leave bags of faeces behind
People littering with poo bags. I can't quite understand why they pick it up then drop the bags but they do. They are on pavements, verges and even sometimes hanging off trees. I have had them put in my hedge on more than one occasion.
West town park hayling island
The park at West Town - it's a park for young children to play football, and adults football and cricket - and there are many owners who do not pick up after their dogs - it's frustrating when owners do not do this. Also, dogs in the childrens play area.
Near the beach , car park etc and even the disabled walkway and grass where the cars park and just let dogs out for pooh
Hayling Island : On the part of the seafront path that is shingled, between the golf club and the Crescent, there is always dog mess. I suspect this is because the area is not overlooked. Apologies I have one more area: Stamford Avenue on Hayling Island - this is a recent problem - last couple of months.
Town centre and parks
Wecock Farm
Nore Barn Wood

Everywhere. No dog wardens to police this issue
Sea wall Emsworth
Hayling Billy Trail
Have seen several instances of dog fouling in Wade Court Road and the Hayling Billy Line. These are regularly used by walkers. You cannot appreciate the scenery around you if you are having to look down to see where you are walking to avoid the dog fouling. Also the same applies to just walking into the town. Also I have seen fouling in the town park. This spoils the enjoyment of taking a walk in these public spaces.
Padnell Road Cowplain as its on the way to dog walks
My postcode are is PO9 5NH. Unfortunately a small number of dog owners allow their animals to foul the pavements and parks and do not pick up after them.
Regularly fowled in Waterlooville town centre, and poo bags get dumped in Purbrook area.
St Albans park
Broadmarsh Walk
Everywhere. There's not enough dog bins
The Hayling Billy Line from Havant train station to Langstone.
Public footpaths. Main walking routes for example London road
on pavements and alley ways between houses. Also on some of the green verges and spaces around houses.
Walking along the paths to Leigh Park Shopping Centre
Around Warren Park school
I walk my dog in Jubilee Park in Waterlooville and regularly see dog poo that has not been picked up. It's mainly big dogs that do really massive poos that obviously the owner really doesn't want to pick up. Also its on the playing field that is used by cricket and Young football teams which really isn't fair on them.
Public footpaths
Leigh Park streets
Not enough bins in the Borough to use for dog poo
Beachlands Hayling Island Blue Flag Beach area around beach itself and huts section B and C.
Not enough bins or bag providers for those caught short
North common and parts of the Billy Trail
Battens way
Springwood Park. On football pitch and around swing park
Cowplain especial around lovedean lane, Milton Road, longwood Avenue
Public footpaths, open spaces and coastline at Warblington & Emsworth as well as Havant Town Centre.
Padnel park and local roads
Hampshire Farm Meadows
Billy trail
I think it's area on the paths
Havant train station bridge and Havant park
Winterslow drive
Pavements/grass verges
Pedestrian lane running east parallel to boundary of Hayling hardware leading from Elm Grove.



Some Dog owners are careless, letting their dogs relieve themselves in the middle of the lanes, on the pavements, unpleasant and a health hazard; dog walkers are no exception ( eg a couple who walk 5 dogs ( 2/3 big dogs) on Hayling ferry road beach and decidedly look the other way when the animals perform.
Actually in the "quieter" areas where dirty minger owners think its okay to not pick up after their dogs! In the side streets on Hayling and down near some areas of the beach, plus near the main shopping area in Mengham
Littlegreen avenue
Broadmarsh
In open spaces where animals are off the lead
Emsworth Mill Pond, next to Glen wood school (path that leads to Emsworth Primary School), Holly bank recreation ground, Holly bank woods
Hayling Island, North Shore Road area
Hayling Island seafront promenade. Countless piles of dog excrement, some dropped in bags. some not. One cannot walk along looking at the sea as eyes need to be on the ground at all times.
West beach/ Inn on the beach area.
South Hayling, including the whole of the Seafront and Beaches from the Hayling Ferry to Hayling Island Sailing Club, the Promenade and all local pavements, foot paths and green areas in the Mengham, Eastcote, and Sandy Point area.
More bins needed.
Along the footpaths that run behind the houses between Pook Lane and Grove Road
I live on plaitford grove and the green on board of a our road and parkhouse farm way. In the winter as the grass is not cut on the edges. People won't pick their dog poo up. It's like dodge pooh. I have to wear Wellington boots as its easy to wash off. I DO pick up and dispose also
All green open grassy spaces like playgrounds and parks.
Cowplain, particularly in Queens inclosure & Hazleton Common.
Hermitage stream
Fouling on footpaths never seems to diminish, just lack of responsible dog owners
I walk along the Hayling Billy line daily and often see instances where dogs have fouled & the owners have not picked up after them. As a dog owner & walker myself, this really annoys me as I always keep a close eye on my dogs & pick up after them.
The field at front lawn recreational ground. I walk my dog there most days and I'd say that 50% of the time, there is dog mess that hasn't been picked up
On the pavements
Seafront Hayling North Common Northney
Warren Park
Emsworth Mill pond wall walk and the coastal footpath
Along the broadmarsh coastal path
Most of the footpaths leading to West Beach. The signage is old and there is no enforcement.
Emsworth Harbour wall
Front Lawn rec, pathway running along by the park, astro pitches and Bowles area
Around parks and play areas
Footpaths For example on Slipper Millpond and the Selangor Footpath

PO9 5 Wakefords Way / Burclear Rd / Prospect Lane.
Nore BarnWood
The biggest problem especially in Cowplain area there are very few dog bins and although you can take your poo bags home with you a lot of dog owners are disposing of them irresponsibly. I feel that if there were more dog poo bins available they would be used as the ones that are around are often full.
Langstone Hayling Billy "spit" west of the Sailing Club
Since the country's lockdown the number of people owning dogs have increased substantially. There are a small minority of owners without social conscience and disregard for the law that allow their dog(s) to foul indiscriminately without attempting to pick it up. I quote examples in Emsworth. Emsworth Harbour to Langstone foreshore. Queen Street the High Street, South Street, Emsworth and Hampshire Farm Meadows
White Oak Walk and Froxfield Road in and around the grassed areas of flats and grass walk ways
Streets of Emsworth
The area and park on Prospect Ave. When people are challenged they get very aggressive and refuse to pick the muck up.
Scratchface Lane, it has become an absolute invasion of dog walkers in the last year, with people coming from outside area to walk dogs on the field. Often throwing their bags of poo in our garden and on our path.
Langstone footpath's are a disgrace and covered in dog excrement. It stinks, is a health hazard and is all over the soles of my, and my partners shoes. There are do bins, no one uses then just letting their dogs foul the footpath's.
Footpath around Mengham Sailing Club towards Lakeside Holiday Park
Always seeing it, roads around the Park Parade area.
Rest a While Avenue
Park Avenue Widley & surrounding streets
Along public footpaths and quieter Places. Beach can be a problem to
Hayling Island. The shore walk behind lakeside holiday park often has dog waste on the paths or hung in bags on trees.
All areas can be bad. Pavement, park land.
West Leigh
Playgrounds and parks
I regularly see dog poo, and more so poo that has been bagged up and dumped.
Emsworth Millpond
The warren
The promenade / beach at Eastoke, Hayling Island
Main roads usually
Numerous spots in waterlooville. Poo being bagged up but then the bags just dumped.
Fines for dog owners not picking up? More signs warning of penalties if not picking up etc
Along the beach promenade between Eastoke and Sandy Point on Hayling Island. Along pavements on Hayling Island
The whole borough!
In the park by the shopping centre

Emsworth Park. People think its ok to bag it and throw it in the bushes or they think because their dog is little they don't need to pick it up, or they are too busy on their phones whilst their dog is running around that they don't notice its fouled
Emsworth - throughout the village and near to the school and recreation grounds.
Pavements
People not picking up
I feel that there is dog faeces on pavements around the Borough not in any specific place.
Havant park
Hayling Island
Outside my house! Also, on footpath opposite cemetery near Havant station. On trails down to beach beyond Pook Lane. On Southleigh Road around field. Honestly, I run regularly and it's everywhere
I can only speak for the areas I walked with my dog until very recently when she passed away. I walked all of Hayling and the beaches in particular are a bit of an issue. Not one over the other, west beach and sandy point equally bad
Hayling Seafront - Eastoke
Purbrook
Emsworth mill pond
Dogs are allowed to run free, off leads in the parks and owners are usually glued to their phones and ignoring the mess. I regularly have neighbours dogs run onto my driveway and front garden and poo, the owners ignoring it. I have a park at the back of my house and ever day see the same owners failing to pick up dog mess. It's not safe for me to let me kids play freely in the park. Hayling sea front is covered in dog mess. Owners expect the sea to wash it away, which it does in some cases, but the high tide mark is covered in dog mess.
Just in general, on pavements, grass verges and in padnell park
Jubilee Park. Walkers use the pathways and ther are plenty of bins along the pathways. However, with the wet weather some dog owners don't go onto the grassed areas and leave dog faeces wher they are deposited.
Jubilee park in Waterlooville and the road leading up to it- Rowlands Avenue.
Waterlooville, pavements and parks
Hayling Beach front
The open space near Daffodil Way. Even with bins provided (at residents expense) the dog walkers still leave pooh on the ground. When the bins are full the dog walkers are too lazy/ inconsiderate to take their pooh to the next bin. Disgusting.
The verge between my front wall and the pavement. Generally though, I often see "poo bags" discarded in inappropriate places (pavement, gutter, hanging from hedges, once in my driveway)
Battens way
Around Barton's park , bins overflowing at some periods , bags chucked on floor or into trees , bus stop bin not replaced
Leigh Park
Around park community school
Beaulieu avenue Po94lj area leading towards Swaythling Rd,and on the greens in the road and outside my house
The parks, common areas and streets of Hayling Island
Lack of bins in the borough - some dog walkers leave bags of dog poo hanging on bushes etc rather than carry them to the next bin.
Open areas, dogs off leads, fouling everywhere, no responsibility by owners.

Parks, shared cycling and walking routes
Beaches on Hayling Island
St Christopher's square. Bedhampton. Leigh Park Gardens. Brockhampton (by the shore) On pavements in St John's Rd,
Langstone foreshore and all of the Billy Line. Also bins don't get emptied.
Generally people are pretty good about picking up dog mess. However I occasionally see some on the Billy trail in Langstone or on the cycle path along the railway line path towards Warblington. However they sometimes leave the bags which are litter!
Hayling park West Town
Hayling park, have kids who play in park but are consistently plighted by dog owners not picking up their poo, the park is big enough to have a designated area for dog owners which should be sanded and fenced with strong fines for people who do not stick to area.
In the woods and public footpaths
Riders Lane
General pedestrian / play areas
Footpaths and verges
On the pavements, in the streets
Front Lawn Park / Green opposite Billy Lawn Avenue to Petersfield Road. Opposite Andover House on the corner of the green. Older lad - medium size, black dog.
9/11/23 - This morning walking my dogs, I saw a young man watching his dog doing its business, then walking away, what made me speak out asking if he was going to pick the mess up. Answer **** etc and dogs got a stomach upset and I'm not picking up for ANYONE. He'll not obey any rules.
Bidbury mead, especially in wet weather Buggy wheels get covered in poo if I walk with the pram on the grass
Middle park way
Too many owners are not responsible or respectful. Mainly young men with fighting style dogs and ignorant people who can't be bothered. This is along hermatige stream and middle park way.
I live in Blackmoor walk west Leigh on the corner, people walk down to Barton's field to walk their dogs it's a direct route straight down, as I have a small grass verge owned by the council by the side of my house, people let their dogs crap there and leave their bags of poo there too, loads of it, I emailed the council to say please send me dog fowl stickers out, which I put up, only to find bags of poo chucked under the stickers, it's disgusting, I personally think more bigger signs should be put up and bigger fines enforced, kids chucking rubbish outside my house is also a problem. More bins needed.
Queens Inclosure Woods. There is only 1 litter bin at 1 entrance.
Greywell Road Havant on the corner going towards Premier Store
Abbotstone Ave, the alleyway entrance between no 44 Abbotstone ave leading to garages. Somebody keeps letting their dog poo there.
Seagull Lane Brook Meadow
Bedhampton area. I walk my dog every day in Bidbury Park, Rugby field area, using the little alleyway from North Street to access the field and it's always got dog mess around

the area and alleyway. I ALWAYS pick up my dog's mess so it's a shame others don't and gives responsible dog owners a bad name too
This is rich HBC. Several years ago I requested bins/poop bins up West Leigh as cretins were lobbing their poop bags (filled) over my 6' wall where they festered as it's between my wall and extension and could not be reached... even now turdpigs lob 🐷 bags on my extension roof... bcz HBC refuse to put shilt bins in the area... So the fault is at your door...
The Oyster beds and the Hayling Billy Trail
On my daily walk with my dog round the streets of Cowplain I often see dog mess that Havant been cleaned up. The other day my wife spotted someone not clearing the mess up outside our house, she challenged them went in to get a poop bag for her as she said had forgotten hers in a rush and they still walked off. She ran after her and got her to pick it up.
Billy trail
Not enough owners clear up and absolutely no one enforces the law. How many tickets against owners have been issued???
Waterlooville, but anywhere there are dogs there are irresponsible dog owners
Park House Farm Way, woolsten Road, Ramsdale Avenue, Shawford Grove, Quareley Road. These roads have residents or dog walkers allowing their dog to foul and NOT picking it up. Some use a bag but dont discard the bag properly. The bag is generally thrown to the ground. There are no dog waste bins for the dog walkers to discard. Putting up bins wpuld massively help reduce this as dog waste should not be placed in a public bin.
Chalton crescent area
Bidbury Park is just one of the areas where owners are failing to pick up after their dogs. There are waste bins on site, so there are facilities where people can dispose of dog waste. There are regularly piles of dog waste on the grass areas of the park.
Today , North Street and 4th Avenue Denvilles
Bidbury Park, Shore Line by recycling station
Promenade at Eastoke
Fouling in green spaces / verges
Hayling island.
Hayling seafront right up to the eastern end of the promenade footpath. Dog walkers release pets long before they are outside the area covered by the byelaws. In fact the original bye laws are wrongly drafted, partly as they do not go far enough east and now the back slope of sea defences has widened the walking area. Some Councils do not allow dogs on beaches notably in the summer months. Many walkers and visitors do not have dogs.
Hayling Billy Trail, Oyster Beds and if I can have two areas, I would also say on the Rogers Mead/Island Close estate.
Lots of dog fouling on pavements in Emsworth and particularly the paths around the millpond.
In the grass areas near the beach car parks. The litter pickers are excellent but cant be expected to clear up mess left by lazy dog owners.
On the hayling billy trail. dog mess and bags on footpath
Oyster beds/Hayling Billy.
Northney Common
North Common, Northney
I live in Langstone High Street there is often dog poo on the pavement, green areas and walk ways all around the harbour; there are many places wherever you go there is dog poo around, in the street, paths, park and beaches, it is everywhere

West Leigh Area From Barton's Road To Petersfield Road.
Emsworth Mill Pond and foreshore foot path to Beach Road
In the Park areas where the grass cutting is allowing for Meadows to be created and leaving long grass in which the dogs foul and owners do not go in and clear up.
along foot paths ie the old railway lie to haying
Public recreation areas and often on pavements and verges
Lots of dog fouling on the Billy line
Steep close has a big issue with this and 2 of the residents number 11 and 12 allowing there dogs out on there own to foul all over peoples gardens without any owner
Pavements have dog mess where owners have failed to deal with the problem.
Pavements
There seems to be an increase in dog fouling in parks and on pavements, especially during the darker months when these owners can walk dogs during the hours of darkness and therefore feel they can get away with it
Newlands Walk, Waterlooville
Around the streets of Waterlooville, close to, but not in the town centre. On footpaths where people walk.
Shipwrights way in the conservation area. This is a very busy area for dog walkers. As many dogs are off leads and often lag behind the owner, who may be on a mobile phone, the dog the fouls the footpath and ambles on. In this instance the foul heap is left on the path.
Faeces on the edge of pavements in Havant town centre.
The Hayling Billy Trail ( from the Havant town Train station car park entrance, to The Spring Arts centre.
Not enough dog poo bins
Full plastic poop bags left in open public areas and dog excrement on pavements/pathways.
Record Road
Hayling Island promenade walk along the beach pathways. Dog poo not picked up or bagged and then the bag is dropped as there aren't enough poo bins.
The park in Lavant Drive has an open litter bin and a closed dog poo bin. A number of residents enjoy walking their dogs in this park and I've enjoyed many conversations with owners and their pets. There is, however, always a dog poo on the ground right next to the bins. There are poos scattered across the park and on the surrounding pavements. Often, poo bags are thrown into the open litter bin rather than put in the closed poo bin. I'm guessing this is easier although the poo bin is sometimes overflowing. The Seagulls and Magpies then pull all the poo-filled bags out of the bin looking for food. No-one clears up the poo bags, even the person who empties the bins. People then tread on them and poo gets scattered everywhere. I realise that the majority of dog owners are responsible but there are always some who are not. Unfortunately, despite the threat of fines, dog poo incidents generally go unpoliced.
Wakefields way, Barton's field or recreational ground. Middle park way.
Hayling island, parks, seafront etc
Bidbury Mead, Bedhampton including footpaths/grassy areas on the approach from main road. This isn't all the time but it is quite a regular occurrence. I do clear up any mess we come across. I suspect its probably just one or two people who don't clear up but it gives all dogs a bad name.
Parks and seafront Hayling Island

Pavements in Cowplain and Lovedean area.
Emsworth Mill Pond
Jubilee Park, pavements
Not everyone picks up their dogs mess. Please improve signage or have posters to remind people
Bursledon Road, Kentidge Road.
Not enough bins, no one to stop people allowing their dogs to poo and not picking it up
Footpaths in the Borough, Greywell shopping areas.
Hayling Island beach
Around the sea wall in Emsworth.
The field next to Havant & Waterlooville Football Club and surrounding footpaths.
Paths near the Stride Centre. Beach between Emsworth and Langstone. There's a lot on the streets generally, as any walker will tell you.
Hayling beach! Irrespective of ruling for dogs on beach in summer in the evening loads of dog walkers on beach dogs running around off leads. They run up to you both aggressively and others just running around. Never see anyone picking up poo. Same on some paths and where you park cars on beach front dogs run off leads and again poo left and along billy trail. When are people going to realise dog poo is dangerous if it gets in children's eyes etc.. I understand people love their fur babies but allowed to run off lead can be frightening to children and adults alike as you do not know how they react. Real problem is the owners they need the training/licence as some have no control or consideration for other people who don't want their dogs jumping up at them. Why is there no one checking dog walkers are complying with rules?
Paths around Poppy Way and Manor Farm Close
Just generally people not picking up after dogs
Fouling left on beach area, Gorse way approach, alleyway between St. Thomas & St. Helens - these are routes I know/use.
I am a walker and love walking the many local public footpaths. The problem of dog waste on or near public footpaths has got a lot worse over past few years.
Yes by me we have two alleyways and the amount of dogs muck up there is unnecessary. Even down or street .leigh Park. Warnford crescent.
Hayling beach
This is a problem in two areas- in public spaces where dogs are off lead such as parks and green spaces, and also many alleyways that are secluded from public view.
Along Wade Lane and the footpath to Langstone
by train station pavements & in public parks
West end of Hayling beach . I've seen professional dog walkers with as many as 7 dogs often all let off leads so there's no way they can control fouling.
Havant station bridge, every morning you will see it not picked up.
I live on Hayling Island and the beach has become a toilet for dogs. I don't blame the dogs it's the irresponsible owners who let their dogs off the lead and don't keep an eye on them. How can a dog owner with 3 dogs (as I saw the other day ) striding ahead of them without looking behind. When confronting the owners it can get quite nasty as I'm being basically accused of being a dog hater which is definitely not the case. The beach has now become a dog owners dream while the rest of has have to put up with this disgusting behaviour.
Not enough punishments on owners that don't pick up after their dogs
Hayling Billy Line and Mill Pond walk
On beaches and footpaths

West Leigh around the grass / path area. It has got better. We require another poo bin as we only have one on Martins Road.
Road sides and grass verges
Hayling Beachlands
Around the Havant Rugby Club and Hooks Lane next to the field (around the unofficial car parking area).
grass verges by the footpaths Hayling Island
Bartons Green
Why is it suitable to bag stuff and leave it - on pavements and 'near' dog waste bins
Areas around the beach.
Sound the costal walks, maybe due to lack of bins.
Stakes area, I always pick up after my dogs but have had multiple incidents of stepping in dog mess which has been left by other owners! My own dog even stepped in some recently! More poo bins would be good too, I take all mine home (as I have an outside bin for it) but more bins would definitely be useful.
Bedhampton road by the shops park parade shops as usual the council neglected it
Emsworth pavements and the Millpond
Hayling island
Around the millpond in Emsworth and in the Emsworth south street & high street
Pavements
Bibury mead and bedhampton in general
Public footpaths, Billy track, lack of poo bins, poo bags hanging in trees
Parks and paths
Hayling Beach and SSSI
By the warren park park.. it is always on the paths always on the grass. Along woolston road.
People putting dog's waste into a bag and leaving it for others to clear (not disposing of it themselves).
Not enough bins in the area to put poo bags in and some owners do pick up their dog poo
Some people don't bother to pick up after their dog. Very annoying and selfish.
Hayling Billy Trail
Hayling Billy Trail, from School Lane to The Spring
Portsmouth Golf Course
Public payments in borough

Figure 65 - Full responses from respondents at Q5. If you answered that you feel that dog fouling is a problem in the Borough of Havant, please identify ONE area where you think this is an issue. Please be as specific as possible. Please note that this question was only asked of those who indicated that dog fouling was a very or fairly big problem at Q4.

**Q7. If you answered that you feel that dogs not being kept under control is a problem in the Borough of Havant, please identify ONE area where you think this is an issue. Please be as specific as possible.**

Horndean Common - Off lead dogs coming up to dogs on lead. We have 2 lead reactive dogs, therefore we keep them on a lead at all times when on a dog walk. A walk can be ruined for us when an off lead dog approaches and does not respect the space for our dogs.
Dogs running wild on the foreshore disturbing feeding birds. When challenged, the owners usually say "He has never done that before". A remark I view with some scepticism.



Hayling Billy line
when i walk my dog around the middle park way area
I have been chased by dogs whilst riding my cycle on Hayling beachlands and Hayling Park. The owners were unable to recall their dogs. I was able to cycle faster than these dogs but feared for my safety if that hadn't been possible
Langstone walks
Dogs on the beaches at Hayling. I regularly see people walking several (up to 8) dogs at a time. They allow them to run free and have absolutely no idea where they all are at any one time, what they are doing or have control over them.
Regularly dogs jump up. Owners reaction is generally unhelpful.
All green spaces, and those footpaths that are not on main highways.
Unfortunately, the problem is a fairly general and widespread one.
Our dog has been attacked
Dogs constantly off the lead.
Dog walkers can assume their dogs are safe and will use the easiest place to exercise their dogs on playing fields, where there is the highest change of interaction with users of sports, exercise and people of all ages who are afraid or concerned with dogs, council needs to do more to segregate the areas so specific areas are for dogs and actively manage these areas. Council is seen as being passive apart from money wasting signs
Jubilee park where I take my grandchildren. They are frightened by dogs not on a lead.
Purbrook Heath
In various areas across the borough where bins have been removed. Dog owners either do not bother then to pick up or just leave the dog poo bags around as they cannot be bothered to take them home.
The woods parallel to Lysander Way, from Stafford Road up to Jessica Close.
Broadmarsh fields.
Walking around emsworth and in parks
Hayling Island Beach
Dog owners believe we all like their dogs and hence it is acceptable for them to rush up and snap around ankles
Purbrook Common.
Some very large dogs not being kept on leash, and not muzzled. Dog walkers not making way for pedestrians
Hayling Island West Beach SSSI
Queens enclosure
Jubilee Park, Waterlooville
We have two dogs near us in bedhampton that should be muzzled
Dogs not on leads and not under control are a fairly regular occurrence on footpaths and on Hayling beach. No dogs on certain areas of hayling beach is ignored most of the time.
On the beach at Hayling Island and in parks. Dogs should not be off the lead if they don't have good recall. I have been with friends with dogs who have been attacked by off the lead dogs. I have seen wind and kite surfers attacked and children playing. My mum was also attacked by an off lead dog in the field behind St Mary's Church. There needs to be more control over dog ownership, I think this should be dealt with in the same way driving offenders are. If caught, they attend training classes or are at risk of losing their right to own a dog. I also think dna samples should be taken from all dogs, so attacks and fouling can be traced.
Jubilee Park primarily, milk Lane Berewood, most public rec areas and footpaths
Barton's green in Wakefords Way.

Jubilee park i am disabled and use a mobility scooter my wife and i were sitting having a cup of coffee when a large dog tried to jump up on us as we tried to fend it off the owner berated me from having a mobility scooter an I should not be in the park !!!!!
Woodsedge. My dogs are nervous rescue dogs, they don't appreciate unknown dogs running up to them. One is deaf and epileptic so we take great care not to stress her out. In Woodsedge we have had repeated incidents of off lead dogs rushing up to ours while walking down the pavement. Note that we do not take our dogs to parks(as they need space from other dogs) , this is happening in residential streets next to roads. This has happened time and time again and it is always the same culprits who refuse to leash their dogs even when waking along the main road (frendstaple)
I am a regular cyclist and uncontrolled dogs on shared footpaths can be a problem, especially untrained and unruly dogs not on leads.
Footpaths around Rook Farm, HI
My puppy been jumped by 3 different dogs will she been walking on lead and the other dogs been of the lead
While some adults are okay with dogs roaming around freely. We have to think of children who could be terrified of a god running at full speed towards them. For a child that's not aware the dog is friendly this can be traumatic for a long time and in some cases for life.
Dog fouling on beaches and public parks and areas
Langstone. Between the High Street and bottom of Wade Court Lane. Dogs should be on leads. They frighten the swans and recently killed one. A few months ago a dog ran across in front of me on the path, near the Royal Oak and I fell onto my hands and knees. This gave me a shock and my hand and wrist was cut, painful and bruised .
Parks such as Jubilee Park (Milton Road). Hayling beach.
It's the cause of the first problem I have raised. If the dogs are being kept on a lead, they can't go to people's gardens to do their business on private property.
Parks and open spaces
Hermitage stream walk/open spaces - i keep my dog on a lead at all times, and i'm fed up of dogs (of ALL sizes) coming running over to me, my child, or my dog. I shout and ask the owner to recall the dog but they just say 'oh he's friendly' - i don't care ... i do not want dogs running over to us as in a moment of overexcitement/stimulation, nobody knows how their dog will react.
Waterlooville precinct.
At Hampshire Farm Meadows it is so very popular with dog walkers because there are no restrictions. At busy times there are dogs running everywhere and occasionally they come running over to us and try to jump up. This can be quite unnerving because we have no idea if the dog is going to be aggressive or whether it is going to bite. Sometimes the owner tells us that the dog is friendly but that is no comfort to us and sometimes they say nothing at all or just laugh! I'm sorry to say that because of the lack of restrictions over the years we have to avoid walking in the meadow at certain times when there are many dogs or walk in another direction when we see one off the lead.
Too many dogs either off their leads or on long or extendable leads; this happens everywhere and means owners can often 'ignore' or 'not notice' when their dogs are fouling but also they are such a trip hazzard for pedestrians I often stand still while dogs pass to avoid getting caught by the dog or the lead then owners say 'oh he's fine; mind the lady Rex' like the dog has a clue!!!! Dogs do jump up on your legs and if they are off the lead this is worse as they can't be pulled away. Hayling Billy path and the coastal path
Too many are off the lead being walked ,leave poo and the owners don't see it dropped thus creating the situation as described in the previous section.
Bidbury Mead

Emsworth shore, dogs off lead and owners not in full control. Also a problem in Emsworth park - where I was bitten last year!
All
Waterlooville
Jubilee Park
Very often dogs are not on leads in Newlands park on milk lane. They run in the play park and many can be intimidating
I have heard a lot of dogs owners saying that their dog, often on a lead has been attacked by a loose dog which is not under proper control
People allowing their dog to approach people (incl Children) saying he won't hurt you. I don't care, I don't want to be approached by dogs full stop. We do t allow our child to go charging up to people so why allow a dog to do it. Strongly believe dogs should be on leads. Also equally important is dogs being allowed to chase birds along the shoreline, migratory birds come to rest not be chased. At an estimate I'd say at least 30% of owners have no interest in picking up after their dog has poeed.
Dogs are let off leads in Staunton Park and are free to foul any where in the park, and therefore you have to be constantly vigilant that you are not stepping in mess. This is particularly problematic with children who just run everywhere. Also the weekend of 28/29th October a man walking two what looked like bully dogs, the ones causing all the attacks at the moment, let them off the lead even though there were small children running around.
Children's play spaces & in fact any open space with a bit of greenery
Bath Road, Emsworth
Hayling Island beach area.
Stansted Forest.
Recently my sisters dog was attacked by another dog possibly a Staffordshire type which the owner could not control even though it was on a lead and the owner actually said my dog doesn't like other dogs.
The park at Prospect Lane. Many people walking their dogs off lead. Often big dogs with poor recall skills but the worse are the small yappy ones that set other well behaved dogs off.
I think all dogs in public parks should be kept on leads.
see previous response
Woodland path off of Lysander Way, Waterlooville.
Langstone. Dogs are generally off the lead and owners don't always have control. Dogs can also be wet from being in the water and approach me and shake themselves so I get wet. I've also seen them chase cyclists. I think dogs should be on leads on public footpaths or when another person/cyclist is approaching
Hayling Sea Front foreshore central HAYling
People do not pick up after there dogs
Jubilee and other parks I have suffered dogs jumping up at me that are not on a lead. The owners get sniffy with you if you say anything believing that because they love their dog everybody must.

Bidbury Mead is an example of dog owners not being mindful towards other people who wish to enjoy the park. The recently completed children's play area is one of the areas where dogs should be segregated from the children playing. No fencing exists to prevent dogs from entering the area and fouling the grounds. Typical very early morning walkers are usually glued to their mobile phones and remain completely oblivious to their dog fouling in the park and do not bother to clean it up. This is also the case in the late evenings when people walk their dogs, but remain focussed on their mobile phone screens. Enforcement is really essential to eliminate the risk posed to our football academies and teams who regularly come into contact with the dog mess left behind by the errant few! Please note that dog excrement poses a significant risk to children and young people's health, particularly, eye contaminations.
Owners not accepting that not everyone appreciates being approached by dogs of any size.
I have had bounding dogs off lead running towards and frightening other dogs and dog walkers. My partner was bitten by a dog in Deverell Place about 6 years ago and although it was reported to the police no action was taken.
People walking dogs off lead by roads or spaces where they must be kept on, e.g. Emsworth millpond and Beach Road, Warblington Road and Kings Road.
Hampshire Farm Meadow
on any public footpath in the borough
Ferry boat walking area and that end of the Hayling island
The amount of people who take their dogs to a park then let them off the lead even when there are children running around or older people with walking sticks or walkers.
Dog owners often have no control of their dog/s but insist on not having them on a lead. I now need to carry a personal alarm when I am running
Non stop barking in residential areas
Many owners leave their dogs to run around whilst they check their phones, or sit and chat with friends. I think there are an awful lot of Lockdown owners who failed to consider the impact of a dog on their lives and have neglected to train them.
Padnell Rec
In parks other dog owners just let their dogs run up to people or other dogs. This is not ok.
On public recreation grounds dogs are allowed to run free by owners. This results in them coming in to confrontation with others using the recreation ground, particularly children, who may not be confident when near dogs. The dogs can dedicate whilst running free which the owner may be unaware of, or just ignore. I have personal experience of removing dog excrement from my grandsons whilst playing youth football on grounds in the borough.
Dogs on trains without muzzles
Jubilee park
Dogs not on leads or with appropriate recall training by owners
Let of the lead in Hampshire Farm Park, Jubilee Park on Horndean Road
Inhurst Avenue. Dogs left in the bungalow whilst owners are at work.
In public open spaces, e.g. parks and public footpaths
Emsworth millstream path .lots of dogs off lead ,also dog mess not picked up.
Nore Barn Woods
dogs not on leads, running free in parks and open spaces where children are playing etc
The Town Park on Newlands and Purbrook Heath

It is totally unacceptable dogs off the lead approaching walkers and owners not keeping them under control
The Billy line from town to Langstone
Havant Park along the north side next to the railway. Uncontrolled dogs often cause a hazard to cyclists using the cycle path.
Rugby ground Hermitage stream Havant park
Local parks in Cowplain and Waterlooville
There is a get out clause in the law for keeping dogs under control, which dog owners exploit to the full, it basically says it's at the owners discretion. Sadly this should read that all dogs should be kept on a SHORT lead whenever other members of the public may be present. Dogs should also not be allowed in any inside area where food is served, café, pub restaurant etc. In garden areas there should be a reserved area for them.
Springwood Avenue, dog walkers with multiple dogs (5 plus dogs)
Dogs need to be on a lead. We see so many dogs being attacked by other dogs. And so many episodes of people becoming nervous due to unwanted attention and jumping up of unleashed dogs.
Hampshire Farm Meadows
Emsworth (towards Warblington church) beach walk, there are some big dogs who don't seem to have good recall that are left off leads once near the beach. This not only affects birds wildlife but further along I've witnessed the poor cows being harrassed. If there is no recall children could also be at risk even if the dog is friendly at home, the owners do not know the reaction to a dog by other children.
Areas around Emsworth harbour and mill ponds
More than once my on-lead, sometimes reactive dog has been approached by aggressive off-lead dogs whose owners just say 'it's ok they're friendly 'when they clearly aren't and make no attempt to keep their dogs under control
Around Berewood - I live adjacent to one of the public footpaths and dogs regularly come up to me and my family whilst we exit our house and get to our car.
People let dogs off lead on the foreshores and they chase the birds
Residential streets
Hampshire Farm Meadow, Emsworth Millpond Walk
Local Nature Reserves and other coastal breeding bird areas.. At present there are no byelaws or enforcement in place with regards dogs off leads or not under close control. This is a particular issue during the ground nesting bird breeding season.
Springwood park
I have seen a growing number of people walking along pavement with their dogs off lead. I worry that if the dogssawa cat or squirrels on opposite side of road,they could cause a traffic collision.
Some people let their dogs go up to anyone, and then can't call them away. Our dog is not overly friendly with other dogs, and we keep her on the lead because of this but others will still come up to here and if ore their owners
Hayling Sea Front and the beach. I witness many times people parking up, letting their dogs out and letting them run free to foul, not cleaning it up and driving off.
On emsworth foreshore and nore barn woods, owners allowing their dogs to chase the swans and seabirds, dogs having no recall and allowing their dogs to run up to others that are in training or reactive that are on a lead
Bit key Drive area owners particularly men thinking it's acceptable to walk dogs off lead

Dogs on the beach
Areas of Leigh Park and Wecock. Plus a few areas in Havant. My granddaughter lives in Leigh Park and I am concerned for her and her children when out walking.
Hollybank woods
I think dogs should be kept on a lead at all times. I feel this is important so owners know where their dogs have fouled.
The Billy Line
Along the coast paths- both people and wildlife are being seriously affected
People not restricting their dog to their property, thus allowing the dog to roam free. Numerous times I see dogs loose on the street.
In and outside cafes in town, particularly The Coffee Lounge where there is regular dog disturbance including a dog fight a few weeks ago.
On the shoreline some owners allow dogs to run free and disturb or even attack birds.
The Promenade Area around the Millpond, where many dog owners let their dogs off the lead as they THINK this is an area where dogs can freely run.
People not clearing up dog waste and others that bag it but then leave it laying or hanging somewhere!
Anywhere where dogs are not on leads, mainly in the parks. I am dog phobic, and freeze when a dog runs up and jumps up. Owners do not seem to understand that some people like me have a hearty dislike and fear of dogs after bad experiences of being bitten. The other problem is if you are delivering... I know personally several people who have had fingers bitten badly (in 2 cases being permanently damaged) and owners again do not seem to care if this happens. There should be rules that people owning dogs which can jump up to the letterbox, put a cage around the inside, or have an external post box.
Dogs in Hampshire farm meadow are always off leads, their owners take no notice of them. They always seem to run towards me and often jump up leaving muddy paws on my clothes, also I do not like dogs at all. From the owner I usually just get - 'Oh he's just being friendly.'
Dogs should be kept on a lead - not a long extended lead - when they are in a public space, that is not a recreation space.
Dogs not on a lead foul public and private property. Dogs running free are a potential road safety hazard.
Generally, dogs should always be on a lead in public places. Hayling beach, Emsworth Quay, Langstone Harbour are classic examples of dogs being allowed off the lead and constantly chasing wildlife, particularly migratory wading birds which are disturbed from vital feeding, also disturbing nests in breeding season. I love dogs but I object to loose dogs approaching me, jumping up at me, barking at me, wiping their dirt over me, this means they are not under control.
On two occasions when cycling (responsibly) I have been involved in a near collision on the Hayling Billy Line where dogs have been unrestrained on a long lead or not under control (running freely and oblivious to owners commands). I would like to see all dogs on a short lead where the path/pavement has authorised dual use (ie pedestrians and cyclists).
Parks and beaches
In parks and beaches Foot paths
Hayling island
I have a young family and very regularly have dogs approaching my children in an uncontrolled manor, jumping and knocking my children over and the owner having no control over their dogs. 9 times out of 10, the dogs are not on a lead or muzzled despite their breed being obvious....
Groups of dogs off the lead on Hayling beach.

Along Hayling Island seafront and the Eastoke prom
Bidbury Mead
Hayling Billy Trail and the walk down Wade Court Road to and from the waterfront. So many dogs not on leads coming up to other people and often jumping up.
People having status dogs and not putting in any basic training. All dog training should be mandatory to own a dog
Hayling Oyster Beds Local Nature Reserve and from Gunner Point Car Park  At Hayling Oyster beds local nature reserve, dogs run onto the shore line disturbing the overwintering bird and also swim in the lagoon where the overwintering birds roost. These birds such as Brent Goose have flown 3000 miles from Siberia to rest here in the winter and need to rest to conserve their energy. In the summer there are lots of breeding gulls and terns on the islands in the lagoon and can get disturbed by dogs from people walking out onto the saltmarsh.  Professional dog walkers take large numbers of dogs (I have seen 8 dogs before ) and park at Gunner Point Car Park and let them loose along area in front of golf course. I've seen dog walkers with out of control dogs here running all over beach nesting birds habitat here . I have seen a family of Ringed Plover with 3 chicks being chased by a spaniel. Ringed Plover are on the RSPB red list of endangered species
All too often untrained dogs are not kept on leads in public spaces. They jump up, frighten children, make peoples' clothes dirty and harass wild life. My husband was bitten when just walking by a dog at Langstone, without any provocation at all. The injury required hospital attention at QA where the nurses told us that dog bites were a frequent issue for them.
Dogs not on leads have run in front of me when I have been cycling or tried to jump up on me when I have been walking. Dog owners believe that everyone likes dogs. I do not dislike dogs but would prefer owners to keep them under control
On the beach and in Hayling park
Bidbury Mead
Hayling beach
On the beach on Hayling Island. I have absolutely no problem with them being there year round (and would like this to be the case!!) but I don't want my children to be jumped at by dogs as they regularly are!
Beach
The vast majority of owners are aware and make sure they do not cause a problem but there is obviously a small minority who just don't seem to care. I was harassed on the beach only 4 days ago by a dog off it's leash which was very aggressive, snarly and barking. It wore a harness which said 'nervous dog'. Does that make it OK for the dog to run free? The owner finally caught the dog and put it on a leash. I'm just glad I didn't have any of the kids with me.
Dogs running around on beach off leash
I was walking on the beach at low tide last week and a large dog ran up to me and grabbed my wrist and drew blood. The owner said it was my fault because my jacket was flapping. I take my preschool grandchildren to the seafront regularly and often large dogs run up to them and jump at them if I can't stop them.
On Hayling Beach - western end from the funfair going west to Inn on the Beach. Particularly around the beach huts. Dogs used not to be allowed anywhere near the beach along this stretch but last summer there were lots around and also many off leads. They should only be allowed on the grass common area, not near the actual beach.

Fed up with dogs being walked but not on leads.
We & many other people often cycle along the Billy Trail on Hayling Island which is also used by dog walkers & the "stretching" dog leads means many dog owners make no attempt to stop their dogs from wandering across the whole width of the pathway as you approach them , we always use our bells if we approach anyone who is not facing us & occasionally we also encounter dogs which are not on leads
Cycle and walking paths on Hayling beach.
Once again no particular enforcement is prevalent.
Some dog owners expect everyone to enjoy being jumped at or run at at by a dog but there are people who find it terrifying. When off main footpaths, say in woods, people often let their dogs off the leads and don't have any control over them. A dog is ok off the lead but the owner must have control over it.
In the West Town park - irresponsible owners not keeping dogs on leads - especially with dog walkers who often have 4 to 7 dogs at any one time
Bea h
On the walk by the sea between Beachlands and the Golf Club. Majority of dogs are well trained but a number of larger dogs (Labrador size and bigger) are over friendly and run and jump up on people walking. There are two dogs I am particularly wary of - young but still quite large dogs that look similar to pitbulls. They strain at their lead and jump up onto their hind legs trying to reach you as you walk past. Their owner only just manages to hold on to them and they are not yet fully grown.
I have a toddler and regularly have to deal with dogs being allowed to jump up in his face or knock him over. Owners tend to get defensive and say that their dog is just being friendly and shouldn't have to be on a lead but they clearly have little control over their animals.
Nore Barn Woods
West Town Park Hayling Island Dogs should be on a lead at all times unless in designated area or nobody around
Hayling Billy trail between Langstone Road and Emsworth Road.  Dogs are completely out of control on this section and it is highly dangerous to cyclists like me.  Dogs ought to be on leads in this area.
Hayling Billy Trail - as a walker and cyclist I am routinely obstructed by dogs not under control, often where the dog walker is looking at a phone or otherwise not paying due attention
Cowplain. Dogs are often on such a long length of lead that there is effectively no control and doesn't stop them running into the road, or impeding pedestrians.
Too many aggressive dogs are allowed to walk in public spaces such as Barton's Green whilst not on a lead. I think all dogs should be kept on a lead in public parks such as Bartons Green, with a fenced off designated off lead area. This works well in Southsea.
St Albans park, Havant park, Barton's green
I feel ALL dogs should be kept on leads, in small & big public areas. My dog is aggressive to other dogs, if a dog without a lead comes upto mine who is on a lead it puts myself & my dogs in a very dangerous position.
The Hayling Billy Line is the worst place. But it's a problem borough wide in my experience.
All public parks
when I am out running in the morning you get the comment when a dog bounds up to you "he is just trying to be friendly" well I absolutely do not know that and they should not do it



The park/space? by Havant Football Club
Charlton Crescent/Hermitage Stream
Bidbury Mead
Off lead dogs who have no recall (won't go back to their owners when called)
Beachlands Hayling Island I was subjected to a frightening encounter with an aggressive dog not on a lead. The owner of this dog stood by and laughed despite my demands that he restrain his dog.
Horndean Road and Park Emsworth
Public footpaths, open spaces and coastline at Warblington & Emsworth as well as Havant Town Centre. I define 'not being under control' as a dog not being on a lead or on a long lead as opposed to being kept on a short lead, especially if owner can be busy on phone and not keeping an eye on their dog.
Dog walking businesses that bring too many dogs to be exercised at the same time. This is very apparent at Hampshire Farm Meadows, near Redlands Grange estate. Often, these bring in four, five or more dogs and just let them run free on the meadow, with no effort to remove faeces from either the cut or uncut areas and no control over the dogs. If these business cannot be banned, then a limit should be placed on the number of dogs any one person can be in charge of at any one time. This limit should not be more than three dogs.
In general, wherever you walk in dog friendly spaces, some are unaware of the need to control their dog or not approach dogs on lead.
Hampshire Farm Meadows
Staunton Country Park
in parks
In the parks and the countryside especially. All dog owners should be licensed - license number could be included in the dog registration chip. Dog walkers should not be allowed to walk more than 3 dogs. They should be subjected to spot checks to demonstrate they have the dogs under control.
Near the beach and also in the side roads, so many owners don't keep their dog on a lead. Before we got gates at the front garden there was a chap who regularly walked past with his dog off lead and let it run into our garden to defecate. When we challenged him we just got a lot of verbal abuse and aggression. down the Billy trail is a huge problem! Its a known area for being a "dog toilet"
Local dog walkers walking 6+ dogs whilst half of them are not under control. And the walker themselves is not paying attention or doesn't care.
Havant thicket
In parks and open spaces
Emsworth Recreation Ground
Hayling Park
On the beach, east of Beachlands fairground
Anywhere where dogs are left to free run.
South Hayling, including the whole of the Seafront and Beaches from the Hayling Ferry to Hayling Island Sailing Club, the Promenade and all local pavements, foot paths and green areas in the Mengham, Eastcote, and Sandy Point area
People should be fined if a dog is not handled by it's owner properly.
I have a reacted rescue cocker spaniel she loved people but has a massive fear of dogs coming towards her. I would love to take her to different parks but a fear of her being attacked or she in return. In public dogs should be on leads at all times. You have to think as a person yourself and a stranger came bounding over to you and wanted a hug you

would stand back and go. Hold on a minute I dont know you. That's what my dog feels like.
Off lead dogs being allowed to run free in playgrounds and parks, regardless of signage, and no recall
Everytime we walk our dog nearly all the other dogs are off lead. We have a nervous dog & only a few people recall their dogs (or even have recall) if they come towards us, it makes for a very stressful walk sometimes. All dogs should be on lead or under close control of the owner/walker. Most people say "it's okay he/she is friendly" unfortunately when our dog is confronted by a dog that won't back off he can snap at any dog he feels threatened by, then we feel guilty & annoyed.
Places like creech woods where dogs are being allowed to just run up to dogs on a lead.
On the seafront Hayling North Common Northney
Staunton country park
Dogs should for there own safety be kept on a lead
In the summer - all along West Beach. Owners open their car boots and allow the dogs to jump out and foul where there are people sunbathing.
Staunton country park
Dogs are often off leads around parks and play areas
Large numbers of dogs being walked at Hampshire Farm Meadows off leads so fouling is excessive and uncontrolled dogs have been known to cause accidents ( a friend was knocked over backwards and hit her head on the ground by a large dog bounding into her from the back)
Prospect Lane PO9 5
Along the shore of Chichester Harbour
Northney Common
If you include " under control" I would say parks and our open spaces.
In any open space. Owner who have no control over their dogs allow them to run off lead
Scratchface Lane.
On the Langston footpaths. The "Country Code" which is ignored or not even understood say clearly "dogs should be on leads".95% of them are not.
danger of dog bites
Seafront Hayling Island
Always issues around Park Parade, Stone Square, Woods near Heron Pub leading through to Battens Way, the Warren
Outside children's school (St Thomas Moore). Dog owner let their dog off the lead on the ruby field next to the school but the dog saw another dog on the lead by the school and ran after it and attacked it. This happened at 3pm on a school day, lots of young children/adults around having to chase the loose dog off of the dog which had a lead on. Put restrictions on where dog walkers can't let their dog off the lead during peak hours (especially when school children are around)
Jubilee Park
On the beach where they are off the lead . My husband who is blind was knocked over by a large dog. Larger more aggressive breeds can be very threatening

Dogs off leads. Walking around the shore walk at Lakeside holiday park, I often encounter dogs off leads. One particular occasion, two dogs ran at my husband, young son and me, barking very aggressively. Elderly owner was nowhere near them and could not have stopped them, even if she wished to, which she didnt.
West Leigh
Dog fights and ransacking picnics in parks
To many unrolled dogs and owners that are too busy on their phones and not paying attention in general.
Parks where there are mixed uses e.g Emsworth recreation ground.
The warren
Billy Line
SSSI land at Hayling Island - dogs running off leads are tramping ground nesting sites for protected birds such as the Ringed Plover at Gunner Point.
Open spaces, not everyone is confident around dogs, to have a dog approach you and be told 'it's ok he's friendly' when you are nervous makes no odds.
In some cases dogs who are aggressive being allowed off lead, I know several reports of dogs attacking other dogs.
Not one particular area but mainly people walking around the streets with their dog not on a lead. I have seen this mostly around the leigh park area and shopping precinct.
My dogs are always on leads because they are big dogs and other owners think its funny when their small dogs attack my dogs. I think all dogs should on lead unless in a specific off lead area, this would stop my dogs being attacked and making them dog aggressive.
The recreation ground at Emsworth park on Southleigh Road. My children have had multiple instances of dogs approaching them and when asked to put them on the lead due to anxious children I've been told "but they're friendly and love children". My little one has also had their snacks taken from them despite the dog owner being asked multiple times to put the dog on a lead whilst I tried to walk away from the dog in question.
Padnell Park, a dog attacked another dog on leaving the park. The woman didn't have control over her dog which attacked one that was on a lead.
Dogs off leads
Emsworth Park - my children use the skate park and quite often dogs are left to roam about. A few weeks ago, a man allowed his dog to chase another child around the skate park and up the ramps and took another 5 minutes before he put his dog back on the lead. My daughter is petrified of dogs and struggles even when dogs are on leads even though I've reassured her that she's fairly safe.
Hayling Island
Most people in my road are considerate dog owners. However on a number of occasions walking around fields, woods and parks etc there are always dogs running around and some out of control. I do feel worried about dog walkers taking numerous dogs out for walks even if they're on leads. I also object very strongly in allowing dogs in cafes and garden centres for example. There seems to be nowhere sacred for a person to go without encountering dogs.
I walk in Gundrymoor woods and in the park opposite southdowns college. In the last year more and more people have their dogs off lead and causing a nuisance to other park users
I've had dogs jump at me on the Billy Line between the Spring and Langstone Road. Sometimes on a lead, sometimes not. The beach generally at Langstone and on Hayling
Hayling Billy Line
Gauntlett Park (PO7 5JS) by Morelands School. Dogs all around the play area (no fence even), some chasing children, not under control. Not a pleasant place to be if you don't want to be hassled by a dog.

Emsworth foreshore
Bigger dogs need a safe space they can run free in a gated and secure area, I've had my dogs attacked by to many out of control little dogs who people think is ok because their dogs are little.
Almost every week there is a report on the Hayling Facebook pages of an off lead dog attacking another dog or person. It won't be long before there's a fatality.
In Jubilee park, it is common for dogs to be off the leads and running up to me and my children and trying to jump up. My oldest is now severely afraid of dogs after a few experiences of this and refuses to go to the park.
Again the open space near Daffodil Way. This is a privately owned piece of land with public right of way. The residents request dogs are kept on leads, but the dog walker ignore the request, and are rude and offensive when challenged.
Meeting dogs (even on a lead) on pavement that jump up drooling over you and leaving muddy footprints on your clothes.
It is not uncommon to see dog owners disregarding signs asking them to keep dogs on leads. This particularly affects me as I have a strong phobia of uncontrolled dogs. I often feel unable to enjoy popular walking spots because I have to constantly watch out for them. For example, I walk the path near Manor Farm Close daily, and regularly have to leave or avoid the path because of dog owners ignoring the signs.
Anywhere people let them off leads Bartons Green Rec near park parade Stockheath common
Bartons Green
Leigh Park
Beaulieu avenue, the Warren shop area, near the Warren preschool, all the greens leading up to the Warren shops, when I'm walking my dog on a lead there's people walking their dogs off leads sometimes 2/3 at a time, they Don't seem to notice other dog walkers with dogs on leads as they are constantly looking on their phones, it happens quite often when I'm walking my dog.
Hayling Island parks and common
Generally enforcing dogs on leads in public streets
Hayling Island Beach front and footpaths.

We all want to boost healthy exercise through Active Travel, walking and cycling. But many people feel very vulnerable around dogs, especially young children and older citizens. Cyclists can be easily brought down by a loose dog, or a dog lead across the path.

Most dog owners are brilliant and understanding around pedestrians and cyclists, and fully in control, perhaps partly because of the existing PSPO. But some owners (and some dogs) are out of control.

I don't think it's appropriate to insist on dogs always being on a lead, but on public footpaths and cycle paths, where people can't avoid them, there's a duty of owners to be in control of the dog at all times.

So I fully support renewal of the PSPO, but request to add a section to penalise owners who do not prevent their dog from attacking, threatening or chasing pedestrians or cyclists.

In support :

- I have two cyclist friends who have broken their pelvis after crashing into a dog off a lead.
- I've been chased on my bike several times by dogs, and it was very scary.
- One dog owner said "he'll chase you", and he did. She knew, and did nothing!
- Video evidence of unreasonable behaviour is increasingly available, as many cyclists run video cameras continuously, and most pedestrians have smartphones.
- We need to remove this deterrent to Active Travel, especially for kids and older people.
- If this is already covered by national law, it's ineffective - a local policy would be a strong support for Active Travel in Havant Borough.

If that is not possible, then a statement supporting the fact that dogs can frighten, deter and injure pedestrians and cyclists, and that dogs **MUST BE UNDER THE OWNER'S CONTROL AT ALL TIMES.**

On the Billy trail from West Town on Hayling Island to Havant

Hayling Island beaches

Parks and fields

Langstone and Billy line.

I regularly (3 or 4 times a week) cycle on the Billy track in Langstone from the old level crossing to the Spring Arts Centre in Havant. It is a popular dog walking zone. Some people are very good and move their dogs to the side. However some are not and allow their dogs to wander all over the path and block it. I often have to stop. I have a bell which I use but that's not always popular and not everyone hears it - headphones etc. This was campaigned for by cyclists and is a recognised cycle route (NCN2). It is essential that dogs are kept under control here and elsewhere in the Borough.

Hayling Park West Town

both parks on Hayling dogs off leads and no control by owners

Anywhere where dogs are off the leash which should be short enough for the handler to control their dog or dogs

Dogs must be under control. This does not mean on leads in remote areas.

Dog should always be on a lead, unless they are in an open field or down on the beach

All the streets in my area

Again, in bidbury people let their dogs wander far from them and don't monitor for pooping

My dog been jumped 3 times by dog off leads

Middle park way Hematite stream Grey well
Leigh Park!
Seagull Lane Brook Meadow
Rugby field area - my dog is a rescue and he's wary of other dogs so I keep him on a lead and muzzle. He's been attacked by dogs running up to him whilst he's been peacefully walking with me and he was attacked by an out of control Pitbull / XL Bully dog type whilst on his lead at the Rugby field. This was reported to the dog warden
The Hayling Billy Trail
Some owners allow their dog to escape during the daytime while at work so at times a dog will roam the neighborhood and foul in someones garden. An example of this is the dog owner at 59 Shawford Grove leaving the dog alone during the day and has free range of inside and outside but barks all day and ends up escaping
This question is worded weirdly. It's a big problem regardless if people have out of control dogs anywhere? Doesn't matter where. Unless this means that I think there's a lot of dogs not under control then I've not actually had any problems with other dogs. I've not seen any problems either.
Havant Park
There are a lot of new and novice dog owners around who aren't socialising their dogs when puppies and not training them properly
Aggressive, intimidating behaviour from uncontrolled dogs
Hayling Island beach and promenade
See previous answer on promenade and beaches.
Hayling Billy Trail, which includes the trail itself, on the shore and around the Oyster Beds
West Hayling Local Nature Reserve the oysterbeds & Billy line
Dogs are let off leads in Emsworth recreation ground (Horndean Road). This makes it hard to let young children play, because of dog fouling on the grass and dogs pestering them. There is a small field at the rear of the park that could perhaps be designated as a dog exercise area, with dogs to be kept on leads elsewhere.
Of the many dog walkers who go down North Shore Road to go through the gap onto the barbed wire fenced stony path along side Langston Harbour many have their their dogs a long way in front of them off lead. Some even ride a bike while their dog runs free along the road. There have been a number of occasions where cars coming out of their drives (especially where the owners decide to reverse out) have nearly hit loose dogs hidden behind garden walls. These irresponsible dog owners cannot know what is in a dogs head if it sees another dog or a cat across the road. The narrow gap in the hedge at the end of the road through into what was a field is also a danger point as dogs off lead rushing through the gap cannot be seen by the large number of cars and particularly lorries that turn round there. Signs need putting up to remind dog owners to keep dogs on leads in North Shore Road and the very busy Sinah Lane.
too many dog walkers, resident and business, using public space for more then one dog and not being responsible for the mess
Nore Barn
Hayling Billy Trail
In all public places dogs should be on a lead; people coming down Langstone High Street to walk around by the pond and beyond have their dogs off the lead in the high street and then all around by the Royal Oak especially in the summer people sit outside on the wall with their dogs just running around all over the place and along the foreshore
All dogs should be on a lead at all times so the owner has control of the dog/s & medium size dogs to large sized dogs should be muzzled at all times in the borough.

On the common in all areas. A lot of older people have small dogs and let them off leads and do not control them. I have a larger dog on the lead who is frequently attacked by smaller dogs - the owners do nothing and make a joke of it. If my dog retaliates, as a large dog - he is considered vicious. I would like dogs to be on leads in all public areas in the borough - a couple of designated dog park areas where dogs can be let off would be great and can be used by people who wish to do so.
i see dogs off the lead most days in my road little green ave and surrounding roads
Dog owners appear to believe all humans like dogs and often walk them on a very long lead, so making it impossible to have complete control of the animal. All dogs I feel should be muzzled in public areas for everyone's safety. Very poor that recreation areas are fouled by dogs making it not only a health hazard but very unpleasant generally for others to enjoy.
Steep close. Residents allow there dogs to roam the close on there own. No regards for our children's safety or for there dogs fouling everywhere
Dogs in shops including Butchers. Walking loose on Hayling Billy track. I am afraid of dogs. Dogs disturbing wildlife.
In park, and dogs chase my dog. And owners cant bring them back away. our dog bounced on a lady whom was dressed like me mum. I was so apologetic an whent to see she was ok. I was able to call dog back and we did more training. To stop her bouncing. So mandry training would be good.
Open parkland in general, not one specific area. Owners need to be more responsible and aware of others who share the area with their dog.
All along Newlands Walk, Waterlooville
Dogs off leads in Havant park.
More and more often see dogs being walked down streets not on a lead.
Hayling seafront particularly west of the in on beach as owner seem to always let dogs of lead. Too many owners believe it it OK for a dog to bound up to people sitting on beach barking threateningly I do not appreciate having to stand up to protect myself and family.
Dogs in parks not controlled when off the lead
Bartons
Hayling Island parks and seafront
Dogs should be on a lead in all public places. Tired of being molested by both friendly and unfriendly dogs to the sobby refrain. 'Oh he won't hurt you'
Havant Thicket and Hayling Beachlands a particular problem
The greenland around the Taylor Wimpey estate by the recycling centre.
Bidbury Mead recreation ground.
Cowplain and Lovedean.
Hayling beach. People need to be more aware of their dogs roaming off and allowing them to come up to others dogs who may be scared or less friendly.
Fielders Park
Staunton Country Park
Shopping areas although on a lead. Owners keep dogs on too long a lead
When I am out walking in the countryside dog owners often cannot control / re call their dogs and they jump up and it can be very intimidating.
Frequent assaults by dogs not on leads on the beaches between Emsworth and Langstone. Walkers don't like dogs climbing all over them and drooling on them..

<p>The Hayling beach and walking areas along the front. I am fed up of sitting on the beach and dogs running free running all over you etc and dog owners not bothered or not apologising they think it's there right! Need bigger notices along beach as people ignore those already there. Dog poo in Mengeham Shopping area pavement looks dirty and you have to watch your step.</p>
<p>Along the beach &amp; associated grassy areas including alongside Ferry Rd alongside golf club lake. The problem is education &amp; some arrogance by dog owners who either assume they can do what they like or others just don't understand that their dog may be anti-social &amp; certainly doesn't come to heel on second call.</p>
<p>I am a keen local walker using the many public footpaths in coast, around town, and countryside. I have been "accosted" by dogs not on leads and not under control many times. Owners often think all other people love dogs and are comfortable in their presence. I am not. Dogs should be kept on leads and under control.</p>
<p>See so many running around the street.</p>
<p>Shared paths and byways, eg Billy line, Havant to Hayling Island. Shared with walkers, bikes and horses. Unfortunately too many dog walkers refuse, either actively or passively, to put the dogs on a short lead. Cyclists are put at real risk because of loose dogs or dogs on long extendable leads. This is clearly laid out in the Highway Code.</p>
<p>they should be on leads in public parks</p>
<p>Off lead dogs that are not under control and approach my dog even though she is on a lead and either their owner does not recall their dog or they do call their dog and they don't respond. No dog should be off lead unless they have perfect recall and should never be allowed to approach an on lead dog because they may be nervous around other dogs like mine especially if harassed by another dog and she has been bitten before by an off lead dog! All dog owners should put their dog on a lead when approach an on lead dog unless their dog is completely under control. I have had issues around heritage stream and Staunton country park</p>
<p>All along Hayling beaches dogs are allowed by their owners to run off leads causing havoc to peaceful beach users .</p>
<p>The park next to Havant Station, Stockheath Lane towards Leigh Park.</p>
<p>Hayling Island beach, there are very few signs highlighting that dogs fouling the beach is an offence and will be fined. All dogs should be kept on lead during the summer months. As I said previously HAYLING island beach is now owned by dog owners who decide what happens and how it's treated.</p>
<p>Dogs running up to people in public spaces or other dog walkers that have their dogs on leads.</p>
<p>Occasional problem on the Billy Line, made worse by seeding cyclists</p>
<p>As a walker, runner and swimmer, dogs frequently approach me when they are not under control and their owners are unable to call them back. Sometimes the dogs appear threatening, which is frightening,</p>
<p>Lack of dog training. Some aggressive dogs should have to be muzzled in practice. My own dog has been approached while on a lead and attacked. I have witnessed several other occasions and heard from other owners of dogs out of control. One person can not manage 5 dogs.</p>
<p>Areas around the beach.</p>
<p>My dog is always kept on a lead and has been attacked a number of times by owners saying their dogs are friendly despite being off the lead. I feels all dogs should be kept on a lead in public parks.</p>
<p>Local Nature Reserves. There are no byelaws in place regarding dogs on leads or under close control. This is a particular concern during the ground nesting bird breeding season, especially as Bird Aware only cover the winter months.</p>



A HUGE problem in Woodsedge. We have rescue dogs, one of which is scared of other dogs so he wears a yellow nervous coat. Despite this we have had multiple incidents of off lead dogs running up to us in Woodsedge, in the carparks and even just when walking round the streets next to roads. Last week we had a woman allow her 2 dogs to follow me and my dogs across a road! Despite me shouting at her to not let them do it! It would also be really good if more awareness was raised of existing lead laws, as some people are oblivious. Also more awareness of the yellow dog project, dogs who wear yellow need space. One of my pups wears yellow due to her severe medical issues.
My neighbour 15 newbarn road Po93px leave the dog outside in the garden shivering no shelter have reported it dog warden don't take no notice so what's the point saying what area nothing happens
Pooper scooping not used by many dog walkers
Hayling island
I believe all dogs should be allowed off lead in designated areas and believe there is enough designated areas around the borough however people who do not have control of their dogs cause major issues and don't seem to understand the implications of their 'feindly' dog approaching an on lead nervous/aggressive dog.
Staunton country park/thicket/leigh Park gardens
Beachlands
Along the Hayling Billy Line foot and cycle path, especially on the section between Havant Station and the Hayling Island Bridge.
Staunton Country Park
Waterlooville recreation ground
Hayling Billy Trail
Hayling Billy Trail, from School Lane to The Spring
Running out of control on the golf course

Figure 66 – Full responses from respondents at Q7 – If you answered that you feel that dogs not being kept under control is a problem in the Borough of Havant, please identify ONE area where you think this is an issue. Please be as specific as possible. Please note that this question was only asked of respondents who stated that dogs not being kept under control was a very big or fairly big problem at Q6.

**Q9. If you have any further comments or suggestions in relation to this PSPO, please state below.**

More training for dog owners and more information on secure dog paddocks in the area people can hire.
There is enough human waste on Hayling beach from Southern Water illegally dumping unprocessed human waste, so adding dog waste would be too much.
I walk regularly on Hayling Beach, I have never seen any policing of any of the requirements.
I support these proposals as being necessary and proportionate.
Dogs should be on lead in any public park or beach area.
In the post Covid era, there are too many dogs. This is bad for the environment in terms of consumption, medication and faeces. While compulsion is not an option, there must be a strategy to reduce the numbers.
This order gives the Council the ability to address any issues of dog fouling without being detrimental to responsible dog owners/walkers
bring back dog licence fee that will pay for collecting of poo bags thrown into trees and bushes
In public places dogs must be kept under control ie on a lead.

Open public spaces should be for all residents to enjoy. Some dog owners seem to believe that dogs should be allowed to roam free, without consideration for the fact that some people may not wish to be approached by dogs.
I am confused by the statement immediately before this page regarding the continuation of dogs.
please continue with the current PSPO
I believe a new law should be introduced regarding the number of dogs a paid dog walker can legally walk at any one time. There is a dog walker that parks a van in my street (Forsythia Close) and walks 4-5 dogs at one time. Not only does this block the pavement, but it is intimidating. I also cannot see how the dog walker can state they have control over all of the dogs. My own dog walker only takes a maximum of 3 which I think is a good number. Again, there are some excellent dog walkers out there, but then a bunch of people that just want to make money and so will take as many as they can in one go. What happens if one runs off or gets aggressive? We need to take seriously how intimidating this is to people, other dog walkers and their dogs, the safety of the public, and the safety of the dogs themselves in the care of the paid dog walker. Also, a big thank you to the staff who empty the dog bins. It is not a pleasant job and myself and many others are grateful for this service.
not enough being done to put bins in areas where dog faeces can be disposed of safely.
I enjoy swimming regularly in the bathing and beach area on Hayling Beach where dogs are restricted from May to September. Sadly the no dogs restriction is either ignored or not something that some dog owners are even aware of as the restriction is breached almost on a daily basis in the summer. I would like to see better and clearer beach signage and better monitoring of those areas to help enforce these important restrictions.
Dogs should always be on a lead. We take our dog to Denmead dig park. Secure both for the dog and other people!
Since the increase of dogs in the last couple of years I believe that all dogs should be on a lead in all public areas. This should include walks, parks and any open spaces. If you do not have a dog you don't have a choice!
Would be nice to see some PSPO officers on the beach making sure people are actually adhering to the rules that are in place.
In Portsmouth a dog park has been erected, maybe an area like this would benefit some dog owners, to train dogs in a safe area. Letting dogs have a fenced area where fouling can be controlled etc. celebrate responsible dog owners!
The don't address dogs not controlled.
More dog poo bins would help reduce dog fouling
With Havant council lax attitude to sewerage dumped into Langstone harbour which in turn contaminates the bathing waters it is a bit rich to ban dog walkers on the beach
I would like the map for Hayling Island beach to be improved. If you compare it to your other maps it's very poor quality identifying features road building names can't be read. This poor quality map is put out every year to tell people where the dog free zone is but it does not help. The quality is rubbish. Please redo it and certainly stop using it to help people identify the dog free zone. Re gated/ fenced play areas- the play area in legion field is not gated or fenced
Enforced euthanising of "banned breeds" and penalty for owning same. Publishing of statistics, i.e. how many fines are issued and how many prosecutions for non-compliance.
Dog controls need some or more enforcement
Once collated the information and decision should be made available to every resident with contact details for reporting uncleared mess. A e-facility to send reports in would be helpful as well. Maybe random patrols by a warden introduced during walking times?? Update signage on street lighting with contact Number to report??

<p>The ban on the beach makes little sense due to the beach changes for parking and usage, the blue posts have never been maintained to show the area and more money has been wasted on pop up signs, council specifically the beach team need to do more enforcing all the beach regulations vehicles, horses and rubbish rather than just cleaning around cafe's where they get free drinks, the level of beach rubbish has been at shocking levels this year and it seems most of the time the council relies on the tide to take the rubbish away as there are constantly overflowing bins that become food points for animals. No enforcement mean people will continually damage the beach ecosystem.</p>
<p>As I said previously, the issue of dog fouling seems to be getting worse. Owners need to take responsibility for their pets. Quite often my grandchildren will manage to walk in dog poo because someone has not bothered to remove it. It is not very pleasant cleaning their shoes. Consideration should be given to increasing fines.</p>
<p>More litter bins are needed. More bins have made a huge difference to the amount of dog mess left on the Berewood trail and around the estate. There are no bins at all around the green on St John's Avenue.</p>
<p>Provide an enclosed area for dog owners also. Not just for children and people who play tennis.</p>
<p>The council should look to provide more enclosed spaces like Goodmans field, Denmead where people can exercise their dogs off lead, even if a charge has to be made, for example £50 for 12 months, with a permit supplied (like blue badge) that needs to be displayed in a car window and perhaps a collar tag on the dog so people know they have paid for access. If someone joins part the way through the year the full fee is still payable (like brown garden waste bin) but permits and collar tag colours could change year to year so you know people have the correct colour for that year.</p>
<p>Orders like this will be observed by the vast majority of responsible dog owners. Owners will likely act in accordance even if the Order is discontinued. However the irresponsible owners who flout the order will do so whether it is law or not. There is no visible enforcement of these orders so not much point in having them. Regarding Hayling Island, the beach can be busy outside the dog lead zone so a responsible dog owner will put theirs on a lead. Similarly, the beach can be empty during the dog lead season so it is unnecessary to have a dog on a lead. It's all done to common sense and responsibility, and offenders won't have either. Either enforce it or abandon it.</p>
<p>None.</p>
<p>Further areas of beach between Eastoke and fairground restricted to dogs in summer months</p>
<p>Dog rules need to be enforced stronger Especially on hayling beach and walks around emsworth</p>
<p>As a dog owner, my biggest concern are professional dog walkers. Since Covid , there has been an explosion of them. Most have 6 or more dogs on and off leads. They can't control that amount safely. Some of their vehicles are not suitable for purpose. They should be licensed. They should have no more than 4.</p>
<p>I know of at least one more area where dogs should be kept on leads. As far as I can see your document gives no indication of how one goes about getting additional areas considered?</p>
<p>Please review the wording of the questions in the questionnaire for omissions and spelling.</p>
<p>It would be nice to know how and where to report issues relating to dog problems and to get a report on what action was taken.</p>
<p>Please mend the self closing gates on the children's play park in Havant Park - dogs can't read!</p>

<p>I have never seen anyone observing dog owner behaviour.. these measures won't work unless there is some visible accountability. Also a few signs at 'hot spots'.. not the usual one, maybe one that says "even if no one is around you should still pick up after your dog"</p>
<p>Congratulations on carrying out this survey</p>
<p>The dog free zone on Hayling beach was reduced. That should not have been approved. Expand the PSPO to include mandatory license fees. This would help fund the extra resources required to control irresponsible dog owners and clear bags of dog faeces from pavements and footpaths.</p>
<p>All dogs should be licensed</p>
<p>Extend ban on Dogs in Summer season on West Beach Westwards from Inn on the Beach</p>
<p>Why the ban on dogs on a so called Blue Flag beach in the summer when Southern Water constantly discharge effluent and horse riders still ride the areas with horses causing a greater problem than the dogs.</p>
<p>Moreover, there is no policing of humans dumping rubbish on the blue flag beach.</p>
<p>I go for a walk daily. 50% of the time someone's dog is not on a lead and jumps at me</p>
<p>All dogs always on a short lead anywhere in a public space. At least then their owner would know where they had fouled (although they can still choose not to pick it up)</p>
<p>Even clearer signage on beach needed. Also ban horses in bathing area for April to October 24/7</p>
<p>I think dog fouling issues have largely improved and most dog owners are responsible and diligent. There does remain some who think this is not their issue if they miss picking up poo but these are thankfully the minority. Although I own 2 large dogs I do agree that dogs should always be kept under control in public areas, although most of the out of control and aggressive dogs we come across are small breeds with owners who think because they are small this is fine - it's not and I think a PSPO is a great deterrent.</p>
<p>Shame dog licences were abandoned. A higher licence fee would have paid for dog wardens.</p>
<p>Policing this problem is obviously v difficult as the offenders are rarely spotted. Regular pleas to owners in the EMS and signs at more locations may help. Perhaps some data showing how big the problem is would shock the culprits into taking a bit more care. Most owners are highly responsible and v embarrassed/frustrated by the offenders</p>
<p>The last question on number 8 is unclear. I assume it means to allow dogs to be on the beach at this time. I strongly disagree with this. I spend time on this area with a young child and dogs off the lead are a real nuisance.</p>
<p>A more visible dog warden might be useful, painted stencils warning of dog fouling on the local footpaths have worked in other areas, perhaps this could be considered.</p>
<p>I think the areas where dogs are not allowed need to be patrolled more frequently, as a deterrent, dog wardens should have cameras for protection. I do think the scheme a few years ago of spraying faeces pink worked, as it made it very obvious how prevalent the problem was and that it was being monitored, and it did seem to get better for a while. Owning a dog needs to be taken much more seriously again, though shouldn't become more expensive for people. I think measures like dna testing and subsequently training owners and dogs will help. Though the law needs to be enforced thoroughly when an attack happens. My friend's dogs were severely attacked and injured by a dog that escaped from its home, this was not the first incident with this dog and yet it appeared there was nothing that could be done about the situation unless it happened for a third time. There needs to be more accountability and enforcement on bans for dog ownership by repeat offenders.</p>
<p>Muzzles also please</p>
<p>Could separate dog areas be created as well as dog free areas</p>

I think the vast majority of dog owners are very responsible people and any restrictions put in place should not be too draconian.
Dogs should be on leads at ALL times otherwise home can they get under control
It may help if there were a few more dog waste bins in the area.
Further lead laws would be good for those of us who have dogs who are rescues/have medical issues. Further education on what the law regarding dogs on leads is and on why some dogs need extra space.
Please continue the current PSPO.
I'm not sure what you are considering changing. This was not clear.
I have owned five dogs, never had a problem with behaviour, they get trained from a 8/9 weeks old puppy. I agree with picking up behind your dog and not having them on the beach in the summer months. Dog's should not be exposed to extreme hot weather conditions. We always adhere to keeping a dog on a lead in grave yards and near cattle etc.
More should be done to tackle continuous dog barking and yapping in residential areas.
Many dogs of lead around botley road and middle park way the owners thing they don't have to keep dogs on lead when on the green outside there house
Most people are considerate, but we also need strong laws in place for those few who don't care.
As HBC is intent on destroying all the borough's green spaces, open spaces used for the enjoyment of dog exercising and gaining fresh air and other outdoor pursuits grow less and less. HBC appear to have no regard for ordinary people's quality of life and are out of touch with what makes a town a pleasant place to live in. Litter and other unsightly dumping is allowed almost without check. Trees in residential areas have never been husbanded during my 56 years of residency. Havant will spend £millions on minority interests but ignore the vast majority of their residents. So now they are clamping down on the little joy and companionship that our dogs give us but leave us with overgrown verges, inappropriate trees and ankle deep litter.
Enforcement seems to be the biggest problem. In over 10 years of walking dogs on Hayling I have never seen a dog enforcement officer. No point in making rules without enforcement.
The fine for not picking up dog faeces is far too low. I don't think £100 is a deterrent to most folk. Having written the above there is next to no policing so you are relying almost entirely on folks goodwill. There are limited incentives for picking up dog faeces. What would be an incentive is hard to say but I would suggest it would be worth investigating what would increase incentive to pick up. I will also add the majority of folk I meet regularly pick up which is brilliant. It isn't much of a problem in north Emsworth area.
Dog walkers need to understand that not everyone likes dogs and that some people are scared of them or allergic to them so it is not acceptable to allow their dogs to approach other people and/or jump up at them - especially if it is wet underfoot or muddy. Could you run a campaign e.g.on social media to raise awareness on these points.
Unless there is someone policing these areas this survey is a box ticking exercise
I think "dangerous dogs" if out and about in public areas and paths should be required to have a muzzle on , lessening chances of attacks on humans and other animals.
No one is policing the Stakes area, so a minority of dog owners feel they don't need to pick up their dogs muck
It needs enforcing you never see any officers round jubilee or padnell parks. I have never seen a warden in 40 years of living in the area.
All dogs in public areas should have muzzles. It is not possible to identify easily a dog that may be a danger so, prevention is better than hindsight action. Responsible owners should not object.

The requirement for dogs to be on leads at all times should be extended to cover the whole of Hampshire Farm Meadows. A borough wide restriction should be applied where one person can only walk a maximum of four dogs at any time.
I think the Council's suggestions are reasonable and in line with hygiene standards
I should like to see it being a legal requirement for dogs to be required to be on a lead at all times with the usual exceptions of the owner's garden and dedicated dog exercise areas/fields. These should be short leads on footpaths.
More bigger signage and if the perpetrator is caught in the act a bigger fine and community service cleaning up beach and path faeces.
Whilst most dog owners are very responsible there are a small minority (especially those with breeds considered dangerous) who don't believe it should apply to them and continue to take unnecessary risks e.g. failing to clear up their dog's mess, insisting that their dog is under control and does not need to be on a lead.
Suggest some of the controls should be extended to 'other's areas
Any dog outside of its own home should be on a lead and muzzled
What about cats? Their faeces represent a far greater health risk and nuisance particularly to non-cat owners.
Along the foreshore between the bottom of Beach Road and around Emsworth mill pond dogs are frequently let off leads to the displeasure of other walkers. I have also seen dogs running through open fences of people's gardens along Emsworth foreshore and excreting in the gardens. I feel that in heavily used areas such as these where there are children and walkers, the dogs should be kept on leads.
There is a need for extra bins, not just for dogs, but bins in general
I do not know what the last point above is supposed to mean.....
Showing that people are being fined and having officers on the ground will have the most impact. At the moment I think the attitude is "well no one is going to stop me"
I'm pleased that you've placed the emphasis on OWNERS since it is their responsibility to train & socialise their dogs. Although it is beyond HBC's control, I'd favour a dog licence system, and the owner would only be able to obtain one if he/she could demonstrate that some kind of training with the animal had been undertaken. One problem I've experienced is that some dogs (on leads) aren't used to cyclists and bark aggressively - again this could be resolved by training. It is probably caused by the dog perceiving that the cyclist is "invading its space"; and I guess this is the same situation when approaching a gated child play space as already indicated in the consultation. I don't know how you're going to "police" these PSPOs : I suspect your officers only work weekdays 9-5 and the county police aren't going to get involved. So, realistically nobody is going to get fined outside of office hours. Talking of frightening dogs & other animals, I'm more concerned about Alex Rennie's reluctance to enforce stricter regulations on letting off fireworks & to ban sky lanterns throughout the borough. I've requested this on behalf of the RSPCA, but he hasn't had the decency to reply to me.
I have to say the majority of dog owners I encounter on my regular walks are law abiding and respectful to other members of the general public.
Dogs must be on a lead near small children in public places
I think the PSPO should be extended to include all the parks in the Havant area, as it should not be allowed that dogs can foul anywhere in parks and the owners just leave it. Plus with the growing unpredictability of dogs' behaviour they should now be kept on leads when they are being walked anywhere on our public footpaths and in any public space which includes all our parks.
I often see owners walking their dogs off lead in the avenues in Havant, people need reminding it's dangerous and irresponsible thing to do.

Too many dogs altogether!
I believe that if more bins were available then people would be more likely to dispose of dog waste. On Barton's road opposite Eileen beard House there used to be a bin but it has been removed. There is now a purple bag left hanging in a tree to put poo bags in. Otherwise the dog waste is just left piled up next to the bus stop.
I often walk alone and I find dog walkers sometimes inconsiderate
I would actually like to see it enforced properly too. If you ever comment on anybody disobeying the rules you just get abuse back,
Dog poo dispose boxes seem to be removed from a lot of places. Dogs on leads in children's play area Would be useful. More dog waste boxes please.
Bath Road , Emsworth and the Promenade Emsworth form a very busy circular dog walk. Dogs are supposed to be on leads but everyday there are many that are not.  Cars and wandering dogs don't mix well in Bath Road, which is partly single track, and sometimes even dogs on extending leads go to one side and their Owner to the other! I have never seen any enforcement of the. " dog on lead" requirement. Also any stickers on the Promenade are usely scratched out and unreadable. If one tries to advise Owners of the restriction politely they are frequently hostile.  In Bath Road there don't seem to be any indications of the restriction at all. We need proper metal signs that can't easily be vandalised at both ends and at the middle of the road and enforcement too.
In public areas like at Emsworth/ Hayling along the foreshore & beach and at Stansted woods, and other areas like near parks in Havant or Emsworth there seems to be lots of fouling, or left bags of dog poop. So people bag it up but then leave it on the ground and not put it in a bin. Do they think it degrades as they seems to be a lot of recycle poop bags. Around Stanstead woods the other day it was everywhere. My dog is on a retractable lead but others were off the lead and scared my dog and child as the owners where no where to be seem, or said don't worry its friendly, but my daughter was scared stiff and my dog didn't like it a couple times as the other dog was so boisterous and over whelming. Either have dog only spaces so you know that dogs or off the lead or keep them on a lead would be better. Some dog walkers in the area have many dogs off the lead at once and they don't see this as a problem, but there have been aggressive behaviours in the local area from these dogs that just gets shrugged off by the walkers. It was not an isolated incident. I now avoid those times as they go there regularly.
I believe that dogs should be kept on leads in any public spaces. Especially on beach areas and streets.
It's better for all if dogs can be loose, BUT under control. Sponsor dogs [and owners] training classes.
Dogs should be kept on leads along the seafront from Eastoke Corner to Sandy Point.
In my opinion, All dogs should be muzzled when out of the house. What sort of society are we, that we except on average 8 people a year are killed by dog attacks and others scarred for life.
Make sure the dog bin and refuse bin on Barton's Triangle recreation field by the Havant & Waterlooville Football Club and St Alban's Church, Bartons Road, are emptied regularly as we have had problems in the past (when I did own a dog and walk her there) with it overflowing! Not hygienic and not conducive to dog owners collecting and depositing their dog's faeces if nowhere to put it !
The PSPO has been in place for at least six years but I have never witnessed it being enforced, in particular, over not clearing up faeces in public open spaces and pathways.
How many people are actually fined for not picking up their dog faeces?

To date I've never seen anyone patrolling the streets to enforce dogs messing in the streets. More bins would be helpful as some have disappeared over the last few years.
People already struggling to live a normal life because of rise of living or big families with so many kids most of cases government has to fund them to have a better life and when happening all these they adopt/ buy dogs or pets as well My question is if they can not maintain a human being in the household how they do an animal? food, medicine, space for living? These are the people who are irresponsible for their act leaving feaces on the road/ pavement etc. This need to discouraged.
Dogs should be kept on leads in all parks.
Regarding the beach area I feel that the ban should be during the summer months so 1 June to 1 September.
Problem is responsible owners not the dogs continue with the enforcement
the beach should be open to dogs all year round, provided they are kept on a lead and their 'mess' is cleared up. In the streets within the area dogs should always be on a lead
Bins for poo bags along footpaths, or for any rubbish as there's a lot of rubbish left around Langstone, plus collections more often of these bins
Address those with perceived dangerous breed dogs either off lead or unmuzzled
I reside in Waterlooville and regularly use Jubilee park to exercise my dog. The Only problem I have experienced when using the park are unregulated e-scooters electric bikes. Using the perimeter as a racetrack. Dog fouling there is minimal, the majority do pick up their dogs mess. People tend not too leaving their litter everywhere. Which is a shame.
They should bring back the dog licence fee which would at least mean that all dogs and owners are registered and if the fee was set at the correct level it would make people think twice before owning a dog. There should be a limit to the number of dogs being walked by an individual, I have passed as many as 12 dogs being walked by an individual all off leads and out of control. There should be a limit to the number of dogs in one household, I have a neighbour who had two dogs and have complained several times about the barking, howling and whining. They have since added two more dogs so there are now 4 dogs in one household making the situation worse and sometimes unbearable.
In my area of Old Bedhampton, nearly all of the enforcement signage is either completely missing or virtually undetectable. Much more obvious signage needs to be put in place so that dog owners have no excuse in claiming that they don't know the regulations that are in place in the locality. It may be argued that signs are generally ignored, but they do support the Enforcement Teams and provides them with a legitimate reference when approaching potential offenders.
Better policing of the May-September ruling. Could the ruling be changed to allow dogs on the beach after 6pm?
I love all animals but feel that ill mannered owners and animals ruin it for everyone. Animals do not need constant punishment but should have a treat based training system to incorporate them into a caring society.
As things don't seem to be enforced, it would be great to see how this will be done. Also, how dog owners are being made aware of the rules and the fines on place.
When walking on public footpaths in the Borough, which are often narrow, there are frequent encounters with boisterous dogs off their lead and no sign of an owner nearby. This can be intimidating, especially when the dog jumps up to be friendly or otherwise. Not everyone is comfortable when approached by dogs in this manner. The situation is noticeably worse since lockdown and several times one walker/owner has charge of more than two dogs and cannot keep adequate control especially when off the lead. This also results in the owner not even realising that their dogs have fouled the path.



<p>I appreciate this is a difficult area to enforce. More dog poo bins and more frequent emptying would help as often see these overflowing or dumped because the bins are very sparsely located. It seems people want to treat their dogs as humans and expect other people to regard them as humans in every way. However if a human were to crap on the floor in public space this would be unacceptable. But for dogs this expected to be fine. It baffles me why non dog owners should be expected to put up with it and well as the constant worry of if a dog is aggressive or not.</p>
<p>Most dog owners are responsible, but unfortunately there is a small minority who spoil it for all residents. It's important to keep relevant restrictions and orders.</p>
<p>Please make sure that the dog waste bins are regularly emptied. I live in denvilles and it is an issue that crops up regularly</p>
<p>I would like to see the reintroduction of dog licences, low price, so that owners were checked. Create a few dog play/agility areas or designated dog parks where dogs can be off the lead and owners can do recall training. Ensure there are plenty of bins for disposal of dog mess that are emptied reguarly.</p>
<p>Can dog licensing be reinstated and all dogs microchipped so owners take full responsibility</p>
<p>A lot of dogs should not only be kept on a lead but also muzzled when out in public.</p>
<p>Mandatory and expensive licenses for dogs should be introduced</p>
<p>It might help if more dog poo bins were available</p>
<p>The current regulations seem to work fairly well so I think the Order should be renewed.</p>
<p>Worryingly have noticed a dog owner walking along Grassmere Way with a fairly big dog not on a lead.</p>
<p>It would be good to publish the number of offences and/or fines issued, if you don't do that already. How do we know if the problem is getting worse or better?</p>
<p>I never understand why I can't walk my dog on the beach when I want to go out as a family in nice weather, the dog's are part of my family, they're clean and never bother anyone. I live so close to the beach but can't enjoy it with my dog when it's actually nice to go there</p>
<p>I feel children's play areas should always be gated and fenced. Dog Wardens/authorised officers should be visible and carry out ad hoc visits to parks etc, this may act as a deterrent to the owners who don't think the rules apply to them</p>
<p>Dogs should be kept on leads in all public places.</p>
<p>Higher fines needed for dog owners where dogs foul in public areas. Consider DNA database for dogs and £200 fines for results of where tested cr*p identifies the dog owner.</p>
<p>There are sometimes full bags of dog faeces dropped on pavements. How has that happened? I have seen owners kicking dog faeces into borders on my park walks, so that is still happening. Scratch face Lane park - still view the grassy area solely as a dog toilet, rather than a green space for local residents. Have lived here for over 15 years and nothing has changed.</p>
<p>I think where there are parks containing children's play areas they should always be fenced to prevent dogs entering the play area.</p>
<p>All dogs should have a licence and be chipped, to be purchased at a reasonable charge and mandatory. This would help to pay for the Authorities to afford the management of dogs.</p>
<p>I believe dogs are required to be on a lead on all under 40mph roads in the borough, but the existing signs are falling off and not being replaced. Dogs not on leads are a big problem for cyclists in Emsworth.</p>

Dog owners need to be heavily fined if they do not pick up their dog's poo

Dogs should not be allowed to run free in or near children's play areas

In certain areas where people walk, dogs should be kept on a lead

Maybe special dog areas should be provided so dogs can run free

Make sure offenders are fined !

Repeat offenders should pay more

ie 2nd offence £200

3rd offence £300

And so on !!!!

Dogs must be kept under control at all times. The owner may feel confident their dog is not a threat to others, but anyone not knowing the dog will be unaware to this. I favour all dogs outside of the home, whether on a lead or not, wearing a muzzle, and this should be an enforceable requirement

Leads should be a max of 2m long

The number of dogs in the Borough appears to have increased significantly in recent years. Too often, owners seem to think that their dog is harmless and won't hurt a stranger. What they don't realise is that some people are scared of dogs and do not appreciate a dog leaping up at them especially when the owner thinks the dog is just being playful. More education for owners is required. It is not alright for a dog to leap up at a stranger.

Yobs with fighting dogs appear to be increasing

Most people are fine

Lots of lazy people with out poo bags.

I think continuous verbal warnings a waste of time, on the spot fines needed

Dogs should be on a SHORT lead at all times when in public, only one dog to one household, only one dog per person when walking them.

Bring back dog licensing and registration, £100 per dog.

I walk my dog reguallly. Generally most dog walkers are respectful. Never seen dog wardens. Need more dog bins and fenced around green areas to stop dogs running into roads/ children's play areas

Big dogs and medium sized not being kept on a lead and under sufficient control in public spaces.

Broaden and strengthen it. Arrange better warning signage. Ensure more visible and effective enforcement. Learn from other dog control schemes.

I walk quite a bit with my dogs in lots of different areas. The only other people I really see out walking are people walking with their dogs. You need to be careful you don't put people off going out and walking even if it is with their dog. This is a time for exercise and relaxation with or without a dog. It seems to me that people with dogs seem to enjoy this more than those without a dog, especially in the colder months. If you ban dogs from all areas and beaches there will be no one walking there. The number of beaches I have been to that ban dogs and yet there is no one there using the space. Not all dogs are bad. You come across as very dog negative. Which is a shame. I see the happiness a dog can bring to someone's life. Especially if they are alone and taking them for a walk, it helps them meet people. If anything make more space available for all. Not the none existent people that don't use an area.

I feel that the banned dogs should be a priority to ensure that residents are not put at risk. The wearing of muzzles should be enforced where this is required. I feel that the PSPO has had some effect in Purbrook as there is less mess on the pavements. My daughter was sight impaired as a child and this was a big problem in the Widley area. Now she is severely sight impaired so I feel that the order should stay in place as any mess on pavements cannot be seen and can cause issues when returning home.

Well behaved dogs should be allowed off lead wherever possible

My previous borough provided dog faeces collection bins in red on popular routes which included enroute to schools. Whilst I know this is an expense HCC can ill afford, they do highlight the expectation of owners to use them! Many parents walk the dog with the children to the schools as a way of doing two tasks at the same time. Unfortunately, they don't usually like to carry the dogs mess all the way to the school and I have seen it thrown in gardens!

I regularly walk my dog along Hayling seafront and dogs aren't a problem. Some lazy owners who refuse to pick up their dog poo (even after they've been politely told that their dog has done something) are a problem. However quite a lot of the dog walkers in the summer are visitors who probably won't be aware of any dog control orders.

Have noticed more people with one or more dogs nowadays so more problems  
Have owned and loved a dog so not without understanding but despise the fouling around the public areas

Could an area of fenced gated land be set aside for dogs in training as is done in Canada and other counties?

Any responsible dog owner (which I am) should be abiding by these rules anyway, if they are not, then they deserved to be punished.

Most people I know think dog wardens and the like are a waste of time and money and a joke, not that I or anyone I know has ever seen one.

Dog owners have a responsibility to train their dogs. They need to be confident they can control their dogs.

It is important to ensure that dogs don't foul the area and are kept under control. I ride a bike and am terrified when dogs are not on leads e.g. on the Billy Track in Langstone and could cause me to fall off my bike as has happened in the past.

More bins would help

Different areas of Havant bough seem worse than others, school education if kids have dogs at home could be a starting point they have dogs in some schools for reading lessons as pat dogs.

Often the public bins and dog poo bins are overflowing which isn't nice especially in the summer

I use the public spaces around my home to exercise my dogs, which require a lot of exercise as they are of working breeds. For me to do this they are often 'off' the lead, in areas for which it is allowed. They are animals, and even though my recall is okay, there are times where I'm unable to call them back. I understand that there are owners that have nervous dogs, and there is often a lot of negativity towards dogs off the lead.

I tend to walk my dogs in the early morning, and 90% of other owners out at the same time also have their dogs off the lead. My fear is that a minority of owners with nervous dogs, are able to

Influence decisions on areas where dogs have to be on lead.

Whilst I fully understand their concerns, creating areas where this may be introduced, will have a detrimental effect on my dogs, other owners, and family (as traditional pastimes like playing fetch) would be impeded for the sake of a few.

Given their concerns, I'd rather proposals be put in place to provide safe areas for nervous

dogs so they can feel protected, but this needs to be balanced, and not include a majority of pathways etc in the borough.

I fully agree with the PSPO that's in place at present, and the contents within, it's important to protect areas such as Sports areas and cemeteries, but I wouldn't want this expanded in any way.

Previous question about continuing dogs along stretch of Hayling beach is not clear. Poor grammar.

Did you mean to continue to allow dogs on the beach or be banned from the beach.

Also when I take my dogs to Hayling at low tide the majority of dog walkers pick up their poo obviously you get some people that don't but I also find that the horse riders leave massive mounds surely they should be made to pick up too as poo is poo no matter what it comes from!

This problem is definitely not policed. I walked my daughters dog along the area I have described and the area is a total disgrace, nothing is ever done about it.

All laws in Havant are going well so don't change anything.

All of these points are just what a responsible dog owner would/should expect. No one seems to interact with their dog/s out on a walk anymore. Either on mobile, running and not paying any attention to what their dog is doing

More enforcement of the PSPO and regular Public Information campaigns.

More rubbish bins in residential areas matter encourage people to disposal of dog mess properly, instead of hanging it in trees , leaving bags on walls etc . Also maybe seeing PCSO undertaking patrols around residential areas regularly might also act as a deterrent. Even a dog warden being seen !

There are notices on lampposts about dogs being on a lead (bylaw) but I have never seen anyone around to enforce this . ‘

As a dog owner I do get a frustrated seeing dog mess being left in black.bags on grass verges, walls, even left on pavements because the owner are to lazy and there are aware that no one enforces the by laws.

I agree with dogs being restricted in areas especially where children and sports take place , but isn't it a waste of time undertaking consultations etc if it's not enforced .

I assume the last question means dogs are not allowed on the beach area during these times. This does not seem to be monitored closely.

The beach is contaminated on a regular basis by southern water which is a far greater risk to health. If owners pick up after their dogs and they are kept under control,I don't think dogs are any more of a nuisance on the beach than any other activity.

I think more areas of Hayling beach should be banned to dogs. Also dogs on leads along Hayling Promenade.

How can we stop dog owners from discarding the "poo bags" in inappropriate places? We see them everywhere hung on fences/hedges etc.We have a large hedge round our garden and not infrequently find one pushed in there. Sheer laziness on the owner's part.

Dogs should be on a lead along the Billy Line. Currently they are a hazard to cyclists, young children and older people. It is scary when they run up to you and jump up. So many dogs do not respond to their owners request to 'come back fido'. In my ideal world dogs would be on a lead in all public places with areas and times where this is not required and they are allowed off a lead

People are, overwhelmingly, not controlling their dogs in nature and their dog(s) are not sufficiently trained in order to return to person in charge at first recall (on first command)  
People may have their dog in sight but the dog is too far away to be controlled once it spots a wild animal/a person the dog takes a dislike to/ having a picnic for example  
People are allowing their dogs to roam freely out of sight  
People are allowing their dogs to disturb and frighten wildlife and also other people (which is causing a substantial safety risk for those who are frail and could potentially be knocked over)  
People are not aware/do not care about abiding to of the Countryside Code/civil laws  
Wild birds and horses are being continuously disturbed, hedgehogs are being killed, deer are being killed, swans are being attacked, cygnets are being killed, sheep and lamb are being killed, people are being knocked over and/or frightened  
This serious issue is now completely out of control and this behaviour is becoming normalised

I would like to propose that, to minimise the serious impact of an unnatural predator such as dogs on wildlife and to completely prevent dog attacks on people, that all dogs are kept on leads in nature/public and shared spaces and that private dog parks are used to allow dogs to exercise/run freely.

As with most health, social and environmental issues, they are allowed to get seriously out of control before any action, if any, is taken.

Because the relevant authorities are allowing people to behave disrespectfully (no consideration for any other life form) I am constantly getting in arguments in order to protect myself and wildlife against dogs. I have been physically shoved and also threatened.

Now the evenings are drawing in, people are allowing their dogs to bound around freely in the dark on the mudflats and in public shared spaces without having the dog lit up in any way. The owner has no idea where the dog is, where it may be depositing, what wildlife it may be chasing/harming/disturbing. Members of the public are not able to see the dog until it comes dangerously close. If the dog attacks a person or damages their property whilst in the dark- there is little chance of identifying it. Perhaps you can consider creating some sort of guidance for walking dogs in the dark? For example- always lit up and/or always on a lead to protect other all life forms.

It is ludicrous to even have to fill in such a form as this when it is pure common sense that allowing an unnatural predator into the wild/public shared spaces whilst not acceptable:

Here is an extract from birdguides.com article "Gone to the Dogs"  
(<https://www.birdguides.com/articles/conservation/gone-to-the-dogs/>)

"Many members of the public are now at least vaguely aware of the impact that more than 10 million house cats have on British wildlife, and as a result there is a slow but growing acceptance that restricting feline interactions with wildlife is needed to mitigate their predatory habits.

The effect of dog walking on wildlife, though, has received considerably less media interest. Walking a dog is one of the world's most popular recreational activities, with many associated benefits to people and their accompanying canine chums. Dog walking is often the main motivation for many people's visits to natural or seminatural areas and hence their connection with nature, which may itself foster pro-environmental behaviours.

However, it seems that most dog walkers fail to recognise the problem and may perceive dog walking as having significantly less impact on natural areas than other activities, despite scientific evidence to the contrary (see, for example, Sterl et al 2008).

No harm done?

This discrepancy between perceived and actual harm is perhaps largely because such impacts are typically what ecologists term 'sub-lethal': wildlife is in some way harmed but not, in most cases, immediately fatally. Although some dogs do sometimes end up killing wildlife (and livestock), such occasions are, by comparison to the predatory activities of cats, far more limited. Increasingly, however, ecological science is catching up on quantifying canine impacts – something that many reserve managers and birders have recognised for decades.

The COVID-19 pandemic has amplified conflicts between dogs and wildlife. A boom in pet ownership has led to the UK dog population increasing from 10 to 12 million in a single year – this at a time of unprecedented visitor pressure on 'green' and 'blue' spaces. Here I'll explore the impacts that 'owned' rather than 'feral' dogs can have on wildlife and suggest measures to mitigate their impacts.

The response of birds and other wildlife to a threatening stimulus, such as people, dogs or natural predators is called 'disturbance' and results in a change in their normal activities to engage in what are termed 'antipredator behaviours', such as freezing, fleeing or hiding. This leads to the cessation of important activities like foraging, feeding young or resting and is accompanied by physiological changes such as the release of stress hormones and altered heart rates.

These behaviours come at a cost, and while they may not be fatal, repeated disturbance effectively lowers the 'quality' of a habitat and may cause the abandonment of a site, leading to the impoverishment of local biodiversity. Dogs represent year-round agents of near-constant disturbance at many wildlife sites, which can lead to a reduction in local biodiversity."

Dog poo, in some areas, may be minimised if more poo bins were provided. Sometimes walk long distances with a bag, unable to dispose of it. Possibly why some people dump it, or don't bother to pick it up.

Keep a tighter control on dogs in cafes, pubs and restaurants. It has become an increasingly common practice to advertise establishments as dog friendly but most of the time it is unsanitary and causes a disturbance to people just trying to enjoy a drink or meal.

I would like to see an offence related to disturbance of wildlife, particularly birds, but I would ask Solent Bird Aware for advice on this.

I have said that fouling and out-of-control dogs are not a big problem. While the number of incidents may not be statistically significant I strongly believe that any incident is a big problem

Please continue to have restrictions on the walking of dogs on beaches.

Dogs should be kept on a lead, unless it is designated dog only area.

There should be stricter controls in not just the areas covered above. Maybe there could be time limits when people wanting to let their dogs run off the lead in public parks, can only do this eg before 10.30 am and after 5.00 pm, so that those of us who want to sit on benches, or just picnic on the grass would not be attacked, nuzzled or sniffed and slobbered over by these animals. In bigger areas, like Country Parks, one might expect dogs to run free, but my enjoyment of eg a picnic has been ruined by strange animals coming up.

<p>Cut the number of dogs that a dog walker can be in charge of at any one time.- Often in Hampshire farm meadow there are walkers with 6 - 4 dogs. They open the boot of their cars and the dogs all bound out and run off. Often the first thing they do is have a crap. The dogwalker is still locking up the car and has no idea where the dogs are. Only the other day I just walked up 1 path and passed 6 dog poos I had to avoid in the grass. Also it should an offence to pack the poo in a bag and then throw it into the hedgerow.</p>
<p>It would be a good and safe regulation if the extending leads could be banned. The dogs can end up a long way from the person walking it, and people unrelated to the dog walker, can become caught in the lead. They are very dangerous</p>
<p>There should be clarification regarding picking up of dog faeces at Staunton Country park particularly at the entrance to the meadow from Bitterne Close. There is no dog bin and people who have picked up the waste regularly leave it at the entrance. This is disgusting and a health hazard. A conversation should be had with Staunton Park and either a notice should be made to say do not pick it up or a bin should be installed.</p>
<p>I support the continuation of the Order as it seems to be effective at managing the exercising of dogs in public spaces across the borough. An area which might benefit from some investigation and possibly proposals in the future is the matter fo "professional" dog walkers. Some take their responsibilities very seriously, controlling the dogs in their charge and respecting other people's space. But a significany proportion do not and allow their dogs to pretty much do as they please effectively unsupervised and those dogs can be a nuisance to other people using the spaces..</p>
<p>The beach ban (must be on leads) should extend to winter for the benefit of migratory wading birds</p>
<p>Increase the number of dog poo bins to help people comply with the law.</p>
<p>I've previously lived in London and abroad in a big city and clearing up seemed more prevalent there than in Havant. Although I don't currently own a dog I have owned 3 at separate times in my adult life so very much pro dog ( as long as the mess is cleared up).</p>
<p>The new flags on Hayling Beach seem to have been very effective in warning dog owners of the summer time beach ban.</p>
<p>On the whole I really like a well trained and controlled dog. What is objectionable is a poorly trained out of control dog and owner who are generally a menace to the population.</p>
<p>Dogs should be on leads on beaches. If ban on dogs on beaches this should be enforced. Keep dogs out of cafes and restaurants</p>
<p>The dog fouling on Hayling island is awful. People do not adhere to keeping dogs on leads or within certain areas on Hayling beach, they do not keep control of their dogs. We need dog wardens patrolling.</p>
<p>Q6 is confusing..do you mean ban them or allow them?</p> <p>I say allow them</p>
<p>This is a serious safety problem for residents and in particular their children. Dogs are dangerous and largely unregulated on Hayling, and the owners don't seem to feel like they are responsible for their dogs actions. You really need to change this and soon before somebody is injured or worse.</p>
<p>I would like to see a limit on the number of dogs someone can walk off the lead. Seems to be a problem if there are more than two.</p>
<p>I have a dog and he's always on a lead and he's been attacked so many times because of other dogs off lead with no recall or the owners refusing to call them off. The dog poo problem is just a joke everywhere and even if it's picked up they leave the bags, so leaving a full bag should also holda fine.</p>
<p>Maybe have fenced off areas in the borough that the dogs can be let off there leads safely provide Pooh bags for free like they do in different areas of the country</p>
<p>I believe all children's play areas should be fenced to stop dogs accessing and fouling. That would prevent any problems with irresponsible dog owners.</p>

There is only one dog disposal bin in our area, Sunnymead Drive more should be provided.
More people on the ground enforcing dog control rules are needed. With dog attacks on the rise we need more people enforcing rules. I would like to be able to go for a walk and not have to avoid countless piles of dog faeces and also have to continually move to avoid dogs.
As before all dog owners should do mandatory training
There should be more Poo bins within Tempest Avenue and surrounding areas, as this would hopefully stop dog fouling from being picked up.
I think that the beach ban period is too long and should be reduced, maybe June to End August. Councils tolerate the pumping of raw sewage into our sea in pursuit of ever growing unsustainable coastal developments and Council Tax greed, yet ban dogs ( and as a result their owners) from beaches when demand is lower but weather good. HBC have buried their heads in the sand on this issue for too long.
Sadly this is the minority many dog owners are very responsible and brings bags with them when they walk their dogs
Although I agree with continuing this PSPO I would like to see more action taken against bad dog owners. Although I have been walking a dog on hayling for 10 years I have never heard of anyone being prosecuted for failing to pick up after their dog. In Hayling park there is always dog mess on the football and cricket pitches. It would be very easy for dog wardens to see those responsible and once the word gets around that someone has been fined it should improve the situation greatly.
Concerned about out of control dogs on the local nature reserve at Hayling Oyster beds disturbing the birds and wildlife. I think dogs should be kept on a lead at the local nature reserve to avoid . Also there is a lot of dog faeces left which fertilizes scrub and stops wild flowers growing. We need more signs to raise awareness about protecting the wildlife here  Also at Gunner point car park where dogs are let off lead there is a lot dog faeces left. More signage in the car park is required raising awareness to the beach nesting birds and overwintering birds that rest here
I think there should be consideration given to limiting by law the quantity of dogs being walked at the same time. I think that owners are falsely confident that they can control 4 or more dogs if they decide to act aggressively as a pack. I foresee that this consideration needs to take into account the size of the dogs, so that where large dogs are concerned, it may be appropriate to set the limit at 2 dogs.
Stronger reinforcement and penalties for people who don't adhere to the rules. PS I am a dog lover and used to train dogs. I am horrified at the way dogs are often allowed to behave these days.
As dog owners are in the majority of rate payers there should be a published list of facilities available to dog owners, exercise ,training etc
The offences need to be policed unfortunately there appears to be no policing so owners allow their dogs to defecate anywhere and then do not clean up after them
Why someone can't walk their dog in the early hours or late at night (during May/Sept) is overkill
A second or subsequent offence should attract a higher fine £200
As a beach hut owner it's a complete waste of time having restrictions between Inn on the beach and the fair as it's not enforced never seen any one given a FPN in 8 years and the beach patrols can only ask people to leave. You can't have all these regulations and no enforcement.
The dog line on the beach is poorly defined - the existing line on the map is not the line that people try to enforce.



<p>I think the current ban on dogs in part of the beach area as currently stated is a good idea. However we have a beach hut by Bound Lane car park and purchased the hut on the understanding that dogs were allowed on that part of the beach year round. I have not seen that dogs have caused any sort of nuisance either by fouling or behaviour in that area so see no reason for the allowance of dogs on that part of the beach to be changed.</p>
<p>I am not a dog owner so I am obviously biased, but I believe dogs on the beach should be on a lead at all times. In that way, at least, there is a better chance of less fouling and people being subjected to aggressive or unwanted attention from dogs.</p>
<p>It would be helpful if there was publicity about areas suitable for dog walking - on or off the lead and in some built up areas of the Borough there should be designated areas for this purpose. Dogs and other pets are essential for the well being of us humans - we shouldn't neglect their needs.</p>
<p>It's each owner responsibility to make sure dogs are kept on lead and their excrements picked up. I am dog owner and wouldn't let me dog to walk in kids play area without lead or on lead, cementary is place where we should respect privacy and I don't see a need to go to cementary with a dog unless dog is companion dog for those with disabilities needs. I would like to see area between Inn On The Beach and Funland Park reopen during the year to have ability to take a dog for a walk during the summer time as long as others are respected and dogs are kept on lead.</p>
<p>The rule not to allow dogs between the inn on the Beach and beachlands is constantly broken daily .... Especially in the summer! Where are the signs for visitors!!! There is a requirement for more signs</p>
<p>I strongly believe the area between the fair and the Inn on the beach should remain dog free all year. I also feel there should be regular patrolling around the beach huts. As a beach hut owner, I regularly find dog poo near the huts</p>
<p>Ban of dogs on Central Beachland during the summer is totally ignored by many people because it is not enforced.</p>
<p>Please retain the dog ban at the very least on the beach at Hayling but hopefully extend it back to what it was to cover the green space between the beach and road at beachlands. We are fed up with picking up dog poo outside our hut where the children play.</p>
<p>We do not own a dog but used to regularly walk our son's dog when he had one so we are not "anti-dog", we always kept the dog on a short lead and kept to areas where we could clear up any mess.</p>
<p>Owners of dogs should accept they have a responsibility to clean up their dogs mess, they would do if they were at home so they should do even more so when out with a dog/s in a public area.</p>
<p>Having been knocked off my bicycle more than once on the Hayling beach cycle lanes, I think ALL dogs should be on leads in this area before someone less agile than myself is seriously injured or worse.</p>
<p>More offices enforcement on these issues including littering please.</p>
<p>Well behaved dogs and dogs on leads should be allowed on all of the beaches on hayling.</p>
<p>I think some owners are of the opinion that everyone likes dog. So when their dog hurtles towards you, they shout 'dont worry, they are friendly'. I love dogs and so this reassures me. However, I have two close friends who are terrified of dogs. One will no longer walk with me along the beach or in Hayling Park, preferring to stick to roads where dogs are on leads. Perhaps a communication campaign to the effect that not everyone is a fan of dogs and they should be trained to come to heel on command.</p>
<p>Also would like to see stricter penalties for those who do not comply with the PSPO.</p>
<p>It would be good to see bad owners being fined, there appears to be no enforcement of the PSPO</p>

A continuation of dogs from the area between the Inn on the Beach and the Hayling Fairground on Hayling Island between 1 May and 30 September inclusive. This question is not specific enough. Do you mean the beach between the water and the beach huts or does this include that area and the grass area behind the beach huts. I would answer this differently based on a more specific question

The no dogs on the beach in the summer months is regularly ignored. Bad signage might explain some incidences, but as your excellent warden says he sees the same people offending. Unfortunately the man seems to have limited powers to enforce the law.

We have young grandchildren who play on the beach and we would rather not have them coming into contact with dog excrement. It is near impossible to clean it up on a beach and one suspects those who choose to ignore the notices probably aren't going to bother.

As a former dog owner I don't want to spoil it for others, but that is not the case here as there are miles of beaches either side of Beachlands where owners can take their animals.

If you have gone to the bother of putting up signs and introducing a by-law then enforce it please.

As I mentioned. Dogs should be on a lead at all times within a public area. Between certain times. ie 7am and 8pm.

Unless the area is a field.

But then when Dogs pass each other they should be put back on lead

My dog has been attacked 4 times whilst I had him on a lead, same dog each time off lead!!

It is rather pointless to put in place measures to stop dog fouling on the beaches in the borough when Southern Water regularly discharge untreated sewage into the harbour waters. When walking my dog on the beach at the end of South St, Emsworth, I have on more than one occasion realised that the beach is littered with the remains of a recent sewage discharge and have had to pick up my dog and get off the beach ASAP.

This doesn't make sense, all the other statements were negative and this is positive "A continuation of dogs from the area between the Inn on the Beach and the Hayling Fairground on Hayling Island between 1 May and 30 September inclusive" Do you mean 'discontinuation'? However, I would ask HBC to consider banning dogs from the Beachlands area between Inn on the Beach and Fairground 24/7/365 because (1) beach picnickers, children and swimmers who are disabled (bounding dogs can knock them over) or allergic to dogs (dogs sniff clothes) should be allowed to relax on the beach all year round without fear of a dog interrupting their day. There are miles of coast on Hayling where dogs can go. Also, many locals and visitors do not read signs or stick to the rules - dog walkers and dog owners have priority over those who prefer to be away from dogs. Please consider facilitating a dog free haven for the community. I often look after/walk friends dogs, so I like dogs; however, as a community organiser for sea swimmer (Solent Outdoor Swimmers) we are frustrated by the lack of consideration we're given. Thank you

Dogs running wild on Hayling Beach during the winter months can also be a problem

I feel that the current controls do not go far enough. There should be stricter controls in operation. The fine is not large enough. I have never seen a dog warden on patrol. There should be some sort of licensing in operation. Dog owners do not want to take responsibility.

It would be good if the existing dog laws were actually enforced

To help overcome the issue of people not picking up after their dogs, I believe the council need to provide bins at more frequent intervals. Why can't there be a public bin on most street corners?

The maximum fines at £100 is not sufficient.

<p>There should be a limit in place for dog walkers in the area. There are a lot of commercial dog walkers locally who walk more than 6 dogs at a time, and it is very frightening and intimidating for those who walk singular and the whole group comes straight for you. Also in some wooded environments there should be a stick and flick policy put in place to help the environment from the amount of poop-bags that are being thrown into the bushes rather than disposed of properly.</p>
<p>Dogs should be kept on short leads, not retractable 'trip wires'. If owners can't control their dogs behaviour both a short lead and muzzle should be compulsory. I'm fed up with coming home from walks with dirty paw prints or dog slobber all over me.</p>
<p>Dogs should be walked on a lead and only let off in designated dog park areas</p>
<p>I am sure there is responsible dog owners. But we are not all keen on dogs and they should respect that and keep them under control.</p>
<p>None</p>
<p>The majority of dog owners are respectful and responsible, unfortunately it is the minority that let's majority down</p>
<p>Would like more areas where dogs must be on a lead - especially parks where children play. We have many times been approached by dogs where their owners have no control or the dog won't listen. There are many places dogs can be walked off lead it would be nice if there were some places where children could play (in the grass) without fear of being approached by a rogue dog</p>
<p>We are Beach Hut owners, Webb Lane to the East of the Funfair, and regularly walk our small dog along the Beach and adhere to the seasonal restrictions. We find the the signage small, sparse and poorly displayed, often obstructed i.e. by camper vans and visitors cars, which causes conflict between dog owners and non dog owners, locals and visitors alike.</p>
<p>If you won't ensure we have clean water to swim in by forcing southern water to clean up its act, why should dogs on the beach be of concern to you?</p>
<p>There are insufficient signs at Beachlands to warn dog owners about the 'no dogs on the beach' bye laws. I have been sworn at and told to mind my own business repeatedly when confronting dog owners at Beachlands. I own a beach hut and resent dogs on the Blue Flag beach. I hate dogs barking and causing a nuisance. Dog owners are selfish and don't give a damn about others. They think everyone loves dogs. I do not because I have a fear of dogs. Prosecute and issue more fines, dog owners will soon get the message. I sympathise with the beach patrol people, they get a lot of abuse from dog owners.</p>
<p>I don't have problems walking my dog, but there are some people who have dogs they can't control.</p>
<p>If you restrict dogs in play areas how can single parents take children to the park and aid them using the facilities? Only well behaved dogs to be allowed in the areas</p>
<p>I like well behaved dogs to be able to enjoy their walk off the lead. I believe dog owners pick up their poo if it's off the footpath, which has left an exorbitant amount of poo in the long grass on the first open space of North common. May be more signs to explain? Also I am not sure older generation people find it easy to pick up poo.</p>
<p>Dog on dog attacks are commonly reported on local social media sites. These provisions don't appear to provide a solution</p>
<p>I think dogs should be muzzled when outside partically large dogs</p>
<p>Dogs that bite must be muzzled. I was bitten by a bulldog the other day when passing on the pavement. It was unprovoked. I had no interaction with him and had no dog myself.</p>
<p>Dog parks fenced in away from children's play areas, at springwood we have a lovely area that children and dog walkers use but we do have ignorant people who don't pick up and children playing then step in it , with 3 big areas in springwood one could be made for dogs leaving two areas where dogs should be banned for children to play safely, I am a</p>

dog walker and have no young children and I can see that this would improve life for everyone to enjoy the area

I completely agree with not allowing dogs in gated children's playground & tennis courts but not with restricting them from ungated areas.

It would be nice to have a restriction on the beaches only during certain hours, dogs also love the beach and from say 7pm to 8am should be allowed on any parts of the beach as its not as busy by then.

The amount of dog poo not picked up is horrendous and as a dog owner myself it's disgusting the amount left laying around.

Definition of on a lead should be changed should be redefined as being on a short lead (no greater than 1.5m or thereabouts) where the dog should be under the nose of the walker/owner.

"Suitably dispose" should specifically include the placement of "dog-poo" bags in suitable litter bins or taken home. The excuse of "I'll collect it on the way back" is not to be allowed, as it not only is "accidentally" forgotten, but also is offensive to other people.

Dog owners think everybody likes dogs. They should all be kept on a lead in public places

I think tennis courts should be available to dogs when not in use, for example after dark. The council don't provide enough secure fenced-in dog spaces.

There should be a limit on the number of dogs walked by one person. Gosport has a 4 dog walking limit which would seem to be a good compromise. Often dog walkers arrive in a van and let the dogs out to run wild. They have little or no control over these dogs. I would also like to see dogs banned from swimming beaches during the summer months.

dogs to be kept on leads at all times

I think there should be designated areas for dogs as 1-3 people have one

The amount of dogs that dog walkers are allowed to take out at any one time needs to be looked at.

I have a couple of them who use the areas I do, Staunton country park and I can't see how 7 off lead dogs are under any control at all when they're all allowed to be off lead and running riot. This is a daily occurrence. I have worked very hard with my own dogs to ensure they behave in public and I walk mine separately as they are two very different dogs and have different needs. These dog walkers are an accident waiting to happen and I've left the area due to these walkers many times. I avoid the area at 10am on weekdays as they are always there then. Also not picking up after the dog when they poo.

It's truly disgusting and I don't want my own dogs sniffing at the poo of other potentially unwell dogs! More poo bins are needed all over Leigh park

Ban dogs from Hayling seafront completely

We reside in Waterlooville, our dog is scared of traffic so we walk him in local woods / countryside. I am aware that people use gated areas to let their dogs off lead / this is because c they don't have control of them.

How about gated areas in a couple of the larger parks in Waterlooville and Havant areas that people can let their dogs loose in ?

I am a dog owner myself, and also run a dog walking business that services the area, my comments are as follows:

1. Re faeces, we need a common sense approach. If a dog does it's business on a side walk, pick it up, if not yes it should be fined, but let's be honest who's really policing that anyway? If we're at a public park and the dog pops right out the way over the back, then likely it won't be picked up, because a) probably can't find it and b) it'll be washed away in our next lot of rain - which is better for the planet, instead of 101 million poo bags in landfill. I do think in the right areas this should be encouraged (like at Stansted House). If a dog toilets right on the main path in a field, then yes either pick it up, flick it with a stick into the undergrowth ... this could be managed with signage instead of fines that aren't being policed.

2. We have a lot of nervous dog owners, and sadly a lot of information on the internet which has caused people to treat their dogs like babies, instead of animals. Which has caused reactive issues. There are a few public areas dotted around which are like enclosed dog fields, it would be great to see more of these. As not everyone can afford Paw Paddocks or other private fields. To multi purpose tennis courts for a good run around when not in use (especially during winter seasons would be fab because you tend to have dogs at the park, so this is good socialisation and training for the reactive dog to see but be allowed freedom to exercise safely away from others.

3. I do think the beach ban is a bit silly, lived on Hayling for ten years and it was more of a nuisance than anything else. Again dogs at the beach in summer time is more of a common sense issue then a policing matter.....

Too many owners are far too lazy to pick up after their dogs and as careful & responsible dog owners it makes us infuriated because then we all get accused of the problem

Professional dog walkers should have a limit impose on them as to how many dogs they can walk at any given time. There are quite a few dog walkers that walk 6+ and have no control or care. I have witnessed professional walkers complaining about other people. I have also witnessed several companies meeting up so there would be in excess of 15+ dogs all walking together which is intimidating and scary for any member of the general public.

Most people act responsibly with their dogs but there are exceptions and the council needs the power to deal with them.

Recently lost my dog and looking for a new one. As a result of extending the parking charges hours on West beach I stopped visiting Hayling which meant lost income for Tesco Express and the local chippy. Perhaps you should consider these sort of things instead of treating parking charges as a cash cow. It costs local businesses money.

All dogs should be muzzled when in public to reassure people regardless of their breed.

The majority of dog owners are responsible and clean up after their dogs. To ban dogs from recreational areas will not solve the problem of irresponsible dog owners not cleaning up. If you apply the same criteria you will be banning teenagers from recreation spaces because of the amount of litter and discarded vapes they now leave behind themselves evident in many of our parks and frequently found yards from the nearest litter bins.

Signs stating "No Dogs" are ignored in playgrounds which are not gated/fenced.

It's all very well having these orders in place - but do you have enough staff to police it. Who do I contact to report a dog owner for breaking these rules. What proof do you need to issue a fine.

The question "A continuation of dogs from the area between the Inn on the Beach and the Hayling Fairground on Hayling Island between 1 May and 30 September inclusive" needs clarification. Do you mean banning dogs from the area or allowing them?

I walk my dog in several different places across the area twice a day. In general people are respectful and considerate with their dogs and I have never experienced any issue with another dog owner or their dog in many years of being a dog owner and a very regular walker. I strongly believe dogs should have the opportunity and right to free exercise off a lead to express their natural instincts. Most people if they see another dog on a lead will do the same. Having said that there are some inexperienced owners who are unnecessarily protective of their dogs, even well behaved dogs may jump or bark, it is not a threat, dogs should develop social behaviours with each other and learn to interact well together.

In regards to poo bins, there are not enough in my opinion and this does not help some issues of fouling in common land where some owners may be reluctant to carry around for miles (no excuse by the way!). The forestry commission and others like stansted fully accepts off path fouling to be left to decay naturally. A clarification in other areas would be useful as plastic bags full of \*\*\*\* are left everywhere too and even worse!

I don't think the borough should be encouraging dog ownership, far from it. The climate emergency and the cost of living crisis dictate that the population need to reduce consumption of meat based products, in particular, and processed food in general. Pet dogs put an unnecessary burden on the planet. Whilst I appreciate the comfort a pet can give to a lonely person I am alarmed to see how many people seem to need three or more dogs in their household. Of course, dog breeders are making a nice living out of it and the less scrupulous are breeding dangerous dogs intended to intimidate strangers. The council and the government should be actively discouraging ownership on the current scale.

Exclusion should be on all the beach in Hayling Island, not just the specified area between Beachlands and Inn on the Beach

Actually enforce your own laws.

Local dog walks ie the Hulbert road walk by the a3m should be better maintained instead of becoming so overgrown

Suggest the areas PSPO is revised to cover the problems below due to increase in dog ownership and in addition HBC provide fenced green areas for dogs where they can be exercised etc safely, as done in other countries especially where they have flats etc with no gardens. There are very few waste bins for disposal of dog waste.

To the best of my knowledge the UK has seen a significant increase in dog ownership in the past six years, with 12.5 million dogs living in 31% of households in 2023, according to the Pet Food Manufacturers' Association and a pet population survey. However, this trend has also brought some challenges, such as more dog attacks and dog fouling. The RSPCA reported a 25% rise in dog bite incidents from 2018 to 2022, and the BVA warned that dog aggression was a growing problem. In 2023, there were 2,445 dog bite incidents, almost double the number in 2017. Dog fouling also poses a serious health and environmental risk, as dog waste can contain harmful bacteria and parasites that can infect humans and wildlife. The Keep Britain Tidy campaign estimated that there were over 200,000 cases of dog fouling per day in 2023, costing the local authorities £22 million a year to clean up. These figures suggest that dog owners need to be more responsible and aware of the potential risks and impacts of their pets on public health and safety.

The vast majority of dog owners take that responsibility very seriously. It is unfortunate when a few irresponsible owners impact the enjoyment of many

Compulsory wearing of muzzles would make a big difference to the fear experienced by children, of dogs who will not be kept under control by their owners.

I believe all dogs should be kept on leads. Maybe visible dog warden patrols.

Needs to be more control of horses riding the beach at hayling. Can be hazardous for dog owners with horses galloping down the beach at you in packs of a dozen. Ignorant to the impacts on dogs who are terrified at these large animals charging them down. Nor is their excrement cleared from the beach
Please take in to consideration at the majority of dog owners are responsible, careful and considerate to the laws and other people. It is only the minority who don't pick up dog waste or train their dogs to be aggressive. I understand that these laws have to be in place, but please don't let the minority ruin things for the rest of us. Thank you
A problem when dogs are trailing behind the person responsible. Not in control ?
Reintroduce dog licenses
Well behaved dogs should be allowed to roam as long as their owners are paying attention to them
If enforcement of leads and anti fouling was seen to be enforced more rigorously there would be no need to ban dogs from certain areas
The council should make the provision of dog waste bags and bins more widely available in areas they are most concerned of. It should not be an offence is dog waste cannot be handled (for example it is not solid).
Dogs were not allowed along the beach right up to the Golf Course until recently. This is a large section of beach where people are swimming and sunbathing and should be included in the exclusion zone. We saw dogs fouling the beach and owners kicking stones over the faeces - very unpleasant if you end up sitting on it. Dogs were also sat on this part of the beach with no shade, which was really cruel. It's bad enough just along the footpaths to the common, let alone having dog mess on the beach.
Dogs in this area seem to be well controlled in urban spaces. Long may it continue. Dog owners have a duty to train their pets to be sociably acceptable in the wider public environment. A requirement for owners to give their dogs (some large dogs maybe) basic training would be good
I think this is a fair balance
A continuation of the exclusion of dogs from the area between the Inn on the Beach and the Hayling Fairground on Hayling Island between 1 May and 30 September inclusive Should be between the hours of 10am and 6pm. This gives ALL of us the chance to enjoy the beach with families as well as with dogs. But strict rules on fouling !!
There are a large number of dogs in the area and that very fact that it isn't a big problem indicates that the vast majority of owners are mindful of their dogs activities in public areas. eg picking up dog waste, having them on a lead when appropriate. I do not believe that the current policy needs to be changed, but it does, in some circumstances, need to be enforced more appropriately. Saying that, a very small number of dogs owners don't really seem to care, so any policy wouldn't really have any affect on them!
People with multiple dogs should not be near play areas as they are harder control and children are therefore more at risk
With the huge increase in the number of dogs perhaps there need to be more enforcement officers visibly taking action.
Too many barking and yappy dogs in PO9 5 - Statutory Fines should be issued to owners of continuous offenders.
More dog waste bins are needed, this will help tackle the issue of dog fouling.
I think is a clear document balancing interests of everyone involved. I enjoy my dogs and want others to be able to not enjoy dogs as they wish. Clear agreement on this facilitates this
I would also like to comment on the fact that the verges being left so long in between cuts makes it almost impossible to pick up the dogs faeces.
it would be good to have signs place where you can and cant walk you dog off lead start and fin places with pictures for people unable to read.

I think we should re-introduce dog licences and dog wardens (hopefully the licence fee will cover the wardens)

I am pleased that this survey is being undertaken in the borough. I support strong legislation and enforcement, dogs are wonderful animals and great personal friends. However with many dog owners having two and sometimes three dogs now, more enforcement is sadly necessary.

They ( dogs) also ( if not under proper control) pose a hazard to geese and other birds that come to our harbours to overwinter. Our parks and open spaces also are home to various wildlife and unruly dogs pose a threat here. With more homes being built and many more people coming to reside and work here the problem will only get worse without reasonable enforcement. Thank you

Although dog fouling is not a major problem, there are areas that dog fouling is a nuisance on the grass verges and pavements mainly. It is more noticeable now the darker mornings are here. I live in St John's Road Bedhampton and walk my dog around the area, I use Bidbury Mead, Hooks Lane Rec, St Christopher's Road Open Space.

Most people are responsible dog owners, there are however the people who aren't responsible owners, and don't care what they do in anyway shape or form

I still see people who have let dogs off leads in parks, who are barking at people, with or without their own dogs. They are not in control of their pets. One adult cyclist had to wait quite awhile to be allowed to walk on in the park, as the owner was at a distance from the dog. I have witnessed people kicking their dog's excrement in verges or throw filled bags into the wooded area opposite where I live in Hulbert Road, rather than put the bag in a bin. These are adults.

Time restrictions on dog walking as quite a few walk very early in the morning and that is when they leave there rubbish and the dogs are barking a lot.

All the powers you mentioned in the previous question (No 8) are NOT and NEVER have been enforced. Dog owners do as they want and if you mention anything to them you simply get abused. The Council has no control over what dog owners do and frankly to suggest they do is laughable.

Dogs of all breeds should be kept on a lead at all times and large dogs should be muzzled

It's all very well implementing these policies but can you afford / provide resource to enforce them? I walk my dogs twice daily and never encounter anyone of authority. Let's take a step back and look at other ways the council and community can work together.

All dogs should be kept on lead at all times.

The current laws need better enforcement.

Dogs should be on leads at all times unless a fenced & secured dog field.

Would prefer if dogs were not allowed on any beaches during the summer

I will never understand why dogs have been given free access to the nicest and sandiest part of Hayling beach, best suited to families, between the inn on the beach and the ferry.

Dogs should be allowed to exercise off lead in certain areas. If they are trained it's no problem. Owners should be trained on the responsibilities of being a dog owner. Picking up poo, training your dog etc.

As long as an owner picks up poo no area should be off limit. Sometimes an enclosed tennis court without anyone using it is a nice area for puppies to learn recall as there aren't really any enclosed grass areas suitable for dogs in the area

I have agreed to beach area off limits to dogs primarily as people may have tempting picnics. Although this is no different to the common. Plus as owners should pick up after themselves again it should not be an issue. However if dogs are banned horses should be too. Their poo is still poo and never gets cleared up.



<p>Some owners can't control their dogs when off lead. This has resulted in my staffie being attacked on 4 separate occasions, twice he was on a lead. Not once did he retaliate. He is now very wary of bigger dogs. This happened at Barton's Green a few years ago. I haven't taken my dogs there since. Instead, I walk around West Leigh with them. I also hire private dog fields, so they can have some freedom and stay safe.</p>
<p>More dog free spaces including parks</p>
<p>Dogs should be on a lead at all times, unless is a designated secure space.</p>
<p>Could we have more dog parks so safe place to let dogs off leads and more dog poo bins.</p>
<p>More dog waste bins required and more frequent emptying. The one at the junction of Spring car park and Billy Line footpath is always over full</p>
<p>The laws as such are probably fairly even-handed.          Nearly all dog owners I know pick up mess and are responsible regarding ownership. Although an inconvenience as someone who likes beach walks, I understand the rulings regarding the beach.          It would be a great shame to bring in more by-laws to try and control the minority who are not good citizens by punishing those who are.          As well all know, there are certain people that won't ever follow rules, whatever you put in place.</p>
<p>Having a Blue Flag beach on Hayling Island is not considered very prestigious to the council anymore, therefore, I suggest the ruling for Beachlands to Inn on the Beach should be focused more on the immediate clearing up and disposing of dog faeces safely by the dog walker - this would serve to avoid any 'run off' into the sea/bathing area as well as allowing everyone (even with dogs) to use that very popular part of the beach and go to the Inn/pub without breaking any regulations.</p>
<p>Dogs are animals and need to run to burn off energy, why should I pay to walk my dog in private areas when I want to and can safely enjoy public spaces and woods with my dog off the lead</p>
<p>Please can we have dedicated areas for dogs so that they can be off the leads.</p>
<p>Allow dogs on the beaches during non-peak season and maybe host some dogs friendly events within the Borough to inform residents and dog owners</p>
<p>Re Inn on the beach area... have you seen the mess Humans leave? As a side note provide more/larger bins especially in the summer.... It's poor at best</p>
<p>I think more dog bins are required</p>
<p>It would be great to have more safe spaces for dogs!</p>
<p>Higher fines for owners who fail to pick up their dogs mess. Enclosed areas specifically for dogs so they can have freedom whilst out and about</p>
<p>Dogs need free running exercise. However this should be done with well trained obedient dogs. It is more important to make bad owners go to dog training classes than restrict all dogs.</p>
<p>The laws should actually be policed! I have watched police officers walk past dogs off leads that should be on leads.</p>
<p>Dangerous dogs should be muzzled in public</p>
<p>Many dog owners whose breeds are covered by the dangerous dogs act do not muzzle their dogs whilst in public and let them off lead. This is intimidating for other people who may be frightened of large dogs. Maybe consider signage in parks to remind or inform them (some people I believe are completely unaware of this)</p>
<p>The majority of these "issues" are made by a minority of the general public.          Most dog owners and walkers are extremely responsible, it is the few who ruin it for everyone else.          If a dog is under control, on or off lead, then there shouldn't be any need for any person to complain.          I feel that in areas such as woodland, dog fouling shouldn't be as much of an issue. I get</p>

far more upset seeing poop bags hanging from trees than I do seeing a dog poop in the leaves off the pathways.

I believe all dogs should be on a lead at all times when in a public space, unless it's a designated 'dog park' as they do in other countries. Not everyone in this country is a dog lover or enjoys dogs off the lead running at them, not knowing whether you're going to be jumped at, licked or worse. The PSPO doesn't go far enough in my opinion

I just don't believe they are policed very well. Most dog owners know owners that don't pick up after their dog. There are persistent offenders! I never saw anyone in the nearly twelve years I walked my dog police it.

More enforcement required

Fences around all children's play areas and signs forbidding dogs. I would like to see actual enforcement of dogs being put on leads where they aren't under control. Many don't seem to respond to their owners nowadays and you can't go to an open space without there being loose and out of control dogs.

Owners should be responsible for the behaviour of their dogs and keep on leads during summer mo that on the beach by in. I'm the beach etc

There's never a dog warden around or anyone of authority. Dog owners know these laws are never enforced. They're completely pointless.

I have not experienced any problems with dogs off the lead in recreational areas either with fouling or being a nuisance. The exception is the an area by the car park at Eastoke where i was appalled to see the amount of dog faeces lying around

There needs to be clearer signs down on Hayling Island where / when dogs aren't permitted as we took my son there in the summer, thinking it would be free of dogs but there were many dogs and no visible signs that they shouldn't have been there. It's very difficult for us to go to the beach with him being incredible scared of dogs after previous bad experiences where dogs have jumped up at us whilst walking through the park.

Would prefer all dogs to be kept on leads on all beach areas

It would be good to see some visable signs of the intention to enforce the PSPO

It would be great if the borough could establish a few dog-free days every year, when people can enjoy nature spots such as Nore Barn Woods or Hollybank Woods and other public spaces without encountering dogs.

The area of West Beach where dogs are allowed is shared with horses, windsurfers, kitesurfers (including their motorised vehicles), paddleboarders, anglers, jetskis, drone flyers, cyclists and people having BBQs. Frequently dogs and their owners are the most vulnerable users. Rather than increasing the restrictions on dogs, Hayling could become a preferred destination if there were dedicated areas to exercise dogs and/or enjoy the beach as a family without the risks from these other users.

If dogs are off a lead they should be muzzled i would prefer it if they where all Muzzled when out in public would not have so many problems then with dogs attacking people

Bring back the bin on Barton's road by bus stop , bag hung on tree by council which is always full so is really needed ,

More bins in the borough, and for them to be emptied more often in more rural area of brough.

Overall walking my dog in borough ive never had any trouble with other dog owners.

I enjoying walking my small dog in Havant park and always pick up her poo and offer poo bags to people who choose not to pick up their dogs poo.

We need something doing in Beaulieu avenue, as you walk on the pavement when going towards Swaythling Rd on the left hand side there is so much dog mess very often, something really needs to be done.

I would like to see more proactive action from the dog warden in education and training of local dog owners, particularly at key dog walking areas like Barton's fields and Sombourne Drive park. Dog walkers are generally outside so being home or office based is not helpful. I would also like to see easier access to the dog warden when concerns need to be raised. I have found this difficult, frustrating and left wondering what do they do in the past due to a complete lack in response. Thank you

Most dog owners here are responsible and considerate to others, it only needs one person not to clear up after their dog to cause a problem in an area.

The dog exclusion areas should be all year round unless on designated footpaths and dogs kept on a lead.

As above, I fully support renewal of the PSPO, but request to add a section to penalise owners who do not prevent their dog from attacking, threatening or chasing pedestrians or cyclists, or at the very least, a statement that dogs can frighten, deter and injure pedestrians and cyclists, and that dogs **MUST BE UNDER THE OWNER'S CONTROL AT ALL TIMES.**

I'm filling this in in a personal capacity, but also as a member of Cycle Hayling - happy to be contacted via [cyclehayling.org](http://cyclehayling.org) !

It is very important that we all can be active whether walking our dogs, cycling, scooting and walking. But I have as a pedestrian, walking friends dog or cycling out of control dogs are a problem. As a cyclist I have been chased by dogs also a friend was brought down by a out of control dog and was injured the dog owner blamed my friend and left him injured. He was left with in a lot of pain for a long time. I not quit shure how better regulations can be enforced but something need to be done.

On occasions in the summer on Hayling main beach it feels like a dog park - I think the balance is too much towards the freedom of dogs rather than the health and protection of young children. It seems strange that dogs have the freedom of most of the beach and humans have to stay in one area to avoid the noise and potential danger of dogs. I love dogs but at times it feels overwhelming to be surrounded by them at the beach. Other countries I've visited have more restrictions and it's much more pleasant.

Enforce appropriate clothing for reactive/nervous dogs, more stickers describing temperament colours

Dogs should be licensed by owners.

As a society we need to encourage active travel. It is essential that the fear of hitting a dog, being knocked off by one or being chased does not deter would be cyclists. I also agree with restricting beach access as they cannot be stopped from peeing on children's sandcastles etc. i need a clean area to take my grandchildren.

Make it an offence to allow a dog to persistently bark throughout the hours of darkness.

more dog wardens and stronger fines, you should publish how many dog owners have received fines good gamble none?

All dogs should be kept on a lead in public areas

Some dogs on leads are not under control. Some dogs not on leads are under control. Dogs should have an area locally and risk free.

I would like to add that I feel there are enough local byelaws relating to control of dogs. The problems are with the owners and therefore I think the penalties for ignoring the byelaws should be increased so they have impact.

Dogs not on leads foul paths etc. when owner not aware - should be on leads. Dogs on leads are usually not a problem. Some people do not walk their dogs on leads when the law demands it. My cat was killed by a dog as she sat outside my house!

I have never seen a dog warden (are there any) I'm sure his or her wages would be met with fines given out. A warning for not having bags even if used used up, the next time a fine. Be sure to give the rules by putting them on your information board - Park Parade etc.
More signs up bigger fines and more poop and litter bins around residential areas,
Majority of dog owners are responsible and control their dogs and clean up after them. Unfortunately it's a few bad ones that tar the rest of us.
If no-one is policing parks etc to see if dogs are under control and faeces are being picked up there is little point have any regulations in place
Dogs should be excluded on a wider area of Hayling beach, certainly further west up to at least the golf course corner and probably further east as well.
Hayling Dogs should not be on the beach from March to October each year
In Waterlooville dogs are allowed in children park IF on a lead, however recently in Bidbury Park a sign has now gone up banning dogs altogether which I disagree with. Dogs if on a lead and under control should be allowed
This is rich HBC. Several years ago I requested bins/poop bins up West Leigh as cretins were lobbing their poop bags (filled) over my 6' wall where they festered as it's between my wall and extension and could not be reached... even now turdpigs lob 🐷 bags on my extension roof... bcz HBC refuse to put shilt bins in the area.
On the spot fines for people not picking up dog poo
As a responsible dog owner I agree in principle with everything asked, however the lack of rubbish bins I believe encourages a small number of owners an opportunity to leave dog excrement. Please remember some dogs can be very sensitive and can appear frightened - provision of enclosed dog walking areas can help boost both a dog and owners confidence and encourage exercise. There are a very small number of unreasonable owners who can spoil the majority's good actions please do not become confused when making important decisions that affect everyone.
No money for officers or enforcement or better lighting so you can actually see where you are going and walking to avoid the poo.
Dogs and dog owners can be a nuisance, they will continue to do what they want to do and ignore the law I still however believe that these powers be kept in place.
Dogs kept on lead in certain spaces other areas allowed off to allow those to chose which area is best for their dogs and others.
I regularly walk along the heritage stream path, the Farlington Marshes, the small park at St Michael's Road in Bedhampton and Bidbury Mead Park, and the path between Park Lane and Barncroft Road. These are all popular routes for dog walkers, and are often fouled by people not picking up after their dogs. It's a shame as it spoils the walk to have to watch your feet all the time!
Tougher fines for failing to pick up dog poo. Generally most dog owners are responsible.
As the owner of two dogs who follow all the rules required I would be extremely upset should the rules change that punish the majority when it is a minority that do not follow the regulations
If people that own dogs as I do picked up their dog facese, acted responsibly and also trained their dogs as we do there would be no concerns. I feel it is unfair to punish the majority of dog owners who pick up after their dogs and control them because a few people do not do this.
Human beings leave more rubbish and detritus on the beach than dogs do! More visitors would come if dogs were allowed in the area between Beachlands and Inn on the Beach
Believe exclusion was Inn on the Beach to Hayling Golf Club ? Irrelevant anyway as its never policed or implemented by any body with authority and people just do as they want. Also dogs on leads on promenade is ignored as its not policed so no fines and no deterrent to ignorant dog owners. No point having bylaws if you don't have faces patrolling

and implementing them and fines given out. Much like other borough policies a waste of time.
The Inn on the Beach to the Fairground are only part of the seafront. What about the rest?
It would be nice for dog owners to have designated parks (or spaces in parks) where their dogs can be free, instead of them running up, barking and jumping up at people when walking or sitting and trying to enjoy peace and quiet. Their owners often let their dogs chase the birds along the Hayling Billy shore and some birds have been killed by dogs at Langstone Millpond. Sadly, with the increasing number of dogs, and people who do not train them properly or conform to the regulations, this is a growing problem. Even despite regulations many dog owners ignore them.
Restrictions on loose dogs disturbance to wintering (roosting & feeding shorebirds & breeding birds) at West Hayling LNR esp the oysterbeds where roosts, feeding & breeding birds are regularly distributed on a designated Local Nature Reserve with national & international protection/designations. This is not acceptable.
Where appropriate (eg Broadmarsh, Billy trail) it should be required to push faeces off the paths and into the bushes - "stick and flick" rather than collect in plastic bags. There should also be a specific offense for those who bag it, but then leave the bag attached to a tree, fence or on the ground!
far too many businesses of dog walking, enough issues with some residents not abiding by rules but when dog walkers have more than one, sometimes up to six, it's too much.
More areas should have a requirement for dogs to be on a lead at all times, particularly on multi user paths like the Billy Trail where loose and out of control dogs are a danger to other users. Other areas which should have this restriction are those paths which follow the edge of Langstone and Chichester harbour where birds are frequently disturbed by dogs that are not under close control
People presume their dogs are friendly but dogs are dogs and should be on a lead in public places; not everyone likes dogs and not all dogs like each other; dog owners can be totally irresponsible and I feel there needs to be a big clamp down to at least solve the problem of dog poo all over the place
I do not think dogs should be banned from certain parts of the beach as it means that dog owners have to find particular areas and especially if one dog isn't too fond of other dogs it's harder to avoid them as you are given less space to do so. Also, in hot summer heat no dog owner wants to be walking about looking for where it's okay to go with a dog when you just want to get them into the water. No dogs should be banned from any area that is usually okay for them to go for the public's benefit as they do no harm sharing the same space. As for fouling, I do agree that it should be taken care of and a way to do so is maybe providing poop bags by dog bins in public areas to encourage people to pick up dog faeces.
Please see earlier comments.
A lot of owners let their dogs foul and do not clean up at un-social hours either very early morning or early evening
dog owners should have their dogs on a lead at all times when out side when near any type of public road and it should be a fixed penalty offense with at least a £500 fine
It would be great if the council could provide some fenced in areas for people who have dogs who are improving in their recall can safely take their dogs off lead.
I have no idea if certain places are warden controlled on a regular basis but it would make life so much easier if for others that have to endure the negative aspects of dog owners to have this in place.
Dogs should not be allowed in cafes and places that sell food
People with out of control dogs should face bigger penalties. I wouldn't allow my child to go take a dump in their garden why should us other residents have to clean up other

<p>peoples dog foul because they can't be arsed to walk there dogs so just let them out the front with no supervision</p>
<p>Dogs should not be banned from beaches if owners are responsible and keep the dogs on leads at busy peak times.</p>
<p>Better policing would be useful, especially in the evenings</p>
<p>I think all current measures are appropriate and if people stuck to them there would be no issue, enforcing them is the problem.</p>
<p>The kids that hang out in Hayling park and the visitors to Hayling beach are the worst offenders for making a mess.</p>
<p>What happened to lamp post posters that warned owners about penalties for dog fouling and walking dogs off leads. I feel these need to be reinstated.</p>
<p>I am a dog lover , but I also understand that not everyone is comfortable around dogs that are running free. I think that all dog should wear muzzles if they are not in a lead. This would keep people and smaller dogs safe .</p>
<p>More bins for poo. How are you going to police this, I haven't seen any enforcement in the six years I've lived here.</p>
<p>Dogs should have to be on a lead when being walked in public places unless in a designated area. Dogs should need a licence to be kept, which would help raise funds for ensuring not a nuisance.</p>
<p>I would absolutely love it if a designated fenced in dog park could be erected somewhere in havant. Not only would it be an enjoyable place for dogs and owners but if you feel there is a problem On the streets at large it would significantly reduce these problems on the streets in general and manage them into a more controllable environment. Keeping the neighborhoods clean and negativity to a minimum.</p>
<p>Unfortunately there is no point having a discretionary Schedule E unless there is a constant supervision to spot out of control dogs. For that reason dogs should always be on lead. Humans should have right and protection to not be threatened within Havant.</p>
<p>More needs to be done to get people to keep dogs in leads when walking on pavements and around Emsworth Mill pond</p>
<p>People with well behaved under control dogs should not have to suffer and tip toe around people who are uneducated and irresponsible with their dogs. Regardless of breed.</p>
<p>Those are the ones you should be going after.</p>
<p>I don't honestly see the point of most of it as there doesn't seem to be anyone much that monitors it or that carries out the threat of fines. I do however, agree that the majority of the restrictions should remain.</p>
<p>Dogs are part of the family. Dog owners need to be responsible, if their dog has excellent recall then their dog should be free to roam. If a dog has poor recall then the buck stops with the owner, not the animal.</p>
<p>My only comment/concern is that my well trained dogs will be able to continue to run free in all the spaces that they currently enjoy within the borough. We do work very hard to respect other people's right to enjoy these areas so if someone is having a picnic or very young children are playing with a ball then I do keep my dogs on lead and walk on to the next open space just in case the lure of food or ball should cause them to momentarily forget their own names. I do think we need more bins in general on most roads as I often have to carry poo bags some distance. I don't mind this but there are people who just leave their bags on the verge and maybe more bins would help. I also think bigger clearer signs about fouling and restricted areas are necessary as there aren't as many reminders around as there used to be.</p>

<p>The PSPO appears to cover most issues. IT IS NOT IMPLIMENTED OR POLICED. As always with the council they talk the talk but dont walk the walk. I have personally found dogs out of control and faeces not being picked up an issue so have many others. Just look at social media</p>
<p>Dogs on leads..... Please</p>
<p>It's not the dogs fault often it is the owners who have no idea or don't care</p>
<p>With reference to banning dogs on Hayling Beach. I think the ban should end 31Aug. Dogs allowed as from 1Sept.</p>
<p>Not sure why the PSPO would apply to church burial grounds that are not 'closed for burials' and not owned or maintained by HBC.</p>
<p>Dangerous dogs should be muzzled at all times when out in public. More patrols, particularly in parks, to ensure owners dispose of the faeces correctly. Often, the faeces is picked up but the poo bag is then later just dropped on the pavement or shoved in a hedge.</p>
<p>I don't think dogs on lead will solve the dog faeces problem, some people are just careless and don't pick up. I think control of dogs off lead is an issue, and it should be more clear on how to report out of control dogs by having some clear set governing body, e.g. dog warden.</p>
<p>It does appear to be the minority offenders that set the rules based on their selfishness not to pick up or put on a lead.</p>
<p>People think it's the larger breed of dog that is the issue. In fact it's the smaller toy type dog that is seen out of control more. Should be someone about when dogs are about to check on things. Early evening for example</p>
<p>Could the dog control on Hayling beach perhaps have restricted times ie dogs allowed before 7am. Many dog walkers are up and about exercising their pets before work.</p>
<p>Long dogs leads should be banned as owners just let them wander too widely wherever they are.</p>
<p>More enforcement of dog fouling and greater visibility/signage on regulations for dogs in beach areas and parks around the borough</p>
<p>I think the long leads now popular with owners are dangerous when in use around other pedestrians and they are a significant trip hazard.</p>
<p>I would like to see the area of beach where dogs are prohibited extended to cover other areas of bathing or just sitting and enjoying the beach.</p>
<p>I would also like to see the charge/fine increased (iro £250) to be more of a deterrent. How many fines have been issued over the last year? Consider a way of increasing effectiveness if only a few (which I suspect).</p>
<p>More dog bins may encourage dog owners to be more responsible.</p>
<p>Dogs should be kept on leads at all times in public places.</p>
<p>Real problem the owners! They have no control and some just don't care. It's almost a fashion fad with some. My family has had dogs previously and they were well trained and kept on lead in public. People today just don't care and never consider whether others are not so happy having their fur babies snapping at your feet or jumping up. If you object you just get a foul mouthed response. Is not the beach on the left of inn on the beach to point also included in no dogs in summer as it should be. Lots of other countries have total bans on dogs on beaches perhaps this is the answer. We are fed up of the dogs mess around. Do you have dog wardens? Licence the owners and chip all dogs</p>
<p>I do not have a dog but love to see them running freely enjoying themselves on the beach throughout the year including the area where dogs are banned at the moment during the summer.</p>

I think the problem is enforcement: no policing informally & occasionally walking any of the borough so people transgress & others who see the litter/fouling with nobody in sight can do nothing about it - so that reinforces the offenders' view they're not watched. We need more A5 colourful notices re fouling such as There is no such thing as a Pooh Fairy. Some people will take notice!

The problem of unsupervised or badly behaved dogs ( and owners) is exacerbated by the large increase in dog numbers over past few years. There are too many dogs and too few responsible owners.

Like to see a warden around some times.

Provide secure and fenced dog park areas to allow dogs to exercise without affecting other open space users without fear of escaping or running off if spooked.  
For example the tennis courts in Hayling park are very rarely used but would be a great and already fenced off space for dogs to exercise separately.

Introduce controls on the number of dogs one person can be in control of at a time.

There is a need for greater enforcement, and more public notices making dog owners aware of the requirements of the Order.  
Without these steps the Irder will be ineffective.

There should be a reduction of the exclusion zone of dogs on beaches to only be where there is monitored swimming zones to encourage people to swim in these areas. There is a need to provide safe areas for dogs to have off lead running suitable for the number of dogs in the bourough as there is a need to have somewhere to practise off lead recall for puppies.

More action required for any dog attacks or bites whether attacking people or dog attacking another dog. Also dangerous dogs being off lead in public places should be controlled.

these are areas are not patrolled enough

PSPO should be extended to cover all of the beaches on Hayling.

The banning of dogs should be extended between Eastoke and Sandy point during the summer months, or at least should be kept on a lead. This is a public beach for everyone to enjoy not just dog owners.

The only comment I would make is about dog fouling. Thinking here of other managed woodland outside Forestry Commission remit. That if people pick up which I agree with on paths and tracks. But if dog fouls in undergrowth or off track it is often impossible to pick up. Also if people pick up they tend to hang bags on trees and bushes or leave at entrance because there are no waste bins nearby. This happens at Stansted woods (private estate) and their recommended action is to move faeces into the undergrowth if on the tracks and trails.

Q6. my response to when directed by an authorised person. I do agree that an instruction by an authorised person is to be adhered to however, I would question what constitutes an authorised person and under what circumstances would dogs be required to be on a lead. Also 2 metres doesn't cover training leads. I have walked my dogs for 25 years in Nore Barn Woods and never, ever, had a problem. Since it has been 'managed' we hear of 'issues' being 'reported' to those 'managers'. There is a general feel that dogs aren't now welcome in the woods and that steps are quietly coming in to either prevent them from going through the woods or that they will have to be on lead. This is not acceptable. When my dogs are poorly, ill and old, the soft ground throughout the woods is one of the few places they are able to walk AND it is my local place to take peace and relaxation WITH MY DOGS! They love to sniff and explore - a hard path around the perimeter and on a lead doesn't work. If I see swans, children etc., I automatically put my dogs on their leads.

There is a minor problem with some irresponsible dog owners not walking dogs on lead on roads and cycleways, sometimes these dogs are aggressive and out of control, my dogs, while being walked on lead, have been attacked on several occasions by off lead dogs in these locations.



The policy is good. But I've never seen it enforced.
Living on Hayling Island I find humans more guilty of leaving litter and fouling the sea. Probably not as much as Southern Water..
Where are the enforcement officers to enforce this and dogs and their owners? I see plenty of parking wardens though, everywhere you go on Hayling..
What are we talking about in the way of heavy on the spot fines that will be the only deterrent?
I swim all year round, not just between May and September, and many other people do so too. It seems appropriate that the ban on dogs on the beach should be all year round rather than seasonal. Please can you extend it.
I do not believe that dogs in open spaces are a great problem, except for a small minority of people who don't clean up their dogs poo. A bigger problem are the idiots on illegal scooters and cyclists who ride through the shopping precincts with a blind eye being turned to them.
No comments
The problem you face isn't a dog or a dog owner problem but an idiot problem in your borough. Due to having loved ones in the Havant area I visit regularly & have never witnessed any problems with walkers of dogs not picking up after them or leaving them unattended. Being a cyclist myself what I have noticed, however, are uncontrolled idiots being allowed to 'wheelie' their push bikes in a non cycled area, people verbally abusing one another. An increase in the homeless population & the clear lack of funding for conservation areas to be maintained enabling the maintenance of mental wellbeing. As I said previously I do not see a dog owner problem but for some reason, as previously stated, idiots appear to be victimising them. If you drew your limited vision away from the large population who were simply wishing to enjoy being out in the borough, & respectful of that, & showed zero tolerance against those who disturb the equilibrium then maybe you'd uncover your criminals!
Re children's play areas. Many families have dogs. I believe a dog should be allowed in a play area if on a lead and providing no children are afraid or endangered
I think the problem with fouling may be due to not sufficient numbers of dog waste bins. For example there is no bin (dog waste or otherwise) in the area which I indicated above (Hooks Lane car parking area) which results in a lot of rubbish and dog waste being left.
Dogs should be on a lead to ALL times in any location open to the public, This includes our parks and all our beaches
Given the amount of sewage that Havant borough openly accepts into the sea I feel dog fouling and the presence of dogs in beaches is a minor concern. Also if play park fencing is maintained and gates self closing this also becomes less of an issue. Mengham park being a case in point.
Off lead dogs are a really big issue for us. It's the same people over and over again
What's the point this is just another tick fuel box
The area selected on hayling beach restricting dogs in the summer, I feel should be removed based on two reasons. One, the litter left by visitors and beach goers over the summer period is more substantial and dirty, than the dog walkers who appear to pick up every poo along that area of the beach. Two, we as residents frequently swim in this area and have to deal with human faeces continually in the sea, essentially everyday, or until southern water stop killing sea life, bird life, dogs and humans, which inevitably travels up the beach during different tides. I wonder which is cleaner! Thanks Southern Water!
Dog walkers with their dogs on extended fine leads need to be aware that they cannot always be seen and can easily trip up elderly walkers

Another terrible place for dog poo is any beach on Hayling
All well and good, but without proper enforcement it's pointless. Let's have some enforcement by motivated staff
Common sense to be used by enforcing team.
Most dogs and their owners in the Borough behave well and there is a concern that overbearing and unnecessary control are put in place with the associated costs of implementation in order to address unwanted behavior by a few owners who do not take proper responsibility for their dogs. This could be addressed under antisocial behavior as if the person was littering, personally causing a disturbance etc. The problem lies with the owner, the dog is only a problem because the owner has failed to instruct it correctly.
Some times humans make more mess than dogs on this plant. The owns should take more responsibility for their dogs and alway pick up their mess and if you see a dog on a lead coming your way you should put your on a lead. If your dog has no recall then they should always be on a lead. Idiot owns are making it worse us good responsible owns. I sometimes pick up other people, dogs mess. It makes us all look bad. It's the owners that make the dog badly behaved, not the dog.
In Emsworth there is sometimes dog faeces on the pavement and the path round the millpond

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<b>Name of Committee:</b>	Cabinet		
<b>Committee Date:</b>	6 March 2024		
<b>Report Title:</b>	Public Spaces Protection Order (Exclusion of Feeding Pigeons in Waterlooville Precinct) Renewal		
<b>Responsible Officer:</b>	Wayne Layton, Executive Head of Regeneration, Economic Development and Preventative Services		
<b>Cabinet Lead:</b>	Councillor Gwen Robinson - Cabinet Lead for Communities and Housing		
<b>Status:</b>	Non-Exempt		
<b>Urgent Decision:</b>	No	<b>Key Decision:</b>	No
<b>Appendices:</b>	Appendix 1 – PSPO Appendix 2 - Results of the Statutory Consultation Exercise		
<b>Background Papers:</b>	None		
<b>Officer Contact:</b>	Name: Gary Morton, Public Space Protection Officer Email: <a href="mailto:gary.morton@havant.gov.uk">gary.morton@havant.gov.uk</a>		
<b>Report Number:</b>	HBC/		

**Corporate Priorities:**

The renewal of the Public Spaces Protection Order will help towards the aim of the Council to improve our public spaces, town centres and villages in the Borough.

**Executive Summary:**

Cabinet is recommended to approve the renewal of the Public Spaces Protection Order - (relating to the exclusion of the feeding of pigeons) for three years (to expire at 11.59pm on 30 April 2027).

The current measures relate to preventing the feeding of pigeons in Waterlooville Town Centre. The nature of the area means that high numbers of feral pigeons roost on rooves and ledges. This was exacerbated by large amounts of seed being left by some well-meaning individuals.

This also meant that feral pigeon population increased exponentially, leading to residents and business in and around the precinct could not leave windows open in the summer as birds would gain access. A PSPO was introduced in 2018, and numbers of pigeons was noted to have reduced as did complaints from residents and businesses.

In line with legislation, a statutory consultation was undertaken to understand public views on renewing, changing or discharging the PSPO. This exercise was undertaken between September and October 2023 and provided a clear indication in favour of renewing the current measures for three years. This, alongside data and officer consideration, has informed the recommendation to extend the current PSPO.

**Recommendations:**

Cabinet approves the renewal of the Public Spaces Protection Order (relating to the exclusion of the feeding of pigeons in Waterlooville Precinct) for three years (to expire at 11.59pm on 30 April 2027).



## 1.0 Introduction

- 1.1 The existing Public Space Protection Order (Exclusion of Feeding Pigeons In Waterlooville Precinct) (“PSPO”) which was originally made in April 2017 and subsequently extended ends on 30 April 2024. A PSPO is designed to deal with a particular nuisance or problem in an area. The behaviour must be having a detrimental effect on the quality of life of those in the community.
- 1.2 Public Space Protection Orders, which replaced previous legislation, are made by the Council under the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”), which determines that orders be made for up to three years after which they can be extended for further periods of up to three years. There is no limit on the number of times a PSPO can be reviewed and renewed.

## 2.0 Background

- 2.1 Section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014, requires a local authority to carry out the necessary consultation and the necessary publicity when deciding on the future course of action in relation to a PSPO.
- 2.2 The findings of a consultation exercise (Appendix 2) indicated support for the renewal of the PSPO.
- 2.3 The feedback from the consultation relating to the Waterlooville Precinct PSPO provided the following evidence:
  - a) The need for the PSPO remains proportionate and necessary in the Borough of Havant due to the ongoing nature of the original issue and the consultation provided evidence for the continuing need for the PSPO;
  - b) There was no strong feedback that the areas or terms of the PSPO should be varied and therefore varying the PSPO is not appropriate.
  - c) The consultation indicated a continuing need for the PSPO and therefore the findings do not support a discharge of the PSPO.
- 2.4 In addition, evidence from officers supports the renewal of the PSPO, and therefore this is the decided course of action.
- 2.5 The wording of the PSPO and schedule can be found at Appendix 1. There are no proposed amendments to content of the PSPO.

## 3.0 Options

- 3.1 Section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014, a local authority must decide on one of the following options when considering the future course of action for a PSPO:

- a) Extend the period for which a Public Spaces Protection Order has effect and if so for how long
- b) Vary a Public Spaces Protection Order and if so how
- c) Discharge (cease) a Public Spaces Protection Order

3.2 Alternative options for the Council's officers to manage this type of anti-social behaviour in public spaces are limited due to available enforcement legislation. It is recommended that the Council extends the PSPO for a further three year period.

#### **4.0 Relationship to the Corporate Strategy**

4.1 The extension of the PSPO will be in accordance with the aims of the Council to improve our public spaces in particular our seafront, towns and village centres across the borough (People First)

#### **5.0 Conclusion**

5.1 The current PSPO has proved successful since its introduction and its extension is supported by feedback from public consultation and ongoing issues in this area. .

#### **6.0 Implications and Comments**

6.1 S151 Comments

Members can be assured that the financial implications arising from this report, and its recommendations, are not significant and to be met from existing budgets.

6.2 Financial Implications

There are no significant financial implications to the recommendation and no additional funds are being sought.

The costs of implementation of a renewed PSPO is minimal, given the primary costs are in relation to ensuring the order continues to be widely publicised and understood by all residents, businesses and visitors to the borough via existing pathways and signage.

6.3 As with almost any decision made by the council, the risk exists that a decision to renew the PSPO may be challenged by an interested party. Havant's experience indicates the likelihood of such challenge is low and that our PSPO has been through a rigorous process of investigation, consultation and review. Should the decision to renew the order be challenged, such a challenge would be heard in the High Court and resisting such a challenge may involve associated costs.

## 6.4 Monitoring Officer Comments.

The Council must decide to renew the PSPO before it expires at the end of April. A decision to do so is a matter to be determined by Cabinet. The legal provisions and implications are outlined in the below section.

## 6.5 Legal Implications

Under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 the Council is able to make a PSPO if two conditions are met. The first is that the Council is satisfied that activities carried on in a public place have had or are likely to have a detrimental effect on the quality of life of those in the locality. The second condition is that the effect or likely effect of the activities are persistent or continuing in nature and are unreasonable and also that the effect of the activities justifies the restrictions imposed by the PSPO.

6.6 The Council has carried out the consultation under section 72 of the Act and there are no legal impediments to Cabinet renew the PSPO.

## 6.7 Equality and Diversity

Impact on those with disabilities are considered and included within the order. Officers will obviously be able to apply common sense when enforcing the PSPO involving residents with disabilities or other impairments.

## 6.8 Human Resources

There are no specific resource implications arising directly from the renewal of the PSPO.

## 6.9 Information Governance

There are no specific implications arising directly from the renewal of the PSPO. Climate and Environment

## 7.0 Risks

7.1 There are no specific risks identified as part of this proposal, beyond the potential for the decision to renew the order being challenged. However, these risks have been mitigated and the recommendations are considered robust as the consultation response provided a strong indication of resident views, while the implementation of a PSPO for this issue is deemed to be legal, appropriate and proportionate.

7.2 If the PSPO is not renewed, the council will have no powers to control the nuisance created by feral pigeons in Waterlooville Town Centre and will impact on local residents and businesses.

## 8.0 Consultation

8.1 A consultation exercise was conducted between Wednesday 13 September and Wednesday 25 October 2023, with the results indicating support for the renewal of the PSPO.

## 9.0 Communications

9.1 The Public Relations Team have been working closely with the Prevention and Enforcement Team through the process. Details of the final decision will be made available on the council's website and via signage in the location.

<b>Agreed and signed off by:</b>		<b>Date:</b>
<b>Cabinet Lead:</b>	Councillor Gwen Robinson	27 February 2024
<b>Executive Head:</b>	Wayne Layton	27 February 2024
<b>Monitoring Officer:</b>	Jo McIntosh	27 February 2024
<b>Section151 Officer:</b>	Steven Pink	27 February 2024

## **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

### **Waterlooville Precinct Public Space Protection Order**

Havant Borough Council (in this Order, called "the Council") hereby makes the following Order pursuant to Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") and to all other enabling powers.

1. This Order may be cited as the Havant Borough Council Waterlooville Precinct Public Space Protection Order and shall come into force on 1<sup>st</sup> May 2024 unless the Council extends or varies this order before it has expired, it shall expire on 31<sup>st</sup> April 2027.
2. This Order covers the following controls:
  - a. Exclusion of feeding pigeons in the area outlined within Waterlooville Precinct in Schedule A below.
3. This Order applies to the land described in Schedule A in this Order, being a public place in the area of the Council, identified for the purposes of Section 59(4) of the Act, and in this Order referred to as the "restricted area".
4. In this Order, "an authorised officer of the Council" means a person who is authorised in writing by the Council for the purpose of enforcement of this Order.
5. The Council makes the Order on the basis it is satisfied that, without these controls, the activity likely to be carried out in the restricted area will continue having a detrimental effect on the quality of life of those in the locality. The effect or likely effect of the aforementioned behaviour is, or is likely to be, of a persistent or continuing nature, is or is likely to be, such as to make it unreasonable, and justifies the restrictions imposed by the Order.
6. The Council may extend, vary or discharge this Order at any time. Varying the Order includes increasing or reducing the restricted area.

### **The Offence**

1. A person shall be guilty of an offence if, at any time, he/she deposits feed which is edible to pigeons, (including seeds, bread and grains), without reasonable excuse, within the designated area outlined in Waterlooville Precinct.

### **Penalty**

1. As the offence would be breach of a public space protection order, the council may issue a fixed penalty notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.
2. A person who is guilty of an offence under this order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

3. An authorised officer of the Council may issue a fixed penalty notice to anyone he or she believes has committed an offence. The person will have 14 days to pay the fixed penalty. If they pay the fixed penalty within the 14 days they will not be prosecuted.

## Appeals

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it coming in to force. An interested person is someone who lives in, regularly works in, or regularly visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge.

Interested persons can challenge the validity of this Order on two grounds:

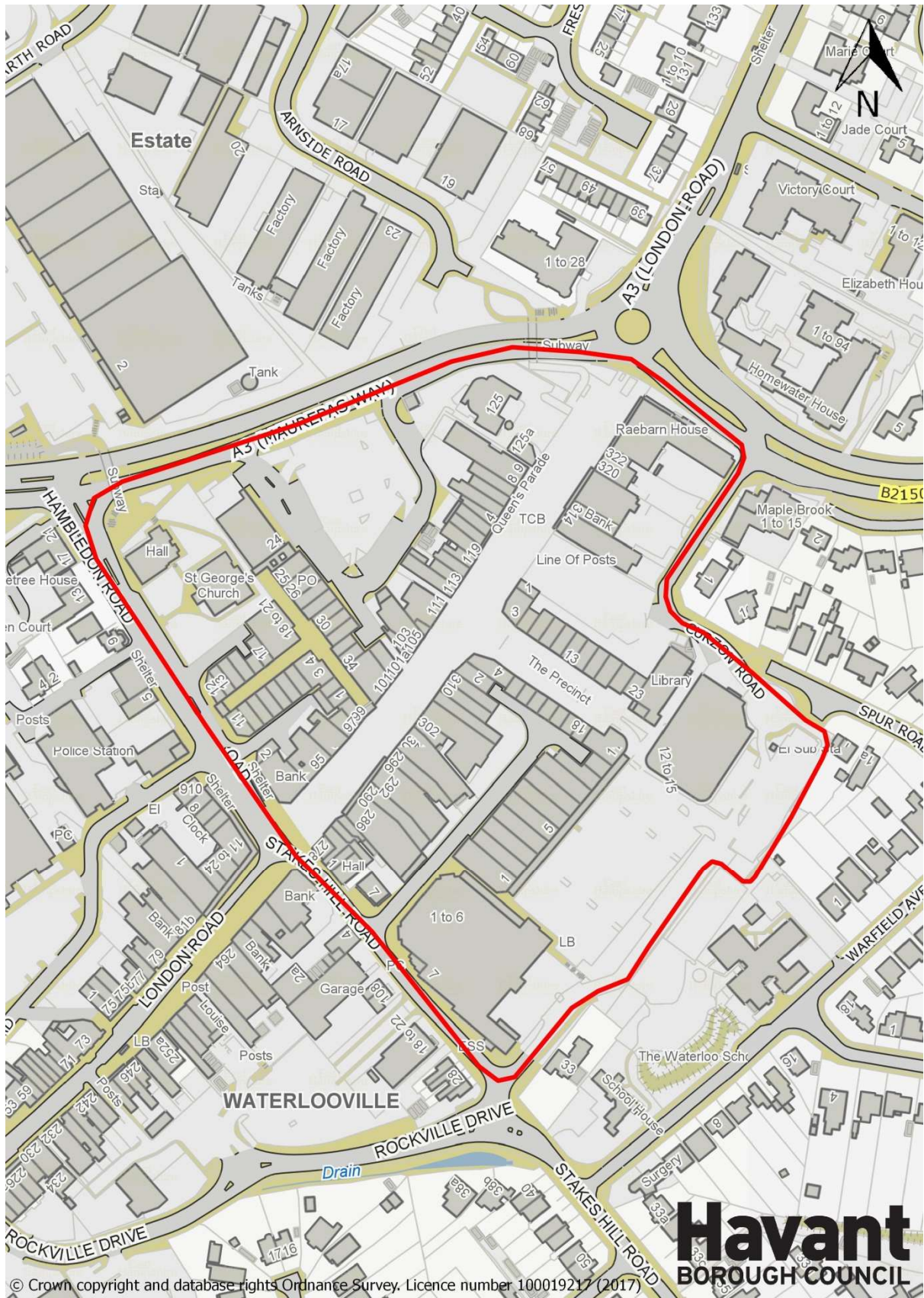
1. That the Council did not have the power to make the order, or to include particular prohibitions or requirements;
2. That one of the requirements of the Act, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it or vary it.

Dated this                      day of                      2027

# Waterlooville Precinct Public Space Protection Order – Schedule.

## Schedule A. Exclusion area for feeding pigeons. Waterlooville Precinct - PO7 7DT



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*Figure 1 – Promotional banner used in pigeon PSPO consultation artwork*

**Public Spaces Protection Order: Pigeons in Waterlooville**  
**Consultation Findings Report**  
**November 2023**

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## 1. Executive Summary and Recommendations

- A majority of respondents (75%) indicated that the pigeon PSPO in WaterlooVille should be renewed, compared to 21% who felt that it should not be renewed. This represents a clear view from respondents in favour of renewing the PSPO.
- A majority of respondents that pigeons remain a problem in the WaterlooVille Precinct Area, with over two thirds (70%) stating that they are a very or fairly big problem for the area.
- This compares to just over a quarter (28%) who felt that pigeons were either not a very big problem or not a problem at all for this location.
- For those who indicated that there were continuing problems with pigeons in WaterlooVille Precinct, the main location given when asked for more details was the main or general precinct area, with a quarter of respondents stating the non-specific precinct area was particularly where the issue was present.
- Other commonly referenced locations were the middle area of the main precinct (roughly defined as the area near the Bandstand and in the vicinity of Costa Coffee and Greggs shops) and one in ten (11%) respondents stated that pigeons are an issue in derelict or vacant buildings / shopping units.
- The majority of responses highlighting areas where the problems persist were within the current PSPO area, with only one comment reporting an issue outside of the current PSPO boundary. 9% of responses to this question referred to locations within the borough but outside of WaterlooVille.
- Opinion was split as to the effectiveness of the pigeon PSPO in WaterlooVille, with broadly equal portions of respondents stating it had been very or somewhat effective (36%) compared to those who it had been somewhat or very ineffective (35%).
- Residents were slightly more likely to feel that the PSPO had been ineffective than visitors, but broadly responses of these groups were similar.
- The differing feedback on the effectiveness of the PSPO was reflected in the general comments received on the PSPO, with the main themes being the view that increased enforcement was needed for the issue and problems persist at this location.
- There were a small portion of respondents who expressed positive or sympathetic views towards pigeons, with comments stating concern over pigeon welfare and the positive aspects to wildlife in the town centre. These views were however in the minority.

## 2. Introduction and Background

Havant Borough Council (HBC) adopted a Public Spaces Protection Order (PSPO) relating to feeding pigeons in Waterlooville Precinct in 2018, as per the powers set out in the Anti-Social Behaviour, Crime and Policing Act 2014<sup>1</sup>.

This PSPO was deemed necessary following complaints received by local businesses and residents relating to pigeons creating a nuisance in this area. HBC erected signage in this location that advised people not to feed the pigeons and released a corresponding press release. However, the pigeons remained an issue and an initial consultation was launched with a view to creating a PSPO to deal with these concerns. This was considered appropriate as:

- Pigeons were roosting on balconies facing onto the pedestrian precinct, preventing residents from using their balconies or opening their French windows.
- Pigeons were roosting above café premises and defaecating on tables and chairs intended for customers' use.
- Pigeon waste, feathers and faeces were being blown and walked into shops in the precinct.

In addition, it was considered that:

- Pigeon droppings are acidic and cause damage to buildings and machinery, and also to lawns and shrubberies.
- Nest material, droppings and feathers can clog drains and air vents.
- Pigeons carry many diseases, some of which can be transmitted to humans if droppings contaminate food stores, bakeries or canteens. They also carry a mite which causes skin disease, and feather dust can cause allergic alveolitis and 'pigeon fancier's lung'.
- Feral pigeon flocks can harbour Newcastle disease which can be passed to domestic poultry if their feed is contaminated by droppings.

Advice was also sought from the Royal Society for the Protection of Birds (RPSB) and the Pigeon Control Advisory Service (PiCAS), and both made clear that preventing access to food was key to dictating pigeon movement and deterring their presence.

The original consultation was conducted from 25 September 2017 to 31 October 2017, and received a total of 81 responses (38 for the business survey, 43 for the residents / visitors survey). These responses supported the implementation of the PSPO and the subsequent Order was adopted in March 2018. The PSPO set out that within the designated area of Waterlooville Precinct, the feeding of pigeons would be classed as an offence and agreed to the use of £80 fixed penalty notices to tackle this.

As per the legislation, this Order was reviewed after three years. An equivalent consultation was conducted from 16 October 2020 to 27 November 2020. Due to the impact of the coronavirus pandemic, it was decided to limit the consultation to an online survey, with those unable to access the internet able to phone a dedicated phonenumber to conduct the questionnaire in this way. It was felt that with the necessary requirements for social distancing, this would be the safest and most appropriate method of consultation. In previous consultations, officers have approached members of the public in specific locations to conduct the survey in person, but this was also considered not appropriate during the pandemic. Additionally, paper surveys were also considered inappropriate due to

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<sup>1</sup> <https://havant.moderngov.co.uk/ieDecisionDetails.aspx?ID=341>

requirements for isolating posted materials for certain timescales and concerns over the transmission of the virus.

In total, 148 responses were received from this survey (7 via the business survey, 141 via the resident / visitors survey). In addition, there were 4 phone calls received in relation to the consultation, with all either being directed to the online survey successfully or having their comments entered in with the support of a HBC officer. Overall, this was an encouraging return that was higher than the initial consultation for the PSPO.

This consultation found that respondents retained a strong support for the continuation of the PSPO, and the decision was made to renew the Order in February 2021<sup>2</sup> for three years, with the fixed penalty notice also increased to £100.

As per the legislation, a PSPO can be made for a period of three years, after which it must be reviewed. If the review supports an extension and other requirements are satisfied, it may be renewed for up to a further three years. A key requirement of the legislation is that certain consultation and communication must be carried out before an Order is introduced, amended, varied or discharged.

As this term was coming to an end (on 30 April 2024), the Council was obliged to consult with relevant stakeholders and ensure that their views are considered when deciding on the future action in relation to this PSPO.

Ultimately, the Council's decision is whether to renew, vary or cease the PSPO.

It should also be noted that as of 19 September 2017, authority for the making of Public Space Protection Orders for localised areas within the Borough was delegated to the relevant Cabinet Lead<sup>3</sup> and therefore the final decision is to be undertaken by the Cabinet Lead for Communities and Housing.

As when undertaking any PSPO consultation, the Council was mindful of the following stipulations set out within the relevant legislation and guidance, namely Section 72 of the Anti-social Behaviour, Crime and Policing Act 2014, which states:

'A local authority must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any) before

- a) Making a public spaces protection order
- b) Renewing the period for which a public spaces protection order has effect, or
- c) Varying or discharging a public spaces protection order.

Furthermore, this Section states:

"the necessary consultation" means consulting with –

- a) The chief officer of police, and the local policing body, for the police area that includes the restricted area;
- b) Whatever community representatives the local authority think it appropriate to consult;
- c) The owner or occupier of land within the restricted area'

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<sup>2</sup> <https://havant.moderngov.co.uk/ieListDocuments.aspx?CId=128&MId=11077&Ver=4>

<sup>3</sup> <https://havant.moderngov.co.uk/ieDecisionDetails.aspx?ID=330>

Further to these legal obligations, the Council sought to address the following key objectives – as mentioned in the Local Government Association’s ‘Public Spaces Protection Orders: Guidance for councils’ document:

- What has been the impact of the PSPO since its inception in 2018?
- Is it still relevant to have the PSPO in its current form in force (i.e. is this still an issue where a PSPO is necessary?)
- Is it legal, proportionate and necessary for the Council to continue with this PSPO?

### 3. Stakeholder Analysis

It is crucial that the views of relevant stakeholders are taken into account when making this decision, and the outcomes of the consultation will be fully considered when the Council makes its final decision on whether to renew, vary or cease the PSPO.

As per the above, a stakeholder analysis was undertaken to ascertain stakeholders who need to be notified of and included in the consultation. This analysis was intended to ensure the Council not only consulted with those that it is legally obliged to, but also included all those persons or organisations that it felt should have their say on this issue.

The list of key stakeholders identified is as follows:

- Waterlooville Precinct area businesses
- Waterlooville Precinct area residents
- Waterlooville Precinct area visitors
- Ward Councillors
- Hampshire County Council
- The Chief Police Officer and Waterlooville Precinct local policing body
- The Royal Society for the Protection of Birds (RSPB)
- The Pigeon Control Advisory Service (PICAS)

Following this analysis, a survey was designed in collaboration with the Neighbourhood Quality Team to obtain feedback in a consistent and structured way across all consultees.

### 4. Methodology

The public consultation on the PSPO was conducted from Wednesday 13 September to Wednesday 25 October 2023.

It was decided that the consultation be conducted using the following methods:

- **Online survey** – The main method for capturing views was via the online survey. The survey was accessed via the webpage [www.havant.gov.uk/pspo](http://www.havant.gov.uk/pspo) and was open to anyone to respond to. The webpage provided information about the current PSPO and a link to the online survey. This webpage was publicised widely using online and offline methods (see Section 5).
- **Paper survey** – A paper version of the online survey was designed for those who are unable to access the electronic version. Responses submitted via the paper survey were uploaded to the online version and included within the final analysis of this method. Paper versions were available on request and copies were available to collect from Waterlooville Library and Waterlooville Community Centre. A phone

number was also provided for those without internet access to contact the council. The paper version of this survey can be viewed at Appendix A.

- **In-person engagement** – Officers were situated in Waterlooville Town Centre on separate dates to allow members of the public to ask questions and to promote the survey within the area that the PSPO applies to. Officers were on-site in Waterlooville on the following dates:
  - o Friday 22 September
  - o Friday 29 September
  - o Friday 6 October
  - o Friday 13 October

These events were held on Friday mornings due to the overlap with the Waterlooville Market, as this was likely to mean increased town centre footfall at these times. Photos of these events can be found at Appendix E.

- **Stakeholder emails / letters** – Any stakeholder organisation was able to submit a letter or email representation to the Council, in addition to any member of the public wishing to submit feedback via this method.

## 5. Communications Programme

The consultation was promoted using the following methods:

- Links to survey provided on the Havant Borough Council website at [www.havant.gov.uk/pspo](http://www.havant.gov.uk/pspo).
- Press release circulated on 13 September 2023
- 'Your Borough' virtual edition circulated on 22 September 2023
- Community newsletter circulated on 6 October 2023
- 5 Facebook posts
- 6 Twitter posts
- 6 Instagram Posts
- 3 LinkedIn posts
- On-site posters situated in three town centre locations with web links and QR codes (see Appendix D)
- Poster at Waterlooville Library (see Appendix D)
- Poster at Waterlooville Community Centre (see Appendix D)
- Leaflet produced to promote the consultation – this was disseminated to all local residents and businesses, while copies were also handed out at in-person engagement sessions (see Appendix D)
- On site engagement held on four separate dates (as per Section 4)
- Radio promotion on Nation Radio on 18 September 2023
- Television promotion as part of ITV Meridian Evening News on 19 September 2023, featuring interview with the Deputy Leader and Cabinet Lead for Communities and Housing – link to article: <https://www.itv.com/news/meridian/2023-09-19/the-town-centre-plagued-by-pigeons-with-bird-poo-blighting-lives>
- Article in The News published on 18 September 2023 – link to article: <https://www.portsmouth.co.uk/news/politics/should-people-be-fined-for-feeding-pigeons-in-waterlooville-town-centre-4338064>

A full breakdown of the statistics related to the press releases and social media posts can be found at Appendix B. Screenshots of the press releases and social media posts can be viewed at Appendix C..

## **6. Engagement Response**

In total, the consultation received 188 responses (including 12 paper survey submissions).

This represents an increase on previous equivalent consultation exercises, with 81 responses being received for the initial engagement in 2017 and 148 responses received for the 2020 consultation.

## **7. GDPR**

The Council was mindful of its data protection duties and responsibilities, and in line with this the survey was designed in a manner to only collect the information from respondents that was necessary for the intended outcomes.

Respondents were informed at the outset of the survey that the information provided will not be used in a manner which would identify them.

This page also provided a link to the relevant Havant Borough Council privacy policy at <https://www.havant.gov.uk/service-privacy-notice>.



## 8. Survey Findings

The following section provides a breakdown of responses for each question asked within the survey.

Where applicable, findings have also been split between resident and visitor responses in order to assess if there are any particular views or considerations related to these groups.

### Q1. Which of the following best describes you?

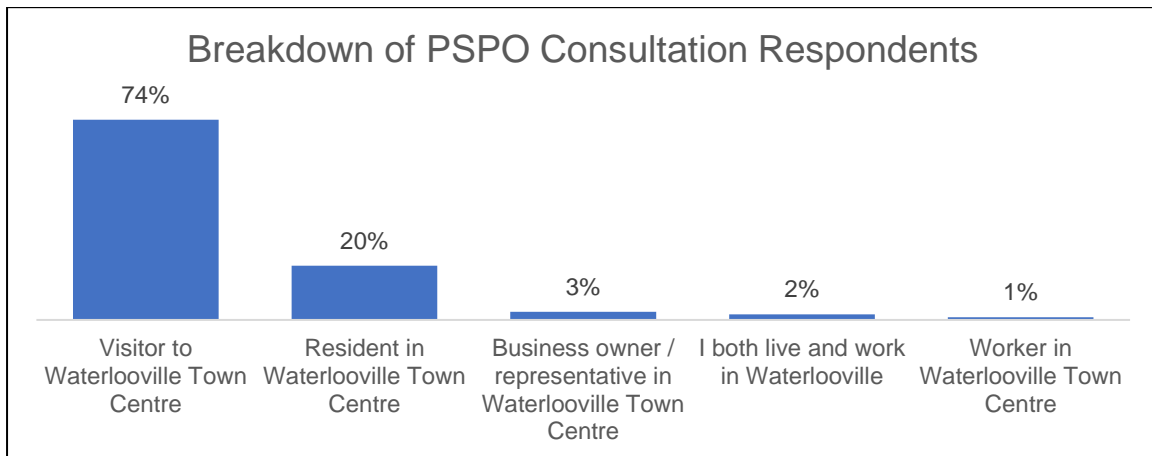


Figure 2: Responses to Q1 – Which of the following best describes you?  
SAMPLE: 186

The majority of responses were received from visitors to Waterloooville Town Centre (74%).

**Q2. Do you think that pigeons are or are not a problem in the Waterlooville Precinct area?**

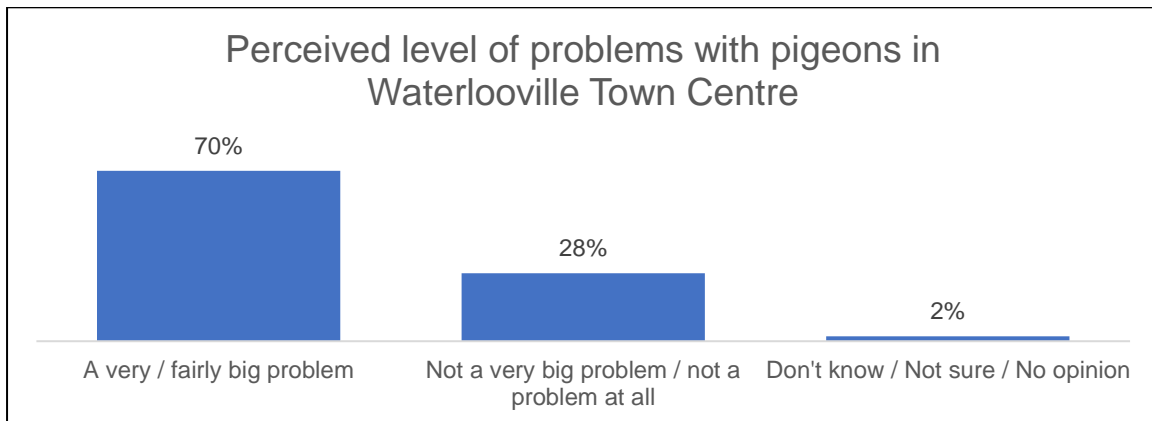


Figure 3 - Responses to Q2 – Do you think that pigeons are or are not a problem in the Waterlooville Precinct area?

**SAMPLE: 187**

A majority of respondents that pigeons remain a problem in the Waterlooville Precinct Area, with over two thirds (70%) stating that they are a very or fairly big problem for the area.

This compares to just over a quarter (28%) who felt that pigeons were either not a very big problem or not a problem at all for this location.

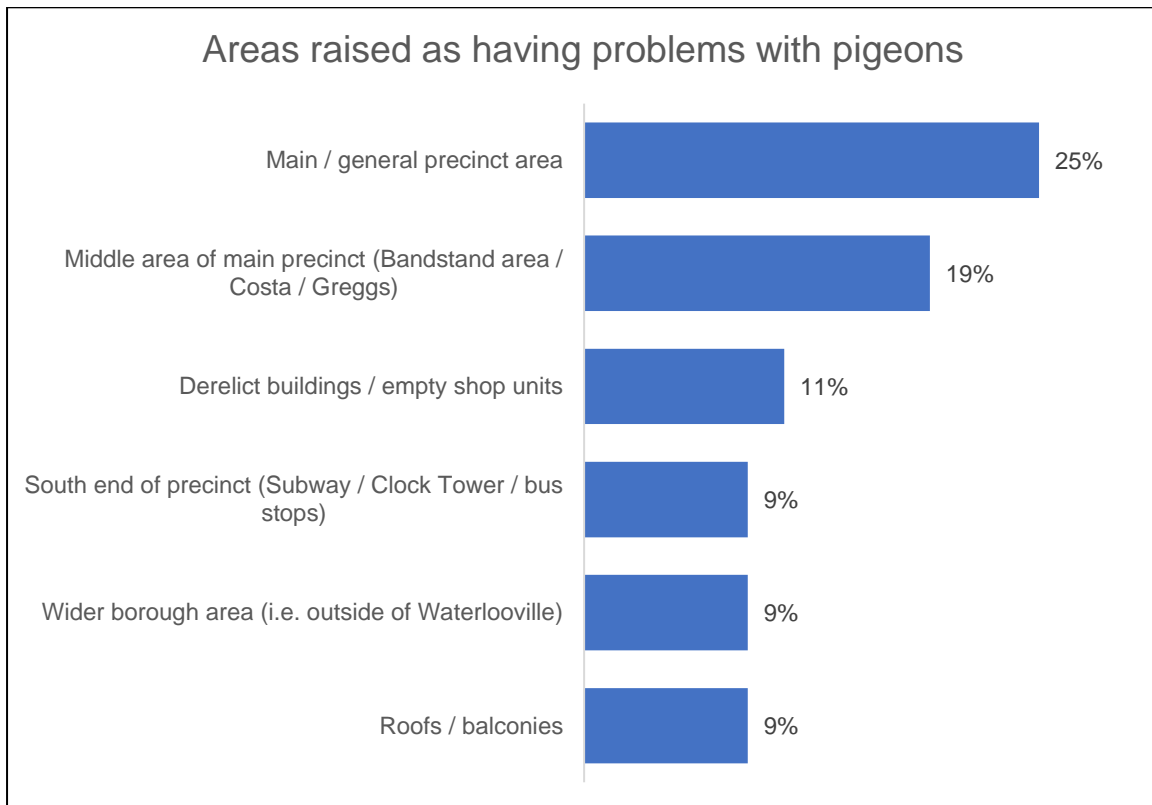
**Resident and Visitor Comparison**

	<b>Resident respondents</b>	<b>Visitor respondents</b>
Sample size	41	138
A very / fairly big problem	78%	68%
Not a very big problem / not a problem at all	22%	30%
Don't know / Not sure / No opinion	0%	2%

Feedback from residents and visitors was broadly similar, with the majority of respondents in both groups indicating that the pigeons remain a very or fairly big problem in the area.

This is more pronounced amongst responses from residents, but this difference is small.

**Q3. If you answered that pigeons are a problem, please could you identify ONE area in the precinct where you feel that this is an issue. Please be as specific as possible.**



*Figure 4 - Responses to Q3 – If you answered that pigeons are a problem, please could you identify ONE area in the precinct where you feel that this is an issue .Please be as specific as possible. Please note that this question was only asked of those who indicated ‘a very big problem’ or ‘a fairly big problem’ at Q2. The above table only includes answers given by 10 or more respondents – see full results at Appendix F*

**SAMPLE: 112**

For those who indicated that there were continuing problems with pigeons in Waterlooville Precinct, the main location given when asked for more details was the **main or general precinct area**, with a quarter of respondents stating the non-specific precinct area was particularly where the issue was present.

The most common specific location given was **the middle area of the main precinct**, roughly defined as the area near the Bandstand and in the vicinity of Costa Coffee and Greggs shops.

One in ten (11%) respondents stated that pigeons are an issue in **derelict or vacant buildings / shopping units**.

A majority of responses received highlighted areas within the current PSPO boundary, with only 9% of comments reporting issues in the wider borough area (i.e. outside of Waterlooville) and one response indicated a location in Waterlooville but outside of the current PSPO boundary.

#### Q4. Have pigeons had any effect on your business?

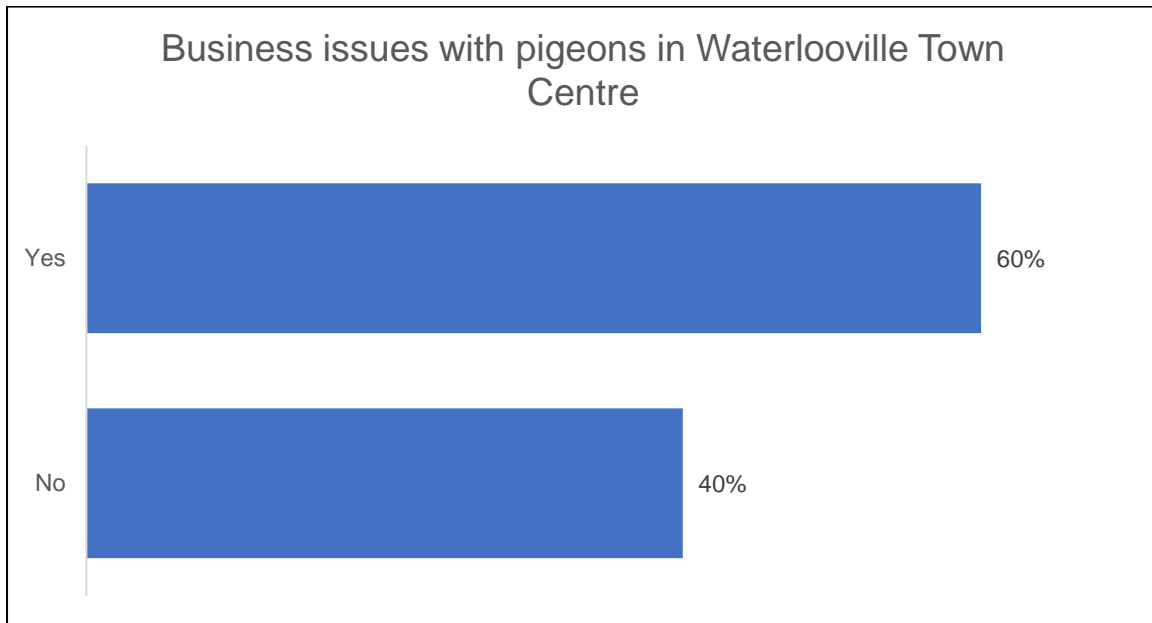


Figure 5 - Responses to Q4 – Have pigeons had any effect on your business? Please note that this question was only asked of those who responded that they were 'a business owner / representative in Waterlooville Town Centre' at Q1.

**SAMPLE: 5**

Noting the small sample size, narrowly more businesses felt that there were continuing issues with pigeons in the town centre area.

#### Q5. If you answered yes, please could you provide more detail below

Whilst again noting the small sample size (3 responses), the following issues were highlighted in response to this question:

- Pigeons create a mess that is off-putting to customers / shoppers and therefore has a detrimental impact on businesses.
- Pigeons can be intimidating or a nuisance to customers and shopping staff.
- Pigeons create damage to business premises (e.g. cracked glass on shop fronts) that is costly to repair.
- Pigeons create a health hazard for businesses selling food.

In general, these comments provided a negative view on pigeons and highlighted continuing and high-priority issues for businesses in the town centre.

**Q6. Do you use the Waterlooville Precinct for any of the following?**

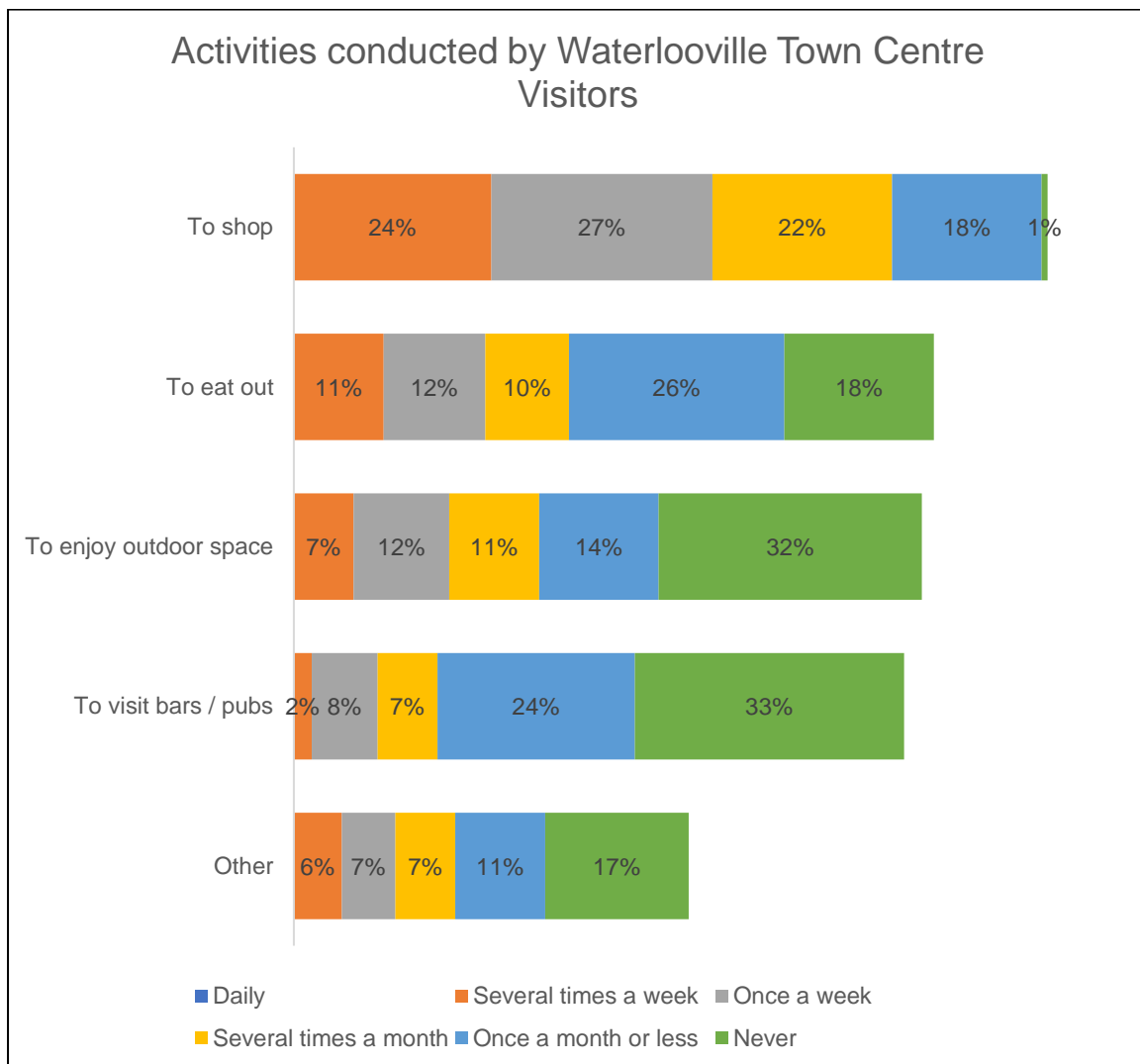


Figure 6 - Responses to Q6 – Do you use the Waterlooville Precinct for any of the following. Please note that this question was only asked of those who indicated that they were a 'Visitor to Waterlooville Town Centre' at Q1. . . **SAMPLE: To shop (126) / To eat out (107) / To enjoy outdoor space (105) / To visit bars and pubs (102) / Other (66)**

For those who indicated that they were visitors to Waterlooville Town Centre, the most common activity was shopping, with a quarter of respondents indicating that they do this several times a week and half saying that they do this atleast once a week.

The next most popular activities were eating out, followed by enjoying outdoor space and finally to visit bars and pubs.

It should be noted that around a third of respondents (noting the differing sample sizes) indicated that they 'never' come to the town centre to enjoy outdoor space or visit bars and pubs.

Additionally, no respondent indicated that they do any of these activities on a daily basis.

Under 'Other' activities, respondents referencing the following:

- Visit the library (9 responses)
- Visit the bank (8 responses)
- Visit the barbers or hairdressers / visit the market / socialise with friends (3 responses each)

**Q7. Do you feel that the Pigeon PSPO in Waterlooville has or has not been effective in dealing with this issue?**

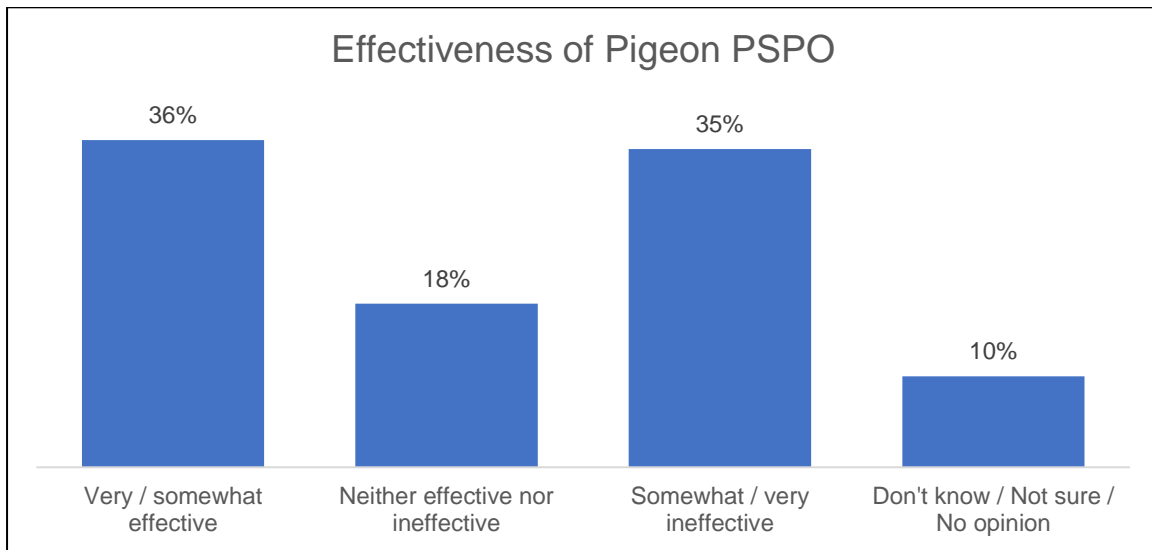


Figure 7 - Responses to Q7 – Do you feel that the Pigeon PSPO in Waterlooville has or has not been effective in dealing with this issue?

**SAMPLE: 168**

Opinion was split as to the effectiveness of the pigeon PSPO in Waterlooville, with broadly equal portions of respondents stating it had been very or somewhat effective (36%) compared to those who it had been somewhat or very ineffective (35%).

This reflects the feedback received that indicates that pigeons continue to cause issues within the town centre and many feel that there is a problem that remains at this location.

**Resident and Visitor Comparison**

	<b>Resident respondents</b>	<b>Visitor respondents</b>
Sample size	38	122
Very / somewhat effective	34%	38%
Neither effective nor ineffective	11%	19%
Somewhat / very ineffective	45%	33%
Don't know / Not sure / No opinion	11%	11%

Noting the difference in sample sizes, residents (45%) were marginally more likely to indicate that they felt that the PSPO had been somewhat or very ineffective than visitors (33%).

Visitors (38%) were also slightly more likely to suggest that the PSPO has been very or somewhat effective than residents (34%).

**Q8. Do you feel that the Pigeon PSPO in Waterloooville should or should not be extended?**

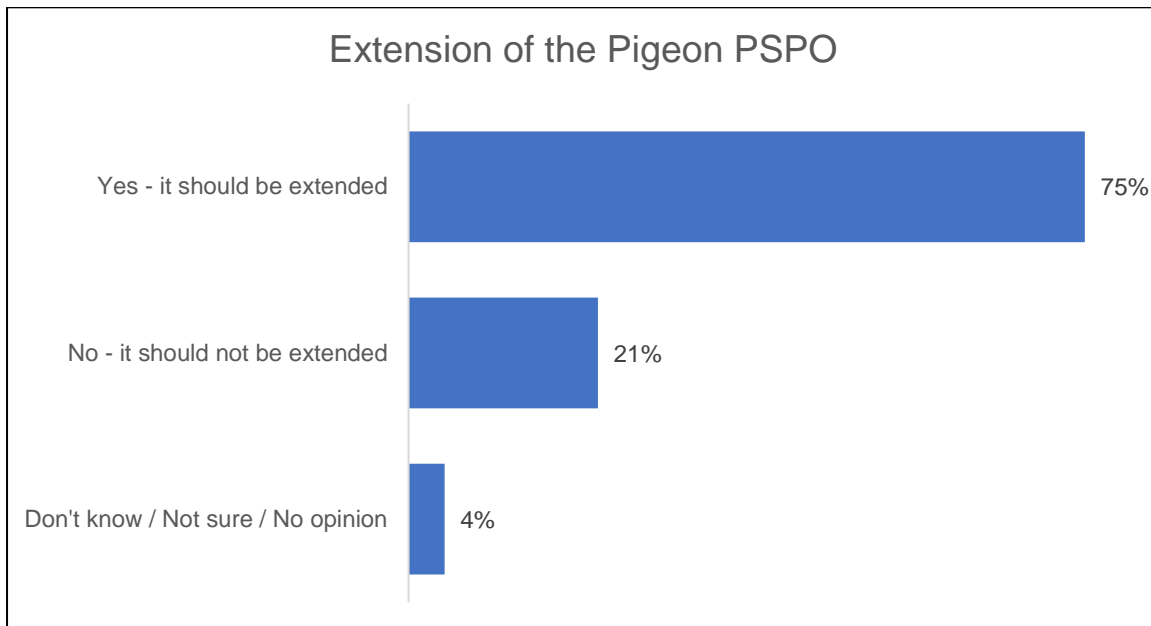


Figure 8 - Responses to Q8 – Do you feel that the Pigeon PSPO in Waterloooville should or should not be extended?

**SAMPLE: 167**

A majority of respondents (75%) indicated that the pigeon PSPO in Waterloooville should be extended, compared to 21% who felt that it should not be extended.

This represents a clear view from respondents in favour of renewing the PSPO.

**Resident and Visitor Comparison**

	<b>Resident respondents</b>	<b>Visitor respondents</b>
Sample size	38	121
Yes – it should be extended	79%	74%
No – it should not be extended	18%	21%
Don't know / Not sure / No opinion	3%	5%

Feedback from residents and visitors was broadly similar, with a majority of respondents from both groups indicating that the PSPO should be renewed (79% and 74% respectively).

**Q9. If you have any further comments or suggestions in relation to this, please state below**

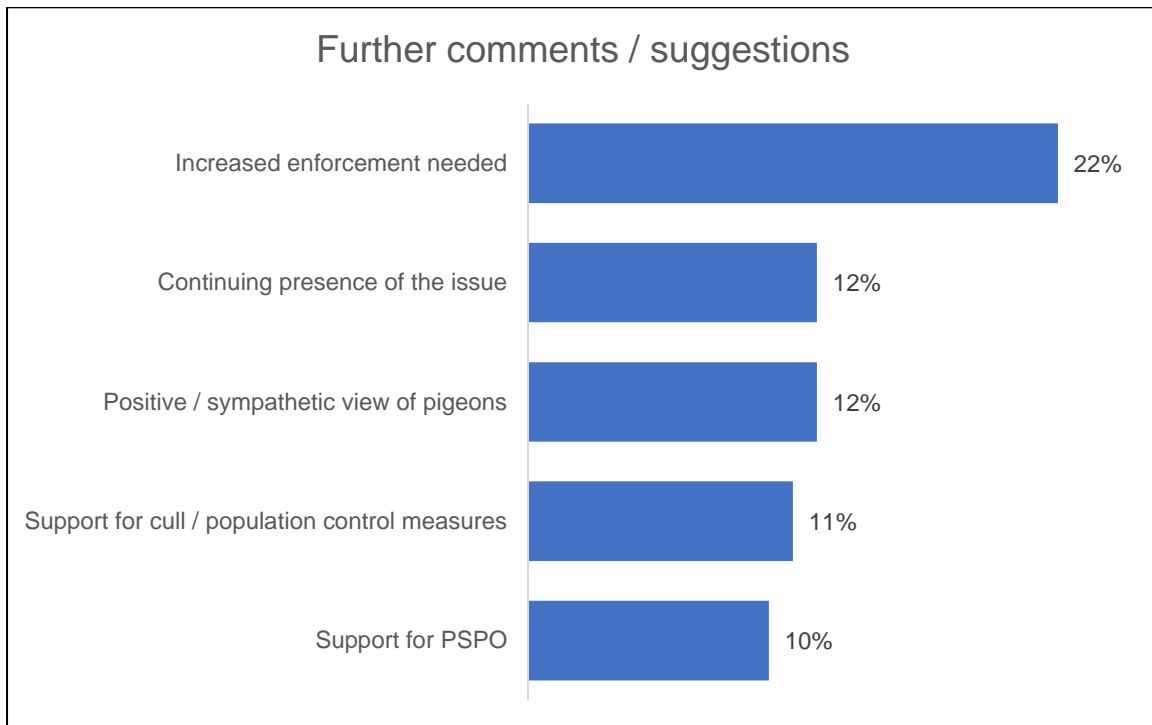


Figure 9 - Responses to Q9 – If you have any further comments or suggestions in relation to this, please state below. Please note that the above chart only includes themes raised by 10 or more respondents – a full list of themes can be viewed at Appendix F.

**SAMPLE: 97**

When asked for any further comments or suggestions, the following key themes were raised:

### **Increased enforcement needed**

*“Needs enforcing more. We stopped coming often as always being defecated on or pigeons flying at us because of the few who keep feeding them”*

The most common theme raised was a general view that enforcement of the PSPO should be increased. Respondents here felt that an increased number of patrols or stronger presence of enforcement officers was needed to resolve the issue, particularly earlier in the day when there are reports of pigeon feeding. In turn, respondents felt that any enforcement action should be promoted to discourage others from conducting similar activities or that the number of PSPOs issued should be publicised to act as a deterrent.

### **Continuing presence of the issue**

*“Pigeons and their mess are a big problem in Waterlooville Town Centre”*

Mirroring responses to earlier questions, a number of respondents stated that this problem is continuing in the town centre area. Some responses here highlight anecdotal instances where individuals are still feeding pigeons despite current restrictions, and that this has led to pigeons remaining an issue in this area. Many here state how the issue impacts upon their enjoyment or access to Waterlooville Town Centre.

### **Positive / sympathetic view on pigeons**



*“Pigeons are still animals. They need food to survive. I honestly do not see the harm in feeding them.”*

Some respondents gave a contrasting perspective to the majority view by expressing support or sympathy for pigeons in the area. Many here felt that the welfare of pigeons was not being fully considered and that they should not be targeted by measures to reduce their feeding. Some stated that they viewed their presence in Waterlooville as a positive and enjoyed seeing them in the town centre. Respondents here felt that pigeons should be treated more humanely, and some suggested the introduction of a specific feeding area for pigeons.

### **Support for cull / population control measures**

*“They have become a complete nuisance and should be culled or numbers reduced”*

Other respondents indicated support for more proactive and direct methods in controlling the number of pigeons in the area, either through a cull or other population control measures. These views stated that the PSPO would not fully solve the issue and that such methods were required to reduce the problem in Waterlooville. The measures suggested were feeding pigeons materials that make them infertile or direct culling / humane extermination of pigeons to reduce numbers in the area.

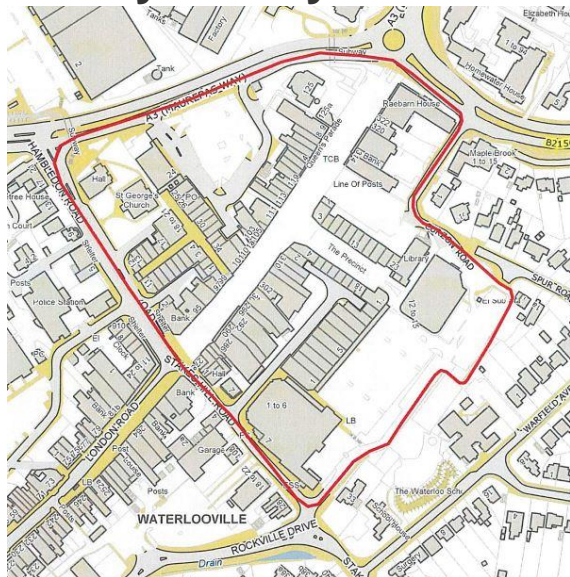
### **Support for PSPO**

*“The ban has had been a major benefit to us where we live on the St Michael’s Place estate”*

Finally, a common theme raised amongst responses was support for the PSPO and a view that it should be continued. Within this feedback, residents and visitors indicated that the Order had had a positive impact on their enjoyment of the area and that they were supportive of the measure being renewed.

# Pigeons in Waterlooville Precinct - PSPO Consultation Survey

Have your say ...



Havant Borough Council introduced a Public Spaces Protection Order (PSPO) for Waterlooville Precinct relating to the feeding of pigeons in 2018, and this was extended in 2021. This means that currently, any person found to be leaving seeds, bread or grain which is edible to pigeons within the designated area of Waterlooville Precinct will receive a fixed penalty notice of £100.

This was brought in to deal with reports of pigeon waste, feathers and faeces causing issues for businesses, visitors and residents, and covers the area shown on the left

**Full information on the current PSPO can be found at: [www.havant.gov.uk/pspo](http://www.havant.gov.uk/pspo) or requested via contact details below.**

As the PSPO has been in effect for three years since it was last extended, the Council is now reviewing this Order and before deciding on the future course of action, we want to hear from you on how we should proceed. We are particularly interested in hearing from residents, businesses and visitors to this area, as you are directly impacted by the issues that led to this Order being brought in.

**The public consultation will run from Wednesday 13 September 2023 to Wednesday 25 October 2023.**

---

## Privacy notice

**The information you provide will not be used in a manner which would identify you.**

**More information on how your data is processed can be found at [www.havant.gov.uk/privacy-policy](http://www.havant.gov.uk/privacy-policy) or requested via contact details below.**

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**If you have any questions about this survey, please contact us at 02392 446468.**

**Once completed, please use the pre-paid envelope provided with this survey to post your response back to Havant Borough Council.**

# About You

## 1. Which of the following best describes you?

- Resident in WaterlooVille Town Centre
- Business owner / representative in WaterlooVille Town Centre
- Worker in WaterlooVille Town Centre
- Visitor to WaterlooVille Town Centre
- I both live and work in WaterlooVille Town Centre

## 2. Do you think that pigeons are or are not a problem in the WaterlooVille Precinct area?

- A very big problem
- A fairly big problem
- Not a very big problem
- Not a problem at all
- Don't know / Not sure / No opinion

## 3. If you answered that pigeons are a problem, please could you identify ONE area in the precinct where you feel that this is an issue.

Please be as specific as possible.

If you stated that you are a **business owner or representative** in Waterlooville Town Centre, please answer the following questions:

**4. Have pigeons had any effect on your business?**

- Yes
- No
- Don't know / Not sure

**5. If you answered yes, please could you provide more detail below**

If you stated that you are a **visitor** to Waterlooville Town Centre, please answer the following question:

**6. Do you use the Waterlooville Precinct for any of the following?**

	Daily	Several times a week	Once a week	Several times a month	Once a month or less	Never
To eat out	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
To shop	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
To visit bars / pubs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
To enjoy outdoor space	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other - please specify:

**The following questions are for all to answer**

**7. Do you feel that the Pigeon PSPO in Waterlooville has or has not been effective in dealing with this issue?**

- Very effective
- Somewhat effective
- Neither effective nor ineffective
- Somewhat ineffective
- Very ineffective
- Don't know / Not sure / No opinion

**8. Do you feel that the Pigeon PSPO in Waterlooville should or should not be extended?**

- Yes - it should be extended
- No - it should not be extended
- Don't know / Not sure / No opinion

**9. If you have any further comments or suggestions in relation to this, please state below**

**Thank you for submitting your views to this consultation.**

**Please use the pre-paid envelope provided with this survey to post your response back to Havant Borough Council.**

## Appendix B – Communications Statistics

All statistics were taken in the week commencing 30 October (the week following the close of the consultation period).

### Press release statistics

<b>Date</b>	<b>Title</b>	<b>Subscriber groups sent to</b>	<b>Number of Recipients (delivery rate)</b>	<b>Total unique opens (% of overall recipients)</b>	<b>Total unique clicks (% of overall recipients)</b>
13/09/2023	Consultation set to start on the feeding of pigeons in Waterlooville	Community news and events HBC Community Mailing List HBC Councillors Havant MPs Latest council news Media – General Public notices and consultations	8,948	46%	2%
22/09/2023	Your Borough – Everything you need to know from Havant Borough Council*	All bin update lists Community news and events Garden Waste HBC Community Mailing List HBC Councillors Havant MPs Latest council news	10,360	48%	3%
06/10/2023	Havant Borough Community Bulletin*	HBC Community Mailing List	259	29%	7%

Figure 10 - Statistics for Pigeon PSPO Consultation media releases

\* Note that these bulletins were on a variety of topics, of which the pigeon PSPO was included. Open and click statistics relate to the bulletin as a whole, not just the PSPO article.

### Social media statistics

#### Facebook Post Statistics

<b>Date</b>	<b>Content</b>	<b>Engagement Rate</b>	<b>Reach</b>	<b>Reactions</b>
13/09/23	Launch of pigeon PSPO consultation period	9.3%	2,711	3
19/09/23	Promotion of pigeon PSPO consultation and reference to ITV Meridian interview with Cabinet Lead	11.97%	3,493	19

20/09/23	Promotion of pigeon PSPO consultation	6.16%	2,549	3
04/10/23	Promotion of pigeon PSPO consultation and in-person engagement in the town centre	7.86%	3,450	16
16/10/23	Promotion of pigeon PSPO consultation	6.26%	2,363	6

Figure 11 - Statistics for Pigeon PSPO Consultation Facebook posts

#### Twitter Post Statistics

Date	Content	Engagement Rate	Engagements	Impressions
13/09/23	Launch of pigeon PSPO consultation period	0.62%	1	161
19/09/23	Promotion of pigeon PSPO consultation and reference to ITV Meridian interview with Cabinet Lead	2.27%	5	220
20/09/23	Promotion of pigeon PSPO consultation	1.25%	2	160
04/10/23	Promotion of pigeon PSPO consultation and in-person engagement in the town centre	1.68%	3	179
16/10/23	Promotion of pigeon PSPO consultation	0%	0	165
18/10/23	Promotion of pigeon PSPO consultation – one week remaining	0.55%	1	181

Figure 12 - Statistics for Pigeon PSPO Consultation Twitter posts

#### Instagram Statistics

Date	Title	Engagement Rate	Likes	Reach
13/09/23	Launch of pigeon PSPO consultation period	2.45%	4	204
19/09/23	Promotion of pigeon PSPO consultation and reference to ITV Meridian interview with Cabinet Lead	2.35%	7	298
20/09/23	Promotion of pigeon PSPO consultation	0.79%	1	127
04/10/23	Promotion of pigeon PSPO consultation and in-person engagement in the town centre	1.96%	4	255
16/10/23	Promotion of pigeon PSPO consultation	1.18%	2	170

18/10/23	Promotion of pigeon PSPO consultation – one week remaining	0.63%	1	159
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Figure 13 - Statistics for Pigeon PSPO Consultation Instagram posts

#### LinkedIn Statistics



Date	Title	Engagement Rate	Reactions	Shares
13/09/23	Launch of pigeon PSPO consultation period	3.67%	3	1
19/09/23	Promotion of pigeon PSPO consultation and reference to ITV Meridian interview with Cabinet Lead	8.78%	15	0
20/09/23	Promotion of pigeon PSPO consultation	3.23%	3	1

Figure 14 - Statistics for Pigeon PSPO Consultation LinkedIn posts



## Appendix C – Social Media Screenshots

Press release – 13 September 2023



Communications Office: Havant Borough Council,  
Public Service Plaza, Havant, Hants, PO9 2AX

# News Release


## Consultation set to start on the feeding of pigeons in Waterlooville

Residents and businesses in the Waterlooville area are being asked for their say on the review of a Public Space Protection Order (PSPO) designed to stop people feeding pigeons in the town centre.

Havant Borough Council is asking the views of those who live, shop, visit or work in the area how effective the current order has been since it was first introduced in April 2018.

Currently, any person found to be leaving food edible by pigeons within the designated area of Waterlooville precinct will receive a fixed penalty notice of £100.

Deputy Leader of Havant Borough Council and Cabinet Lead for Communities and Housing, Councillor Gwen Robinson, said: "Prior to this PSPO we had a large number of complaints in relation to the feeding of the birds, because of the impact this was having on the town centre."



"We were constantly being asked by local businesses and residents to clamp down on those who were encouraging the pigeons, by feeding them, and we think that by continuing to have these controls, it will continue to encourage behaviour change in the very small pocket of the community."

"We are keen to hear the effectiveness of the current order and determine if there is anything else we can be doing to eradicate any continuing issues."

In line with legislation, the council is required to consult with residents, businesses and stakeholders every three years to review and consider each PSPO the borough has in place. The consultation for feeding pigeons in Waterlooville will run from Wednesday 13 September until Wednesday 25 October. The PSPO is due to expire on 30 April 2024. More information about PSPOs in the borough can be found [here](#).

To have your say on how effective the order has been, please visit our [Pigeons in Waterlooville Precinct - PSPO Consultation Survey at smartsurvey.co.uk/s/pigeonpspo2023/](#)

Anyone unable to access the consultation online can call 023 9244 6019 (during office hours) to go through the questions on the telephone. Alternatively collect a paper survey from Waterlooville Library or Waterlooville Community Centre and return to us using a pre-paid envelope provided.

Figure 15 - Screenshot of Pigeon PSPO Consultation press release circulated on 13 September 2023

Facebook post – 13 September 2023

The image is a screenshot of a Facebook post from Havant Borough Council, dated 13 September 2023. The post features a teal background with the text "PIGEONS IN YOUR TOWN CENTRE" in large white letters. Below the text is an illustration of two pigeons facing each other. The post text asks for views on the effectiveness of the Public Space Protection Order (PSPO) in WaterlooVille. The post has 3 reactions (likes and a sad face), 6 comments, and 5 shares. Interaction buttons for "Like" and "Comment" are visible at the bottom.

**Havant** Havant Borough Council  
13 September · 🌐

We are asking the views of those who live, shop, visit or work in the WaterlooVille area how effective the Public Space Protection Order (PSPO), designed to stop people feeding pigeons in the town centre, has been since it was introduced in April 2018. Find out more at <https://www.havant.gov.uk/pspo>

# PIGEONS IN YOUR TOWN CENTRE

👍🥰 3 6 comments 5 shares

👍 Like 💬 Comment

Figure 16 - Screenshot of Pigeon PSPO Consultation Facebook post published on 13 September 2023

Twitter post – 13 September 2023



Figure 17 - Screenshot of Pigeon PSPO Consultation Twitter post published on 13 September 2023

Instagram post – 13 September 2023



Figure 18 - Screenshot of Pigeon PSPO Consultation Instagram post published on 13 September 2023

LinkedIn post – 13 September 2023

**Havant** Havant Borough Council  
2,267 followers  
1mo

We are asking the views of those who live, shop, visit or work in the Waterloooville area how effective the Public Space Protection Order (PSPO), designed to stop people feeding pigeons in the town centre, has been since it was introduced in April 2018. Find out more at <https://lnkd.in/eYQRU9NS>

# PIGEONS IN YOUR TOWN CENTRE

3

Like Comment Share

The image is a screenshot of a LinkedIn post. At the top, it shows the profile of 'Havant Borough Council' with 2,267 followers and a post from '1mo' ago. The text of the post asks for views on the effectiveness of a Public Space Protection Order (PSPO) in Waterloooville, which was introduced in April 2018 to stop people from feeding pigeons. A link is provided for more information. The main visual is a graphic with a teal background and the text 'PIGEONS IN YOUR TOWN CENTRE' in large white letters. Below the text is an illustration of two pigeons, one blue and one purple, facing each other. At the bottom of the post, there are three likes and icons for 'Like', 'Comment', and 'Share'.

Figure 19 - Screenshot of Pigeon PSPO Consultation LinkedIn post published on 13 September 2023

Facebook post – 19 September 2023



Figure 20 - Screenshot of Pigeon PSPO Consultation Facebook post published on 19 September 2023

Twitter post – 19 September 2023



Figure 21 - Screenshot of Pigeon PSPO Consultation Twitter post published on 19 September 2023

Instagram post – 19 September 2023



Figure 22 - Screenshot of Pigeon PSPO Consultation Instagram post published on 19 September 2023



LinkedIn post – 19 September 2023



Figure 23 - Screenshot of Pigeon PSPO Consultation LinkedIn post published on 19 September 2023

Facebook post – 20 September 2023



Figure 24 - Screenshot of Pigeon PSPO Consultation Facebook post published on 20 September 2023

Twitter post – 20 September 2023

**Havant** Havant Borough Council  
@HavantBorough

Do you live, shop or work in Waterlooville? How effective do you think the Public Space Protection Order on the feeding of pigeons has been during the past five years?

Have your say on the future of feeding pigeons in Waterlooville Town Centre now.

[havant.gov.uk](http://havant.gov.uk)



4:01 pm · 20 Sep 2023 · 163 Views

Reply Retweet Like Bookmark Share

Figure 25 - Screenshot of Pigeon PSPO Consultation Twitter post published on 20 September 2023

Instagram post – 20 September 2023

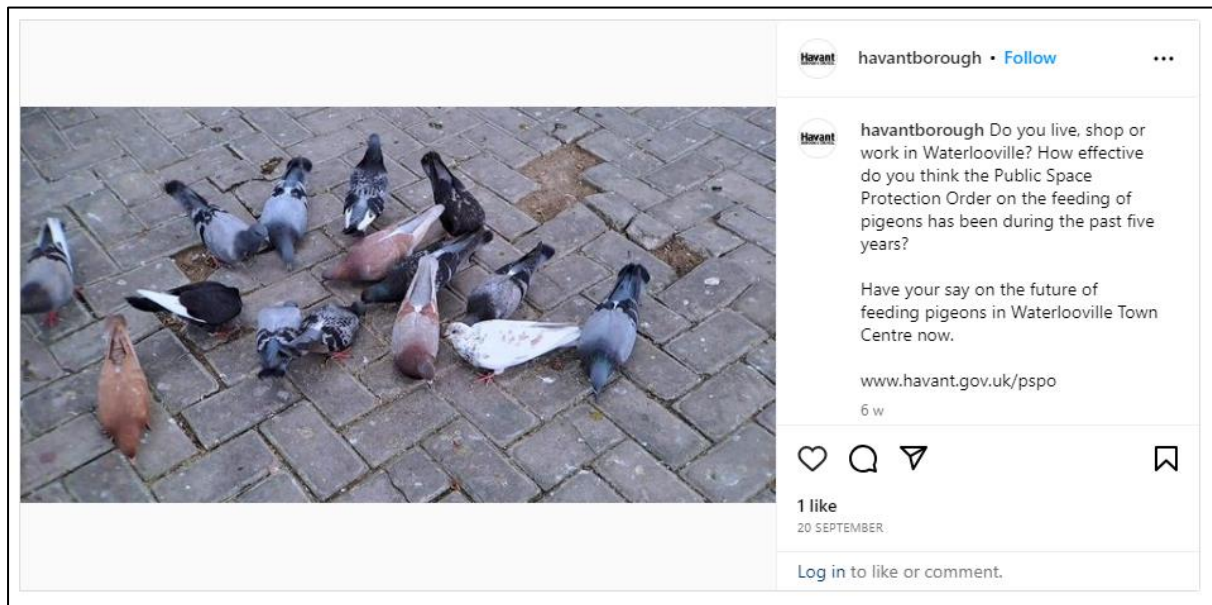


Figure 26 - Screenshot of Pigeon PSPO Consultation Instagram post published on 20 September 2023


LinkedIn post – 20 September 2023

**Havant** Havant Borough Council  
2,267 followers  
1mo

Do you live, shop or work in Waterlooville? How effective do you think the Public Space Protection Order on the feeding of pigeons has been during the past five years?

Have your say on the future of feeding pigeons in Waterlooville Town Centre now.

[www.havant.gov.uk](http://www.havant.gov.uk)



3

Like Comment Share

Figure 27 - Screenshot of Pigeon PSPO Consultation LinkedIn post published on 20 September 2023

- energy saving household items
- support with energy bills
- help with broken boilers
- information about grants and funding

[Find out more here](#)

## We want to hear from Coo!



We are conducting a consultation to review the Public Spaces Protection Order relating to the feeding of pigeons in Waterloooville Town Centre, and we want to hear from anyone who lives, shops, works or visits the Waterloooville area.

The PSPO originally came into force in April 2018 and made it an offence for a person to feed pigeons within the designated area, after residents and businesses had raised complaints of pigeon mess in the precinct. This was extended in 2021 following public consultation.

Currently, anyone feeding the pigeons in this location is committing an offence and can receive a fixed penalty notice of £100, and as part of our plans to regenerate Waterloooville Town Centre we want to ensure the area remains clean and becomes inviting to those wishing to visit.

[Have your say here](#)



Havant Borough Council has been awarded the silver PawPrint prize for outstanding commitment to their stray animal housing procedures and kennelling.

The RSPCA award recognises the works of local authorities and public bodies for going above and beyond for animal welfare services.

[Read more here](#)

## Bin collections



Please ensure your bin is out and ready for collection by 7am on your collection day.

Occasionally, whilst collecting thousands of bins across the borough, the odd one may get missed. If this happens to you, the quickest way to report a missed bin is online.

Please report it to us within 48 hours of the scheduled collection day and, should we have genuinely missed it, we will return within 48 (working) hours of being notified.

[Report a missed collection](#)

**Let us recycle your garden waste...**

Figure 28 - Screenshot of Pigeon PSPO Consultation article in 'Your Borough' e-newsletter circulated on 22 September 2023

Facebook post – 4 October 2023



Figure 29 - Screenshot of Pigeon PSPO Consultation Facebook post circulated on 4 October 2023

Twitter post – 4 October 2023

**Havant** Havant Borough Council  
@HavantBorough

We will be in Waterlooville Town Centre on Friday 6 October between 9:30 and 12:30 to hear your views on how effective you think the feeding pigeons PSPO has been.  
Come and tell us or find out more here [havant.gov.uk/pspo](https://havant.gov.uk/pspo)



4:01 pm · 4 Oct 2023 · 179 Views

🗨️ ↻️ ❤️ 📌 📤

Figure 30 - Screenshot of Pigeon PSPO Consultation Twitter post published on 4 October 2023



Instagram post – 4 October 2023

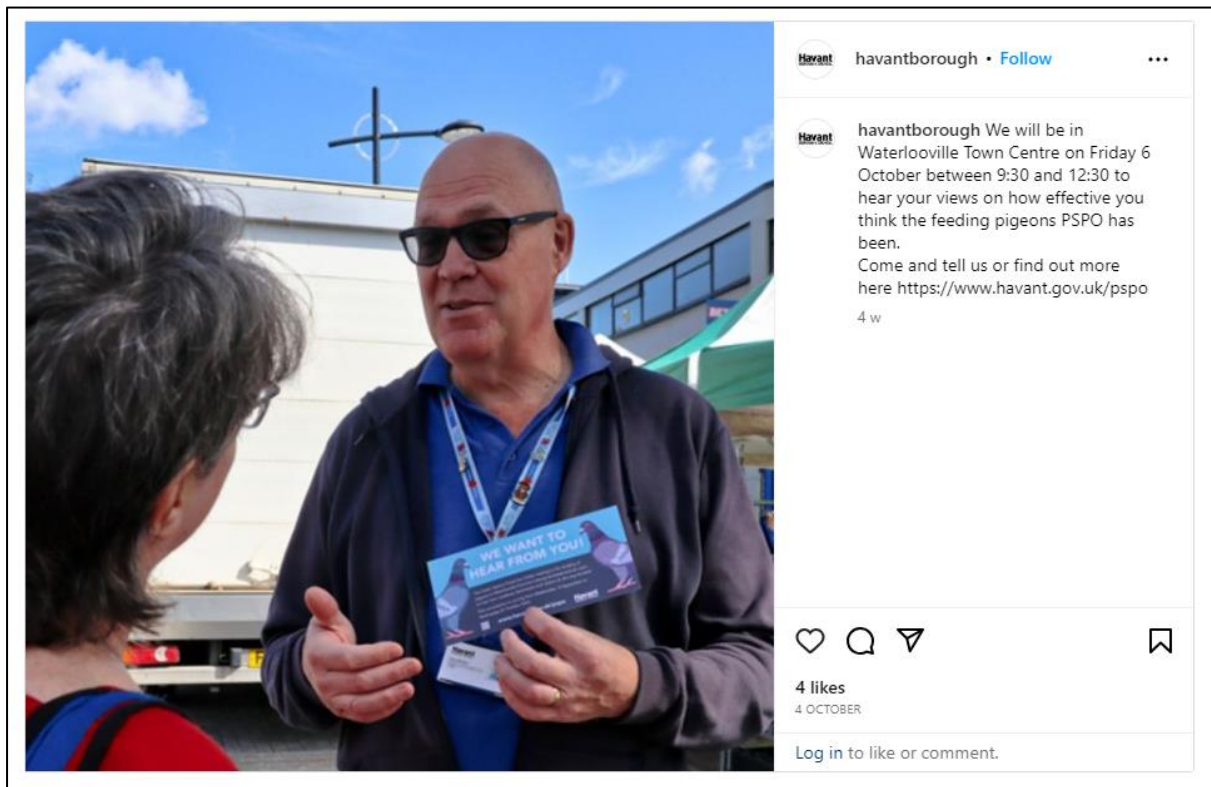


Figure 31 - Screenshot of Pigeon PSPO Consultation Instagram post published on 4 October 2023

Written by Dafydd Modig & Antony Barden

**The Spring**  
Great experiences for everyone

Cinderella - A family pantomime at [The Spring](#)


3 - 5 January 2024, 7:30pm

6 and 7 January 2024, 11am and 2pm

Tickets £10

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**Havant**  
BOROUGH COUNCIL



**Community News**

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**PIGEONS IN YOUR TOWN CENTRE**



[Pigeons in Waterloooville](#)

Havant Borough Council are currently reviewing the Public Spaces Protection Order (PSPO) relating to the feeding of pigeons in Waterloooville Town Centre and we want to hear from you.

The PSPO originally came into force in April 2018 and made it an offence for a person to feed pigeons within the designated area, after residents and businesses had raised complaints of pigeon mess in the precinct. This was extended in 2021 following public consultation.

Currently, anyone feeding pigeons in this location is committing an offence and can receive a fixed penalty notice of £100.

We are now conducting a public consultation and are asking for views from residents, businesses and stakeholders on the way forward for the PSPO.

We are particularly interested in hearing from any local service users you may interact so would encourage the sharing of this information with these groups.

This consultation is open from Wednesday 13 September to Wednesday 25 October 2023.

For more information, including details on the current PSPO, and to submit your views, please visit [www.havant.gov.uk/pspo](http://www.havant.gov.uk/pspo).

If you are unable to complete this survey online, paper copies are available to collect from Waterloooville Library or Waterloooville Community Centre (with pre-paid envelopes to return to us) or you can complete this survey over the phone by contacting 023 9244 6019.

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**Grow it Cook it Eat it**




Figure 32 - Screenshot of Pigeon PSPO Consultation article in Havant Borough Community Bulletin, circulated on 6 October 2023

Facebook post – 16 October 2023



The image is a screenshot of a Facebook post from Havant Borough Council. The post is dated 16 October at 12:00. The text of the post reads: "Residents and businesses in the Waterlooville area have just two weeks left to have their say on the review of a Public Space Protection Order (PSPO) designed to stop people feeding pigeons in the town centre. We're asking the views of those who live, shop, visit or work in the area how effective the PSPO has been since it was introduced in April 2018. Find out more". Below the text is a photograph of a group of pigeons of various breeds (including Rock Dove, Rock Pouter, and others) on a paved surface. At the bottom of the post, there are 6 reactions (likes and emojis) and 11 comments and 1 share.

Figure 33 - Screenshot of Pigeon PSPO Consultation Facebook post published on 16 October 2023

Twitter post – 16 October 2023



Figure 34 - Screenshot of Pigeon PSPO Consultation Twitter post published on 16 October 2023

Instagram post – 16 October 2023

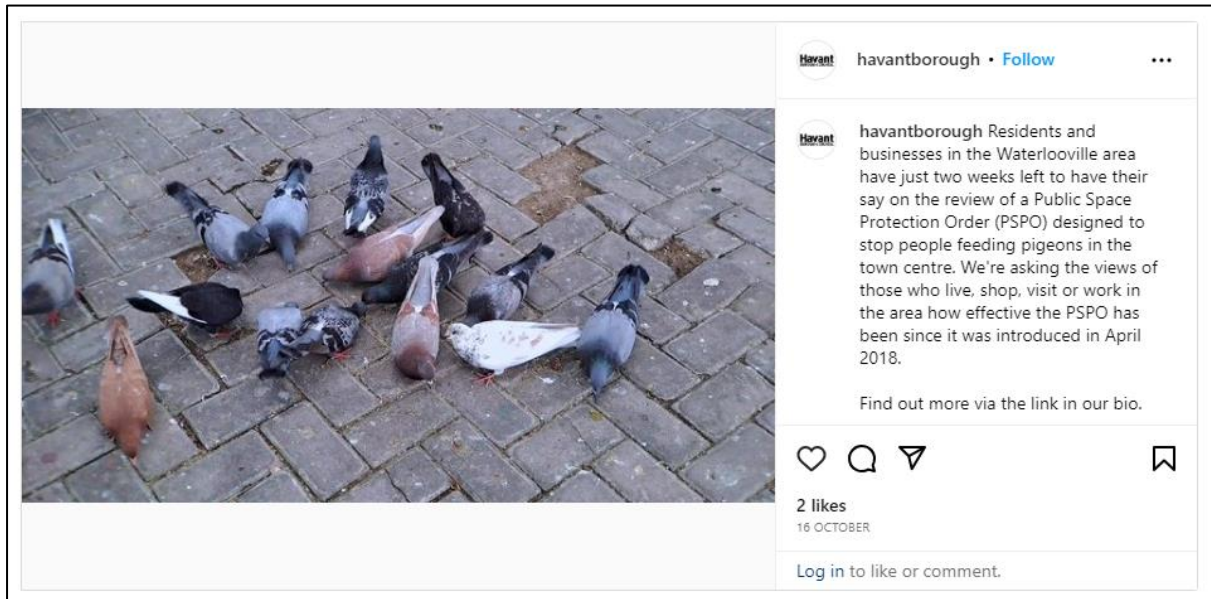


Figure 35 - Screenshot of Pigeon PSPO Consultation Instagram post published on 16 October 2023

Twitter post – 18 October 2023



Figure 36 - Screenshot of Pigeon PSPO Consultation Twitter post published on 18 October 2023

Instagram post – 18 October 2023

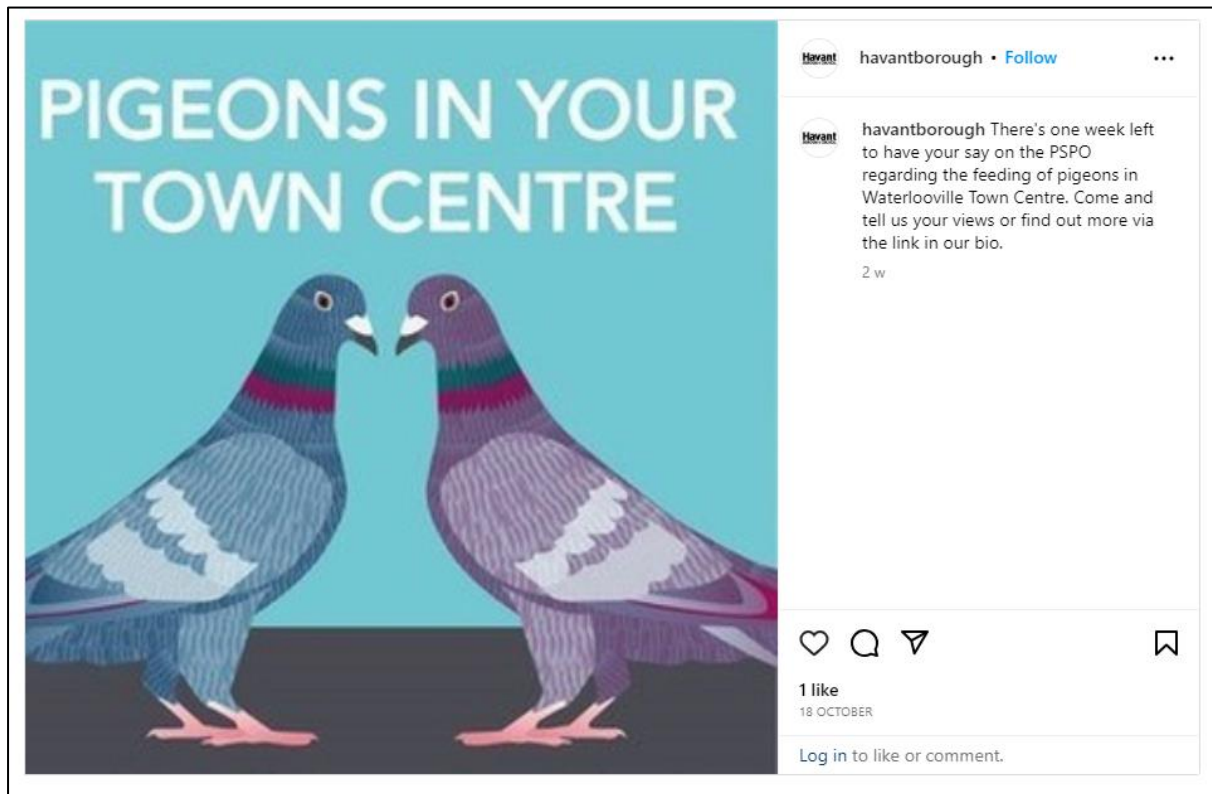


Figure 37 - Screenshot of Pigeon PSPO Consultation Instagram post published on 18 October 2023

## Appendix D – Poster and Leaflet Designs

Large format poster design for Pigeon PSPO Consultation

Page 274



Figure 38 - Artwork for Pigeon PSPO Consultation large format poster design



A4 poster design for Pigeon PSPO Consultation (displayed at WaterlooVille Community Centre and WaterlooVille Library)



Figure 39 - Artwork for Pigeon PSPO Consultation A4 poster design

## Leaflet design for Pigeon PSPO Consultation

### Front of leaflet



Figure 40 - Artwork for Pigeon PSPO Consultation leaflet design - front side

### Back of leaflet



Figure 41 - Artwork for Pigeon PSPO Consultation leaflet design - back side

## Appendix E – Photos of Consultation Activities

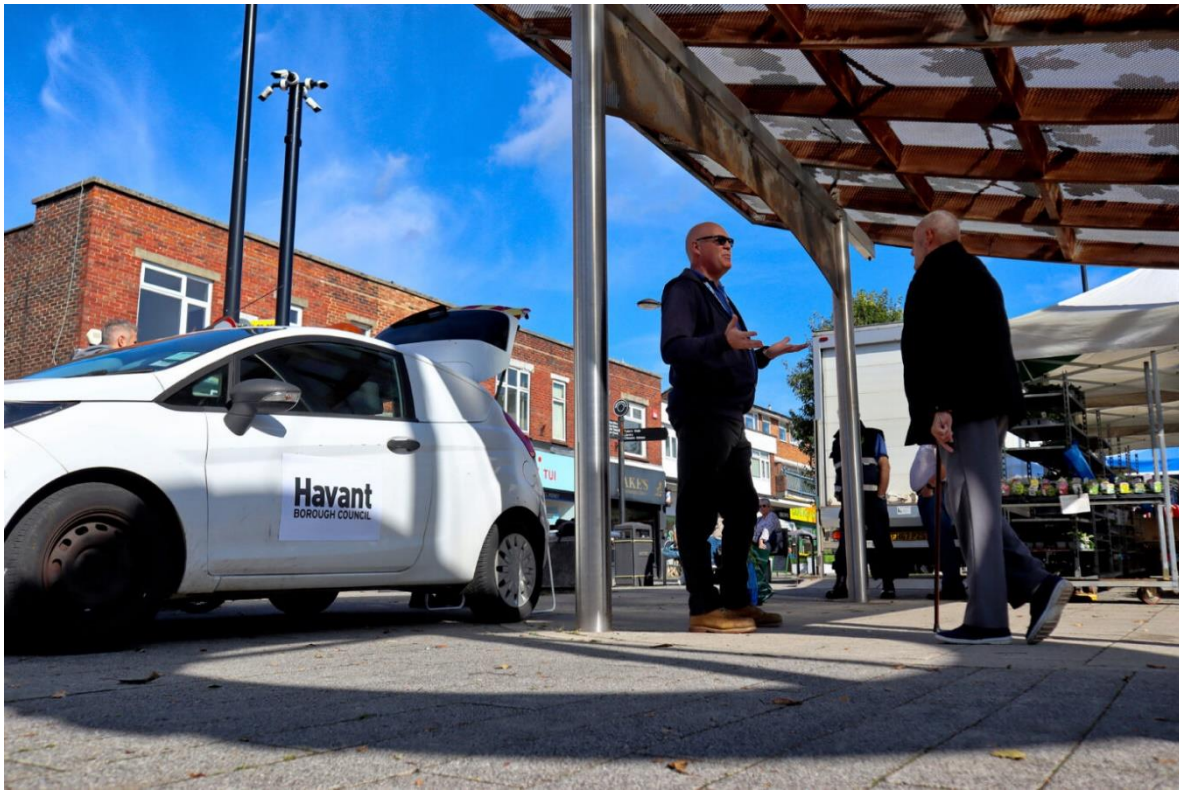


Figure 42 - Photo of in-person engagement for Pigeon PSPO Consultation in Waterlooville Town Centre - Photo 1



Figure 43 - Photo of in-person engagement for Pigeon PSPO Consultation in Waterlooville Town Centre - Photo 2



Figure 44 - Photo of in-person engagement for Pigeon PSPO Consultation in Waterlooville Town Centre - Photo 3



Figure 45 - Photo of in-person engagement for Pigeon PSPO Consultation in WaterlooVille Town Centre - Photo 4

## Appendix F – Full list of themes raised

The following charts provide the full list of themes raised at specific questions by respondents.

**Q3. If you answered that pigeons are a problem, please could you identify ONE area in the precinct where you feel that this is an issue. Please be as specific as possible.**

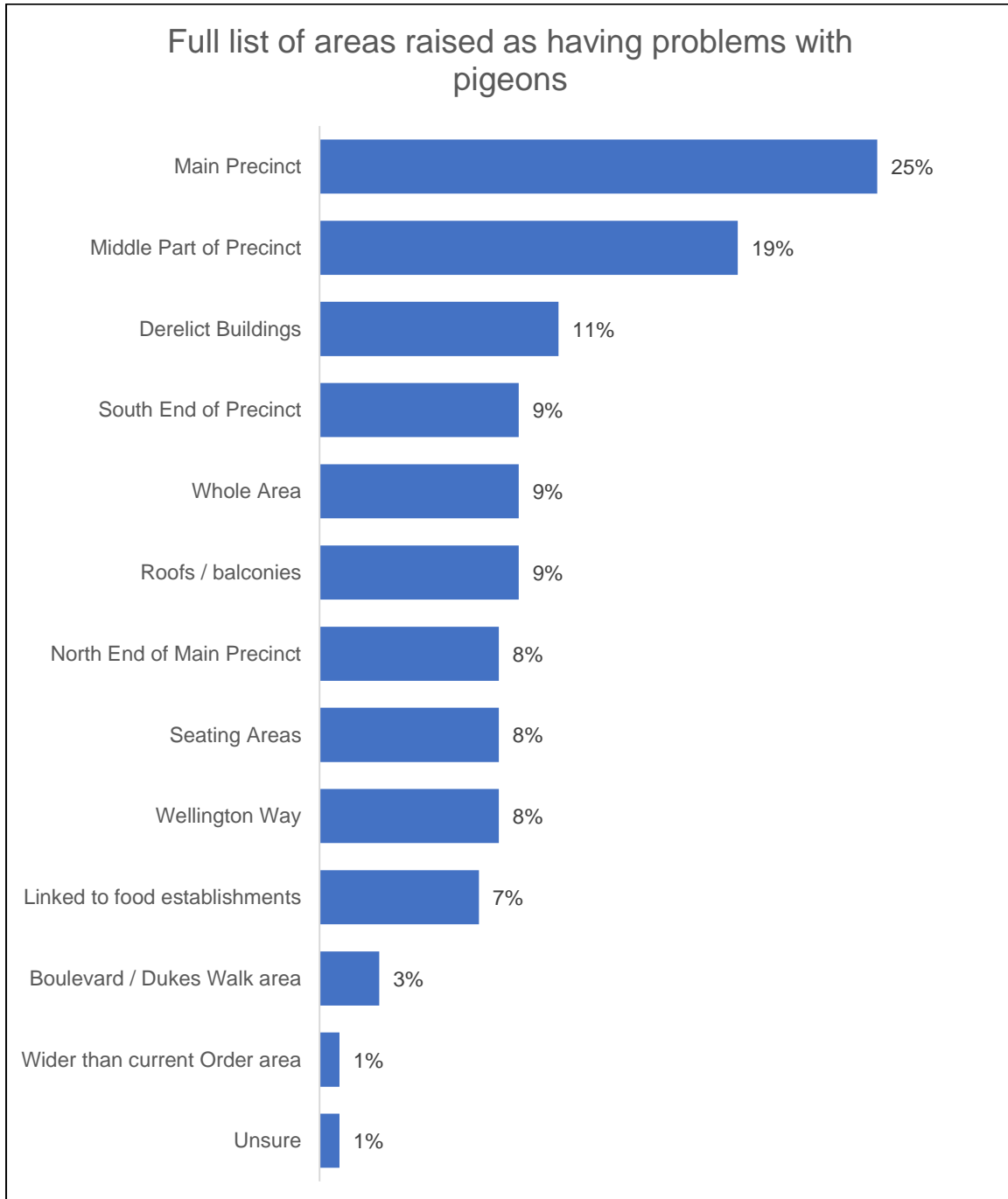


Figure 46 - Responses to Q3 – If you answered that pigeons are a problem, please could you identify ONE area in the precinct where you feel that this is an issue .Please be as specific as possible. Please note that this question was only asked of those who indicated 'a very big problem' or 'a fairly big problem' at Q2.

**SAMPLE: 112**

**Q9. If you have any further comments or suggestions in relation to this, please state below**

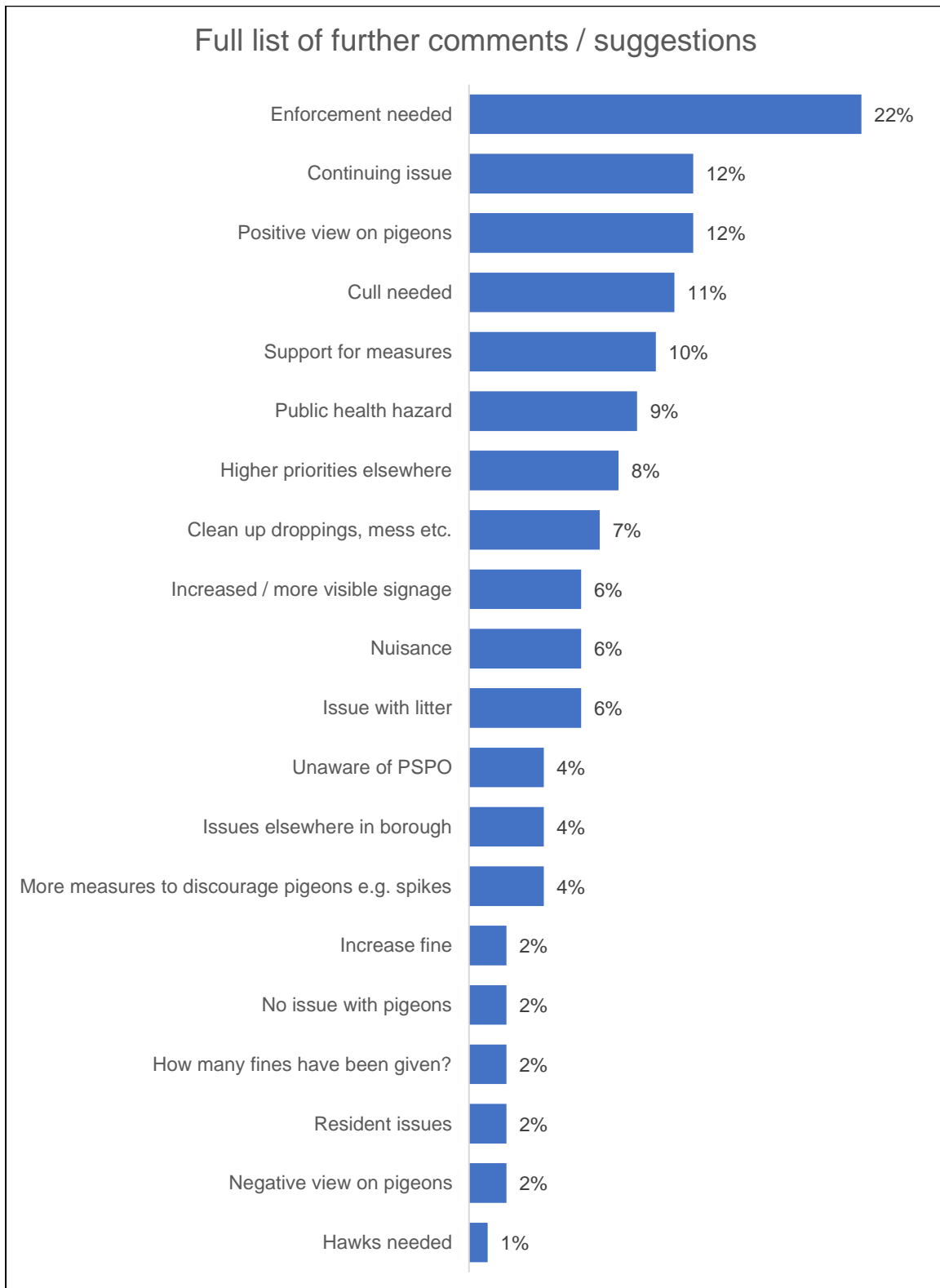


Figure 47 – Full list of themes raised in response to Q9 – If you have any further comments or suggestions in relation to this, please state below.

**SAMPLE: 97**

## Appendix G – Literal Responses (INTERNAL REPORT ONLY)

The below table provides the full responses given for the open-ended questions asked as part of the consultation.

**Q3. If you answered that pigeons are a problem, please could you identify ONE area in the precinct where you feel that this is an issue. Please be as specific as possible.**

In the main precinct, between HSBC and where Nat West used to be
Near the seating areas, often covered in bird mess.
That's the problem it is not One area it is the entire area.
Most of the seating has had pigeons droppings on them
In area between BHF/Halifax along to the old HMV store
The empty, derelict buildings attract pigeons. Nothing to scare them off
Before the ban they were everywhere and causing problems for those of use who live around half a mile from the actual town centre
Derelict Shops. Nobody able to control roosting and associated droppings.
Everywhere, especially in the empty run down areas of the precinct
Wellington way was a problem I think has been resolved with the new order
Derelict buildings, broken windows, particularly old Pampered Pets building
At the corner in the precinct leading to the cannon.
Main square area
They leave mess on the seats
Around the Costa (precinct) end of Waterlooville
The main North South precinct and the precinct towards Iceland.
In the main shopping precinct in the area of Greggs
Where the old print shop was in london road. Footpath constantly covered in pigeon poo.
In the precinct where the seats are opposite the pound shop and Superdrug's
I think the pigeons are a problem in the precinct by boots they sit on the top of the buildings waiting and hoping for food and fly right past you
It's mainly in the main central thoroughfare and the two that branch out of it. People are feeding the pigeons and there is a lot of pigeon crap. Sometimes it's very difficult to walk through without accidentally treading on it. Pigeons carry diseases and I don't want bread to bring them home to my house.
The main town precinct
Main pedestrian area
Pigeons are disease carriers. They fly from the ground into the area in a large number, create a lot of mess and generally are a nuisance.
Wellington Way
Near the benches where people still feed them
Main area formerly A 3;
Main Precinct
near Costas and other Cafe near centre
Outside the Costa, mostly during the market days
Near Greggs
The problem is biggest around the derelict shops that were Game, Peacocks etc.



Pigeons are a problem over the whole area, infact an even wider area than currently covered by the current order.
As you turn down from high street to wilko
Near McDonalds - there still visit alot however with the PSPO in place it has reduced the feeding.
Outside any disused shop where you find pigeon droppings and are never cleaned up. I was under the impression pigeon droppings are carcinogenic.
Opposite Poppins, in disused building.
Wellington Way derelict shops
From Natwest bank to the Precinct
People feeding pigeons as they sit and eat outside. Yesterday 13 Sept 2 old guys sitting on a bench outside Greggs throwing lumps of bread to the pigeons.
outside Superdrug
The pedestrianised area from the clock tower to the Hulbert Road roundabout.
Outside Greg's
Pedestrian area by Costa
Not sure
The Clock House
Opposite from where TESCO / BOOTS STORE
The high balconies of propertys opposite the Pub. They used to be a lot more and flying and leaving their mark all over the precinct.
On the roofs above all the buildings
The whole of Waterlooville centre but particularly the northern end for the flats
Wellington Centre
Empty units or poorly maintained buildings.
Outside of Greggs
Health risk and unsightly for shopping precinct
In the pedestrian shopping center
around the centre near poundland
Main pedestrian only central area
Opposit Boots for example
Seating area outside Greggs right by the sign which says "do not feed the pigeons"
where they roost
The whole of the precinct is covered in Pidgeon poo, especially the benches that we try to sit on
Everywhere
Outside food outlets
London Road Precinct
Top end of the town centre close to Havana cafe
Main area outside shops northbound towards bandstand.
I am a resident in the flats above weather spoons, on more than one occasion we have come home from work to find pigeons in our home, we do like to leave the windows open during the day but find it almost impossible, who wants to come home & clean up vermin faeces indoors & try to catch them & get them out
Queens parade and outside all the shops weatherspoons area

We can't have our doors and windows open, because the pigeons leave their mess indoors.
The balcony's above the shops where jade gardens is, they sit on the roofs of the houses and also the balcony's they also nest there and we can hear the baby pigeons daily when this is happening
In Wellington Way there is pigeon detritus as well as in other areas of the town, they also congregate in the town Centre making a mess.
Flats and shops at the north end of the precinct (near to HSBC and Wetherspoons).
Within the area near the bandstand. I suspect that some people still drop food for pigeons. Plus there are several open air cafes, where crumbs etc are available.
In the main area outside Poundland
main high street
The main precinct area from subway to the Heros pub
Open air eating places in the main precinct
Around the precinct by the old Curzon Rooms car park. Pigeons are often walking into our shop and at least 2 to 3 times per week, a pigeon will fly into our windows and kill itself.
Where Greggs bakery is
Outside the shops
In the centre opposite WH Smith shop
They are dirty and carry disease that can transfer to humans
The main part of the shopping centre
In the walkway where the market is on Fridays.
Main precinct area
All over.
Main centre by costa
Everywher
Corner of Wellington Way
Pigeons perching on buildings all through town ,particulary Wilko bird droppings disgusting buildup on pavement
Pedestrian area
the main shopping area
The area from the Hulbert road roundabout (Cutting Edge shop) to the bus stops (Post Office and ex NatWest)
They soil and spoil everywhere
They nest with the buildings and poo on passers by
Greggs area of precinct plus the various empty properties in all areas - the flats next to Denmead Queen with their balconies are the worst. It must be a nightmare for the residents. Basically throughout the whole centre pigeons are a complete nuisance, filthy and pavements etc are not attractive where they roost. We expended on stopping the problem on our building which has proved its worth.
The pigeon droppings especially around the edge of the precinct where they fly up to land on rooves. I used to be scared to walk through the centre of the precinct when they were fed a lot by people. They make a run down shopping place look even more neglected.
The main junction by the Halifax bank area
Opposite poundland.
Towards the bus stops and from Greggs. The western end of the street. Trees and clock nearby.

Town centre
Near to Iceland store
Around the trees adjacent to bench / seats and near eateries, thought Public Health would be concerned, about pigeons often seen on the tables, entrance to food shops with pigeons mess is a worry
Seats and ground covered with droppings, difficult to avoid with a walking frame
Outside Greggs
The pigeons are a very big problem. My customers cannot enjoy their food because they pester them. They are a health hazard and should be dealt with without hesitation
In my experience, when visiting the main precinct (i.e. which was originally part of the old A3 route through town), there are generally a number of pigeons either looking for food, or eating (generally seeds) adjacent to the semi-derelict shops towards WHSmiths and those opposite. Only this morning (26 Sept) there were up to a dozen pigeons eating seed which had clearly been put out for them. Needless to say, I dispersed them, only for them to return.
Outside Wilkinsons, empty shops, anywhere where they can roost. Outside cafe's where they scrounge for scraps. Empty shops with broken windows needs [] to enter i.e. press-to-print near Barclay's Bank. Under the trees where they roost at night
Outside empty units i.e. peacocks, shoe zone & what was a printing shop
In main high street
We live in a rather private are in the precinct, where we are fortunate enough to be able to leave our windows and doors open during the day, (when we are at home) the day
Main pedestrian area

Figure 48 - Full responses from respondents at Q3. If you answered that pigeons are a problem, please could you identify ONE area in the precinct where you feel that this is an issue. Please be as specific as possible. Please note that this question was only asked of those who indicated that pigeons were a very or fairly big problem at Q2.

**Q5. If you answered yes [to issues with pigeons affecting your business], please could you provide more detail below**

We represent the owner of the Boulevard Shopping Centre and if encouraged by feeding, pigeons create a massive mess and are intimidating to shoppers/businesses.
At least 2-3 times per week, a pigeon will fly into our windows and die. This results in a dead pigeon having to be removed from the pavement outside which if it happens whilst a member of staff is out of the main showroom, it can go unnoticed until a member of the public mentions it. This can prevent people from approaching the shop as it's the first thing they notice on approach. It has also caused our door window to be cracked multiple times and costs us money each time to replace (currently awaiting a repair for this reason!).
On a daily basis, pigeons will walk into the shop and have to be shoed back out which although amusing to customers, is a nuisance to shop staff.
The pigeons are a very big problem. My customers cannot enjoy their food because they pester them. They are a health hazard and should be dealt with without hesitation.

Figure 49 - Full responses from respondents at Q5. If you answered yes, please could you provide more detail below. Please note that this question was only asked of those who indicated that pigeons do have an effect on their business at Q4.

**Q6. Do you use the Waterlooville Precinct for any of the following? [“Other” Responses]**

To visit the library, barber, optician.
Visit banks
Banking and library
To do banking.
To use a bank.
To use bank facilities.
The 2008 PSPO has had no effect with people feeding the pigeons, I would be interested in knowing how many people have been prosecuted for feeding the pigeons since 2008 when the PSPO was created
To access traders and as a thoroughfare from the car park to all the various outlets in the library
Visit the community centre
Visit shops/market/bank
Library
Visit the Library
Go to pure gym and have a coffee
Browsing the market and shops
Visit Library.
The market. Waterlooville is so run down there is very little worth visiting. It used to be a lively, thriving centre, now it is a sad, miserable dump
ch\arity shops appointments at specsaver visits to bank and santander
Catch up with friends
To shop local and attend hairdressers.
Using the library.
Library visits or delivery to charity stores
Walking through the area
To meet and have coffee with a friend. Cancel bars/pubs, (a mistake, am unable to erase it )
Meet friends.
Visit to library 3 times a week
hairdressers
Pure Gym.
Visit banks
Dentist

Figure 50 - Full responses from respondents who answered 'Other' at Q6. Do you use the Waterlooville Precinct for any of the following?

**Q9. If you have any further comments or suggestions in relation to this, please state below**

I have seen one lady regularly feeding the pigeons in town, from a carrier bag full of birdseed. I have reported it before now. Never seen ANYONE stop her feeding them.
there is much more to worry about in Waterlooville than pigeons!!

Pigeons are essentially vermin, dirty and unhygieic. Dropping atr unsightly and , slippery and also cause a health hazzard. Stopping people feeding them is only half of the solution. There should be a cull to reduce numbers.
People should stop feeding pigeons
I didn't know the was a pigeon order. I rarely go to the town centre
The ban has had been a major benefit to us where we live on the St Michael's Place estate
Not really there has been a definite improvement
Feeding appears to be confined to several individuals, purchase seed and spread around early in the day
Public feeding of pigeons should not happen anywhere, it's unhealthy and pigeons should be fishing for their own natural food. It would have been helpful to know how many people have been caught and fined and if there were repeat offenders.
Notices on bins large "Food Waste"
Never seen the pigeon warden but seen people on many occasions feeding them especially in the area of poundland.s
More regular patrols of the reinforcement officer
They are an absolute nuisance as well as disease carriers.
This whole thing with pigeons has been going on in all shopping precincts for a number of years now and no matter what is tried apart from the total eradication of an entire species it will never change. All this fining of people is only a way to generate monies for the local councils coffers.
Pigeons, carry diseases don't like walking under the trees where I might get crap done and getting the crap on my shoes
I think the fine should be higher than £100
If you get rid of the pigeons in Waterlooville town centre then you get rid of 90% of users of Waterlooville town centre. HBC has annihilated WTC by bad planning, bad design and deterring visitors and shoppers. What was once a pleasant village-type area is now nothing but a concrete, soulless suburb that only excels in its unattractiveness
All feeding of pigeons should be stopped they, along with sea gulls are a complete nuisance and people should stop feeding them.
I have seen people throwing food for the pigeons. How are they to be stopped/caught? Who is there to catch them. If you remonstrate with them you either get a shrug of abuse.
Has anyone been fined ?
I hadn't realise that there was a order but in reflection when I have visited there has not been many pigeons about
Make sure that the notices are clearly visible
Pigeons have no effect on my experience in the town centre.
We also have a problem with crows in Leigh Park. Residents keep deliberately feeding them. We had over 50 crows in our road recently, they make a terrible mess when roosting at night.
Since it was set up, how many non-compliances have been subject to a FPN? This information should be in the intro of the survey.
They bring life to the town.
I didn't know there was a restriction. It should be more clearly signposted.
It would be helpful to know how many fines have been issued as a result of this order.
The area should be extended as pigeons are a problem across a wider area, they regularly fly into and hit windows and make a lot of mess in many parts of the borough.
Needs enforcing more. We stopped coming often as always being defecated on or pigeons flying at us because of the few who keep feeding them

Clean up the droppings
We are very grateful to the council for imposing such restrictions which need to continue to prevent a re-occurrence
Get a hawk patrol on a regular basis
Pigeons have their place but it is all the waste food that brings them to the precinct. Litter is a bigger problem everywhere.
Enforce the order and display the number of prosecutions to deter others
Continue the PSPO.
Whole centre needs sorting out!
ENFORCEMENT early in day
We live in the clock house and park our car in the car park behind. The pigeons all sit on the roof and our cars get covers in mess, it is disgusting and causing paint work problems on our car.
It is not effective because nobody is monitoring.
The town centre is cleaner now. It used to smell and be slippery, but has greatly improved with the PCSO. I can sit outside Weatherspoon or Costa and not worry about them
The order needs to be enforced more vigorously
Pigeons are rats of the air.
i have actually heard people in restaurants asking for scrapsto feed pigeons and say they will continueto do it
Enforce the PSPO much earlier in day - before shops open
Fines should be increased and more frequently imposed. Pigeons and their mess are a big problem in Waterlooville Town Centre
I find it traumatic walking down the precinct with pigeons flying low especially when children chase them
they have become a complete nuisance and should be culled or numbers reduced.
People treat pigeons like vermin. They are part of our wild life which we should value and protect.
All birds need all the help they can get and it would be nice to see bird baths in the centre as well plus bird feeders on the trees.
Pigeons are still animals. They need food to survive. I honestly do not see the harm in feeding them. To give people a £100 fine during the cost of living crisis because they are feeding a living and breathing animal is just disgusting.
I don't understand the issue. I visit Waterlooville but live in Southsea where we also have loads of pigeons in the precinct and we happily coexist. The birds aren't doing any harm.
Mostly elderly and young children who like to feed pigeons, which is a shame to prevent them. There are bigger problems such as littering and damage to the abandoned units
No
Seriously. I just despair. Of all things to be talked about this is a priority. Awful.
town centre is not the pigeon shit. The lack of funding and interest over the years is the problem. As time goes on and our high streets are dying, Waterlooville has been neglected. It looks like something out of Chernobyl except the only things that survived were a Costa and a hundred million charity shops. Sort it out please it's embarrassing.
That ITV news show was ridiculous. That mans balcony they were trying to say was ruined by pigeons was a tip already. Pigeons s*** they don't fly tip on your f***** balcony it's embarrassing and makes the town look like a joke.
Can the council feed them with something that makes them sterile? That way the current generation of the problem will hopefully be the last

People are constantly feeding the Pigeons daily landlord is trying his hard along side his tenants. They have recked guttering new windows and the council don't seem to do anything about it.
Is there any way we could make them infertile?
I also believe that the flat top roofs of the building around the area make it very easy for the birds to perch, I also feel that they reproduce quicker then they die which is a huge issue, I think if more spikes where out around the tops of the building making it harder for them to next and perch this would help with reducing them sitting around the town centre as much
Other methods to reduce the pigeon population should be implemented. They are still a nuisance to shoppers, residents and businesses. The damage being caused by pigeon droppings is contributing to making the town centre an eyesore. With other regeneration projects underway, this problem needs to be dealt with ASAP.
Not any good extending ban if it's not enforced as I've seen bird food scattered there
pigeons leave a mess with there faeces it is very unpleasant to walk on and can be slippery in the rain i have seen children falling on it which is very unhealthy so i think if people stopped feeding them after all there is enough food left lying about from takeaway meals .i think every measure should be taken to eradicate them altogether
more anti pigeon spikes on buldings. More bins located near food outlets
Those feeding the pigeons get very abusive when spoken to, I've never seen anyone being challenged by council officials
Until this was mentioned, as a business owner, I had no idea that this PSPO even existed so I can honest say that I don't think it's been really effective so far as it isn't a known about thing.
I have never seen any one enforcing not to feed pigeons
Pigeons are vermin and should be treated as such
More notices about fines for offenders.
Pigeons droppings cary disease
A more robust solution is required
Destroy all the pigeon nests, kill every single pigeon - rid the area of every disgusting useless bird
They should be culled as their droppings are a serious health hazard.
Pigeon feeding increases excretion that also increases rodents, hence PSPO should continue
more cleaning is needed
Havant should extend the scheme to Havant and Emswoth- terrible mess to walk through made from pidgeon droppings above shop doorways and windows. Shop keepers try to keep clear but there are just too many of them breeding. It also smells dreadful. They are vermin and all feeding by public should be banned. Numbers would naturally return to normal numbers. New buildings should have preventative nesting methods applied when build in Havant.
Not only are they a nuisance in Waterlooville town centre but also in a large surrounding area.
Havant centre have nut dealt with the pigeons and it's dirty at least water looville is cleaner with fewer numbers of pigeons.
I love pigeons. They deserve more respect. They should have a designated feeding spot for all birds.
Please do not put any spikes on buildings as this a cruel method and does not discriminate other wildlife and causes injuries. I don't feed the birds as it will encourage rats, but i think you should be planting and replacing the trees that have cut down recently to make it a nicer place to visit. I like seeing the bird

As a longstanding business owners (since 1998), our observations of the situation have been steadily maintained and individuals who maintain they're "lovely" to have around are very likely only visitors to the area so their awareness of the problem is going to be limited, if at all.
I'm a resident in Durley Avenue, Cowplain. I've been feeding wild birds in my garden for about 20 years now. In July this year I started getting 'town pigeons' and currently have 4 that come regularly. Could it be that these pigeons are looking further afield for their food? If this is the case and these pigeons come from the Waterloo town centre, it means that the problem is being moved from the centre to other areas and will start to be a problem here.
Cruel and pathetic
Bottom line pigeons are vermin and should NOT be encouraged rather discouraged - even if that means a system of culling!
They are disease carrying birds - filthy
Need to remove litter in precinct as that attracts pigeons. The whole area is dirty and depressing and needs investment
Does not seem to be any enforcement at all. People openly feed the pigeons whilst sat on seats outside eateries. Have seen one gent buy seed from Poundland and scatter same around precinct on a regular basis. Get tougher, the place is a mess!
The PSPO is partially ineffective because a) litter louts still throw food about b) benches under the trees suffer from droppings c) Some pavements near the corners of buildings are difficult to walk through
Need humane extermination
You should come down harder and stop people feeding the pigeons. This would make a big difference
There are not many signs, if any, asking people not to feed pigeons. They would probably be as ineffective on the 'No Cycling' signs!! No-one seems to care anymore
It would be worth extending the PSPO if it could be enforced. The pigeons are still being fed and nothing seems to be done about it.
Absolutely a waste of Council Tax payers money
More likely to visit with the cheeky little pigeons hopping around eating any crumbs and scraps they find, so sad to see them persecuted.
The pigeons aren't an issue at all. They are will find food anyway. They actually make Waterloo town centre more aesthetic.
Better monitoring of the precinct to stop people feeding the pigeons and cafe owners/ bars to clean up their outside space of food etc on closing. If it's kept clean perhaps the pigeons will find somewhere else to go.

Figure 51 - Full responses from respondents to Q9. If you have any further comments or suggestions in relation to this, please state below



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<b>Name of Committee:</b>	Cabinet		
<b>Committee Date:</b>	6 <sup>th</sup> March 2024		
<b>Report Title:</b>	Quarter 3 Financial Report & Budget Monitoring		
<b>Responsible Officer:</b>	Steven Pink – Chief Finance Officer & S151 Officer		
<b>Cabinet Lead:</b>	Councillor Bowdell – Cabinet Lead for Finance		
<b>Status:</b>	Non-Exempt		
<b>Urgent Decision:</b>	Yes / No	<b>Key Decision:</b>	Yes/ No
<b>Appendices:</b>	Appendix A – Q3 (M9) Budget Monitoring Dashboard Appendix B – Q3 (M9) Performance Dashboard & Corporate Priorities Update Appendix C – Q3 (M9) Capital Programme Monitoring Appendix D – Q3 (M9) Prudential Indicators		
<b>Background Papers:</b>	None		
<b>Officer Contact:</b>	Name: Steve Pink Email: steven.pink@havant.gov.uk		
<b>Report Number:</b>	HBC/85/2024		

**Corporate Priorities:**

The financial performance of the authority's budget has an overarching impact on all corporate priorities and the Council's ability to deliver against them.

## Executive Summary:

The anticipated overall outturn position is a £1.5M operational overspend. However, after inclusion of the in-year corporate contingency fund, the net revenue budget overspend is £0.8m.

The deficit has increased from Quarter 2 by £597k. The Council has been facing unprecedented costs pressures across the service areas, including temporary housing (£877k), Parking Service (£237k), Planning and Licensing Service (£407k), 5 Council contract (£130k), Property Services (£883k) and Human Resources (£104k) this has been offset by the additional income generated through the treasury management policy (the interest on investments has exceeded the budget by approx. £1M). In addition there have been some other favourable variances across some of the service areas. The overspend will be transferred to the General Fund Reserve at year-end.

In summary some of the anticipated overspend has been driven by legacy costs arising from the exit of the partnership with East Hampshire District Council and from the unavoidable operational costs and contractual increases to become a stand-alone Council. The budget for 2024/25 has incorporated the legacy and unavoidable cost issues where appropriate. Work will continue with the services to look for efficiencies going forward to bridge the budget gap for future years and to protect the reserves during the Medium-Term Finance Strategy (MTFS) period.

It should also be noted that the forecast estimates on a prudent basis, and that a number of key lines may perform better than forecast. For example, the investment income has scope to deliver an additional £120k depending upon market rates and daily cash balances.

Please refer to Appendix A for the specific outturn position against each Directorate and for a more detailed variation analysis for each service area.

## Recommendations:

Cabinet is requested to note:

1. Q3 2023/24 The Revenue Forecast Outturn (Appendix A)
2. Q3 2023/24 Performance Information (Appendix B)
3. Q3 2023/24 Capital Programme Monitoring (Appendix C)
4. Q3 2023/24 Prudential Indicators (Appendix D)

## 1.0 Introduction

- 1.1 This paper is submitted to Cabinet to note the financial and performance position of the Council as of quarter three of the 2023/24 financial year.

## 2.0 Background

- 2.1 It is a recognised requirement of the Council's governance procedures that a report on the financial performance of the Council is presented to Cabinet on a quarterly basis.
- 2.2 The Council has been through a significant transformation programme in exiting from its partnership with East Hampshire District Council (EHDC). Quarter 3 of the 2023/24 financial year allows us to develop our understanding of the changing landscape since becoming a stand-alone Local Authority once again. Especially considering the operational and contractual implications.
- 2.3 There are still some financial impacts of the change process present, but these are better understood and being reviewed constantly by management to mitigate the financial risks where possible.

## 3.0 Revenue Budget Monitoring

- 3.1 Based on financial data up to 31<sup>st</sup> December 2023 (month 9, or the end of Quarter 3). The Council's forecast outturn position for the year ending 31<sup>st</sup> March 2024 is anticipating an operational overspend of £1.5M.
- 3.2 After inclusion of the in-year corporate contingency fund, the total overspend is reduced to £0.8m. This fund is part of the Council's £15.6m revenue budget agreed at Full Council in February 2023 for the 2023/24 financial year. It was set up to deal with in-year pressures mostly relating to the nationally agreed pay award (both for directly employed staff and for the impact upon staff employed by Norse).
- 3.3 Further amounts may need to be transferred by virement from the fund to the operation budget lines to cover some of these emerging pressures. This would reduce the operational overspend but the total overspend would remain the same £0.8m.
- 3.4 The table below shows the forecast by Executive Service area.

Directorate	Sum of Annual Budget	Sum of YTD Actual	Sum of Full Year Forecast (FOT)	Forecast Over (-)/Underspend	Movement
Coastal Partnership	445,504	1,069,481	371,671	-73,833	↑
Commercial	6,992,793	8,451,998	7,962,785	977,448	↓
Internal Services	4,768,211	4,684,948	3,940,775	-827,436	↓
Place	2,008,631	1,897,977	2,364,540	355,909	↓
Housing & Communities	1,494,085	476,922	2,388,291	894,206	↓
Regeneration	-843,465	-3,919	-595,020	248,445	↓
<b>Grand Total</b>	<b>14,865,759</b>	<b>16,577,406</b>	<b>16,433,041</b>	<b>1,574,738</b>	<b>↓</b>
Corporate Reserves (in-year pressures)	768,572	0	-768,572	-768,572	↑
<b>Total</b>	<b>15,634,331</b>	<b>16,577,406</b>	<b>15,664,469</b>	<b>806,166</b>	<b>↑</b>

3.5 The next table shows the forecast by spend category.

Spend Category	Sum of Annual Budget	Sum of YTD Actual P6	Sum of Full Year Forecast (FOT)	Sum of Forecast Variance
Direct Staffing	15,299,924	10,931,847	14,710,043	-589,881
Staffing Costs	-46,241	1,218,801	1,487,595	1,533,836
Premises Costs	1,702,637	1,786,845	2,156,117	453,480
Vehicle Costs and Travel	130,010	58,448	107,564	-22,446
Income	-47,340,188	-29,828,969	-42,834,373	4,505,815
Contract Payments and recharges	19,392,344	12,299,196	15,296,521	-4,095,823
Supplies and Services	6,760,752	6,113,757	8,788,899	2,035,603
Statutory Payments	23,956,904	16,574,672	21,952,916	-2,003,988
Recharge Income	-4,032,383	-2,577,190	-4,032,241	142
Depreciation	0	0	0	0
Movement to Reserves	-958,000	0	-1,200,000	-242,000
Premises Costs - Utilities	0	0	0	0
<b>Total</b>	<b>14,865,759</b>	<b>16,577,406</b>	<b>16,433,041</b>	<b>1,574,738</b>

3.6 Further detail on the breakdown of the forecast by Executive and Service area can be found in the Budget monitoring dashboard in Appendix A. This dashboard is now produced monthly and reported to the Executive Leadership Team and key Cabinet Leads to ensure greater awareness and so that any urgent action can be taken as soon as identified.

## 4.0 Capital Programme



4.1 The Council approved its 2023/24 Capital budget in February 2023. Current capital projects Include:

- £1.6M for the demolition of Bulbeck Road Development
- £80k for new capital spend on Springwood Play Park funded by UKSPF.
- £100k in relation to Changing Places - Accessible Toilets
- £100k Garden Waste Program
- 80k Open Space & Play Area improvement.
- £1.6M (revised circular received for 1.9M) – Disabled facilities Grant.
- £425k Hayling Island Beach management
- £456K Langstone repairs and FCERM

4.2 Further detail on the monitoring of capital spend can be found in Appendix C

## 5.0 Aged Debt

5.1 Between Quarter 1 and 3 the movement on the Aged Debt has reduced by £256k, which is the net effect of invoices not paid to the Council between quarters.

5.2 As demonstrated by the analysis below, the debt is ageing mainly by the increased balance in 31-90 days.

Date	Balance	Within 30	31-90	91-180	181-365	Over 1 Year	Over 2 Years
01/07/2023	1,437,117	435,894	72,891	125,456	122,108	155,136	525,633
02/10/2023	1,840,648	514,125	396,016	51,730	168,763	188,545	521,469
02/01/2024	1,584,536	524,401	121,066	53,980	126,449	209,852	548,788
<b>Diff on Q2</b>	<b>-256,112</b>	<b>10,276</b>	<b>-274,950</b>	<b>2,250</b>	<b>-42,314</b>	<b>21,307</b>	<b>27,319</b>
		2%	-69%	4%	-25%	11%	5%

5.3 £14k has been written off this quarter.

5.4 Debt collection and accounts receivable (AR) was identified via our internal audit function as an area of concern. An improvement plan was drawn up in June including a new policy and several processes. This is now in action, but it will take further time for these new processes to be embedded into daily operations.

## 6.0 Prudential Indicators

- 6.1 The Council measures and manages its capital expenditure and borrowing with reference to a series of prudential indicators.
- 6.2 It is now a requirement of the CIPFA Prudential Code that these are reported on a quarterly basis, and you can see these indicators in detail in Appendix D.

## 7.0 Performance

- 7.1 A summary of the quarter's key performance indicators is included in Appendix B and shown in our corporate performance scorecard.
- 7.2 Housing: The number of households being placed in temporary accommodation continues to show a welcome trend downwards – in Q3 it was around one quarter of what it was in Q1. However, the average length of stay in temporary accommodation has increased, suggesting that although initial demand has decreased, there are still issues with moving households on from temporary accommodation. This is reflected in the number of lets agreed via Hampshire Home Choice which was also much lower than previous quarters. Work is ongoing within the team to review the process of allocations and placements to understand how this can be improved.
- 7.3 Information Governance: Response times for information requests are within target apart from 1 Subject Access Request being late. New metrics included in Q3 for internal reviews (a FOI/EIR requester can request an internal review if they are not happy with the information disclosed by the council in response to their request).
- 7.4 Communications: The number of website visitors has increased again in Q3 to more than twice what it was in Q3 last year (from around 64k to 144k). We are reviewing the data available for digital engagement on all our communications channels (social media, website, mailing lists etc) with a view to providing further detail from Q4 onwards.
- 7.5 Environmental Services: Following further work on a suite of KPIs for services provided by Norse SE we are now able to report significantly more data in the corporate quarterly reporting than this time last year. Generally, this data shows positive trends – for example the number of missed bins has decreased since the start of the financial year and is now approaching the target figure of 100 missed bins per 100,000 opportunities (an industry standard metric) averaged across all waste categories, for the first time on record. There is also consistently good performance for bulky waste collections.
- 7.6 In depth analysis of recycling and contamination data from Hampshire County Council sampling, provided in a dedicated dashboard, will enable the Client Liaison team to monitor the impact of education/awareness campaigns.

- 7.7 Property: The number of vacant units has increased in the last two quarters but the % of vacancies by floor area remains low. Further detail around the performance of the portfolio will be included in future reporting after the implementation of the property asset management system.
- 7.8 Customer Services: Following a corporate push on complaints, the number of received complaints continues to show an encouraging trend (reducing from 230 in Q1, 117 in Q2, 82 in Q3). Response times have also improved with 93% of complaints being responded to within the SLA in Q3.
- 7.9 Revenues and Benefits: Council tax and NNDR collection rates are on target for year-end performance.
- 7.10 Planning: New metrics for pre-applications have been added following Cabinet feedback on Q2 report – the number of enquiries received and the % responded to within the target timeframe. This is a significant fee earning area for the council so will be useful to understand the service levels.
- 7.11 There has been a temporary change to measure validation within 10 working days (rather than 3) to reflect staffing pressures. Staff have now been recruited but will take time to train and clear backlog. 50% of major applications were not decided in time (but that only represents 1 application) and discharge of conditions applications remain low, but other decision metrics met targets.
- 7.12 Building Control: All metrics are within target. In Q4 we will be reviewing metrics in accordance with the reporting requirements of the Building Safety Regulator (a new branch of the Health and Safety Executive).
- 7.13 Environmental Health: We have added a number of new metrics for Q3 covering service areas including pest control, food and safety, licensing etc to add to data on Disabled Facilities Grants. Work is ongoing to establish expected service levels and extract further information from Acolaid, focusing on high risk, high priority aspects of the service such as DFGs.
- 7.14 Neighbourhood Quality: We are now providing further detail on fly tipping enforcement actions, with further detail to come. Performance improvements can be seen from Q2 to Q3 with the number of warning letters sent increasing from 5 to 21 and the number of Fixed Penalty Notices increasing from 1 to 5.

## **7.15 Corporate Priorities**

- 7.16 Appendix B also details progress against our corporate priorities with an overview and a RAG (red, amber, green) status. The RAG status shows how the priorities are performing against their timeline, budget and agreed scope/quality. Using the RAG status is an effective way to track and control progress. By identifying amber and/or red status it allows for identification of areas of risk, issue or concern. During a project lifecycle there are invariably times where issues or concerns are raised and therefore, we would expect to see some areas rated as either amber or red as it shows effective project controls are in place to highlight risks/issues/concerns. Each status is accompanied by an arrow showing the trajectory of the status since the previous report. Members shall note that there has been a change in trajectory in respect of two priorities. Further detailed commentary in respect of these priorities has been provided below.

*Langstone Flood and Coastal Erosion and Risk Management Scheme*

- 7.17 The objective of this project is to construct a flood defence scheme in Langstone. There remains a concern around the affordability of being able to deliver the programme and the team continue to seek additional funds to close the funding gap. This additional work has further led to potential timing delays as all options are explored.
- 7.18 *Environmental Act Changes*
- 7.19 The objective of this project is to plan and implement changes in response to the Environment Act as well as consideration of the future Environmental Services contract.
- 7.20 Due to the uncertainty of timescales and scope of the Consistent Recycling Regulations and wider Environmental Act policies there remain concerns with the deliverability of the project. The team are continuing to review the likely impacts of the recycling regulations and to work with stakeholders, such as Hampshire County Council to fully address these issues.
- 7.21 At present the remaining corporate priorities are progressing as detailed in the summary in appendix B. Information is collected regularly on progress against the priorities and reported to senior management and Cabinet.

## **8.0 Conclusion**

- 8.1 The overall deficit from the previous quarter has increased by £597k. Costs have risen in all Executive Service Areas apart from the Coastal Partners. Please refer to Appendix A for further analysis.
- 8.2 More work is needed to reduce the anticipated overspend. The Council will look to maximise the remaining treasury funds, further

reducing agency spend, improving the use of grant income and the careful management of vacancies which could reduce the forecast overspend.

- 8.3 Parking and planning incomes are fluctuating wildly and unsecure, and the volumes of temporary housing requirements could be significantly impacted by changes to the economic climate as much as they can by the severity of our winter months. The current forecast is making prudent assumptions as to avoid any unwelcome surprises.
- 8.4 The budget for 2024/25 has been prepared to incorporate the legacy and unavoidable cost issues from the breakup with EHDC. Work will continue with the services to look for efficiencies going forward to bridge the budget gap for future years.
- 8.5 Benchmarking of the performance indicators are showing Council as generally achieving around the sector average for the majority of metrics. This suggests the health of the Council's operating activities in in a good condition. There are still some areas of concern and the processes for monitoring, challenging, and improving performance across the Council are under continual review.

## **9.0 Options**

- 9.1 This report is submitted to Cabinet to note the financial and performance position of the Council as of quarter three of the 2023/24 financial year. Finance and performance monitoring is an important requirement of the Council's open and transparent governance procedures. Whilst, the report is note, the report provides a wide and comprehensive overview of the Council's finance and performance position. Following careful consideration, the Cabinet may highlight areas for further exploration and reporting.

## **10.0 Relationship to the Corporate Strategy**

- 10.1 Strong financial oversight and management and a fair allocation of resources plays an important role in the delivery of our Corporate Strategy.
- 10.2 It would also be very difficult to measure performance in delivering core services and strategic priorities without understanding the financial context.

## **11.0 Implications and Comments**

- 11.1 S151 Comments

Members should be aware that the increase in the overspend from Quarter 2 has been largely driven by greater understanding of the cost drivers and uncovering of pre-existing issues.

There remain concerns that plans to control the overspend during the year have not achieved the intended cost reductions in a timely manner. However, much of this has now started to be put in place and is expected the full reductions will be achieved before the start of the new financial year.

It is important that the Council continues its efforts to bring the ongoing monthly costs to within the agreed budget by the year-end.

## 11.2 Financial Implications

There are no direct financial implications from the report itself, but failure to recognise the financial position of the Council and take measures to limit its exposure the forecast overspend would have secondary financial implications.

### Monitoring Officer Comments

## 11.3 This paper is submitted to Cabinet to provide strategic overview of the Council's performance during Q3 2023/24 and, in part, relates to priorities in the Council's Corporate Strategy.

It is important for the openness and transparency of local government that budget and performance data is published in a clear and accessible way.

## 11.4 Legal Implications

There are no specific legal implication arising from this report.

## 11.5 Equality and Diversity

These recommendations comply with our internal Equality and Diversity policy and practises where applicable.

## 11.6 Human Resources

These recommendations have been considered in line with current HR policies and best practise.

## 11.7 Information Governance

These recommendations have been considered in line with current information and governance guidelines.

## 11.8 Climate and Environment

## 12.0 Risks

12.1 Failure to track and monitor the budget regularly would put at risk the Council's ability to manage its finances and take appropriate action in a timely manner if required to mitigate any financial risks identified.

## 13.0 Consultation

13.1 Not applicable

## 14.0 Communications

14.1 Not applicable

<b>Agreed and signed off by:</b>		<b>Date:</b>
<b>Cabinet Lead:</b>	Cllr N Bowdell	24/02/2024
<b>Executive Head:</b>	Matt Goodwin	23/02/2024
<b>Monitoring Officer:</b>	Jo McIntosh	23/02/2024
<b>Section151 Officer:</b>	Steven Pink	13/02/2024

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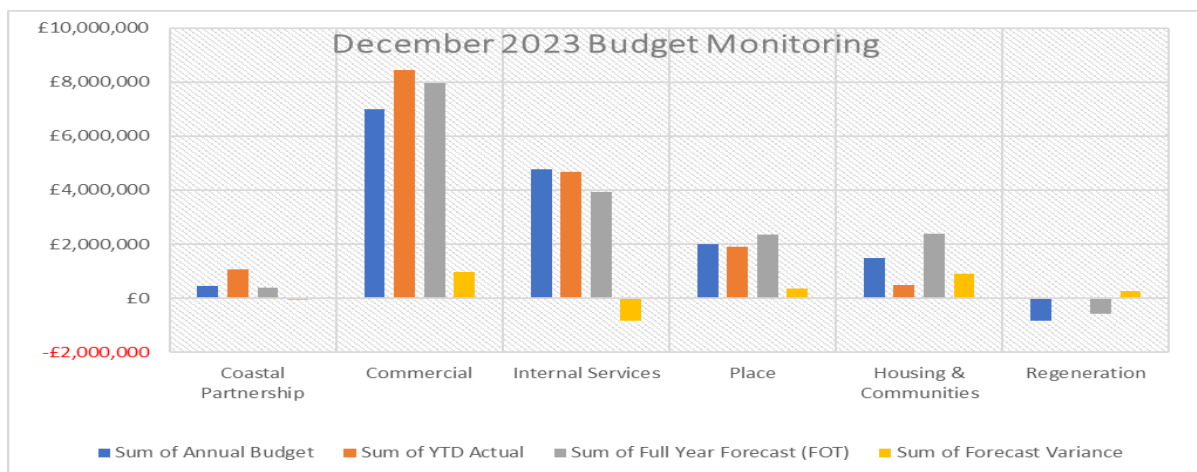
## Financial Performance and Forecast Outturn Report

<b>Month:</b>	Quarter 3 - 2023
<b>For Actuals up to:</b>	Quarter 3 – P9 – December 2023
<b>Report Author:</b>	Louise Thornton-Turp

### Executive Summary:

Havant Borough Council's net revenue budget forecast £1.57m operational overspend. However, after inclusion of the in-year corporate contingency fund, the net revenue budget overspend is £0.8m by the year ending 31<sup>st</sup> March 2024. This is set against a cash limited budget of £15.6m.

Directorate	Sum of Annual Budget	Sum of YTD Actual	Sum of Full Year Forecast (FOT)	Forecast Over (-)/Underspend	Movement
Coastal Partnership	445,504	1,069,481	371,671	-73,833	↑
Commercial	6,992,793	8,451,998	7,962,785	977,448	↓
Internal Services	4,768,211	4,684,948	3,940,775	-827,436	↓
Place	2,008,631	1,897,977	2,364,540	355,909	↓
Housing & Communities	1,494,085	476,922	2,388,291	894,206	↓
Regeneration	-843,465	-3,919	-595,020	248,445	↓
<b>Grand Total</b>	<b>14,865,759</b>	<b>16,577,406</b>	<b>16,433,041</b>	<b>1,574,738</b>	↓
Corporate Reserves (in-year pressures)	768,572	0	-768,572	-768,572	↑
<b>Total</b>	<b>15,634,331</b>	<b>16,577,406</b>	<b>15,664,469</b>	<b>806,166</b>	↑



## Management Response:

Havant Borough Council has been facing unexpected cost pressures across service areas, including temporary housing, parking services and commercial services. Some legacy costs after the separation from East Hampshire have negatively impacted the first half of 2023/24. These are being worked through to bring the baseline spend down to budgeted levels.

The major demand led pressure comes from homelessness and temporary housing. This overspend must be tackled in a strategic way and some elements are outside of the Council's control.

The Executive concludes to undertake a financial review of these areas and requires regular reports to cabinet to support evidenced based decision making.

Coastal Partnership	Sum of Annual	Full Year			Movement
	Budget	YTD Actual	Forecast (FOT)	Forecast Variance	
CELT	330,718	352,028	251,887	-78,831	↑
Coastal	1	582,007	-0	-1	↔
HBC Coastal	114,785	135,446	119,785	5,000	↓
<b>Coastal Partnership Total</b>	<b>445,504</b>	<b>1,069,481</b>	<b>371,671</b>	<b>-73,833</b>	↑

## Management Response: Coastal

**CELT:** The £78K underspend is a result of having two posts being vacant since September (approx. £50K) and a surplus of income as a result of 22/23 income being received in this financial year (Approx £25k)

Other CELT operational costs (training, IT, mileage etc) have been reviewed as yearend approaches to identify where expenditure is unlikely to occur this year. Spend on CELT asset maintenance, such as drainage, environmental enhancements, and street furniture, is currently on plan to be spent in full.

Staff have been focussing on external fee income generating projects. Income is charged quarterly in arrears.

£26.5K of CELT's forecast underspend has been agreed to be used as a contribution towards completing the works at Havant Rugby Club MUGA Car Park.

**Coastal:** This budget is for the operations of Coastal Partners and has a zero cost. Havant Borough council's contribution to the partnership is shown under HBC Coastal.

Income, approx. £750K per quarter, is charged in arrears.

**HBC Coastal:** During Q3, following storm Ciaran, damage occurred to Broadmarsh revetment requiring £5K of additional costs.

The Environment Agency funds planned beach management activities such as shingle recycling through Flood Defence Grant in Aid but does not cover the funding of repairs and maintenance works. These smaller scale repairs are funded

through the revenue budget. The £57.6K coastal asset maintenance budget is fully committed early in the financial year. The revenue budget covers some small reactive works and typically one item of maintenance works. If there is a need to respond to significant failures of the fragile structures for H&S issues it will require alternative HBC funding.

This budget also includes the council's annual contribution to the Coastal Partnership (net cost of £54K)

Commercial	Sum of Annual	Full Year			Movement
	Budget	YTD Actual	Forecast (FOT)	Forecast Variance	
5 Councils Staff and Contract	1,643,752	2,628,779	1,773,820	130,068	↓
Digital	1,539,497	1,137,281	1,552,491	20,450	↓
Environmental Services	4,692,910	5,077,673	4,598,545	-94,365	↑
Procurement	144,124	133,828	182,589	38,465	↓
Property	-1,027,490	-525,563	-144,659	882,831	↓
<b>Commercial Total</b>	<b>6,992,793</b>	<b>8,451,998</b>	<b>7,962,785</b>	<b>977,448</b>	<b>↓</b>

## Management Response: Commercial

- **5 Councils Staff & Contract:**
- GIS System from HVMARK £95k Audit Fees not in budget £35k re split from EHDC.
- **Digital:**
- Astun software not budgeted for 22/23 £9.5k & £9.75k 23/24
- **Environmental Services:**
- Contract costs in-year exceeded the original budget due to the it being agreed after the council's budget setting process £351k. This has been offset by additional income received for dry mixed recycling which includes the previous financial year (£445k).
- **Procurement:**
- Contract £38k overspend, negotiation to bring back inline underway.
- **Property:**
- Agency Fees, recruitment of permanent staff underway £418k. (6 months of costs adjusted as funded from reserves)
- Underspend on salaries due to vacant posts (£104k.)
- Utilities inflation & rate increases £33k.
- Reduction of parking budget as duplicated in regeneration £120k.
- Meridian service charges not included in budget £279k.
- Valuation fees not in budget £81k.
- Delayed income for the lorry park, formaplex, void properties and under on income – £249k.
- Budgeted -(£242k) for MRP loan repaid in full so not required.
- CIVICA (PAMS) funded from reserves but short fall of £49k

Housing & Communities	Sum of Annual	Full Year			Movement
	Budget	YTD Actual	Forecast (FOT)	Forecast Variance	
Communities	646,408	151,104	663,501	17,093	↓
Housing	847,677	325,817	1,724,790	877,113	↓
<b>Housing &amp; Communities Total</b>	<b>1,494,085</b>	<b>476,922</b>	<b>2,388,291</b>	<b>894,206</b>	<b>↓</b>

## Management Response: Housing & Communities

### Communities:

Play area maintenance not budgeted for previously done by Norse but not in their SLA & Citizens Advice Bureau Grant not budgeted for correctly in 23/24. The play area repairs burden has been addressed in budget setting for 24/25 onwards. There has been a small uplift agreed in budget setting for Citizens Advice. Officers will be working with CA on their financial sustainability for 24/25 & 25/26 as remaining years of the SLA.

### Housing:

The anticipated overspend of £877k. The service has seen a continued demand for interim and temporary accommodation (**please see table and graph below to show the seasonal variations due to cold weather between Q1-Q3**). Although the team have been focussing on prevention and moving people on to settled accommodation, we continue to have a duty to house people either with a relief or main duty in temporary accommodation with 42 new placements in Q3.

Placements have been reducing compared to Q2 when we placed 107 but those numbers in interim and temporary accommodation remain high. This pressure is common across the Hampshire region.

It should be noted that there are associated financial pressures on the Council including paying for storage for household items and payment for customers rental deposits and rent in advance. These costs continue to be high but are necessary as they are a duty under the Homeless Reduction Act 2017.

There has been an increase in demand due to cold weather including implementation of the Severe Weather Emergency Protocol (SWEP) for 6 days in November/December 2023. There has also been an increase in non-SWEP presentations as people self-refer to the service during the winter months. SWEP clients are usually housed for just a few days, but costs are high as hotels are commonly used. This often causes a challenge with profiling interim and temporary accommodation spend during Qs 3&4. The team will be developing an accurate winter profile for 2024, including using historical data to predict the impact of SWEP.

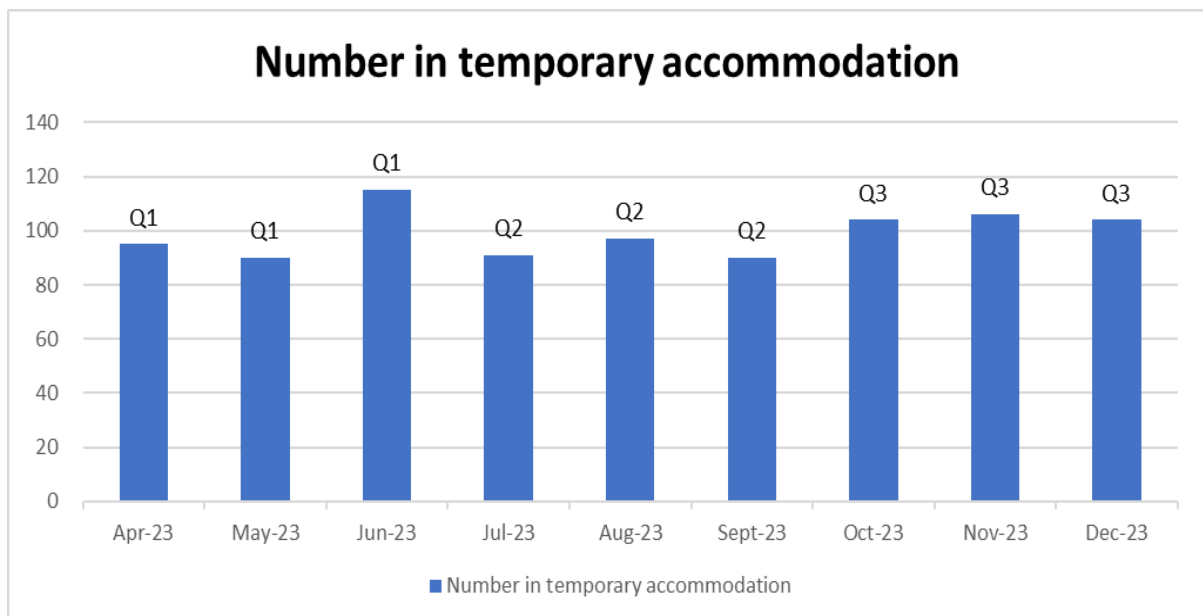
There has been a fall in Hampshire Home Choice lets and affordable housing delivery for Q3. With 34 lets for Q3 2023 compared to 60 in Q2 2023 and 142 in Q1 2023. In addition to this drop in Registered Provider available properties, new affordable homes last peaked in Q4 2022 at 88 and was just 40 in Q3 2023, unfortunately this trend continues into Q4 with only 20 affordable home due to practically complete before 31 March 2023. Forecasts for 2024/25 show 60 affordable units so challenges around supply are still an issue. This has been recognised in the Housing Strategy as we seek to find ways to effectively enable and stimulate affordable housing supply in the borough.

In addition to the above the average days in interim & temporary accommodation have increased having more than doubled from 221 days in Q2 to 534 days in Q3. There has also been an increase in households spending more time in Bed & Breakfast accommodation. This log jam can be explained by the decreases in available move on accommodation as detailed above, but the team are also tackling the housing challenges presented by some long-term ex-offenders with high support needs. Fortnightly case meetings have been set up to examine these cases in detail and to develop appropriate solutions to move these cases from

temporary accommodation into settled accommodation. These meeting are chaired by the Executive Head of Housing and Communities.

The Council has also agreed to acquire temporary accommodation to be owned by the Council and managed in partnership. The acquisition of its own temporary accommodation will enable the council to control overheads and maximise housing benefit contributions. This will have an impact on predicted variance in the cost of housing in the longer term.

Quarter	Month	Number in temporary accommodation	Temporary accommodation cost	Homelessness Cost	Total Cost
Q1	Apr-23	95	125,427	67,448	192,875
Q1	May-23	90	220,113	24,714	244,827
Q1	Jun-23	115	235,986	33,620	269,606
Q2	Jul-23	91	230,413	39,370	269,783
Q2	Aug-23	97	264,541	46,780	311,320
Q2	Sept-23	90	141,944	10,797	152,740
Q3	Oct-23	104	295,575	20,458	316,033
Q3	Nov-23	106	285,374	-91,316	194,058
Q3	Dec-23	104	232,568	28,927	261,494
<b>Housing Total</b>	<b>Housing Total</b>	<b>892</b>	<b>2,031,939</b>	<b>180,797</b>	<b>2,212,736</b>



Internal Services	Sum of Annual Budget	YTD Actual	Full Year Forecast (FOT)	Forecast Variance	Movement
Corporate Support	177,940	113,575	147,661	-30,279	↓
Democratic	584,921	449,876	586,731	1,810	↑
Elections	333,797	300,081	384,116	50,319	↑
Emergency Planning	71,664	68,774	86,987	15,323	↑
Executive Office	1,118,454	957,969	1,217,147	98,693	↓
Facilities	471,693	370,315	486,252	14,559	↑
Finance	1,314,549	933,457	1,332,072	17,523	↑
Finance - Interest on Investments	-1,225,461	0	-2,350,000	-1,124,539	↔
Human Resources	337,156	304,540	441,552	104,396	↓
Legal	478,383	385,797	517,885	39,502	↓
Mayoral	107,441	76,738	101,834	-5,607	↑
Strategy Unit	997,674	723,827	988,539	-9,135	↑
<b>Internal Services Total</b>	<b>4,768,211</b>	<b>4,684,948</b>	<b>3,940,775</b>	<b>-827,436</b>	<b>↓</b>

## Management Response: Internal Services

### Internal Services:

Internal Services are forecast to underspend against budget by £719k, which is primarily driven by over-achievement on the financial investment income line (extra £1m of investment income due in 23/24).

Going forward, investment income will not be reported this way. It is therefore important to recognise that there are cost pressures across various services. These are:

**Elections & Democratic:** Overspend in elections due to purchase of new equipment, to support safe and legal elections, and compliance with the provisions of the Elections Act (£74k). Continuing efforts are in train to secure new burdens funding, and other sources of funding.

**Executive:** In part this is due to the unbudgeted cost of Langstone Harbour Board precept (£75k). This is not strictly a cost associated with this budget line and is not avoidable once the LHB Precept has been agreed. Other elements related to costs incurred for the addition of an Exec Head role (Regeneration, Housing and Communities) into the two roles recently appointed. This is being part funded by saving on one senior role in Housing and Communities.

**Facilities:** Shortfall in income due to reduced use of Plaza meeting and printing facilities (£24k). Efforts will continue to secure income based on current, pre-Covid, baselines. However, ultimately, this will be subsumed into plans to secure increased commercial income from A Block.

**HR:** Unbudgeted costs of payroll service following the split with East Hampshire (£75k). Steps to mitigate this have already been enacted. However, it will have to remain a pressure “in year.”

**Legal:** This is due to additional costs with respect to Legal contract including agency staff (£40k). The latter relates to use of a planning locum – opportunities relating to planning income are being explored.

In addition to steps noted, costs have been partly mitigated by salary savings across the service. Looking into next year, most of these cost pressures have been addressed as part of the budget setting process for 2024/25 and therefore should not re-occur.

Low level cost pressures in other services will be addressed via "in year" action, and use of underspends in other appropriate lines.

Place	Sum of Annual	Full Year			Movement
	Budget	YTD Actual	Forecast (FOT)	Forecast Variance	
Building Control	91,894	98,589	133,831	41,937	↓
Climate	40,000	13,500	61,832	21,832	↓
Environmental Health	1,076,627	800,732	822,573	-254,054	↑
Licensing	3,039	65,815	115,347	112,308	↓
Planning	692,000	855,782	1,131,241	439,241	↑
Planning Enforcement	105,071	63,559	99,716	-5,355	↓
<b>Place Total</b>	<b>2,008,631</b>	<b>1,897,977</b>	<b>2,364,540</b>	<b>355,909</b>	<b>↓</b>

## Management Response: Place

**Building Control:** Income remains below budgeted levels primarily due to a reduction of £18k in consultancy work from Isle of Wight Council as they are now resourcing this in house. The service also continues to experience a significant reduction in applications due to an overall downturn in the construction industry. Short term there is little we can do to offset the income reduction, but we are looking at the service model to see if changes can be made to make the service more commercial.

**Climate:** Increased costs relate to additional staff resource (secondment from Planning Policy) redeployed to draft the Climate Change Strategy (Corporate Strategy priority). Together with consultancy work and Portsmouth City Council SLA on domestic retrofit has led to a budget deficit.

**Environmental Health:** Changes to the way the Council capitalises resources to deliver adaptations under the Better Care Fund have accounted for savings to the establishment budget. Agency staff costs at the beginning of the year further impacted the budget. These have now largely been resolved.

**Licensing:** Income assumptions have not been realised coupled with the reliance on agency staff at the beginning of the year to fill vacant posts.

**Planning – Development Management:** Income below budgeted levels owing to the general downturn in the construction industry and few applications. This has been compounded by reliance on agency staff to cover difficult-to-recruit establishment vacancies. These arrangements are coming to an end.

**Planning – Planning Policy:** An overspend in the Council's Tree service has arisen due to the need to the existing shared arrangement with EHDC coming to an end. This needed to be outsourced to ensure we are providing a statutory service.

An increase in the budget variance in planning has arisen due to £144k of bad debt that has been held over pending further investigation. This has now been included within the budget.

**More broadly there needs to be a review of the whole operating model if this service is to be sustainable in the long run. It is too dependent on the performance of the wider economy, and we have no room to manoeuvre when the wider economic picture is not strong.**

Regeneration	Sum of Annual Budget	YTD Actual	Full Year Forecast (FOT)	Forecast Variance	Movement
Enforcement	356,663	264,285	368,418	11,755	↓
Parking	-1,632,460	-959,344	-1,395,770	236,690	↓
Regeneration & Economic	432,332	691,140	432,333	1	↑
<b>Grand Total</b>	<b>-843,465</b>	<b>-3,919</b>	<b>-595,020</b>	<b>248,445</b>	↓

## Management Response: Regeneration

### Regeneration:

#### Parking:

We are forecasting to be £115k shortfall on Parking fee income and overspent on the following areas.

Repairs & Maintenance - £79k

Bank charges & NNDR - £47k

Ringo fee/refunds/cash collections - £45k

Income for Season tickets and FPNs are forecasting to be (£26k) more than the budget.

Parking salary costs underspend - (£22k) due to vacant posts

#### Enforcement:

Overspend due to higher than budgeted costs for bailiff fees, electricity costs, waste/fly tipping removal. Salary underspend of £100k due to vacant posts

Agreed and signed off by:		Date:
<b>Cabinet Lead:</b>		
<b>Executive Head:</b>	Steven Pink	21/02/2024
<b>Monitoring Officer:</b>		
<b>Section151 Officer:</b>	Steven Pink	21/02/2024



## Corporate Priorities - Headlines Report February 2024

Ref	Priority Name	Exec Head	Cabinet Lead	Theme	Update - headlines	RAG - Time	RAG - Cost	RAG - Quality
P1	Waterlooville CCTV	Preventative Services	Cllr Robinson	Pride in Place	Four CCTV hubs were installed in Waterlooville Town Centre in June 2023 with associated comms. Capital bid for further CCTV	Complete	Complete	Complete
P2	Play Parks improvement programme	Housing & Communities	Cllr Robinson	Wellbeing	Playparks programme progressing to plan. 4 completed projects and work commencing for 24/25 projects. Avenue Road, Hayling, Cowplain Recreation Ground and Scratchface Lane, Bedhampton.	On track →	On track →	On track →
P3	Plaza A to B Programme	Commercial	Cllr Rennie	Growth	Plans finalised and agreed. Demo area established and capital bid submitted for refit costs Business case being finalised for future occupation of A-block	On track →	On track →	On track →
P4	Langstone Flood & Coastal Erosion Risk Management Scheme	Coastal	Cllr Fairhurst	Pride in Place	Langstone FCERM Scheme is now concluding the detailed design phase of the project and planning to seek approval to continue work to prepare and submit the planning and environmental consent applications.	At risk ↑	At risk →	On track →
P5	Broadmarsh Coastal Landfill protection	Coastal	Cllr Fairhurst	Pride in Place	A capital bid for the detailed design of Broadmarsh protection scheme has been submitted to HBC for budget consideration, and the project is continuing to await the outcome of that bid.	On track →	At risk →	On track →
P6	Havant Town Centre - Bulbeck Road car park demolition and redevelopment	Regeneration and Economic Development	Cllr Rennie	Growth	Authority via Cabinet to demolish the car park, which will include the crushing of the slab and backfilling. Mobilise Hughes and Salvidge for demolition (4 weeks) - early March 24, secure scaffold licence – end of Feb 24, appoint agent to advise, market and dispose of asset – early Feb 2024 Communication with residents, businesses and stakeholders prior and during demolition	At risk →	Some risk →	On track →
P7	Local Authority Housing Fund & development of Housing Strategy	Housing & Communities	Cllr Robinson	Pride in Place	12 offers on houses accepted with 5 more pending and Estate Agent continuing to search the market.	Some risk →	On track →	On track →
P8	Changing Places	Regeneration and Economic Development	Cllr Rennie	Pride in Place	Sites identified and work under way to plan the design and procure contractors - pending extension of delivery timescale from DLUCH	Some risk →	On track →	On track →
P9	Environment Act changes	Commercial	Cllr Bowerman	Pride in Place	KPI dashboard now in place. Work will commence shortly to scope the project for contract renewal	Some risk →	At risk →	Some risk ↑
P10	Hayling Island Beachfront (inc Chichester Ave)	Regeneration and Economic Development	Cllr Rennie	Pride in Place	Sites at West Beach, Chichester Avenue and Billy Trail progressing. Beach accessibility project moving into procurement and project delivery phase.	On track →	On track →	On track →
P11	Waterlooville Town Centre Strategy / Plan	Regeneration and Economic Development	Cllr Rennie	Pride in Place	Waterlooville walking tours and festival of ideas complete. Vacant shop scheme in final stages. Branding and banners in progress.	Some risk →	On track →	On track →
P12	Havant Town Centre Strategy / Plan	Regeneration and Economic Development	Cllr Rennie	Pride in Place	First Town Centre board has taken place - well attended. Further stakeholder event and next board meeting planned.	On track →	On track →	On track →
P13	Reinforcement of Open Spaces	Commercial	Cllr Fairhurst	Pride in Place	Open Spaces defences have been reinforced as per plan	Complete	Complete	Complete
P14	Langstone Sea Wall	Coastal	Cllr Fairhurst	Pride in Place	HBC have now been able to reach a Statement of Common Ground with our regulators, this is based on the priorities for maintaining the Mill Pond wall and maintaining coastal access through a bridge towards the Wade Lane.	At risk →	At risk →	On track →
P15	Local Plan	Place	Cllr Lloyd	Growth	Solutions identified for Nutrient Neutrality and ongoing work to address inspectors' issues. Collaborating with Waterlooville project.	On track →	On track →	On track →
P16	Climate Action Plan, Water Quality discussions and nutrient neutrality	Place	Cllr Lloyd	Pride in Place	Staff and member climate groups set up. Work to commence on Updating the Council's Climate Change Strategy and Action Plan	On track →	On track →	On track →

Ref	Priority Name	Exec Head	Cabinet Lead	Theme	Update - headlines	RAG - Time	RAG - Cost	RAG - Quality
-----	---------------	-----------	--------------	-------	--------------------	------------	------------	---------------

<b>RAG Trajectory:</b>	
Improved	↓
No change	→
Declined	↑

## Corporate performance scorecard

Click on the [Corporate Strategy](#) themes below to explore the measures that we are using to assess progress against our aspirations

### WELLBEING

The health of our communities

### PRIDE IN PLACE

Creating a great place to live, work and enjoy

### GROWTH

Building our future

External

Internal

How to use this dashboard

Havant Borough Council's corporate performance scorecard is maintained by the Strategy Unit. Contact [william.jackson@havant.gov.uk](mailto:william.jackson@havant.gov.uk) or [georgie.thurlby@havant.gov.uk](mailto:georgie.thurlby@havant.gov.uk) for more information.



# WELLBEING

## The health of our communities

### Priorities for 2023-24

Reference number	Project	Initiative in Corporate Strategy	Progress update as at end of Q3	Status
P2	Play parks improvement programme	Continued delivery of improvements to our play parks to maintain and enhance play provision within the borough	Programme progressing according to plan. Four completed refurbishment projects and preparation commencing for those to be delivered in 2024-25.	In progress

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### Benefits

Click on the benefits below to see the latest data for each topic and whether we are achieving the long-term outcomes we want

Reduction in homelessness

Increased activity among adults and children

Decrease in obesity within adult and child population

Reduction in anti social behaviour

Increase in engagement with local democracy and decision making

Improved perception of place

Increased use of walking, cycling and public transport

How to use this dashboard



# PRIDE IN PLACE

Creating a great place to  
live, work and enjoy

## Priorities for 2023-24

Reference number	Project	Initiative in Corporate Strategy	Progress update as at end of Q3	Status
P5	Broadmarsh Coastal Landfill protection	Continued delivery of coastal protection and management projects including the Langstone Flood and Coastal Erosion Management Plan and Broadmarsh coastal landfill protection	Capital bid for detailed design of scheme has been submitted to HBC for budget consideration.	In progress
P4	Langstone Flood and Coastal Erosion Risk Management Scheme	Continued delivery of coastal protection and management projects including the Langstone Flood and Coastal Erosion Management Plan and Broadmarsh	Concluding the detailed design phase of the project and planning to seek approval to continue work to prepare and submit the planning and	In progress

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How to use this  
dashboard

## Benefits

Click on the benefits below to see the latest data for each topic and whether we are achieving the long term outcomes we want

Reduction in carbon emissions across the borough including in council operations

Improved biodiversity and provision of green space across the borough

Increase in available affordable homes

Improvement in recycling rates and reduction in contamination rates

Improved cleanliness and safety of public spaces

Reduction in fly tipping

High streets that residents are proud to visit

Improved perceptions of place - reputation as a 'place people want to be'



# GROWTH

## Building our future

External

Internal

### Benefits

Click on the benefits below to see the latest data for each topic and whether we are achieving the long term outcomes we want

### Priorities for 2023-24

Reference number	Project	Initiative in Corporate Strategy	Progress update as at end of Q3	Status
P6	Havant town centre Bulbeck Road car park demolition and redevelopment	Progressing the regeneration of Bulbeck Road car park site	Authority via Cabinet to demolish car park - scheduled for March 2024. Appointment of agent to advise, market and dispose of asset to follow.	In progress
P3	Plaza A to B Programme	Developing a regeneration plan for Havant Plaza and civic centre to make best use of the surrounding land	Plans finalised and agreed. Demo area established and capital bid submitted for refit costs. Business case being finalised for future occupation of A-block.	In progress
P15	Achieving a	Development and	Solutions identified for	In progress

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Increased investment in the borough, stimulating the local economy

Improved job opportunities

Decreased rates of unemployment

Increased sustainability of new developments

How to use this dashboard



# GROWTH

## Building our future

External

Internal

### Benefits

Click on the benefits below to see the latest data for each topic and whether we are achieving the long term outcomes we want

### Priorities for 2023-24

Reference number	Project	Initiative in Corporate Strategy	Progress update as at end of Q3	Status
P3	Plaza A to B Programme	Review our approach to the use of the Plaza including our workstyles and facilities available	Plans finalised and agreed. Demo area established and capital bid submitted for refit costs. Business case being finalised for future occupation of A-block.	In progress

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Council services that are fit for purpose and fit for the future, while remaining cost effective

Reduction in carbon emissions across the borough including in council operations

Increase in income from assets and selling services

Improved digital infrastructure

How to use this dashboard

# Housing and homelessness in the borough

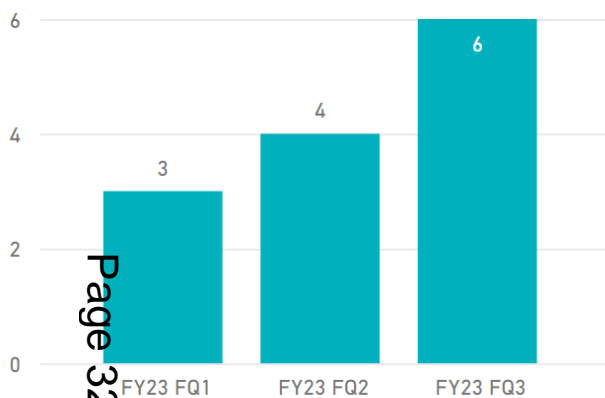


## Homelessness

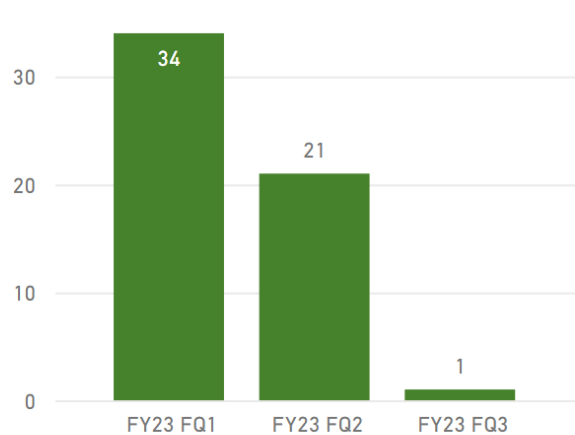
We have a statutory duty to prevent and relieve homelessness in the borough.

### Rough sleepers in the borough

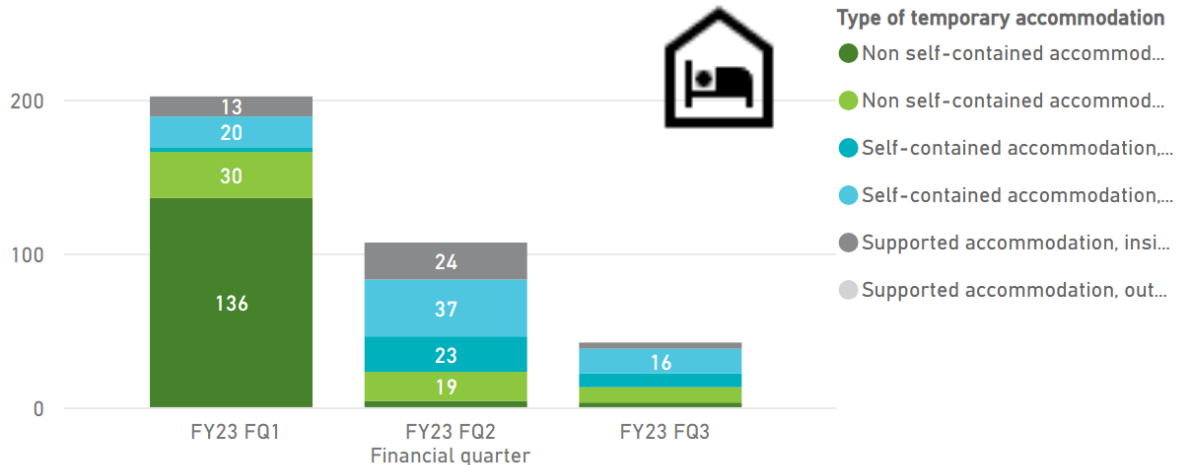
Average of monthly snapshot



### Homelessness 'main duty' acceptances



### Temporary accommodation placements



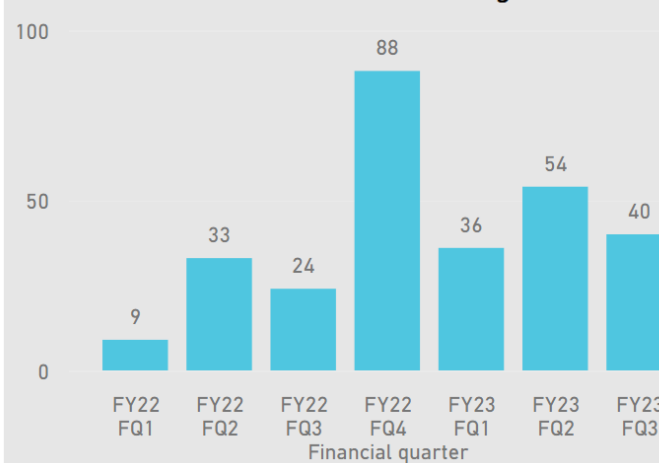
[See more data from the Housing team](#)

[Read our Homelessness and Rough Sleepers Strategy](#)

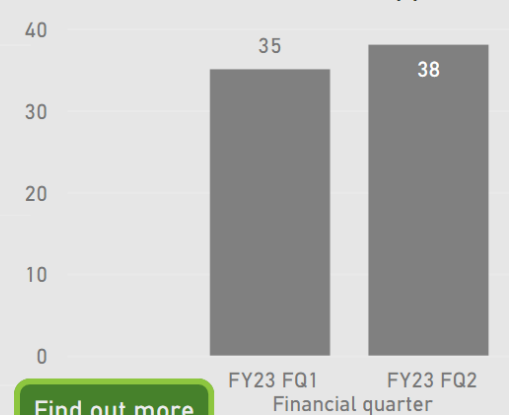
## Housing supply

Though we don't have control over the housing market, there are several ways for us to improve the availability and suitability of housing in the borough - through mandating the inclusion of affordable housing in new developments via the planning development systems, to administering Disabled Facilities Grants to enable disabled residents to stay in their own homes, or by incentivising property owners to avoid their properties being vacant.

### New affordable homes in the borough

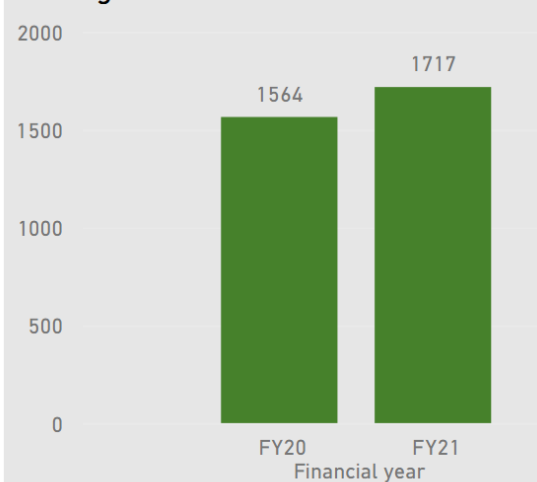


### Disabled Facilities Grants approved



[Find out more about DFGs](#)

### Number of households on the housing waiting list as at 31st March



### Vacant dwellings in the borough As a % of total housing stock







## Leisure and physical activity

We are committed to enabling residents and visitors to live healthy lives through the provision of good quality leisure facilities and signposting a wide range of sports and activities.



2

leisure centres



32

play parks



770

allotment plots

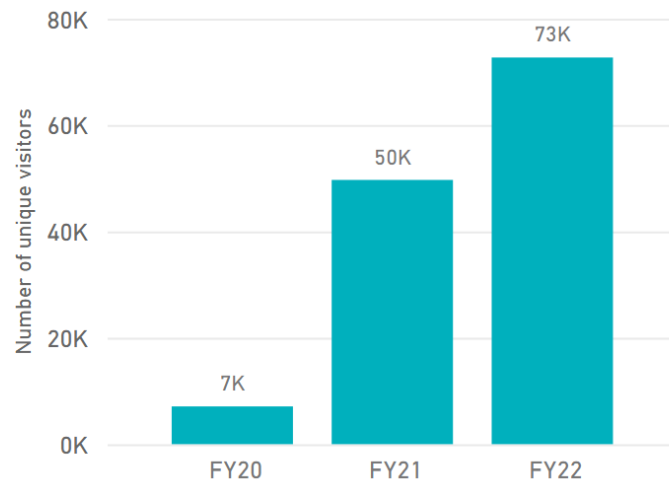
Find out more about the council's leisure centres

Find out more about the council's play parks

Find out more about the council's allotments

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### Visitors to council-owned leisure centres



867

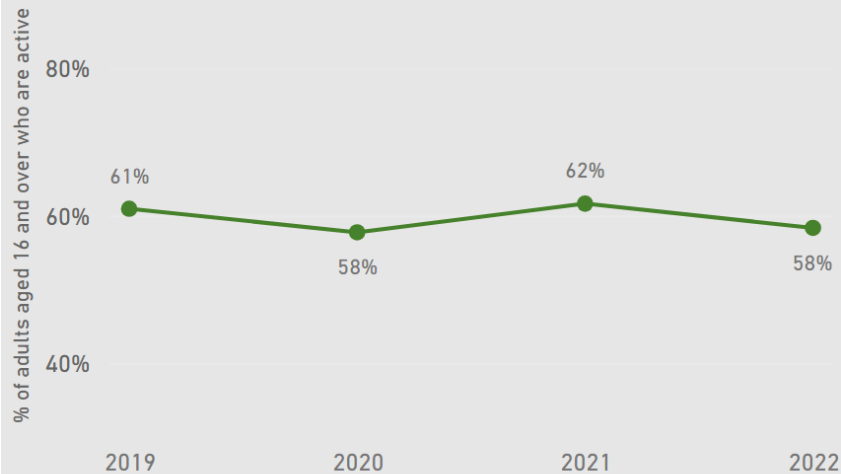
Number of attendees to Get Up and Go programme 2019-21

50%

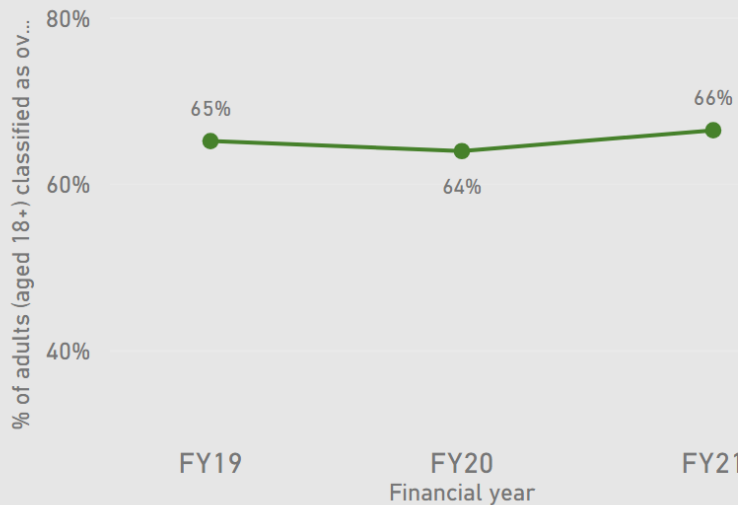
% of attendees who were still active 6 months later

Find out more about the council's Get Up and Go programme

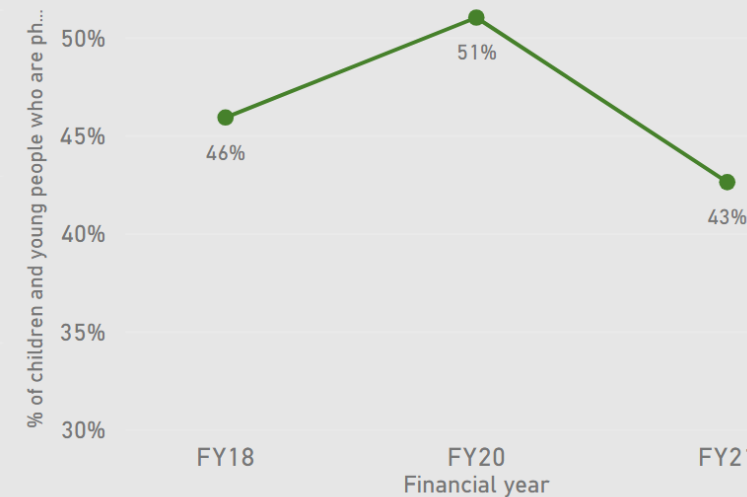
### Activity levels among adults



### Obesity among adults



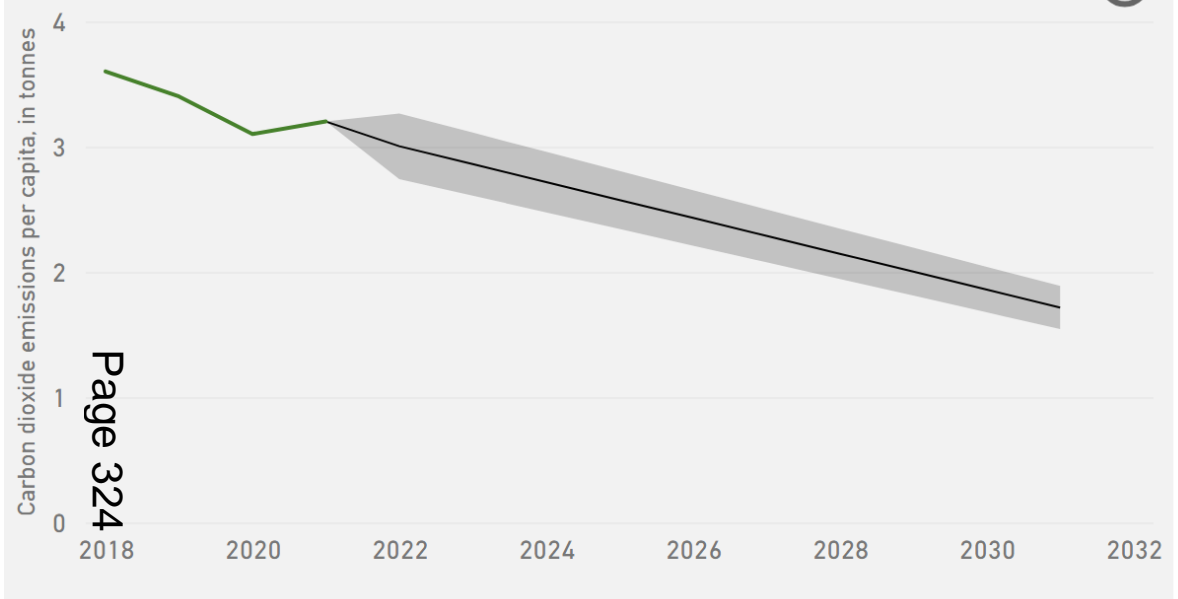
### Activity levels among children





[Read our Climate and Environment Strategy](#)

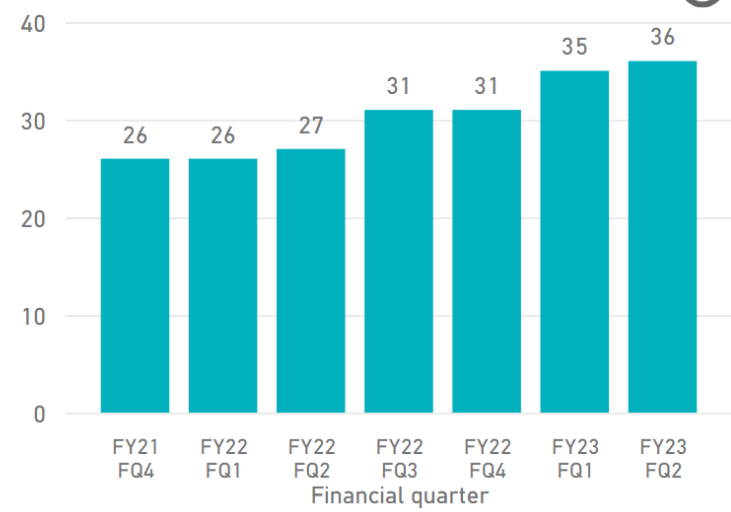
## Carbon dioxide emissions



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## Sustainable transport methods

### Publicly available electric vehicle charging points in the borough

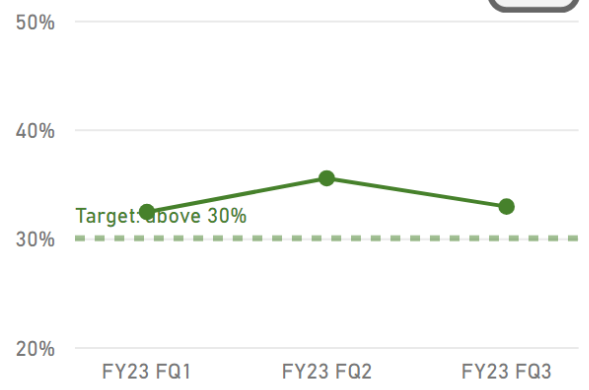


Find out about what the council is doing to reduce its own carbon emissions

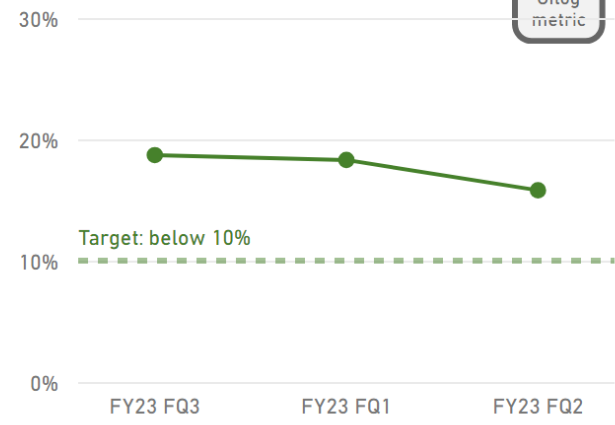


## Recycling and waste

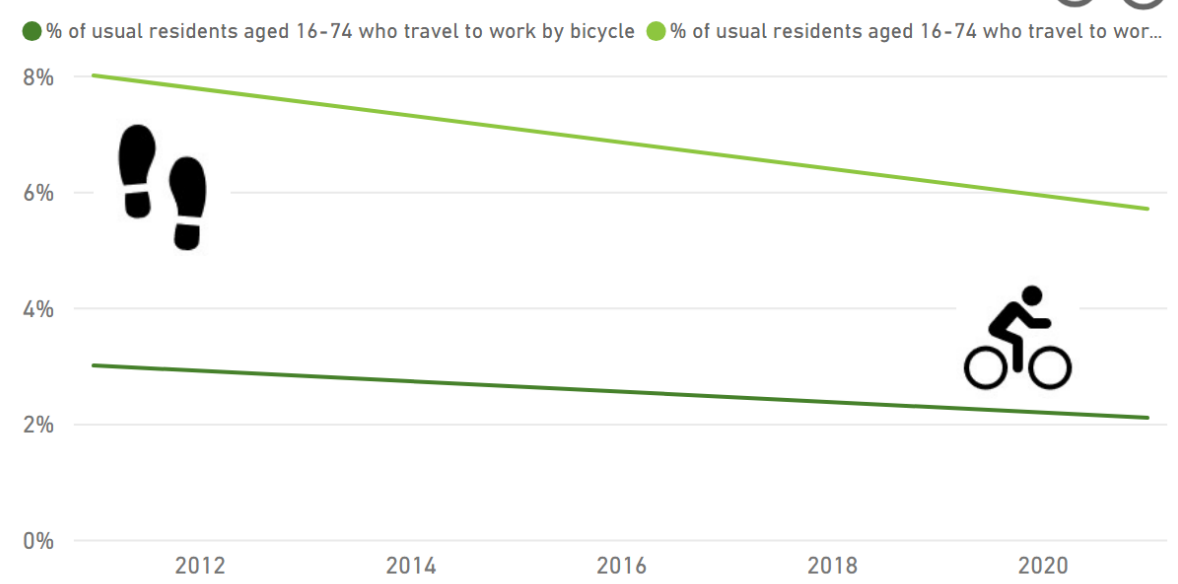
### % of household waste sent for recycling



### Contamination rates of recycling



### % of usual residents who travel to work by bicycle or by foot

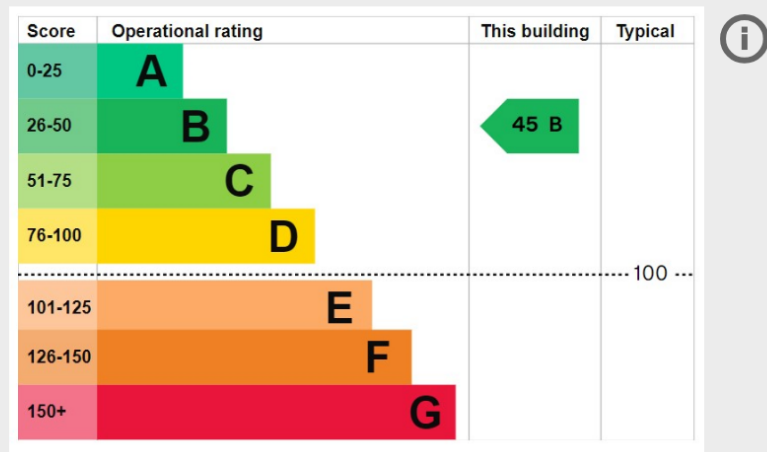


# Climate and environment - the council's carbon footprint

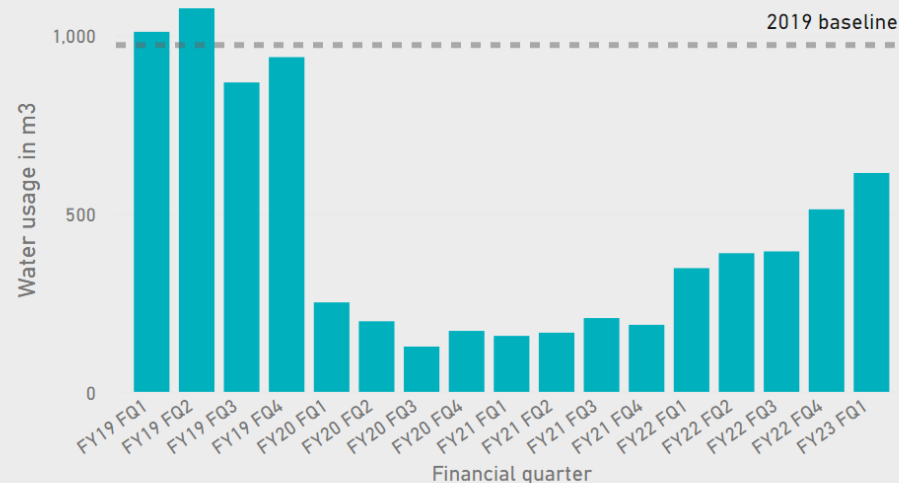
## Carbon emissions from council activity

We have a responsibility to reduce our carbon emissions to net zero by 2050 at the latest, but are aiming to make improvements before then. We are using the average data from 2019 (where we hold it) as a pre-pandemic baseline.

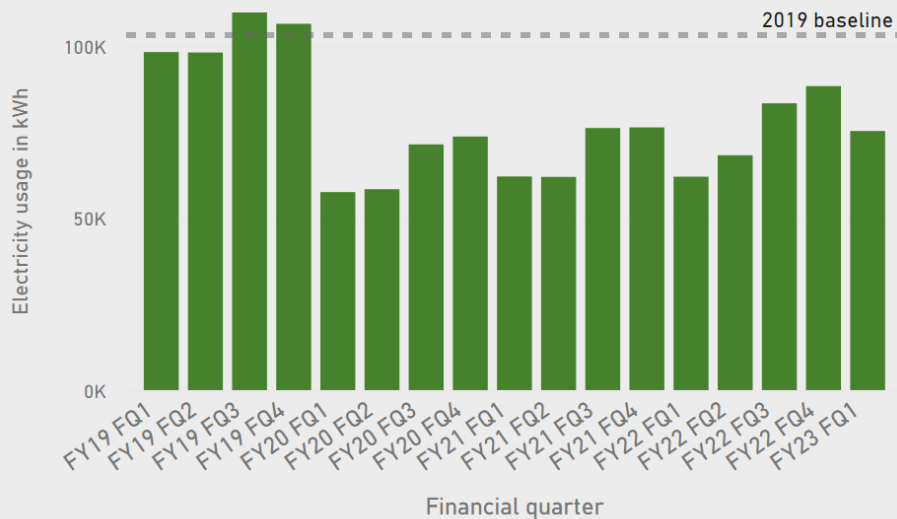
### Display Energy Certificate (DEC) rating for the Public Service Plaza building



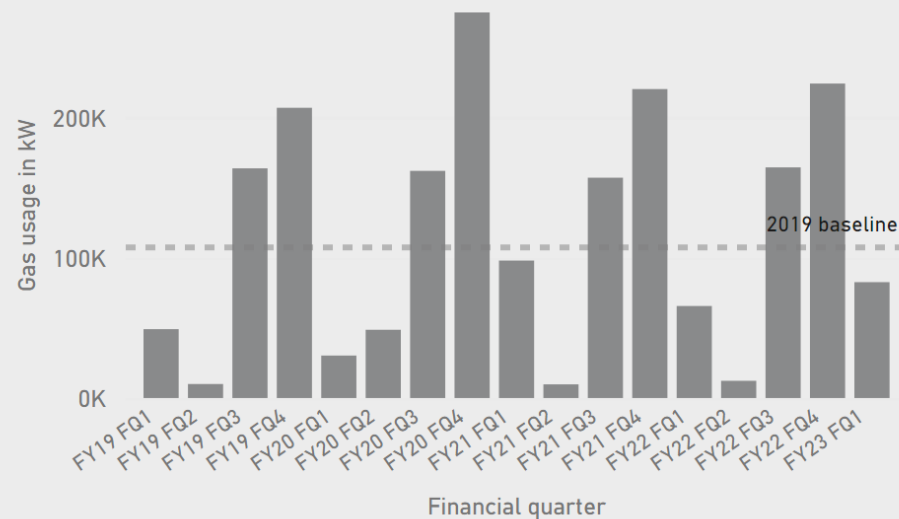
### Water usage in council offices



### Electricity usage in council offices



### Gas usage in council offices



Read our Climate and Environment Strategy

Find out about carbon emissions for the whole borough

Find out about what we are doing to improve biodiversity and protect our green spaces

View data on waste and recycling in the borough

# Employment and skills

Although responsibility for skills and employment matters sits with the county council, we have aspirations to help improve outcomes for residents by working with partners such as local colleges and the Department for Work and Pensions.

[Read our Regeneration and Economy Strategy](#)

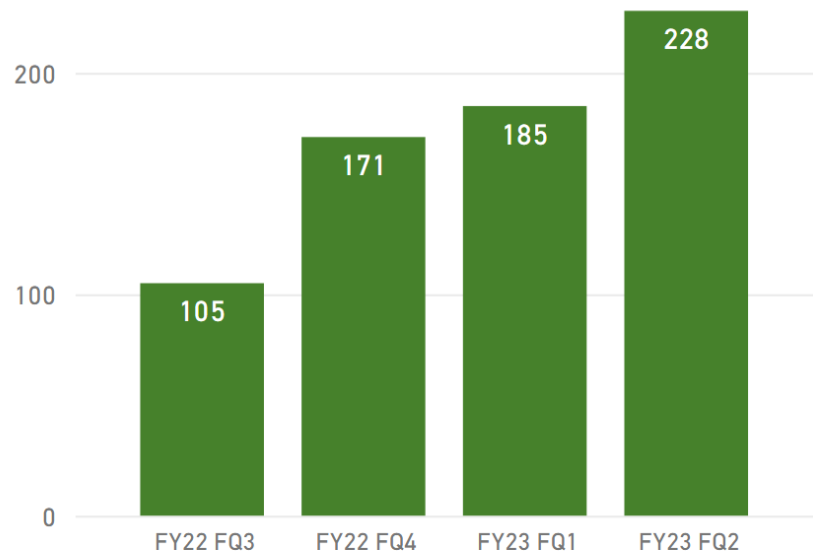
[Find out more about the Youth Hub](#)

[Reset filters](#)

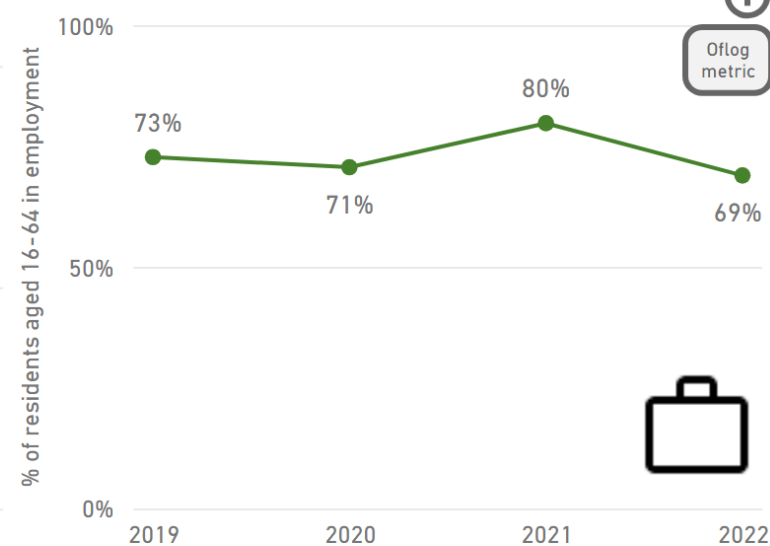
Residents' survey data will be added here when available

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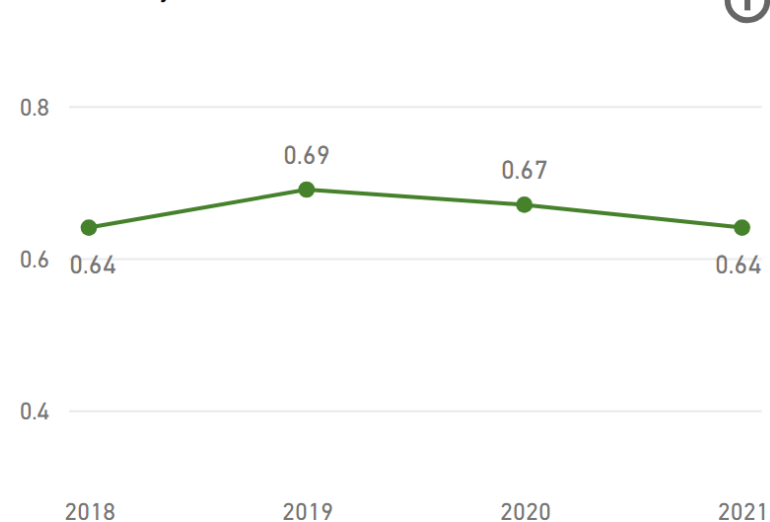
### Youth Hub - number of young people supported by the service to date



### Proportion of people in employment in the borough

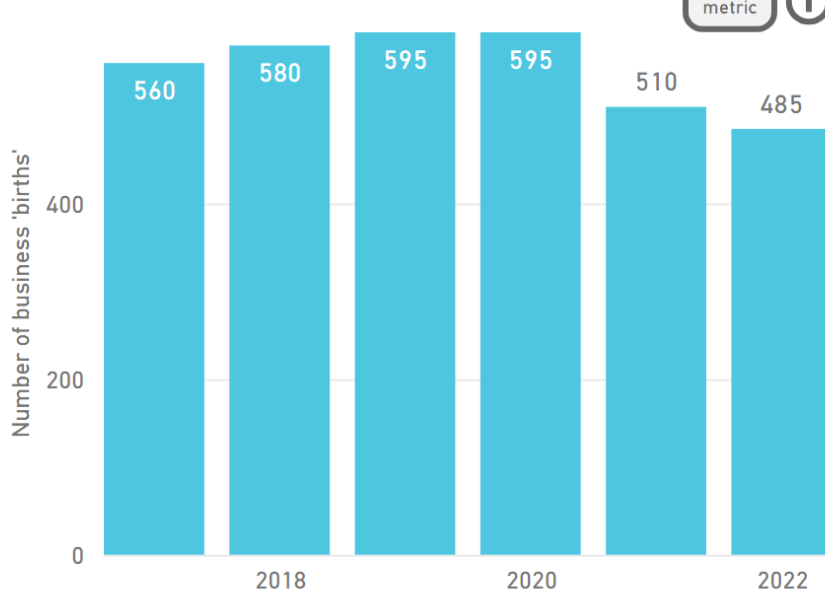


### Job density

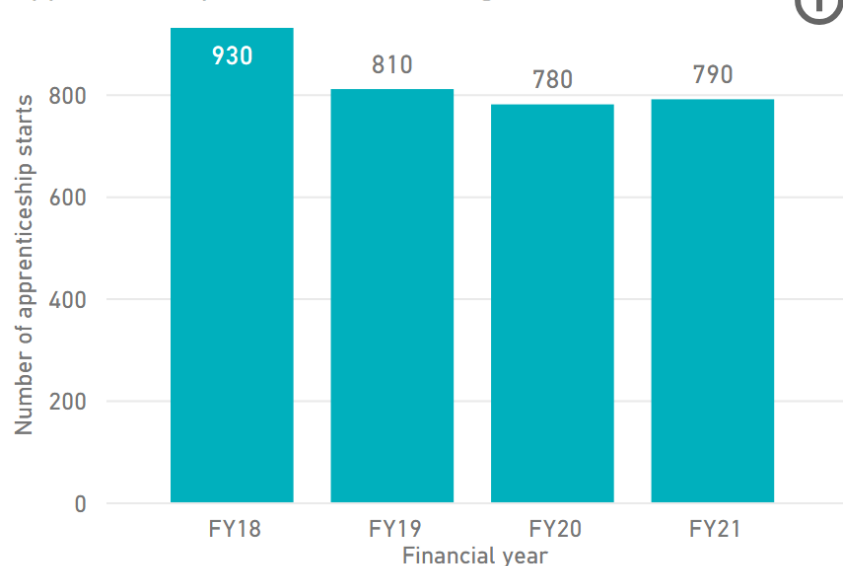


Job density is the ratio of total jobs to population aged 16-64. The higher the job density, the more jobs available for the working age population.

### Number of business 'births'



### Apprenticeship starts in the borough



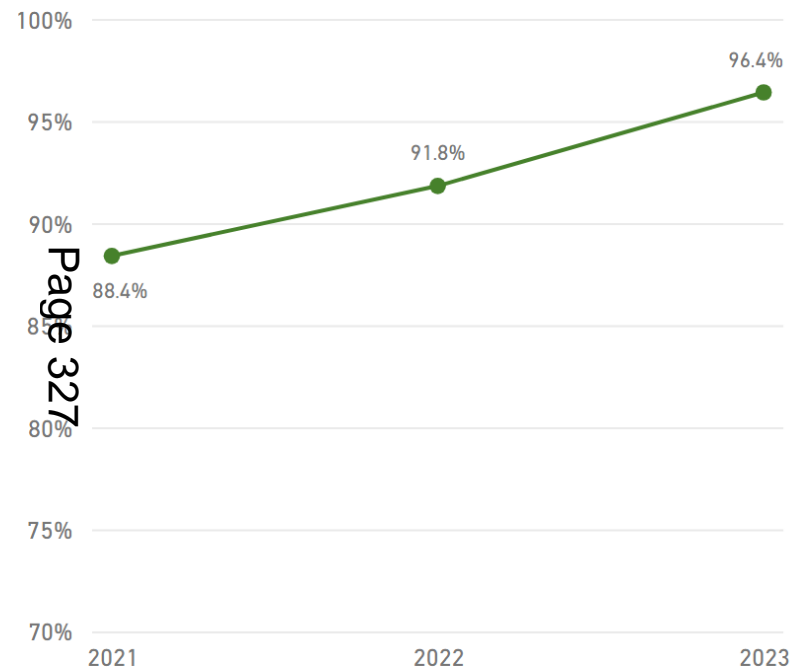
# Democracy and engagement

[Learn more about our digital engagement](#)[Learn more about council complaints](#)

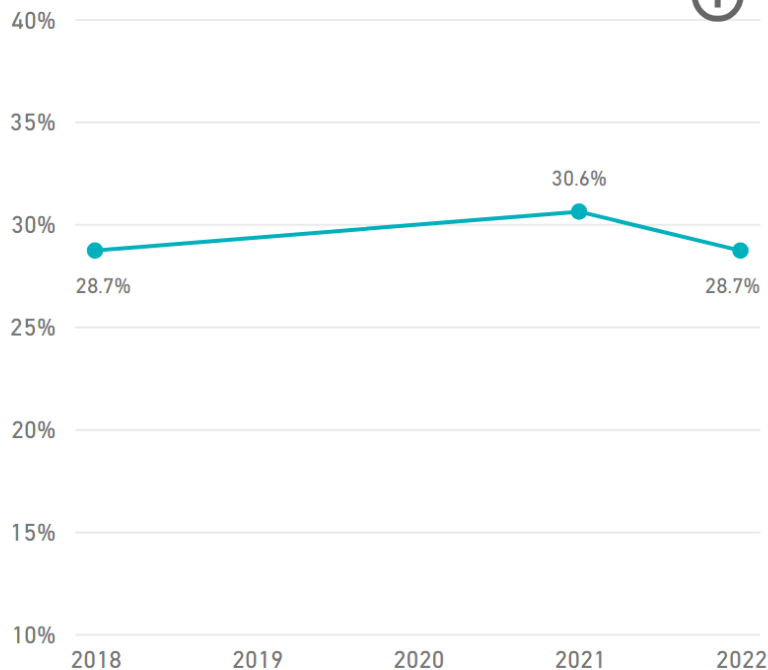
We are committed to enabling residents to take part in local and national decision making. Alongside our statutory responsibility to administer general and local elections in Havant borough, we undertake regular engagement with our residents and businesses about matters that are important to them.

## Participation in decision making

### Annual canvass - response rate

[Find out more about the annual canvass](#)

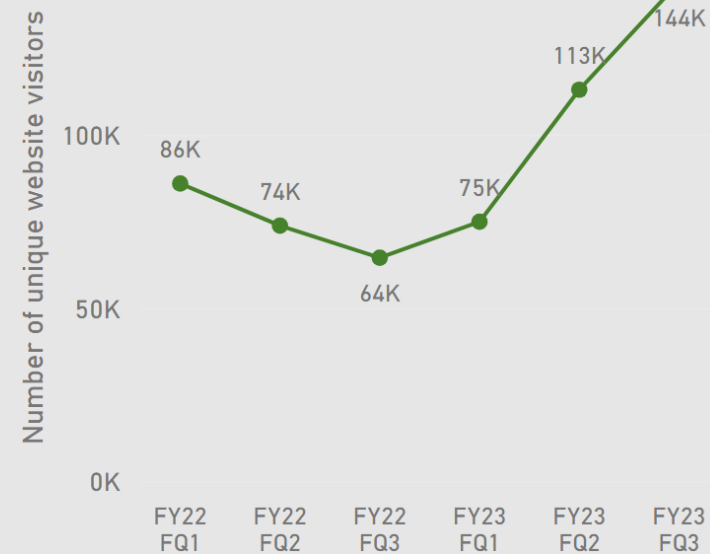
### % turnout at local elections



## Access to information

[Find out more about information requests](#)

### Visitors to the Havant Borough Council website



# Cleanliness and safety



As a local authority we have an important role to play in ensuring that the borough is kept clean and safe, whether by cleaning the streets, offering pest control services, inspecting and maintaining our built environment assets or working with partners such as the police to ensure a joined-up approach to tackling crime in our area.

## Cleanliness of public realm

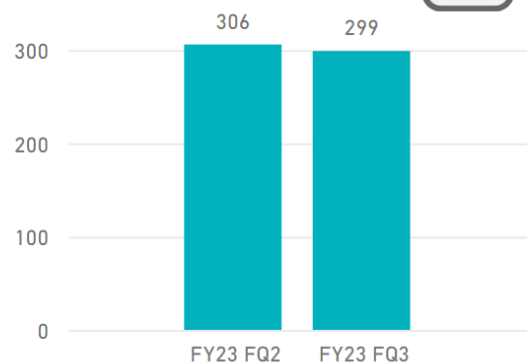
Street cleanliness index data will be added here when available

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Residents' survey data will be added here when available

### Number of fly tipping incidents reported in the borough

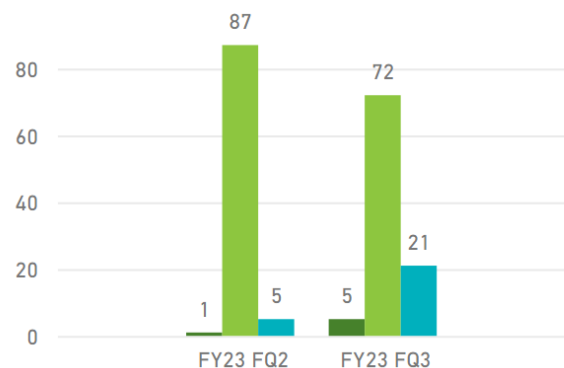
Oflog metric



### Fly tipping enforcement actions

Oflog metric

● Fixed Penalty N... ● Investigations ● Warning letter...



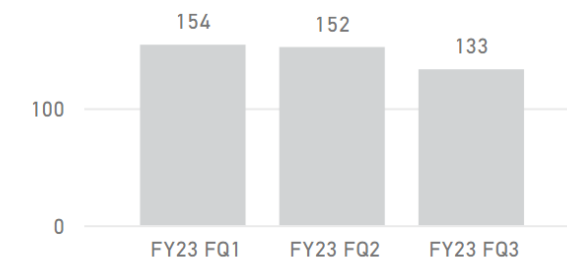
## Public safety and health

Dangerous structures receiving an initial risk assessment within 24 hours of report being received (%)

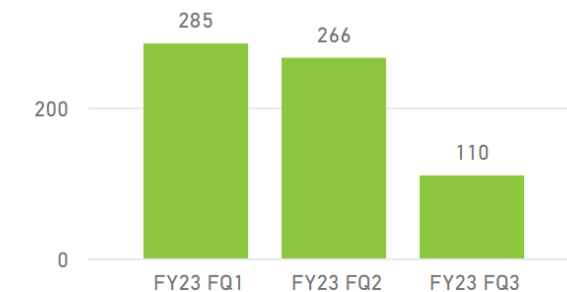
100%



### Number of pest control new treatments



### Number of new pollution cases\* reported



\*Pollution cases may include complaints about noise, bonfires, vermin etc

## Antisocial behaviour and crime



4  
council-maintained  
CCTV cameras in place  
in the borough

Find out more about  
Environmental Health

# Fit for purpose council services

For us to achieve the aspirations in our Corporate Strategy, it is crucial that our services are functioning effectively, efficiently, and at a reasonable cost.

This section uses a balanced scorecard approach, combining data from several different internal sources to show whether our services are performing according to expectations. Most of these metrics are updated on a quarterly basis.

## Operational performance (KPIs)

### Place

Building Control

Planning

Pre-applications and validation

Decisions and appeals

Environmental Health

Private Sector Housing

Pollution, Pest Control, Food and Safety

Licensing

### Commercial

Property (Estates)

Environmental Services

Waste Collection

Customer Services

Revenues and Benefits

### Housing and Communities

Housing

### Regeneration

Neighbourhood Quality

### Internal Services

Information Governance

## Governance

Complaints

Information requests

## People

Workforce diversity

## Finance

Financial monitoring information is provided in quarterly outturn reports provided to Cabinet.

# Complaints

Customers are at the centre of the council's business and any feedback is useful to help us develop our services. We have a customer complaints policy which supports a structured, consistent method in dealing with complaints and reaching an appropriate resolution.

Select a quarter to view the data

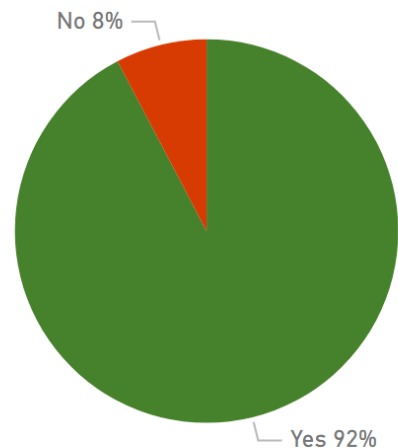
- FY23 FQ2
- FY23 FQ3

# 83

complaints received during the quarter

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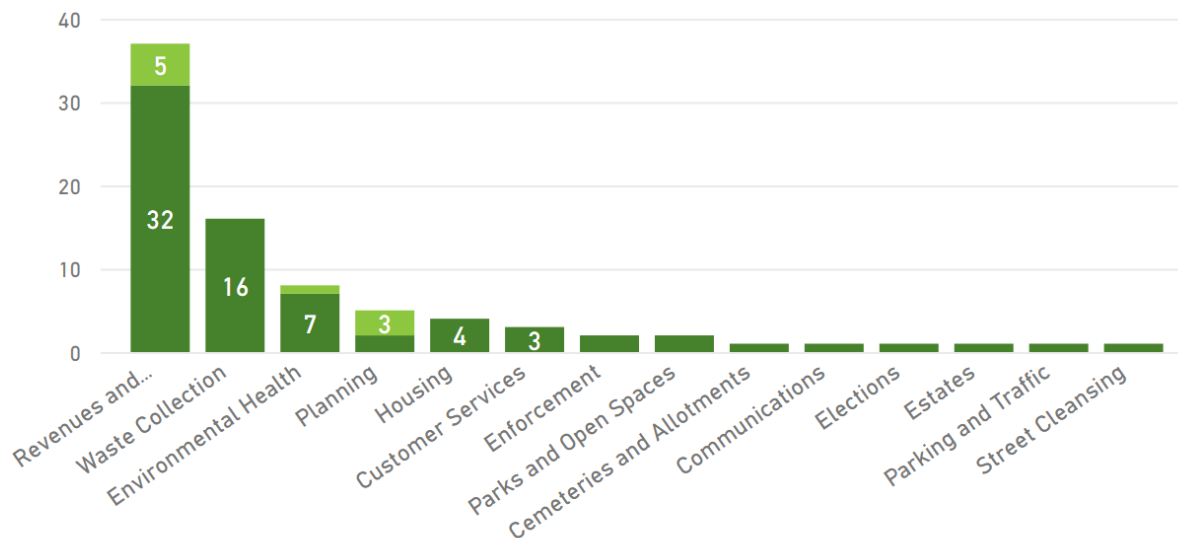
% of complaints answered within SLA



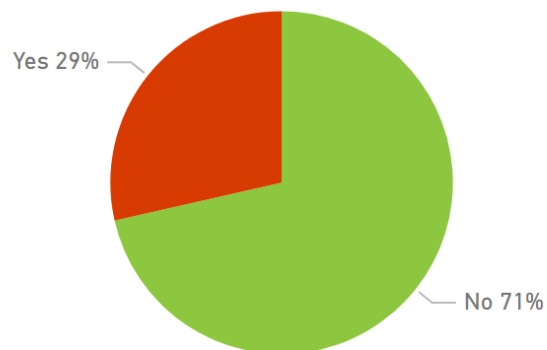
Our SLA is 10 working days for Stage 1 complaints and 15 working days for Stage 2 complaints.

## Number of complaints received by service

Complaint stage ● Stage 1 ● Stage 2



## % of complaints that were justified

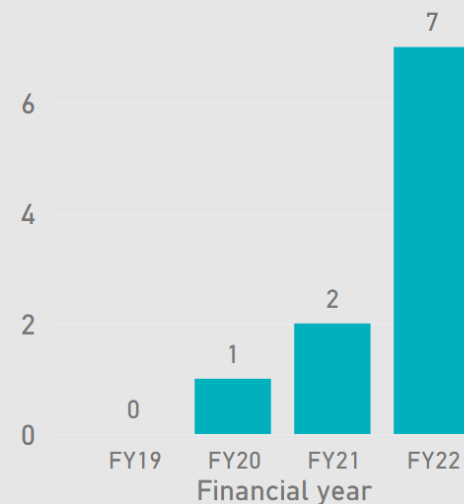


A complaint is found to be justified where we accept that there was a fault in the service provided by the council.

Customers who have been through Stage 1 and 2 of our Complaints Policy may refer their complaint to the Local Government Ombudsman for independent review if they are not satisfied with the council's response. Complaints are classified as upheld where the Ombudsman finds that the council was at fault.

Oflog metric

## Number of Local Government Ombudsman complaints upheld



Find out more about our Complaints Policy and Procedure



# Information requests

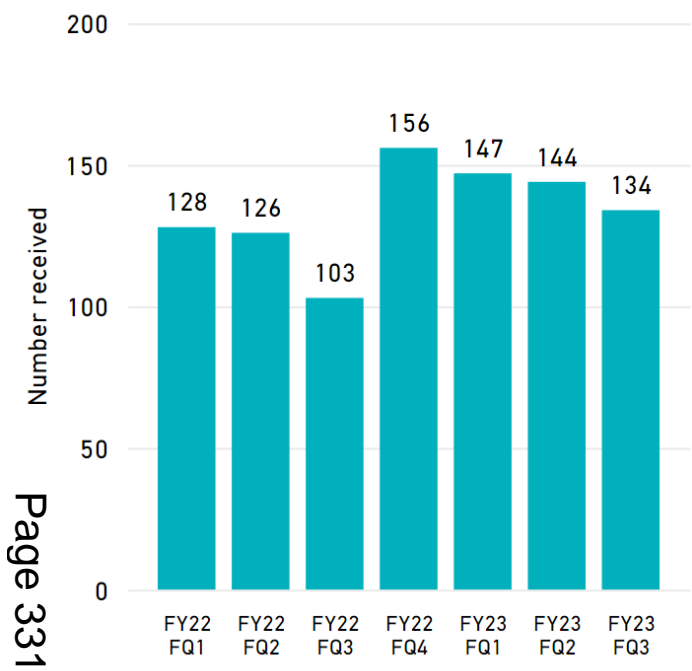
Find out more about access to information

View previous FOI requests

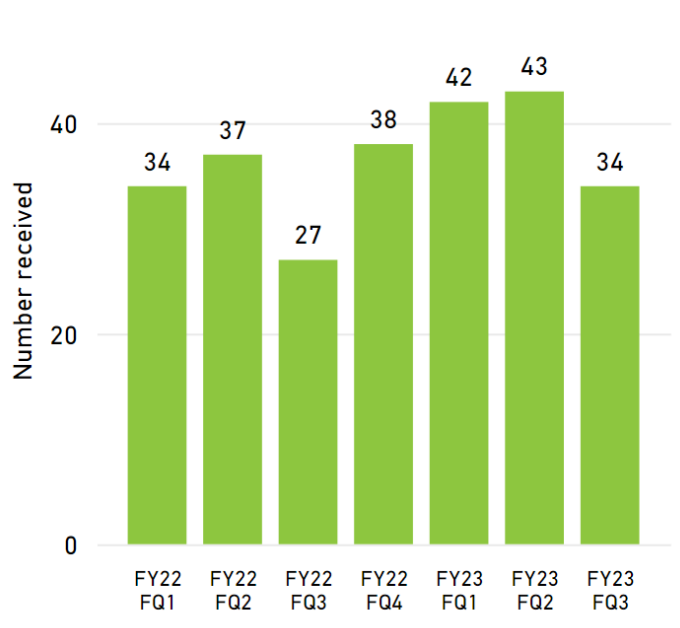
Reset filters



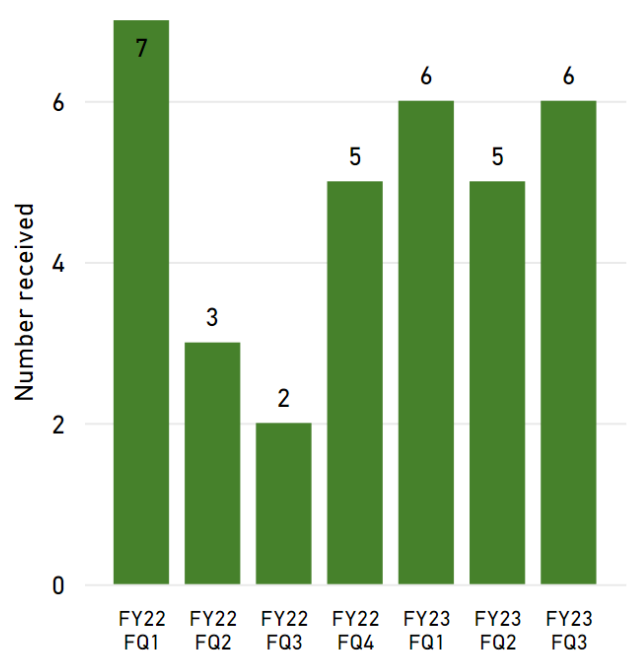
## Freedom of Information requests



## Environmental Information Regulations requests



## Subject Access Requests

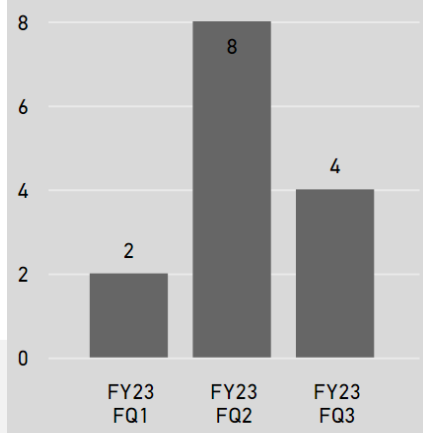


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## Internal reviews

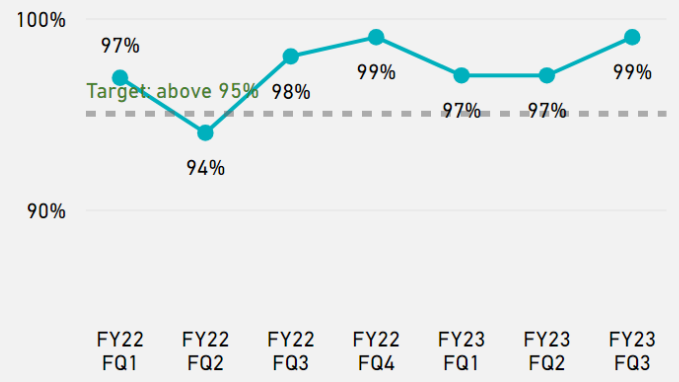
An internal review can be requested if the person or organisation submitting an information request is not happy with our response. [Find out more about internal reviews.](#)

## Internal reviews requested

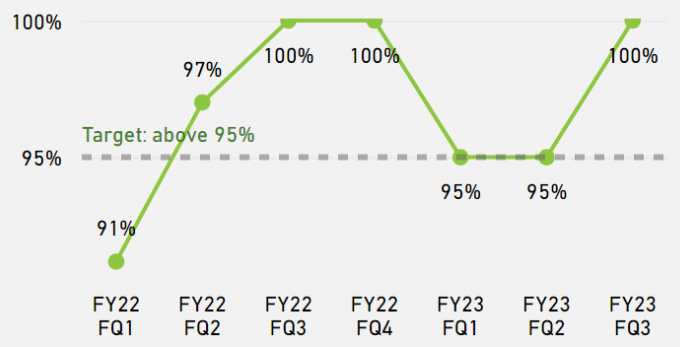


## % of requests completed within the statutory timeframe

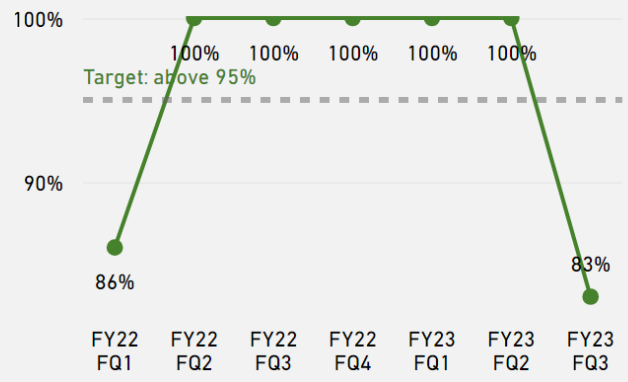
### Freedom of Information requests



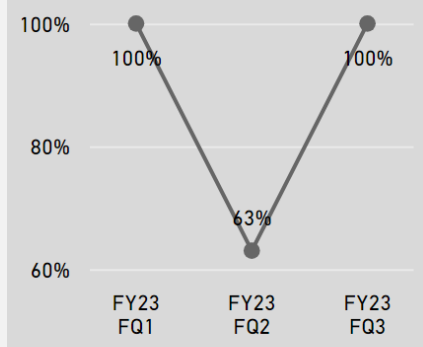
### Environmental Information Regulations requests



### Subject Access Requests



## % of internal reviews upheld



See more Planning data

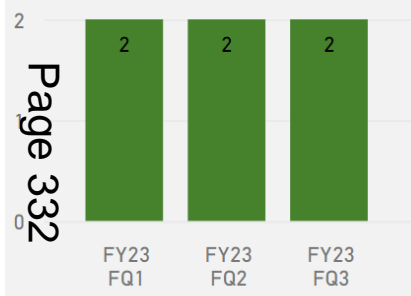


Find out more about the planning service

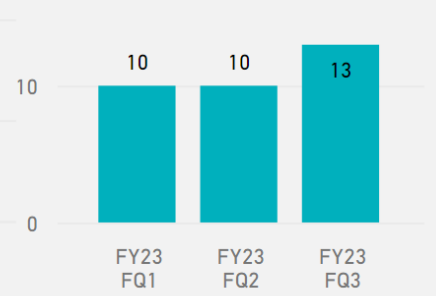
## Pre-application enquiries

Our Planning team works with prospective applicants to discuss and offer advice on individual cases before a formal application is submitted to the council. This can increase the likelihood that a formal planning application will be approved when it is submitted.

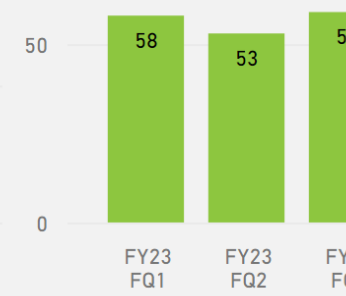
Major applications - number of pre-application enquiries received



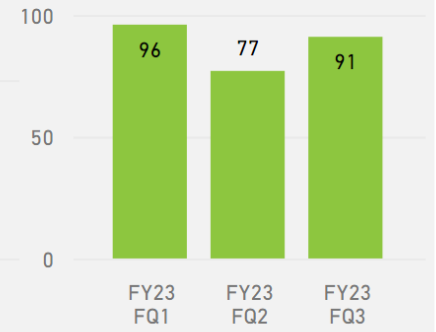
Minor and change of use applications - number of pre-application enquiries received



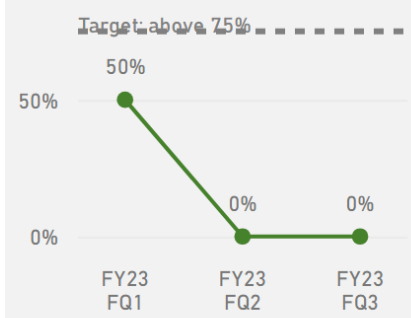
Householder applications - number of pre-application enquiries received



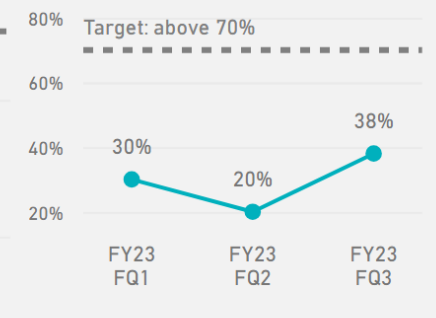
Information - number of pre-application enquiries received



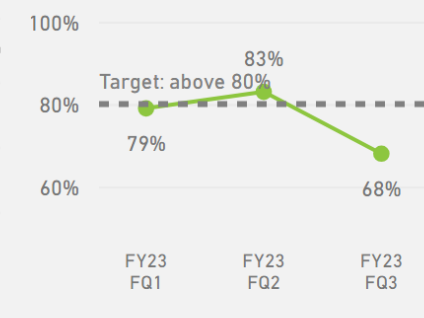
Major applications - % of pre-application enquiries responded to within 25 working days



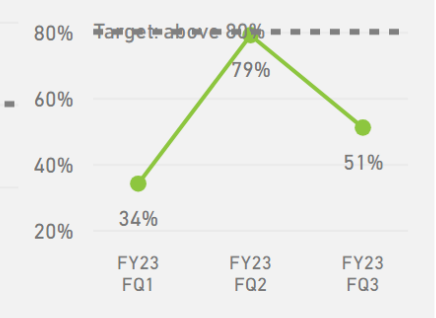
Minor and change of use applications - % of pre-application enquiries responded to within 15 working days



Householder applications - % of pre-application enquiries responded to within 10 working days



Information - % of pre-application enquiries responded to within 10 working days

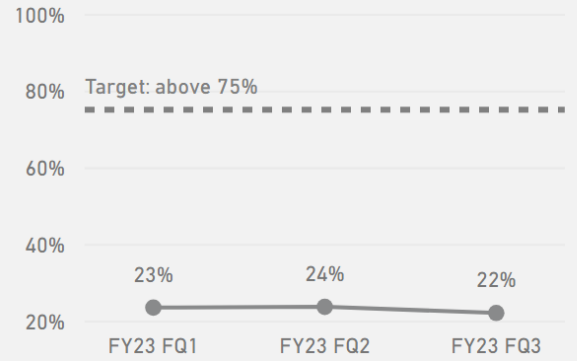


The time taken to respond to an enquiry is measured from the date of validation, date of formal meeting or interim response. For some applications, much of this time is taken up by the requirement to consult with statutory and non-statutory consultees.

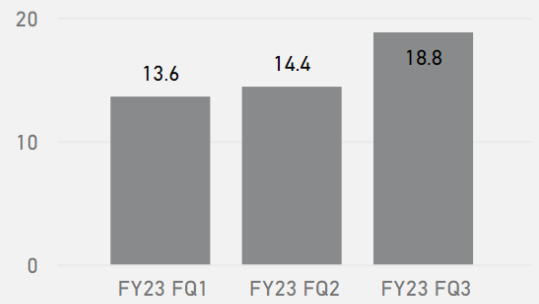
## Validation

Once a planning application has been submitted to the council, it must be validated. This process involves checking that the required information has been submitted and that the correct fee has been paid. Find out more here: <https://www.gov.uk/guidance/making-an-application>

% of applications processed (validated) within 10 working days of receipt



Average number of days taken to validate an application



Pre-applications are not included in these metrics.

[Find out more about the planning service](#)

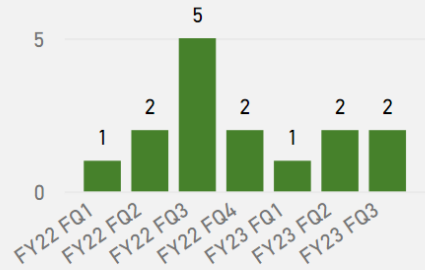
[See more Planning data](#)

[Reset filters](#)

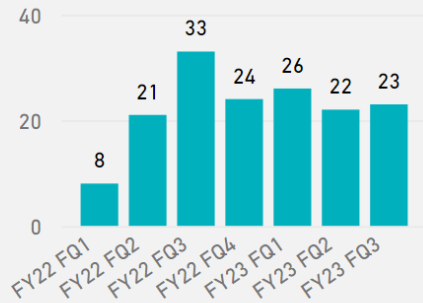


## Decisions

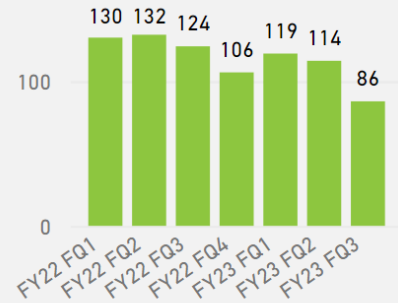
### Major planning applications decided



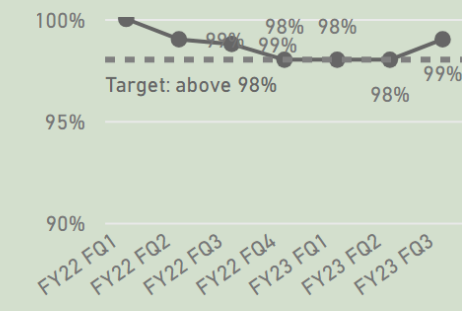
### Minor planning applications decided



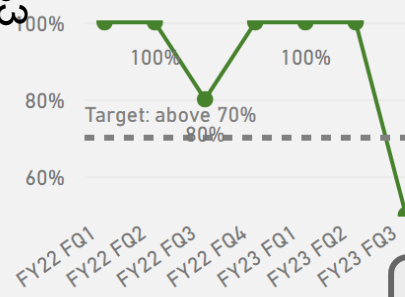
### Other planning applications decided



### All applications - % decided within 26 weeks

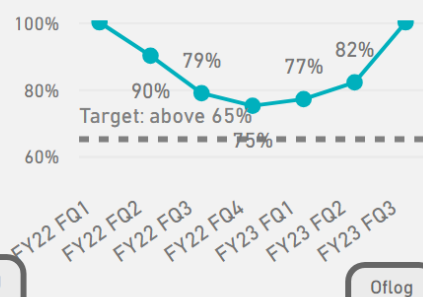


### Major planning applications - % decided within 13 weeks or agreed time extension



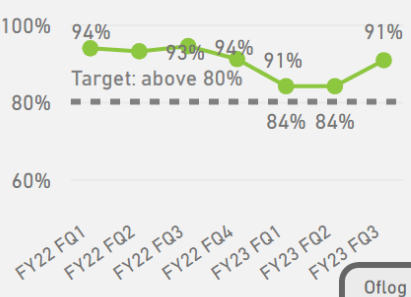
Oflog metric

### Minor planning applications - % decided within 8 weeks or agreed extension



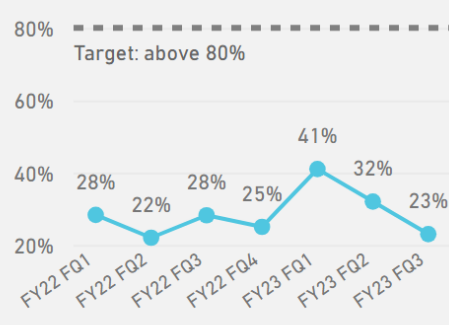
Oflog metric

### Other planning applications - % decided within 8 weeks or agreed extension



Oflog metric

### Discharge of condition applications - % decided within 8 weeks

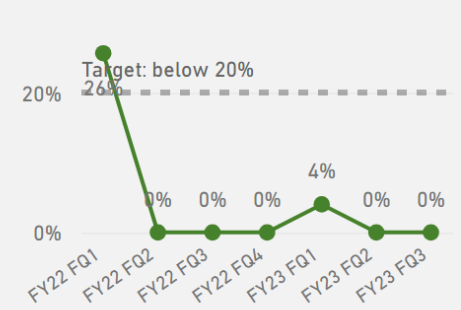


[Find out more about discharging conditions](#)

## Appeals

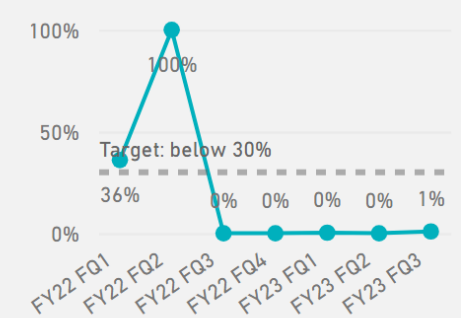
Oflog metric

### Major planning applications - % of decisions allowed on appeal



Oflog metric

### Minor and other planning applications - % of decisions allowed on appeal



Appeals data are provided based on central government definitions.

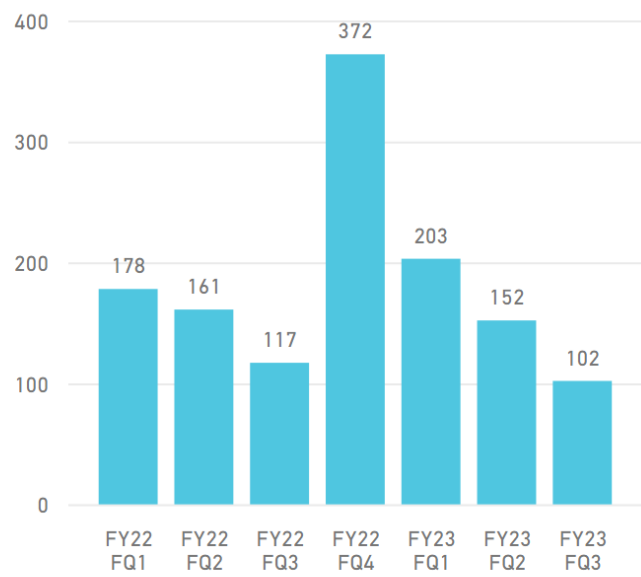


Find out more about building regulations

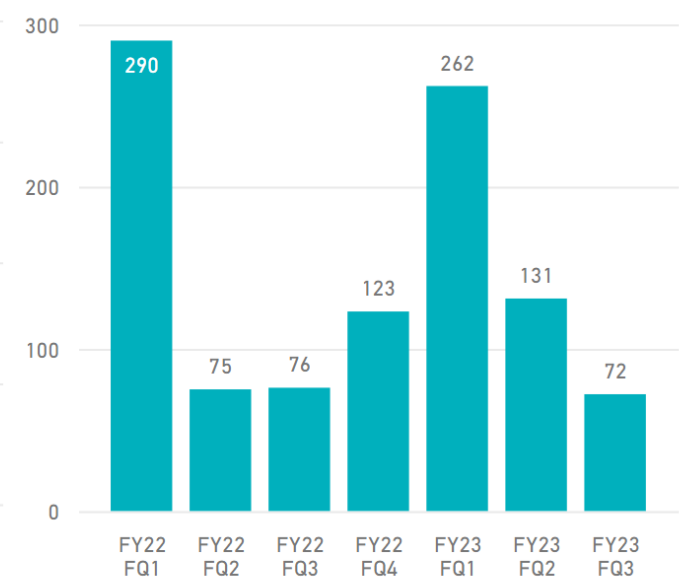


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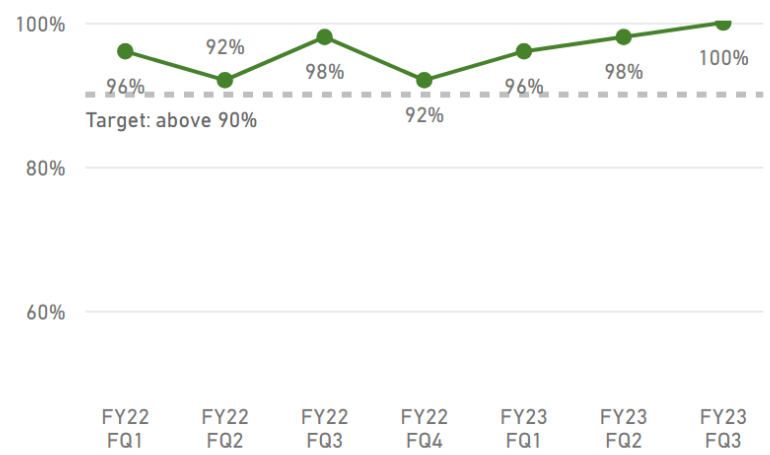
### Number of Building Regulations projects commenced under the Council's control



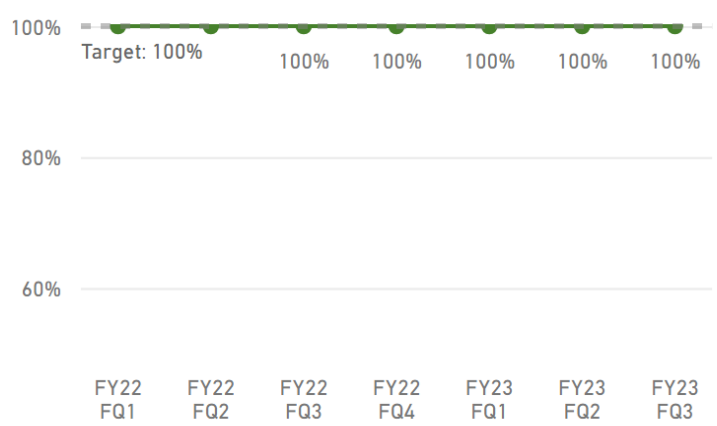
### Number of Building Regulations projects completed under the Council's control



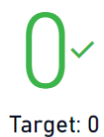
### Full Plans applications checked within 15 days (%)



### Full Plans applications decided within statutory time limit (%)



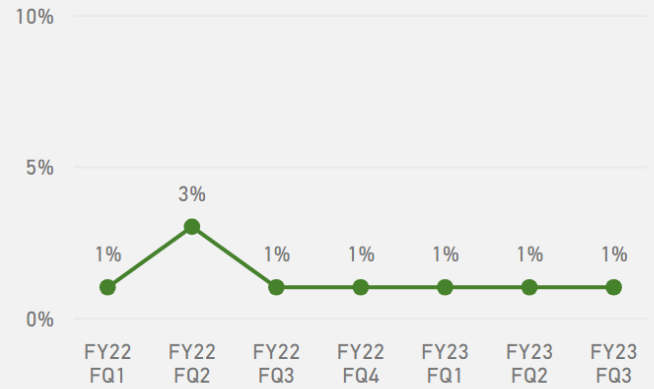
### Number of claims submitted against the Council for Building Control negligence / non-compliance that the Council was unsuccessful in defending



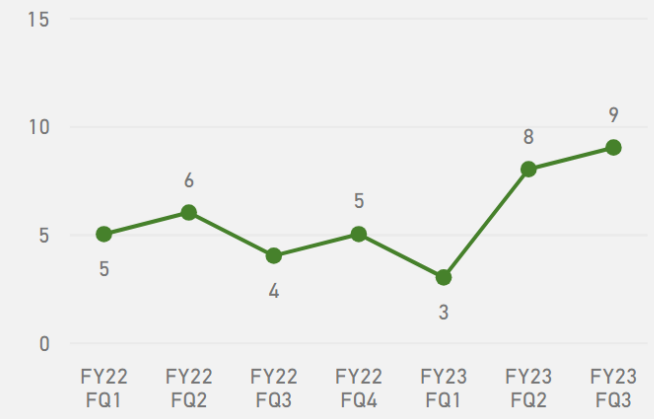


## Vacancy rate across investment portfolio

Empty commercial property - % based on available floorspace

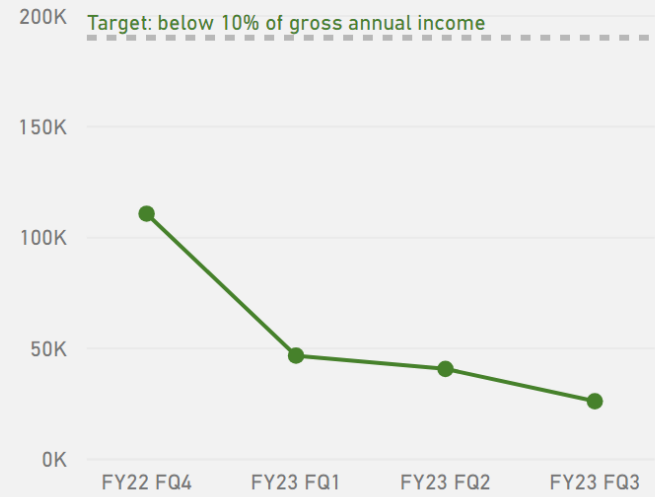


Empty commercial property - number of vacant/to let units

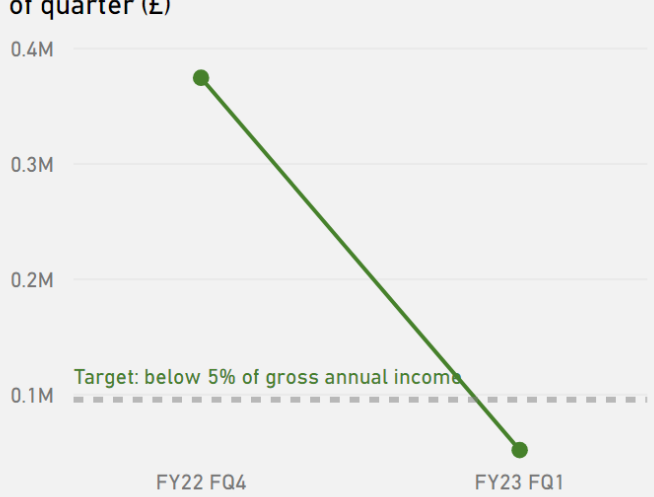


## Rent debt across investment portfolio

Property debt - rent arrears for all tenanted commercial property - average across quarter (£)



Property debt - rent arrears over 90 days (aged debts) for all tenanted commercial property at end of quarter (£)



Indicators and targets are based on industry standard metrics.

Further metrics are currently under development

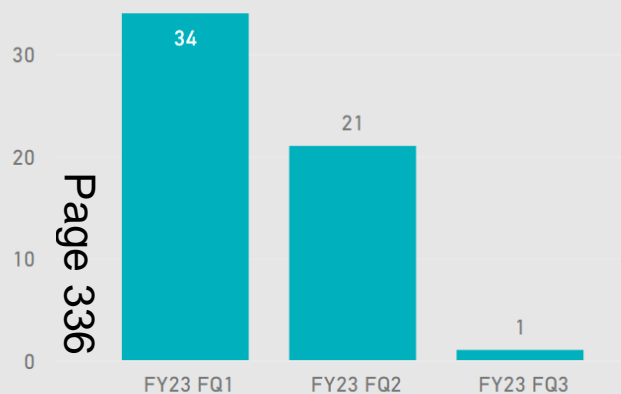


Find out more about our property portfolio



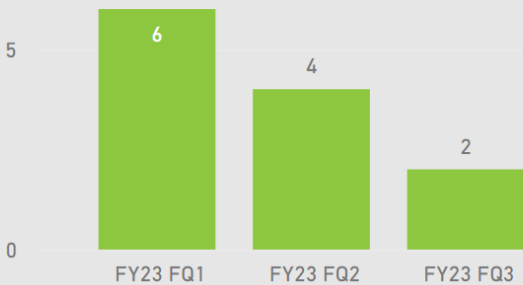
## Housing options and advice

Number of households that have had a main duty\* accepted

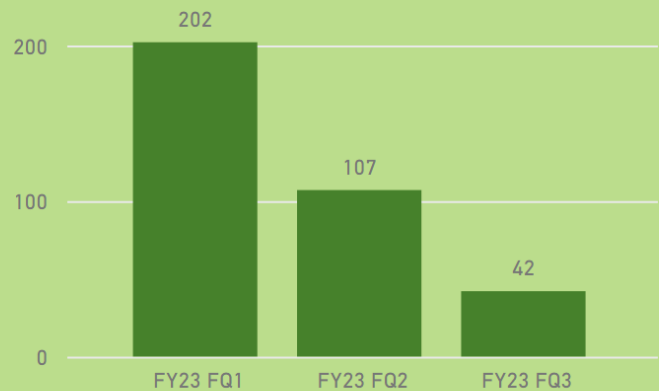


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Number of households that have maintained their tenancies as a result of HBC Housing team's assistance



Number of households placed into temporary accommodation



See more data about temporary accommodation placements

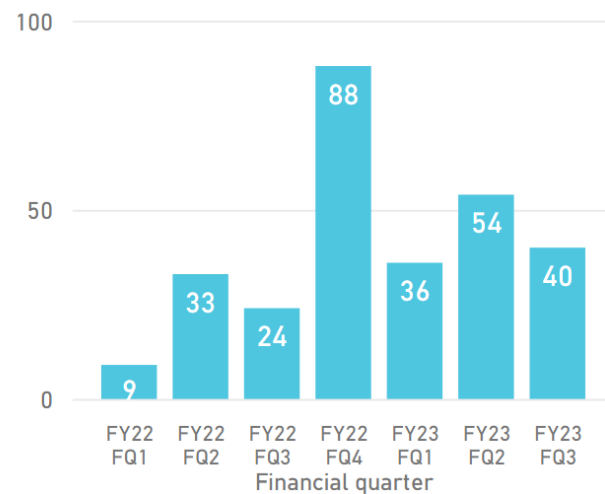
\*A main duty applies when the authority is satisfied that the applicant is eligible for assistance, unintentionally homeless and falls within a specified priority need group

## Housing supply

View more data about housing in the borough

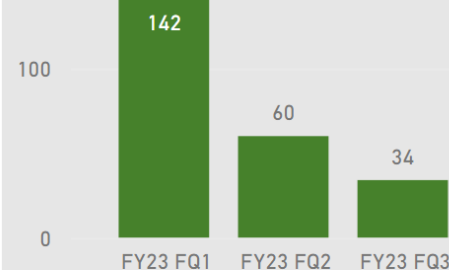
Find out more about the council's housing service

New affordable homes in the borough



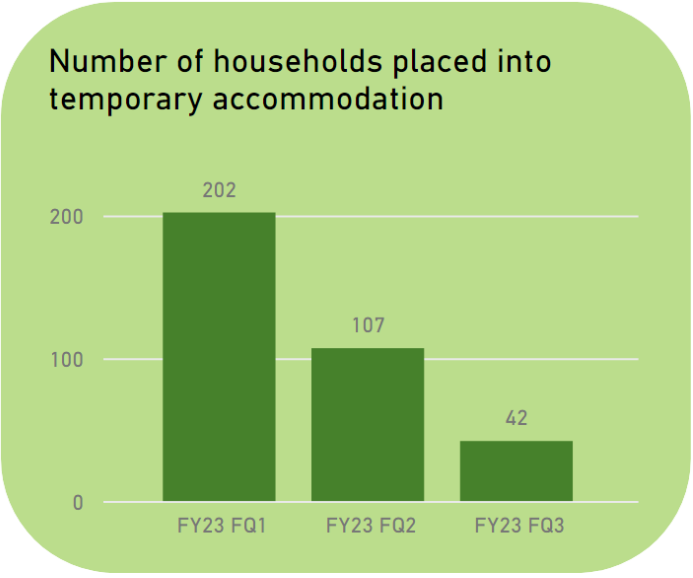
## Hampshire Home Choice

Number of successful lets agreed during quarter

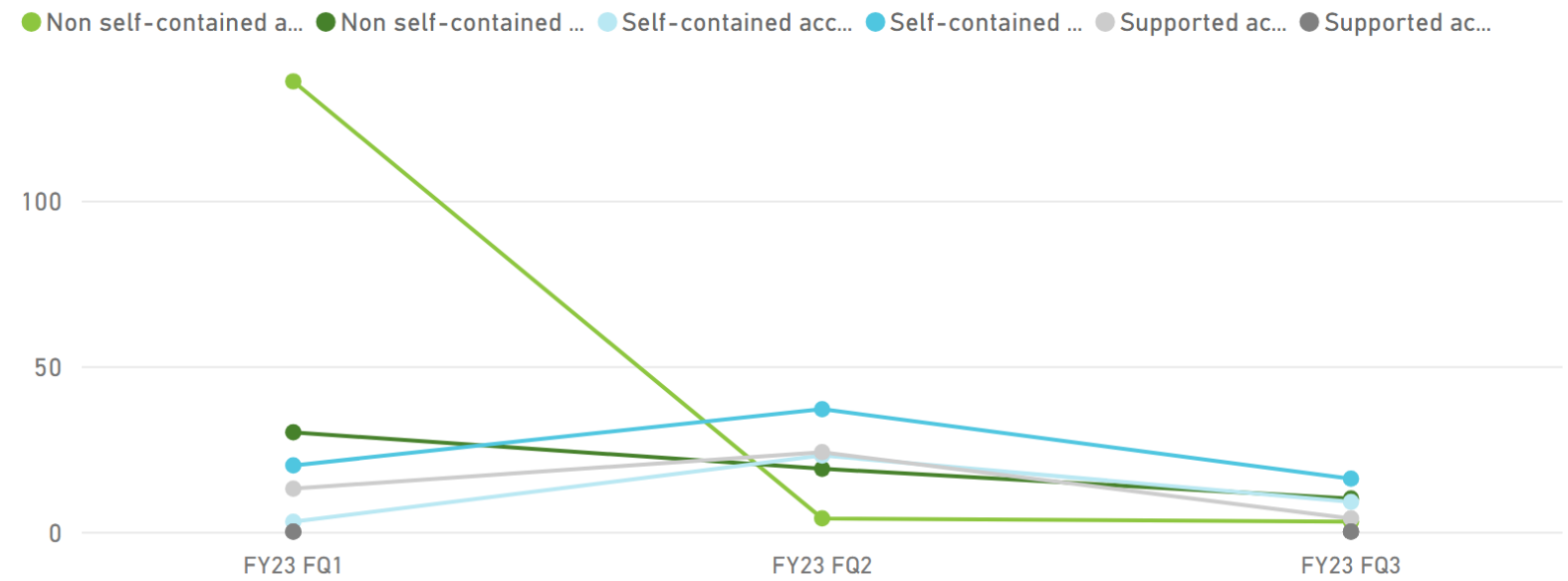


# 1,719

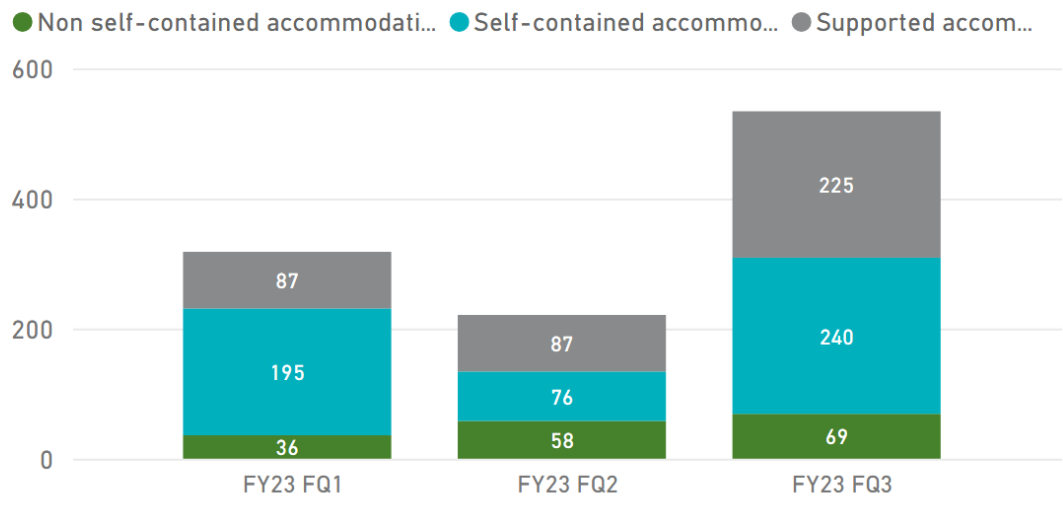
Number of households on the waiting list at end of the last quarter



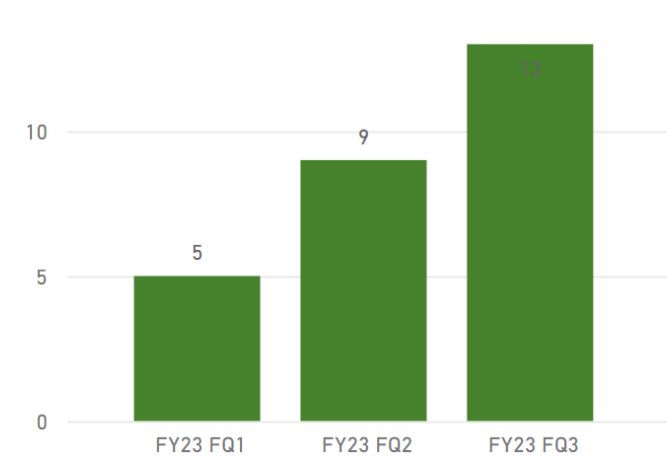
### Types of temporary accommodation that households were placed into



### Average time spent in temporary accommodation (days)



### Number of households who spent more than 6 weeks in B&B



Find out more about the council's housing service

# Operational performance - Environmental Services

[See more Environmental Services data](#)

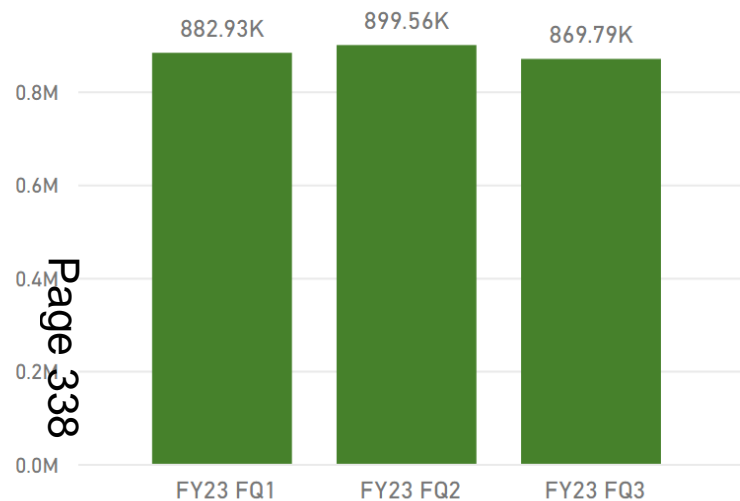
[Reset filters](#)



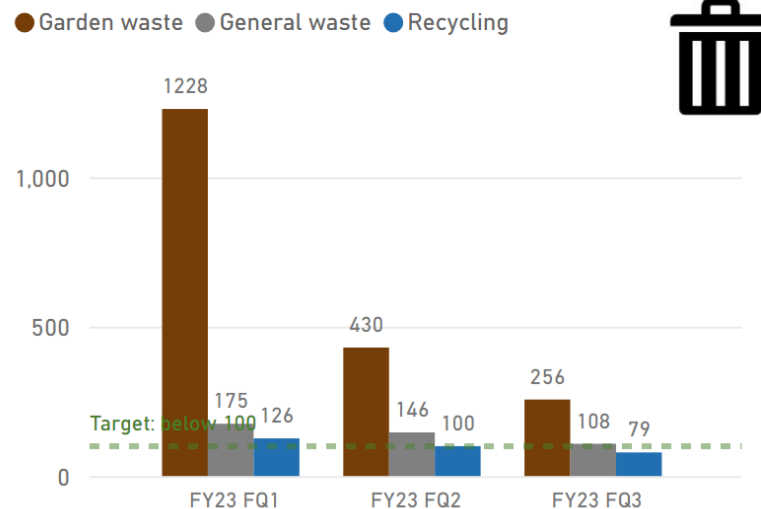
Environmental Services (household waste collection, street cleaning, grounds maintenance, allotments, cemeteries and public conveniences) are provided by the council's joint venture, Norse SE.

## Household waste collection

### Total collections carried out



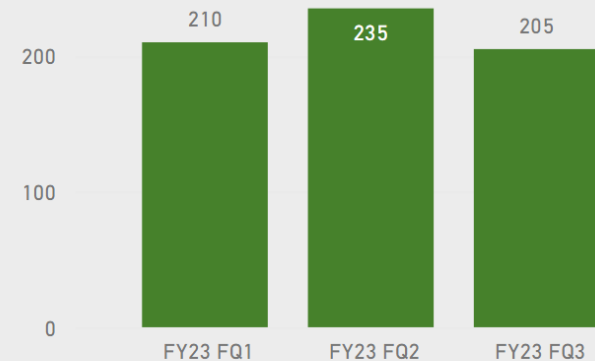
### Number of missed bins per 100,000 opportunities



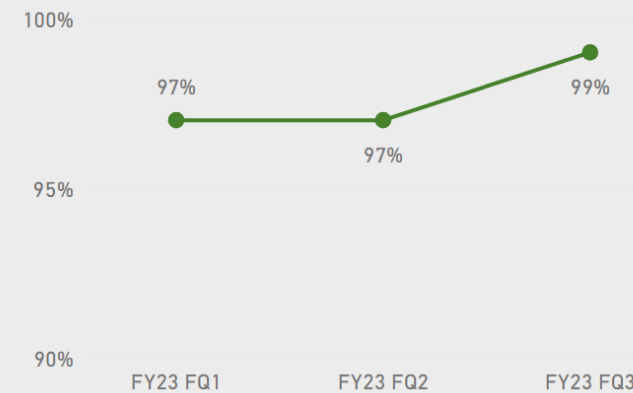
## Bulky waste collection

The council offers this service for large items such as fridges, freezers, sofas etc

### Number of collections carried out

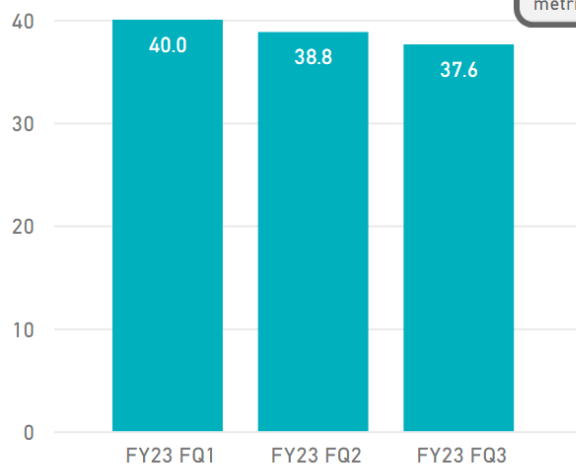


### % of collections carried out within SLA

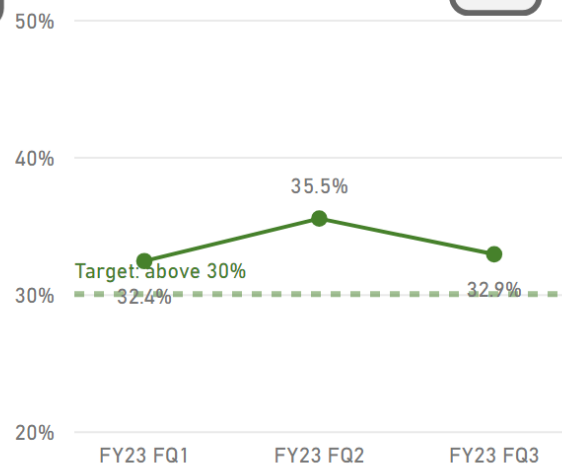


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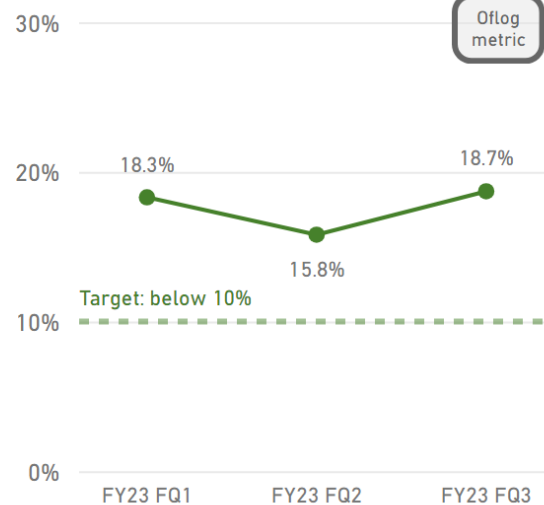
### Household waste collection - average residual waste per household (kg)



### % of household waste sent for recycling



### Contamination rates of recycling





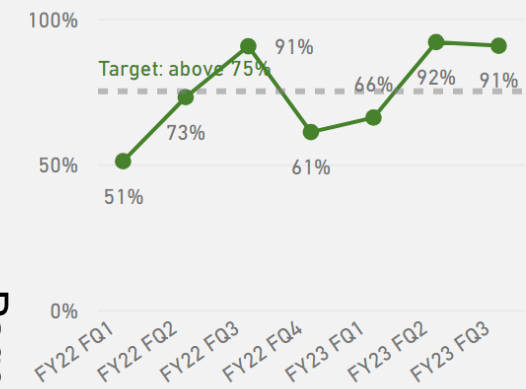
# Operational performance - Customer Services / Revenues and Benefits

Both services are provided by Capita via the 5 Councils Contract.

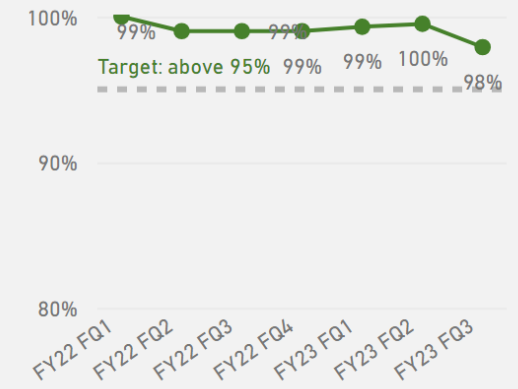


## Customer Services phone lines

Calls answered within 20 seconds in the CSC (%)



Calls answered and completed by CSC - one and done (%)



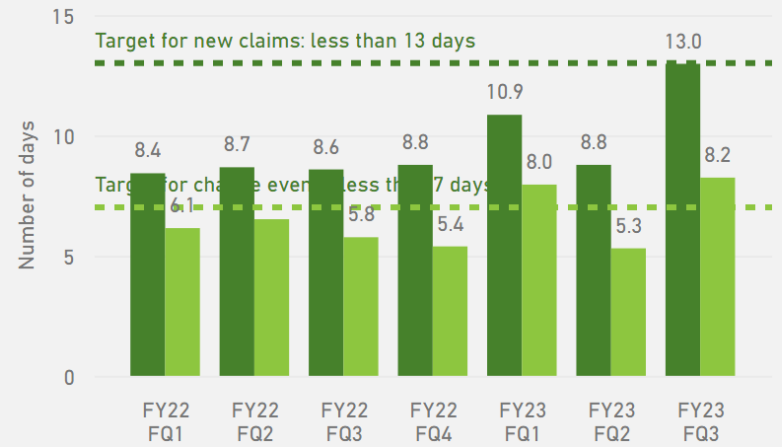
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Customer satisfaction data will be added here when available

[View complaints data](#)

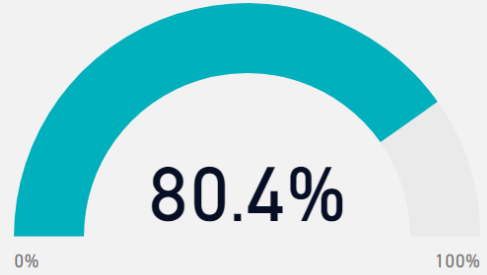
## Benefits applications processing

Average processing time for housing benefit and council tax benefit

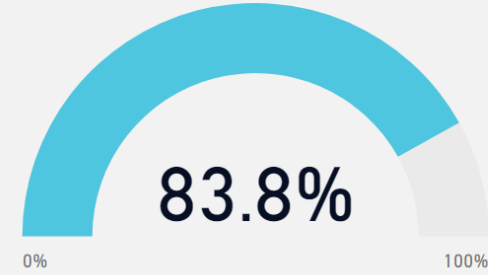


## Council tax and business rates collection

Non domestic rates cash collection - cumulative (%)



Council tax cash collection rate - cumulative (%)

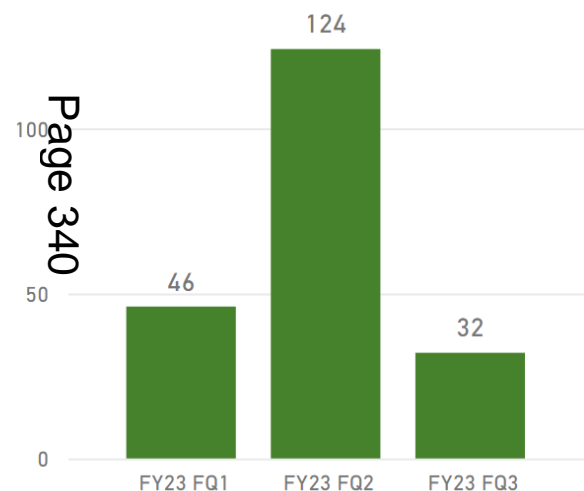


Position as at end of Q3 (31st December). Collection rates of council tax and non domestic rates (also known as business rates) are monitored throughout the financial year to ensure that the collection targets will be reached by the end of March.

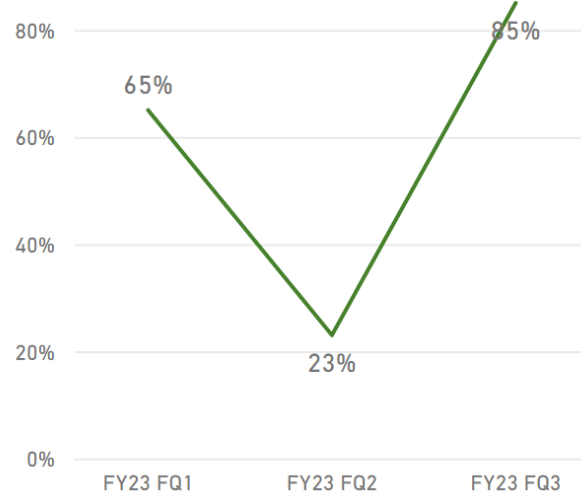
## Private sector housing

The council has a duty to check whether privately rented housing in the borough is safe and suitable to live in.

Number of new private sector housing complaints received



% of private sector housing complaints resolved within 90 days

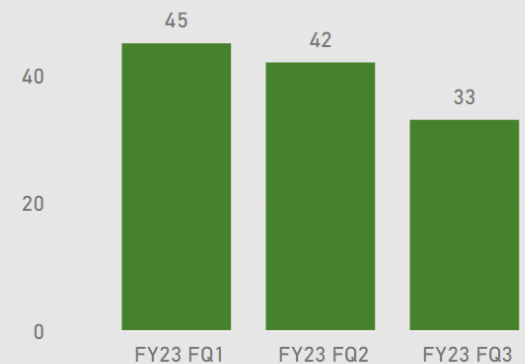


[Find out more about private sector housing enforcement](#)

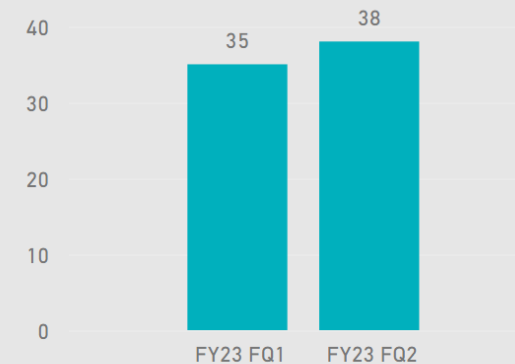
## Disabled Facilities Grants

Disabled Facilities Grants (DFGs) are provided to help disabled people to carry out essential adaptations to their homes (for example, the installation of a stairlift or a walk-in shower) so that they can live more or fully independently.

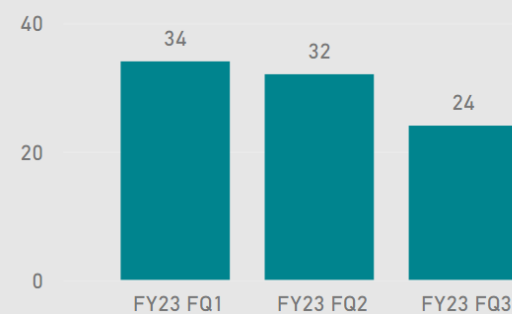
Number of new applications received



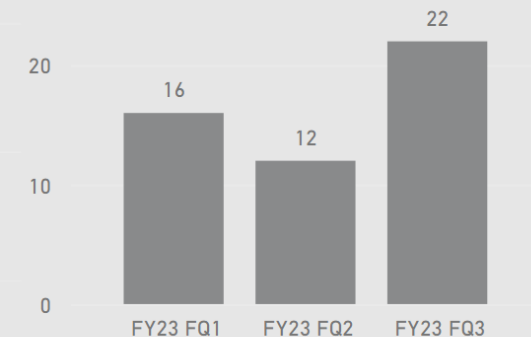
Number of applications approved



Number of applications completed and closed



Number of applications rejected or cancelled



**845,248**

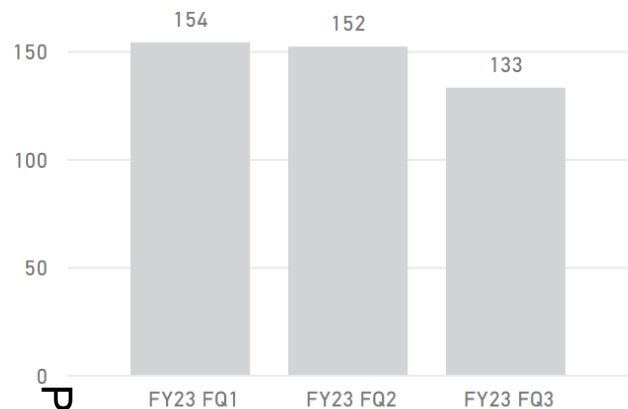
£ of grants approved during financial year (cumulative)

[Find out more about DFGs](#)



## Pest Control

Number of pest control new treatments

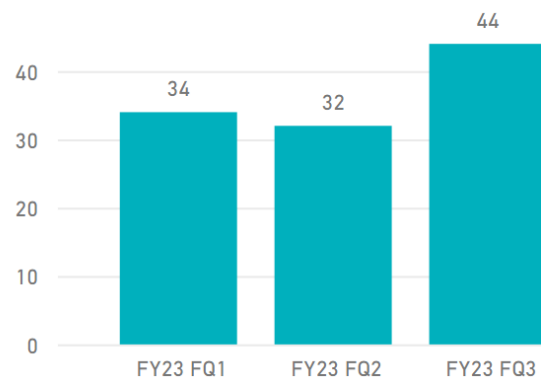


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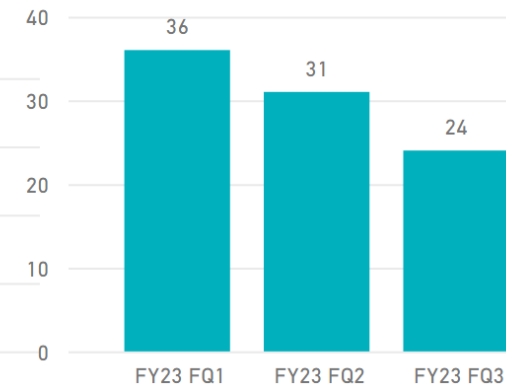
Find out more about the pest control service

## Food and Safety

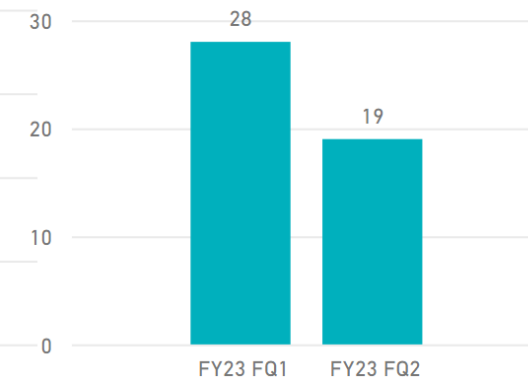
Number of new food and safety complaints received



Number of new food business registrations

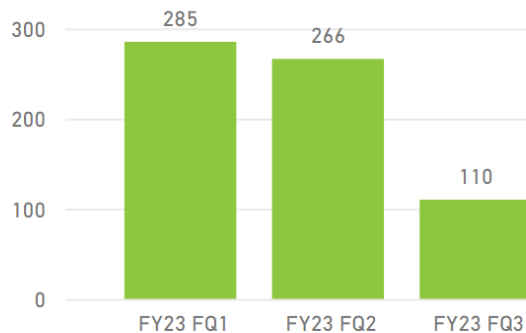


Number of food hygiene inspections carried out

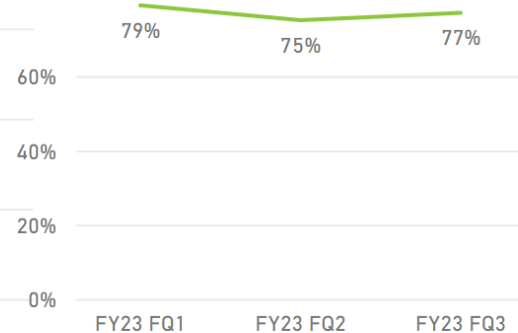


## Pollution

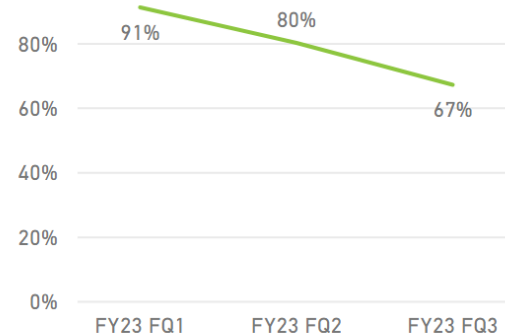
Number of new pollution cases\* reported



% of pollution cases\* meeting first response target (3 working days)



% of pollution cases\* resolved within 90 days



Additional data on food hygiene inspections will be added here shortly

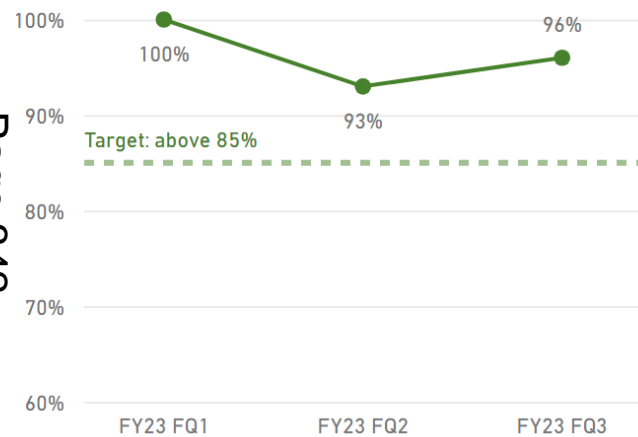
Find out more about food hygiene inspections

\*Pollution cases may include complaints about noise, bonfires, vermin etc

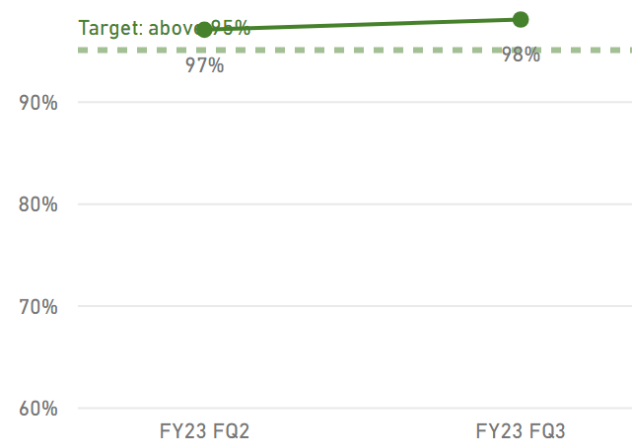


## Licensing

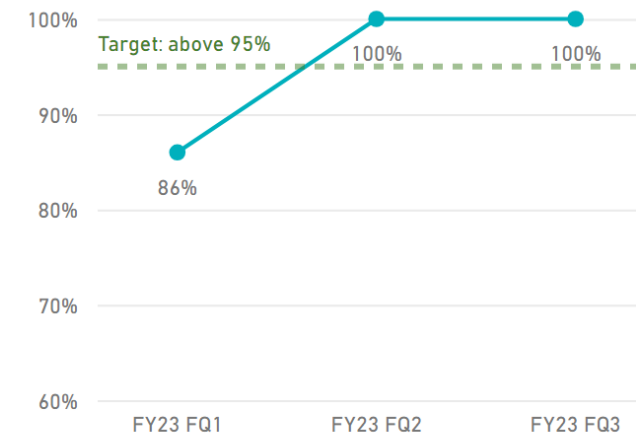
% of driver licences issued within 5 working days of all mandatory checks being completed



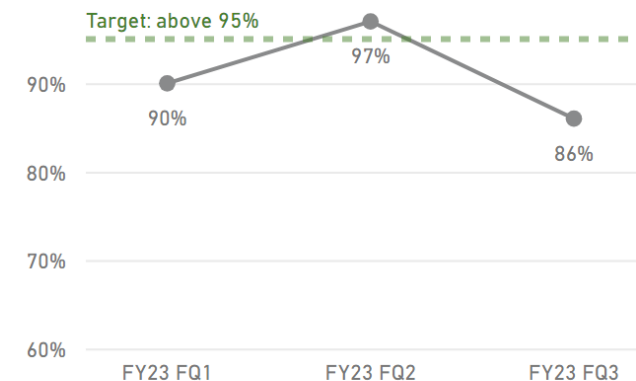
% of vehicle licences issued within 5 working days of all mandatory checks being completed



% of premises licences issued within 5 days of consultation period end



% of Temporary Event Notices acknowledged within 5 working days of application receipt

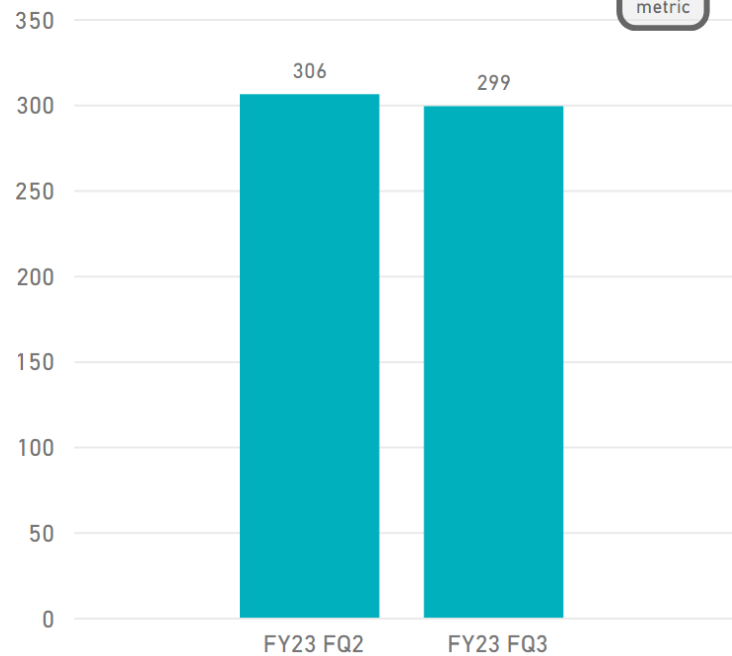


[Find out more about licensing](#)



### Number of fly tipping incidents reported

Oflog metric

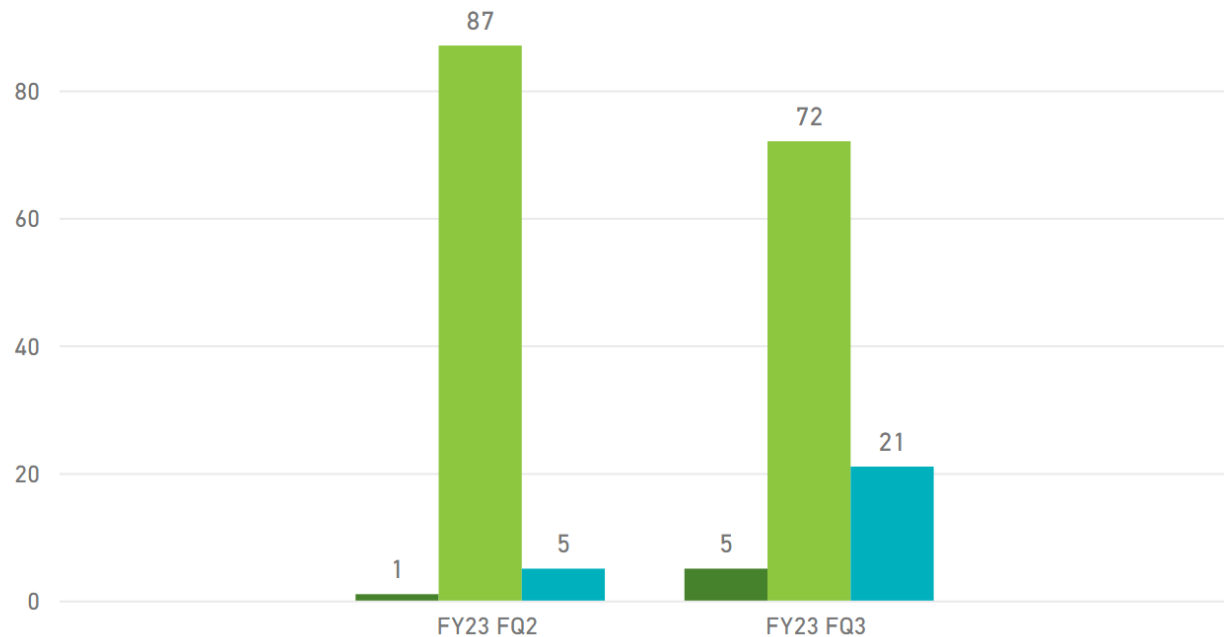


Find out more about street cleanliness

### Fly tipping enforcement actions

Oflog metric

● Fixed Penalty Notices (FPNs) issued ● Investigations ● Warning letters sent



Further metrics are currently under development

# Workforce diversity

Find out more about our commitment to equality and diversity

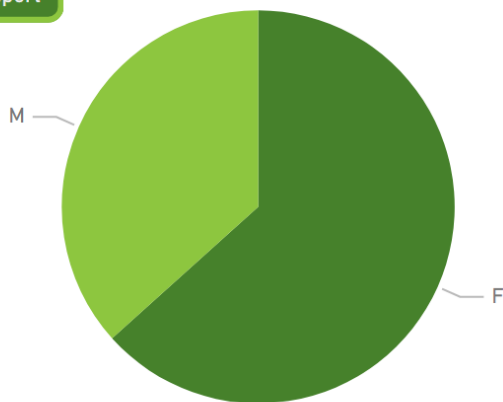


Havant Borough Council is committed to the public sector equality duty. This data is collected from permanent staff annually for the purposes of monitoring diversity in the workforce.

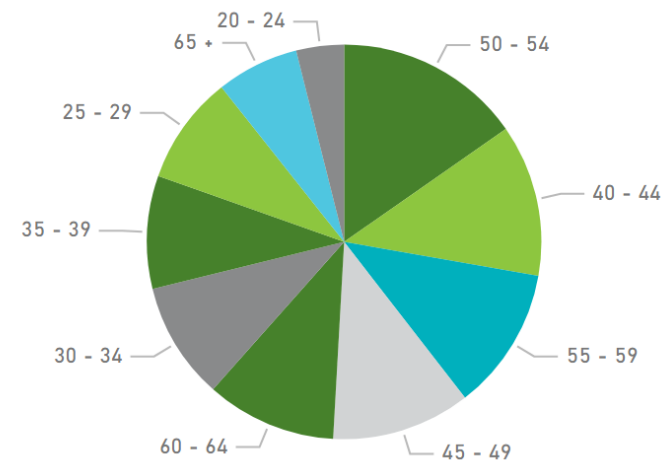
**281**  
Number of employees  
Snapshot taken 31st March 2023

## Gender

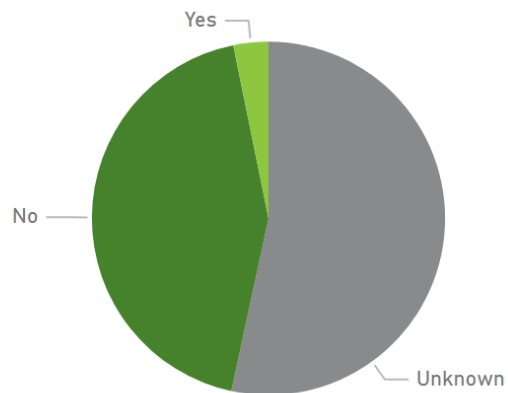
Read our gender pay gap report



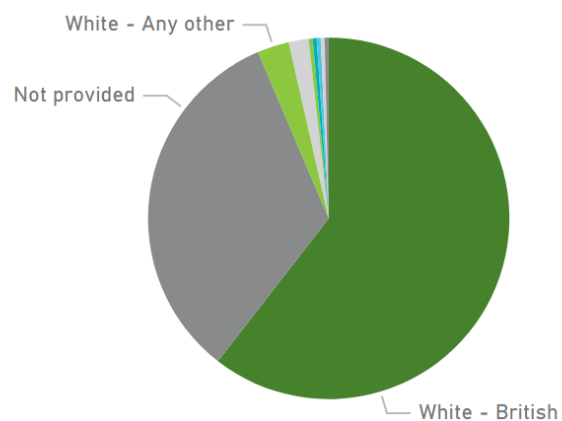
## Age



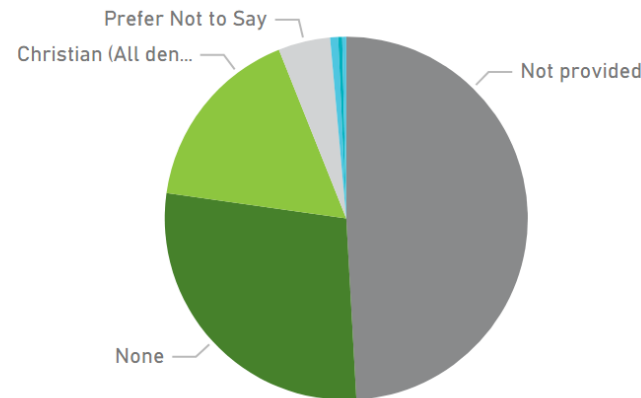
## Disability



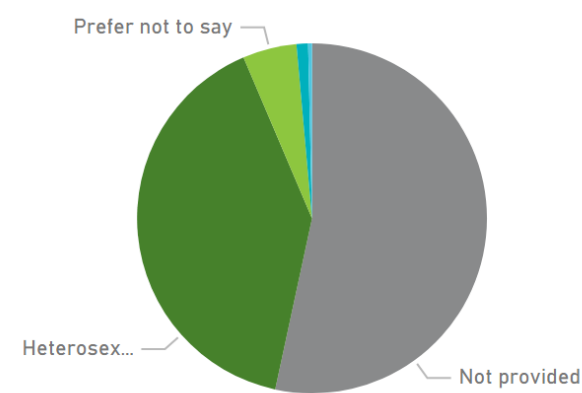
## Ethnic origin



## Religion






## Sexual orientation






# How to use this dashboard

You can use the navigation buttons to navigate between the pages of this dashboard. Every page has a  button which will take you back to the home page and a button  which will take you back to the previous page you were on.

Many of the charts and diagrams in this dashboard are interactive. You can filter data or change the way it is displayed by clicking on the charts. To reset all the charts on a page, click on the 'Reset filters' button at the top right.  Reset filters

This dashboard contains data from a range of sources. Some of it is sourced from our internal records and some comes from external sources like the Office for National Statistics. Any data that comes from external sources is marked with this symbol  in the top right corner of the graph, which provides a link to the source data when clicked on.

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[Read our Corporate Strategy](#)

## About

This dashboard aims to provide councillors, officers, partners, and members of the public with a comprehensive picture of the progress made against our organisational objectives, as set out in our [Corporate Strategy](#).

We have collated a wide range of data and evidence, both relating to council services and to socioeconomic factors and trends across the borough, to support decision making and to allow us to monitor the impacts of our projects and initiatives.

The dashboard is built using Power BI, an interactive data visualisation tool from Microsoft. Find out more about viewing Power BI reports [here](#).

## Contact

This dashboard was created and is maintained by Havant Borough Council's **Strategy Unit**.

For more information, or to provide feedback, please contact [william.jackson@havant.gov.uk](mailto:william.jackson@havant.gov.uk) or [georgie.thurlby@havant.gov.uk](mailto:georgie.thurlby@havant.gov.uk)

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## Capital Programme Monitoring

<b>Month:</b>	Quarter 3 - December 2023
<b>For Actuals up to:</b>	Quarter 3 - P9 – December 2023
<b>Report Author:</b>	Louise Thornton-Turp

### Executive Summary:

#### Overview

Havant Borough Council's capital programme was agreed as part of the annual budget setting process at the meeting of the Council in February 2023.

The capital programme is monitored throughout the year to ensure that funds are spent in line with agreed plans, any potential overspends are identified early and any balances of funds are reallocated appropriately or captured back into the main funds as part of the Council's corporate resources.

The finance team is working closely with the relevant service managers/officers to manage and monitor specific grant funded projects, especially where Section 106 (S106) or Community Infrastructure Levy (CIL) funding is used or allocated.

#### Performance

The table below is monitoring specific project against the remaining budget allocation from 2022/23 and any additional or new funding agreed in 2023/24. This table does not reflect the full capital programme in its entirety but captures those project areas that are "live" at this current stage.

Further work still needs to be done to improve our capital monitoring processes and the Business Partnering team will be working closely with corporate finance and operational colleges to improve on the processes so Executives and Members have greater clarity on capital spending.

Ref	Scheme	Funding Source	2022/23 Budget	2023/24 Budget	Total YTD Spend	YTD Variance	Forecast 23/24 Spend	Forecast Variance
<b>Executive Head of Regeneration and Communities</b>								
1	Refurbishment of HBC equipped play areas	RES (HBC)	70,000	0	350,885	-280,885	350,885	-280,885
		CIL (HBC)	70,000	0	0	70,000	0	70,000
		<b>Total</b>	<b>140,000</b>	<b>0</b>	<b>350,885</b>	<b>-210,885</b>	<b>350,885</b>	<b>-210,885</b>
2	Springwood Play Area	LUP (DHLUC)	85,000	0	0	85,000	0	85,000
3	Hayling Island Skate Park	S106 (SP)	79,000	0	163,631	163,631	163,631	-84,631
		Grant (VET)	75,000	0	0	75,000	0	75,000
		Grant (HSP)	46,000	0	0	46,000	0	46,000
		<b>Total</b>	<b>285,000</b>	<b>0</b>	<b>163,631</b>	<b>369,631</b>	<b>163,631</b>	<b>121,369</b>
4	Bulbeck Road Redevelopment	BRFG (DHLUC)	0	1,650,000	0	0	0	1,650,000
5	Local Authority Housing Fund	LAHF (DLUHC)	0	211,766	0	0	0	211,766
<b>Total Executive Head of Regeneration and Communities</b>			<b>425,000</b>	<b>1,861,766</b>	<b>514,517</b>	<b>158,746</b>	<b>514,517</b>	<b>1,772,249</b>
<b>Executive Head of Commercial</b>								
6	Changing Places	CHGP	0	100,000	0	100,000	0	100,000
7	Asset Maintenance Management System	RES (HBC)	60,000	0	0	60,000	0	60,000
8	Expansion of Garden Waste Scheme	RES (HBC)	0	100,000	0	100,000	0	100,000
9	UKSPF	UKSPF (DHLUC)	25,000	80,000	0	105,000	0	105,000
<b>Total Executive Head of Commercial</b>			<b>85,000</b>	<b>280,000</b>	<b>0</b>	<b>365,000</b>	<b>0</b>	<b>365,000</b>
<b>Executive Head of Place</b>								
10	Disabled Facilities Grant	DFG (DWP)	1,628,000	1,628,000	1,071,366	1,071,366	1,071,366	2,184,634
11	Nutrient Neutrality Mitigation	Grant (SLEP)	250,000	0	0	250,000	0	250,000
<b>Total Executive Head of Place</b>			<b>1,878,000</b>	<b>1,628,000</b>	<b>1,071,366</b>	<b>1,321,366</b>	<b>1,071,366</b>	<b>2,434,634</b>
<b>Coastal Defence Partnership Manager</b>								
12	Warblington Bridge	CIL (HBC)	300,000	0	0	300,000	0	300,000
13	Hayling Island Beach Management Activities	FDGiA (EA)	500,000	425,000	252,980	252,980	252,980	672,020
		FDGiA (EA)	437,324	205,788	222,013	222,013	222,013	421,100
14	Langstone FCERM	CIL (HBC)	0	123,177	0	123,177	0	123,177
		<b>Total</b>	<b>437,324</b>	<b>328,965</b>	<b>222,013</b>	<b>345,190</b>	<b>222,013</b>	<b>544,277</b>
15	Langstone Repairs	RES (HBC)	0	30,000	0	30,000	0	30,000
16	Hayling Island Strategy	FDGiA (EA)	125,147	0	99,578	99,578	99,578	25,569
		CIL (HBC)	100,000	96,798	0	196,798	0	196,798
		<b>Total</b>	<b>225,147</b>	<b>96,798</b>	<b>99,578</b>	<b>296,376</b>	<b>99,578</b>	<b>222,367</b>
<b>Total Coastal Defence Partnership Manager</b>			<b>1,462,471</b>	<b>850,763</b>	<b>574,571</b>	<b>1,194,546</b>	<b>574,571</b>	<b>1,738,663</b>
<b>Total Capital Programme</b>			<b>3,850,471</b>	<b>4,620,529</b>	<b>2,160,453</b>	<b>3,039,658</b>	<b>2,160,453</b>	<b>6,310,547</b>

<b>Agreed and signed off by:</b>		<b>Date:</b>
<b>Cabinet Lead:</b>		
<b>Executive Head:</b>	Steven Pink	
<b>Monitoring Officer:</b>		
<b>Section151 Officer:</b>	Steven Pink	

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## Prudential Indicators 2023/24 Q3

The Authority measures and manages its capital expenditure and borrowing with reference to the following indicators.

It is now a requirement of the CIPFA Prudential Code that these are reported on a quarterly basis.

**Capital Expenditure:** The Authority has undertaken and is planning capital expenditure as summarised below.

	2022/23 actual £m	2023/24 forecast £m	2024/25 budget £m	2025/26 budget £m
<b>General Fund Services</b>	3,342	4,651	6,770	6,022

**Capital Financing Requirement:** The Authority's cumulative outstanding amount of debt finance is measured by the capital financing requirement (CFR). This increases with new debt financed capital expenditure and reduces with MRP and capital receipts used to replace debt.

	31.3.2023 actual £m	31.3.2024 forecast £m	31.3.2025 budget £m	31.3.2026 budget £m
<b>General Fund services</b>	12,884	12,649	12,414	12,179

**Gross Debt and the Capital Financing Requirement:** Statutory guidance is that debt should remain below the capital financing requirement, except in the short term. The Authority has complied and expects to continue to comply with this requirement in the medium term as is shown below.

	31.3.2023 actual £m	31.3.2024 forecast £m	31.3.2025 budget £m	31.3.2026 budget £m	Debt at 31.12.2023 £m
<b>Debt</b>	3,052	2,938	2,824	2,706	2,999
<b>Capital Financing Requirement</b>	12,884	12,649	12,414	12,179	

**Debt and the Authorised Limit and Operational Boundary:** The Authority is legally obliged to set an affordable borrowing limit (also termed the Authorised Limit for external debt) each year. In line with statutory guidance, a lower "operational boundary" is also set as a warning level should debt approach the limit.

	Maximum debt H1 2023/24	Debt at 31.12.23	2023/24 Authorised Limit	2023/24 Operational Boundary	Complied?
<b>Borrowing</b>	3,052	2,999	25,000	25,000	Yes

Since the operational boundary is a management tool for in-year monitoring it is not significant if the boundary is breached on occasions due to variations in cash flow, and this is not counted as a compliance failure.

**Net Income from Commercial and Service Investments to Net Revenue Stream:** The Authority's income from commercial and service investments as a proportion of its net revenue stream has been and is expected to be as indicated below.

	2022/23 actual £m	2023/24 forecast £m	2024/25 budget £m	2025/26 budget £m
<b>Total net income from service and commercial investments</b>	1,448	1,558	1,558	1,558
<b>Proportion of net revenue stream</b>	9.44%	9.97%	10.29%	10.10%

**Proportion of Financing Costs to Net Revenue Stream:** Although capital expenditure is not charged directly to the revenue budget, interest payable on loans and are charged to revenue.

The net annual charge is known as financing costs; this is compared to the net revenue stream i.e. the amount funded from Council Tax, business rates and general government grants.

	2022/23 actual £m	2023/24 forecast £m	2024/25 budget £m	2025/26 budget £m
<b>Financing costs (£m)</b>	0.362	0.357	0.353	0.348
<b>Proportion of net revenue stream</b>	2.36%	2.28%	2.33%	2.25%

**Treasury Management Indicators:** These indicators (Asset Benchmark, Maturity Structure of Borrowing, Long-Term Treasury Management Investments and Interest Rate Exposures) are reported within the Treasury Management Mid-Year Report 2023/24.

<b>Name of Committee:</b>	Cabinet		
<b>Committee Date:</b>	06 March 2024		
<b>Report Title:</b>	Langstone FCERM Scheme – Planning and Consenting Phase		
<b>Responsible Officer:</b>	Lyall Cairns, Executive Head of Coastal Service		
<b>Cabinet Lead:</b>	Councillor Liz Fairhurst		
<b>Status:</b>	Non-Exempt / <del>Part-Exempt</del> / Exempt		
<b>Urgent Decision:</b>	Yes/ No	<b>Key Decision:</b>	Yes/No
<b>Appendices:</b>	Appendix A - Present day and future 1/200 yr. flood mapping Appendix B – Wider Benefits Assessment 2019 Appendix C – Preferred Option Report, April 2019 ( <a href="#">Link</a> ) Appendix D – Langstone Exhibition Poster Booklet ( <a href="#">Link</a> ) Appendix E – Summary public consultation feedback		
<b>Background Papers:</b>	<a href="#">Havant Borough Council Corporate Strategy</a> 2022 - 2026		
<b>Officer Contact:</b>	Name: James Spragg Email: James.Spragg@havant.gov.uk		
<b>Report Number:</b>	HBC/90/2024		

<p><b>Corporate Priorities:</b></p> <p>Langstone Flood and Coastal Risk Management (FCERM) enables delivery of the Corporate Strategy specifically through Havant Borough Council’s (the Council) Pride in Place aspiration:  <i>“Our communities are safe from coastal erosion and flooding, with our coastlines and habitats being high in biodiversity.”</i></p> <p>Achieving this aspiration is through the strategy’s identified initiative of continued delivery of coastal protection and management projects included the Langstone FCERM project.</p> <p>This project is also a priority project (No.4) for the Council.</p>
---

<p><b>Executive Summary:</b></p> <p>In October 2020 Cabinet requested that the design be brought to them on the completion of detailed design.</p> <p>Langstone FCERM Scheme is a priority project for the borough. The project is a strategic fit with the Council’s Corporate Strategy, as well as wider Flood and Coastal Erosion Risk Management (FCERM) planning documents adopted by the council. The North Solent Shoreline Management Plan 2010 (SMP2) recommends a policy of “hold the line” for this section of coastline. The Portsmouth to Emsworth Management Strategy (adopted by the Council in 2013) identified an adaptive approach with a minimum of a 1 in 75-year Standard of Protection (SOP). A thorough option appraisal determined the most cost-effective solution offers a present day 1 in 200-year SOP for Langstone.</p>
---

Do nothing damages within the local area are quantified at £28.6 million. Wider disruptions to the A3023, from flooding, is estimated at a further £20 million.

Implementation of a scheme at Langstone directly benefits properties at risk of coastal flooding. It also safeguards the critical road infrastructure on which services and Hayling Island community relies. Under a present-day scenario, the A3023 is estimated to be significantly impacted from a 1 in 20-year (5% AEP) flood event. Pipe bursts in 2019 and 2022 demonstrated the level of disruption for the people around the borough. It also leads to major traffic congestion in Havant, and long tailbacks on the A27 and A3. This has a significant consequence for emergency response, for businesses and tourism. Without protecting this critical asset, delivering on local plans for housing and economic growth for Hayling Island will be severely limited.

This report seeks approval from Cabinet to continue delivering this scheme into the Planning and Consenting Stage. During this stage the project team will submit the planning application and environmental consents, pre-qualify contractors, and continue to close the project's cost shortfall. Funds to complete the next stage of the work, costing £300k - £400k, are secured from the Environment Agency through an allowance to recover project inflation impacts through the design stage.

A further gateway in September is planned to present the outcome of the planning applications and closure of the funding gap. A further Key Decision is expected on whether the project continues into construction or needs to pause in September 2024.

A public exhibition was undertaken in January 2024 to showcase the final design to the public and interested stakeholders. Consultation feedback from the event demonstrates that the project is well supported with 90% of respondents supporting the scheme.

Whole life costs for delivering the scheme are estimated to cost £18 million. Funding secured from a blend of sources totals £11 million. Current funding bids to the Other Government Department Fund (£1.9million) and HBC CIL (£2.5million) total £4.4million. The remaining funding gap is £2.6million.

There is a residual risk to allocated funding around Environment Agency expectations for a discounted Benefit Cost Ratio (BCR) equating to unity. We are working to re-affirm our existing financial assurance (secured via outline business case) holds true, given the increased costs have impacted on BCR, which is now potentially below 1 but will be confirmed through ongoing work to determine this.

Due to the limited working period, a delay at this stage can impact start of construction by an additional year. With construction industry inflation predicted at 7.5% this represents the risk of approximately £1million additional shortfall to the funding gap.

Continuing planning and consenting alongside seeking further additional funding, reduces risk on the programme and inflation cost.

### Recommendations:

1. Cabinet **approves** the continued progression to complete the Planning and Consenting management stage of the project (estimated cost £300k - £400k).
2. Cabinet **approves** the continued work to close the project's remaining funding gap, while also seeking to decrease costs where possible, and seek certainty over the release of allocated funds, and cost benefit ratios from the Environment Agency.
3. Cabinet endorses the need to work with partner agencies to deliver this priority project for the borough and in doing so, the Leader shall write to National Highways to express the need for their support.



## 1.0 Introduction

- 1.1 In making the decision ([28 October 2020](#)) to undertake the Langstone FCERM scheme detailed design, Cabinet asked that the final design be brought back to them for consideration. This report reiterates the case for change, highlights the final design, and requests approval for continued expenditure of resources for the Planning and Consenting Stage of the project.

## 2.0 Background

- 2.1 A primary focus of the scheme is to reduce flood and erosion risk to life and property in Langstone. For the present day there are 72 residential properties, and four non-residential properties, at risk from a 1 in 200-year (0.5% AEP) tidal flood event. Due to sea level rise, in one hundred years' time 122 residential properties and nine non-residential properties are expected to be at risk from a 1 in 200-year (0.5% AEP) event (See Appendix A for present day and future 1 in 200-year flood mapping).
- 2.2 Another primary focus of the scheme is to protect the A3023 from flooding protecting the interest of Hayling Island. Hayling Island has approximately 17,500 residents (CENSUS 2021) and nearly nine hundred active companies registered with Companies House (GOV.UK). Visitors are attracted to the island's beaches and holiday camps and the A3023 forms the only road linking this economical area with the mainland where all major utilities and services are located. Flooding to the A3023 begins to have significant impacts from a present day 1 in 20-year event (0.5% Annual Exceedance Probability [AEP]).
- 2.3 Previous pipe bursts and road closures on the A3023 cause significant traffic delays in Havant, and cause tailbacks on the A27 and A3. Flooding on the road is likely to leave debris in the road, and cause damage to the surface, causing further road use restriction after the tide has receded. A present day 0.5% AEP (1:200 year) event is estimated to flood the road to a 0.5m water depth, with potential for 7 days of road traffic disruption while repairs are undertaken. This situation becomes more frequent with climate change, by 2120 the road is estimated to be disrupted bi-annually for 7 days or more with nearly a 1m of flood water.
- 2.4 Many of the current defences along the Langstone frontage are in poor condition and have residual lives of less than five years without significant maintenance. Ground and structural investigation works (2018/19) found that many of the defence lengths have no foundations and are being undermined, placing the properties only meters away from the risk of erosion or falling into the harbour.
- 2.5 In England there is a 3-tiered hierarchy for Flood and Coastal Erosion Risk Management (FCERM) to develop plans, strategies and schemes which enable Local Authorities to plan their work managing coastal risks. The first East Solent Shoreline Management Plan was approved and adopted in

1997, it was extended to Hirst Spit and became the North Solent Shoreline Management Plan and further adopted in 2010 (SMP2). It sets out the strategic management options for coastal risk to people, the developed, historic, and natural environment over one hundred years. The preferred SMP2 management policy along the Langstone frontage is to 'Hold the Line'.

- 2.6 To manage and understand how to implement this SMP2 policy the Environment Agency (EA), with support from the Council, developed the Portchester to Emsworth FCERM Strategy which recommended sustaining the Langstone flood protection to a minimum 1 in 75-year (1.33% AEP) standard of protection over the next one hundred years. This was adopted by Cabinet in March 2013 and approved by the Environment Agency the same year.
- 2.7 The Council recognises the Langstone FCERM Scheme as critical to the delivery of the Local Plan ambition, to ensure safe access and egress onto Hayling Island by protecting the road from flooding and erosion. As such it is the priority project on the Community Infrastructure Levy (CIL) list of projects.
- 2.8 The Langstone Scheme supports the Local Plan through:
- Tourism
  - Regeneration
  - Historic Environment and Heritage Asset
  - The Local Ecological Network
  - Protected Species
  - Solent Special Protection Area
  - Solent Wader and Brent Goose feeding and roosting sites
  - Health and Wellbeing
  - Development on the Coast
  - Chichester Harbour Area of Outstanding Natural Beauty
  - Effective Provision of Infrastructure
- 2.9 Unlocking Local Planning ambitions also enables development income which supports delivery of future infrastructure across the borough.
- 2.10 Scheme Benefits**
- **Direct Flood and Erosion Risk**  
An economic appraisal has been developed for this scheme in line with HM treasury and Environment Agency FCERM Appraisal Guidance. The do-nothing cash damages for the 50-year appraisal period are £28.6 million for the core scheme.
  - **Indirect Wider Benefits Assessment**  
As part of an adjacent study further analysis was made of the wider benefits of the scheme to the area. There were 4 different assessments undertaken: Gross Value Added (GVA); Tourism and Recreation Assessment; Disruption to Hayling Island; and Ecosystem Services. (See Appendix B). Key findings from this study include:

- Over 70% of those of working age commute off and onto the island using a car.
- A large spatial economic impact of the A3023 flooding. The economic damages associated with disruption to commuters is estimated to be almost £20 million over the next one hundred years.
- Over the next 10 years the existing business disruption to the two public houses located adjacent to the frontage could collectively amount to £231k through loss of earnings.
- Exeter University's Outdoor Recreation Valuation (ORVal) tool showed that there is an average of 43,147 visits to Langstone each year for outdoor recreation, worth a welfare value of £178,147.
- The scheme will improve coastal access in line with present day regulation around accessibility.
- The Flood Hazards Research Centre calculated an additional £340k of additional economic losses in relation to mental health.
- Langstone sits within a conservation area and is of huge historical importance to the region. Intervention in the form of a scheme serve to protect heritage impacts in Langstone more than doing nothing – a scenario where heritage features would be lost to erosion and flooding.
- FCERM measures help to avoid disruptions associated with power outages, transport, communications and water supply, upon which businesses and residents rely.
- An increase in flood risk could affect business confidence which in turn could lead to decreased business investment and reduced productivity.
- FCERM measures could lead to a reduction in the cost of insurance, which in turn can affect credit because flooding insurance is often required by lenders.

## **2.11 Scheme Design**

- 2.12 A core scheme, identified through an Option Appraisal, has been developed initially through outline design and then through detailed design. This work began following Cabinet Approval in October 2020 and it is now reaching its conclusion. The project team went through a competitive tender to procure the professional services of AECOM to undertake the design work. They have incorporated a wide consultation with the community and stakeholders at four design milestones: Design Freeze, 50% Design, 80% Design and 100% design.
- 2.13 Reaching the current milestone has had a total cost of £2.1 million, this includes Appraisal, Design Commissions, Ground Investigation, Stakeholder Engagement, Early Contractor Involvement (ECI), Quantity Surveyor cost estimates, and council staff time. The Council has invested a total of £376,639 from CIL. This investment was divided equally between seed funding to the appraisal and outline design, and the detailed design progression. The remaining balance of the funding has been from Local Levy from the Southern Regional Flood and Coastal Committee (SRFCC) and national government funding namely: Other Governments Department

Funding, Frequently Flooding Communities Funding, and FCERM Covid Recovery fund.

- 2.14 At this point, the Core Scheme is estimated to have a whole life cost of £18 million and the Additional Scheme is estimated to cost a further £6 million. This includes the appraisal and design costs to date.
- 2.15 As the detailed design approaches its conclusion, approval is sought from Cabinet to continue to progress the project to prepare for construction. This preparation would include:
- Submission of planning application and design support until planning consent has been given.
  - Submission of environmental licence applications and permits.
  - Pre-qualification of contractors in advance of tendering.
  - Continued work to close the funding gap.
- 2.16 The forward plan for Langstone Scheme is to submit the Planning and Environmental Consent applications, for the Core Scheme Only, in April 2024, for determination in July 2024.
- 2.17 The project will then return to Cabinet for a further Key Decision to move forward to the construction stage in September 2024. Currently, it is anticipated that planning consent will be available, and the funding gap closed. The project is working at pace to achieve a construction start in April 2025, to lessen inflation impacts.
- 2.18 There is risk that elongated decisions or delays in closing the funding gap may extend our programme, which is sensitive to available working periods during the year and impacts of inflation.

### 3.0 Options

- 3.1 A full suite of options was evaluated in line with the FCERM Appraisal Guidance and in collaboration with the regulators. The strategic proposed approach is to develop and adaptive FCERM scheme with a 50-year design life offering a 1 in 200-year Standard of Protection (SOP). At the end of the design life the scheme is predicted to offer a 1 in 75-year SOP as sea levels rise.
- 3.2 This approach is in line with the SMP2 and the Portchester to Emsworth Strategy. Towards the end of the 50-year design life the approach for the next epoch will need to be considered, along with the latest understanding of impacts of climate change. It is worth noting that the difference between a 1 in 75-year SOP and a 1 in 200-year SOP is within the range of 7 – 10 cm.
- 3.3 “Do Nothing” is a baseline option considered for all FCERM schemes to understand the impacts so they can be compared with the “Do Something” options.

- 3.4 Doing Nothing, Do Minimum, and Maintain were discounted as options early in the study process because they do not deliver the objectives of the adopted SMP2 or the adopted Portchester to Emsworth FCERM Strategy. These options will cause direct damages to assets in the area but also will have significant impacts for the continued essential services for Hayling Island residents. Additionally, there will be indirect impacts for tourism, recreation, and the economy. If no decision is made to take the project forward a Do-Nothing option represents the default position for the Council. Under a Do-nothing scenario any future maintenance would not be the responsibility of the Council, although powers to act in the public interest would remain.
- 3.5 Protecting the road in isolation was discounted early in the option appraisal, because it would not meet the strategy objectives that have been adopted. The delivery of a solution would be technically difficult to achieve in this location. A temporary barrier to protect the road would increase the operational burden and risk on the Council, while adjacent properties would flood.
- 3.6 A comprehensive description of the leading option selection is referenced in Appendix C – Preferred Option Report April 2019.
- 3.7 The Core Scheme refers to the least cost scheme design that safeguards the road and protects the largest number of properties for the next 50 years. This includes 53 residential properties, and four non-residential properties. A further six residential properties will be further protected by 2040 from the impacts of sea level rise.
- 3.8 The Additional Scheme refers to the frontage to the south of Harbourside and Mill Lane, and the end of the Langstone Spit. It would enable the additional protection of 19 properties, and the Langstone Sailing Club. It is not included in the Core Scheme because it does not contribute to the primary focus of protecting the critical road infrastructure. Through option appraisal these frontages were found not viable to include in the Core Works. At this stage it has not been possible to identify any viable investment in the Additional Scheme and therefore it will not be included in the planning application.
- 3.9 The Council has maintained an ambition to support the properties outside of the Core Scheme. For this reason, a fully developed design proposal has been prepared for Harbourside and Mill Lane residents so that when the funding situation looks more positive a scheme is available to them. Furthermore, a prioritised work schedule that enables the community to implement a phased approach to protecting themselves from flood risk in the future was provided.
- 3.10 The final leading designs on which a planning application would be made are presented in the following sections. However, a fuller description with

visualisations are presented in Appendix D Langstone Exhibition Poster Booklet ([Link](#)).

**3.11 Frontage 1a Hayling Billy Line North**

This section of the design is a raised embankment for approximately 170m. The existing path surface will be upgraded to a three-meter shared pedestrian and cycle path on top of the flood defence embankment. After the works, the area is expected to naturalise to a similar aesthetic as before. (See page 11 of the poster booklet.)

**3.12 Frontage 2 Hayling Billy to the A3023**

The design incorporates a sheet piled wall as the main flood defence. There will be localised realignment of the current path to avoid buried utility services. The existing path will be upgraded to a three-meter-wide pedestrian and cycle path. There is also localised environment and biodiversity enhancement enabling Biodiversity Net Gain (BNG). (See page 12 of the poster booklet.)

**3.13 Frontage 3 A3023 to the Lookout**

This section has a change from the outline design proposal. To reduce capital and maintenance costs a flip-up flood barrier across the car park has been replaced with a raised bund. The bund has been designed so that it will not impede existing traffic. There is a dwarf sea wall that will run alongside the A3023 between the new bund and the road bridge. The Ship Inn will be protected with a new sea wall that will follow the existing structure. The top of the wall will incorporate local preference for flood glass to preserve the amenity of the area. The design will incorporate accessibility improvements removing the steps at the Ship Inn's beer garden and reducing the crossfall of the footpath. (See pages 13 - 14 of the poster booklet.)

**3.14 Frontage 4 The Lookout to the Winklemarket**

The design for this section needs to incorporate a defence that would address the risk from still water level and the poor existing quay wall condition. From the lookout to the Green a new set back concrete wall will be placed in front of the existing walls. At the Green, the wall will come away from the existing structures and go around the green. However, the path will remain on the seaward side of the wall. The footpath will be widened to a minimum of 1.5 meters to make it more accessible. Private access to the Coastguard Cottages will be provided with demountable flood boards, and the private access to Green Cottage provided for with a double leaf flood gate.

**3.15** From the Green to the Winklemarket the wall will return to run parallel with existing structures. It will be clad in flint and a breathable gap will be installed between the existing property wall and the flood wall. The footpath will be upgraded to a minimum of 1.5 meters wide for improved accessibility.

**3.16** Along the whole frontage the lower quay wall will be installed in front of the existing quay to avoid it collapsing during construction. This will connect to a

piled toe structure under the foreshore, and not be visible after the works. The quay wall will be clad in Engineering Brick, whereas the higher flood wall will have an appropriate heritage brick or flint cladding to match the existing vista. The seaward edge of the new path will have a post and rail handrail to prevent accidental falls from height. (See pages 15-17 of the poster booklet.)

### **3.17 Frontage 5 The High Street**

The final design at the end of the high street consists of a new vehicular double leaf vehicle flood gate clad in timber. Beside the vehicle gate will be a single leaf pedestrian gate adjacent to the Winklemarket. The gates will be secured in an open position until needed, and returned to an open position after the risk has passed. (See page 18 of the poster booklet.)

### **3.18 Frontage 5 Royal Oak & Cottages**

The design for this area is for a new higher sea wall between the foreshore to the design still water level in one rise. The top of the wall will incorporate local preference for flood glass to preserve the amenity of the area. The remaining part of the wall would be clad with natural stone, in a random pattern to mimic the existing. (See page 19 of the poster booklet.)

### **3.19 Frontage 5 Royal Oak to Langstone Meadows**

After the Royal Oak the defence alignment changes to a setback position as it passes the allotment land. The transition is marked with a slot for receiving flood boards, as well as a set of emergency steps which enables residents on the flood side of the wall over the structure to safety. Vehicle access for 21 Langstone Highstreet will be through a single leaf vehicle gate connecting to a concrete flood wall that will continue along the edge of the footpath heading north. At Langstone Meadows the design continues with an earth embankment to higher ground closing the flood cell in the field behind Langstone High Street. (See pages 20 – 21 of the poster booklet). The Old Mill is not part of the scheme, although the property owner has been offered a property level flood assessment to advise on flood protection, which was declined.

**3.20** The Council will ensure the demountable barriers and flood gates are closed on receiving flood warnings.

### **3.21 Landscape design**

Having a regard for the Equality Act 2010 the accessibility of the coastal footpath will be improved. The design incorporates the minimum widths and gradients set out in the Department for Transport Mobility Guidance. Additionally, the Billy Line North will be improved to meet the requirements of Local Transport Note 1/20 for shared use paths.

**3.22** Langstone is home to sensitive habitats and are nationally and internationally important for nature conservation. The design minimised the impact of the scheme on these habitats and species. Our landscape will include re-planting and habitat creation in order that the environment is more visually and ecologically diverse than it was before. This includes proposals

for hedgerow seed mixes, native tree planting, salt marsh restoration, bee posts and bat boxes.

- 3.23 The material choices made for the scheme are based on the principle of like-for-like. This enables a design that minimises any changes to the landscape architecture because of the scheme. The team would also like to implement improved interpretation and signage to enable people to explore and learn about the local environment.

#### **4.0 Relationship to the Corporate Strategy**

- 4.1 Supports the Council's 'Pride in Place' theme keeping our residents and businesses safe from coastal erosion and flooding.
- 4.2 Contributes to the 'Pride in Place' aim to maintain and enhance our coastline and harbours for wildlife and continue to deliver projects to protect our coastline.
- 4.3 Progress the initiative for the delivery of the Langstone Flood and Coastal Management plan (Corporate Project No. 4)
- 4.4 Facilitate the initiative for the delivery of the Local Plan to ensure sustainable development in the borough.

#### **5.0 Conclusion**

- 5.1 A significant driver for the project is the protection of lives and property to the community at Langstone. This scheme can directly protect 59 residential properties and four non-residential properties over its 50-year design life. Additionally, the scheme addresses the risks of coastal erosion and aging assets that undermine the existing historically important buildings.
- 5.2 A further primary focus for the scheme is to reduce flood risk to A3023 safeguarding the critical infrastructure for the wellbeing of approximately 17,500 residents of Hayling Island. The road is an important asset that is critical to the existing economy for Havant and Hayling Island. The road begins to have significant impacts from a 1 in 20-year flood event.
- 5.3 The project directly supports the delivery of the corporate strategy and has been developed within a strategic planning context.
- 5.4 The do-nothing cash damages avoided over the design life of the scheme equates to £28.6m. Wider indirect benefits are also realised, not least to the protection of daily routines, particularly those that need to travel on and off the island, for residents of Hayling Island, and the potential for economic growth and development on the Island.
- 5.5 The design of a least cost environmentally acceptable scheme is concluding. From community feedback it is evident that the community understand the need for a scheme, and they support the proposal put to them during the public exhibition in January 2024. Delivery of the scheme is estimated at a



total cost of £18 million, this includes appraisal costs, risk, and future maintenance allowances. The scheme provides a 1 in 200-year present day SOP to the A3023 and residents, at the end of the design life this will have reduced to approximately 1 in 75 years standard of protection due to current sea level rise predictions.

- 5.6 At this point, the scheme has a funding shortfall. Current funding applications do not close the whole funding gap and further funding needs to be sought from other sources, or existing contributors asked to increase their contributions. The minimum shortfall is currently £2.6 million, not including a £1.9 million application to the Other Government Department Fund, and £2.5 million bid to HBC CIL.
- 5.7 There has been a long history of open public engagement and consultation. Support has increased between outline design and completion of detailed design (See Section 8). No further public engagement is planned during the consenting stage.
- 5.8 Slowing down the project at this point has the potential to increase the funding gap due to levels of inflation predicted in the construction industry. Therefore, progression of planning and consenting, alongside further work to close the funding gap is recommended to protect the costs.
- 5.9 The project is anticipating the need to return to Cabinet for a further decision to undertake construction. This is anticipated in September 2024 and will provide the decision gateway on whether to deliver the design scheme, based upon the success in closing the funding gap and the planning application process.
- 5.10 Cabinet are being asked to approve the progression of the scheme through Planning and Consenting, at an estimated cost between £300k - £400K. A decision on the construction is scheduled for later in the year.

## 6.0 Implications and Comments

### 6.1 S151 Comments

Members should ensure they are content to progress the project knowing that there is a potential funding shortfall which has yet to be resolved. With significant levels of funding secured, there is confidence that the project can still be completed at this stage, and delaying the project will likely only see costs rise further. However, ultimately, members will want confidence that the Council will not be left in a position where it has no other option but to pick up any funding shortfall.

### 6.2 Financial Implications

- The outline design stage of the work was completed in 2019 and was funded by the SRFCC Local Levy (£301k) and CIL (£188.5k).
- The detailed design of the project is to be completed in March 2024. This stage was funded by Flood Defence Covid impacts fund (£101.5k), Other

Government Department Funding (£1.25 million) and Frequently Flooding Allowance (80,000) and HBC CIL (£188k). A further value is yet to be claimed from a national inflation allowance, however, we are awaiting a formal letter draw down this allocation (£76k). Should the letter not be received by the end of the fiscal year we will seek CIL and claim the money from national funds in 2024/25 to re-imburse CIL.

- Delivery of the Core Scheme is estimated to cost £18 million (including appraisal and design costs). This cost model provided by Atkins Realis (previously Faithful & Gould), is based upon the final designs from AECOM, and construction programme information the ECI contractor.
- The project team have identified the following sources of funding for the project:

Source	Confidence	Value
Community Infrastructure Levy	Allocated	£ 2,625,000.00
Local Levy appraisal	Allocated	£301,000.00
Other Gov. Departments Fund 1	Allocated	£583,437.00
Local Levy	Allocated	£794,000.00
GiA	Allocated	£1,139,937.00
Other Gov. Departments Fund 2	Allocated	£541,563.00
Covid Recovery Claim	Allocated	£101,549.00
Frequently Flooded Allowance	Allocated	£2,500,000
Other Gov. Departments Fund 3	Allocated	£1,219,629
Hampshire County Council	Allocated	£250,000.00
Environment Agency inflation	Allocated	£818,000.00
Other Gov. Departments Fund 4	Allocated	£1,900,000
Greene King Limited	Low	£
Fuller, Smith & Turner P.L.C	Low	£
Langstone Sailing Club	Low	£
Resident Contributions	Low	£
National Highways	Low	£
Additional CIL	Med	£2,500,000
<b>Total Contributions (Allocated)</b>		<b>£12,774,115</b>

Table 1 Funding sources

- A capital bid has been made to the Council for additional CIL this will be considered in February within the existing Capital Bidding process. A request for an additional commitment from Hampshire County Council has also been made. An unsuccessful expression of Interest was made to National Highways in November 2022 for financial support to close the funding gap. The Leader would like to send a letter to National Highways and the EA expressing the need for their support to the project.
- At Cabinet in October 2020 officers were asked to seek private residents' contributions. Work on this has been on-going with it featuring in our consultations regularly. Due to significant challenges with willingness and legalities this has not had success. As the project enters a more time critical stage there is concern taking further time to secure residents' financial contribution will delay the programme. Costs associated with any programme delays will increase significantly above the value of any aggregated contribution from private residents. Due to these challenges private contributions will not be actively pursued during the planning and consenting stages. Rather than pursuit of financial contribution the project will focus on good-will and non-financial support from residents.
- The total spend to date equates to £2.1 million pounds.
- The project is estimating a £300 - 400k spend for planning and consenting, this range allows for any un-anticipated professional services costs, such as any additional design requirements, or ground investigations. To expedite a tight planning and consenting stage it is proposed that Cabinet delegate the procurement of professional services, in excess of existing delegations to the Executive Head of Coastal Service, in consultation with the Chief Finance Officer, and Cabinet Lead for Coastal. Funds for this work have been secured through our inflation claim to the Environment Agency (£818k), confirmed in November 2023.
- Officers are seeking approval from Cabinet to continue to progress with the project. While the project continues to have a funding gap, work would continue to actively close the shortfall. Delaying works at this stage would increase costs and make the funding gap greater at a future date. At current construction market inflation of 7.5%, this equates to an additional £1.1m to the price per year.

### 6.3 Monitoring Officer Comments

Cabinet is being asked to approve the continued progression to complete the Planning and Consenting management stage of the project whilst the

Council continues to work to close the funding gap. Constitutionally, this is a matter for determination by the Cabinet. Cabinet can be assured that the project is subject to robust project management and governance arrangements.

**6.4 Legal Implications**

The construction of the Scheme will be carried out pursuant to the Local Drainage Act 1991 as a flood defence scheme.

**6.5 Equality and Diversity**

We will continue to understand the local community demographic to enhance future engagement.

Positively, from an accessible point of view, the proposals include improving the coastal access in this area, by increasing the usable width of the footpath, removing steps, and making gradients shallower. We will also be adding some fall protection.

**6.6 Human Resources**

Officer Resources are accounted for in the estimated costs and recovered from the blend of funding sources described above.

**6.7 Information Governance**

There are no data protection implications to be considered as part of the delivery of this project/scheme.

**6.8 Climate and Environment**

The Langstone frontage is adjacent to several environmentally designated features.

- Solent Maritime Special Area of Conservation
- Chichester and Langstone Harbours Ramsar site
- Chichester and Langstone Harbours Special Protection Area
- Langstone Harbour Site of Special Scientific Interest
- Chichester Harbour Site of Special Scientific Interest
- Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- Langstone Mill Pond Site of Importance for Nature Conservation
- Langstone Conservation Area
- Mill Lane Conservation Area
- Five Grade II Listed Buildings

The project has been developed to limit the impact on the environment and these designated features. This has been achieved, primarily by minimising the encroachment of the foreshore. Minimising the heritage impacts was also an important basis of design. Focus was given to the selection of suitable matching materials. The Council's Conservation, Environmental and Planning officers. The design incorporates construction methods that preserve the environment during operations. There is also an anticipated >3% biodiversity net gain because of the project. Additionally, any unavoidable loss of habitat will be compensated through the Regional Habitat Compensation and Restoration Programme.

The following consents are required for the construction phase of the work:

- Planning permission and Listed Building Consent
- Marine Management Organisation marine licence consent
- Crown Estate consent

- Chichester Harbour Conservancy Harbour Works Licence
- Langstone Harbour Board consent
- Landowner consents
- Public rights of way diversions
- Environment Agency Flood Risk Activity Permit

## 7.0 Risks

### 7.1 **Affordability**

The core scheme's whole life cost estimate is £18 million. The project team have been successful in securing £11 million with a further £4.4 million in funding applications. Despite efficiencies through the design process, costs have continued to rise, and this leaves a further £2.6 million unfunded. To mitigate this risk the recommendation includes for Cabinet to approve continued working on the funding gap and cost efficiencies. This work includes returning to existing contributors and seeking an increase in the funding allocated to the project.

### 7.2 **Programme delays**

The programme is currently set out to enable an April 2025 start for construction. Because of working restrictions that protect overwintering and breeding birds delays during planning and consenting, have the potential to delay the start of construction by an additional year. In inflation terms this represents approximately £1million additional costs to the scheme at the current construction industry inflation level. Protection to the programme is therefore essential to close the funding gap.

### 7.3 **Planning**

The statutory determination period is 16 weeks from submission of a planning application. Our programme relies on the Local Planning Authority's determination within this period. We have worked closely with the local planning officer, and conservation officer, as well as receiving pre-application advice from the planning team and Hampshire County Council to mitigate risk of an unsatisfactory proposal.

### 7.4 **Marine Management Organisation (MMO)**

The MMO aim to have 90% of licence applications determined within 13 weeks of validation. Experience in this area is that these timescales are not currently being achieved. Considerable time is taken between the submission and the MMO validating the application, additionally if the MMO have a query, the query time is not included with the reply time. This may result in us needing to begin procurement without having a Marine License in place.

### 7.5 **Economic Case**

7.6 The project was assured in 2019 by the Environment Agency (EA) through submission of the Council's Outline Business Case to the EA. This completed the EA's project approval gateway for allocation of Flood and Coastal Erosion Risk Management. Our Benefit Cost Ratio (BCR) following the EA FCERM-AG appraisal guidance at the time equalled 2.0. The project's cash BCR remains healthy, however with increased cost and the

effect of discounting the BCR in present value terms is marginal. This could be key factor for national funding applications and may impact our ability to draw on additional funding. The team are working to re-affirm our existing financial assurance (secured via outline business case) holds true, given the increased costs have impacted on BCR, which is now potentially below 1 but will be confirmed through ongoing work to determine this. Additionally, there are intangible factors that provide increased benefits to the borough we can't value financially.

## 8.0 Consultation

- 8.1 Community views form an important part of the progression of the scheme. The assessment of the FCERM options included stakeholder and community contribution, as well as investigating what was technically possible, environmentally feasible, and financially affordable. Given differing vested interests in coastal projects there are often polarised views of what is acceptable in terms of change at the coastline.
- 8.2 An extensive public and statutory consultation were undertaken for the 1997 Shoreline Management Plan and the updated 2010 Shoreline Management Plan.
- 8.3 Extensive consultation took place as part of the Portchester to Emsworth FCERM strategy (2013).
- 8.4 Both the outline design and detailed design stages of the project have been guided by a detailed communication and engagement plan. As part of this work a Langstone Stakeholder Working Group (LSWG) was set up and comprises of key parties in the community.
- 8.5 The LSWG worked to agree Terms of Reference and agreed the aim: “*create a collaborative partnership between key stakeholders in the Langstone area, and the project team ... to represent the local community through the Langstone FCERM Scheme*”. The group is hosted by Coastal Partners and membership includes: Havant Civic Society; Langstone Residents Association; Langstone Village Association; Langstone Sailing Club; Front Line Residents Group; Mill Lane and Harbourside Sea Defence Group; Langstone Road Residents Group; Coastguard Cottages Residents Group; Langstone Cutter Rowing Club; Langstone Flood Watch; Save our Shores; Solent Protection Society; Langstone Conservation Group; Chichester Harbour Conservancy; local business managers; Langstone Harbour Board as well as the conservation and heritage officer of the Council. No one asking to be included in the LSWG has been turned away.
- 8.6 Three meetings and workshops were held during the outline design to seek views and feedback to inform and influence option development. A further three meetings and workshops have been held during key project stages through Detailed Design. These key stages were at the start of Detailed Design, at 50% of the way through the design process and again at 80% through the design process.

- 8.7 There was also a separate site visit with the residents of Mill Lane and Harbourside. This was followed later in the design process with two public meetings for Mill Lane and Harbourside residents (May 2022, and February 2023). These meetings resolved to progress the Prioritised Works Schedule, because of the scale of escalating costs for delivery of the Additional Scheme. They also determined the leading options to be included in the schedule.
- 8.8 All frontline residents have been met on an individual basis either in their homes or on site. This has allowed them to evaluate and influence the development of the design and the impact on their property.
- 8.9 Previous public exhibitions were held in November 2018 and in January 2020. These helped shape the outline design options for the scheme as well as gauge levels of public support through consultation. At that time there was strong support for the scheme although, there remained some polarised views along the frontages. 76% agreed of the need to reduce flood risk and erosion to the Langstone Community.
- 8.10 A further Exhibition was held in January 2024. The purpose of this exhibition was to display the final designs for the scheme demonstrate our visualisations and invite discussion about concerns members of the public had. The successful event attracted 170 people from the community and wider borough. The display materials were also placed on public display in the atrium of the Plaza for visitors to the building to see.
- 8.11 A consultation was conducted on the final design, this ran between the Exhibition and early February 2024. A total of 85 responses were received and a summary document is included as Appendix E. **93% of respondents** understand there is a need to reduce coastal flooding and erosion risk to the community. There is an overwhelming level of support for the scheme with **90% supporting** delivery of a scheme, and 68% of those respondents indicated strongly supporting the scheme. The areas of most interest to the community, indicated from the feedback, are flood risk to property, heritage resilience, and habitats and landscape. To maintain views and use complimentary materials also came out highly.
- 8.12 All the engagement and consultation has been thoroughly considered when developing and shaping the design for this scheme. There is confidence from the community consultation that there is understanding of the need for the scheme, as well as significant support within the community.
- 8.13 Despite extensive liaison and discussions with concerned residents, a small minority of residents perceive that the correct guidance has not been followed or that there is no need for the protection of the village from flood risk. There are also remaining views that the design, particularly in front of the Royal Oak is not suitable for the area. Despite prolonged engagement and correspondence, it has not been possible to change these perceptions.

## 9.0 Communications

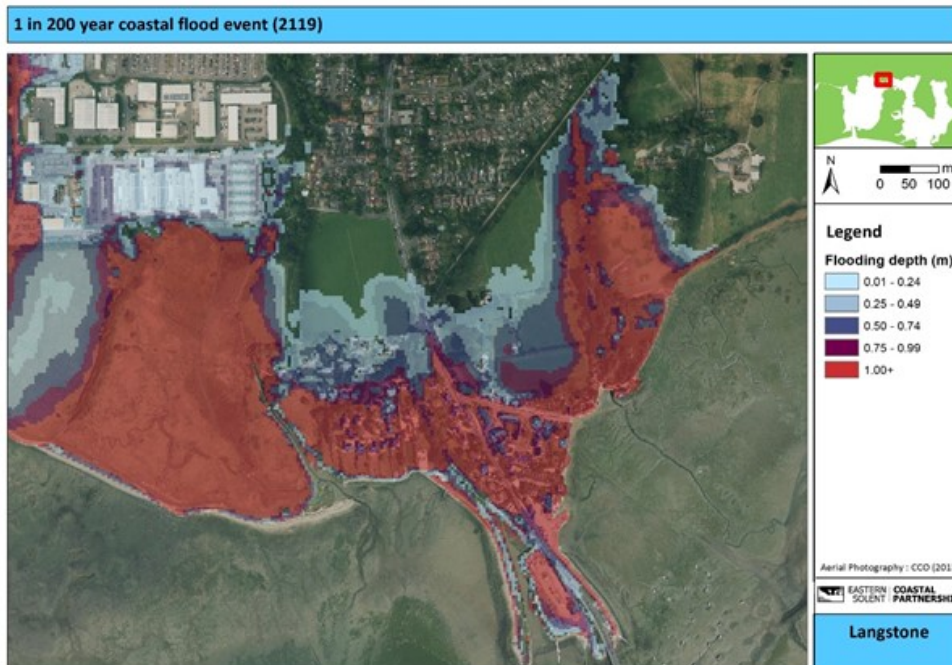
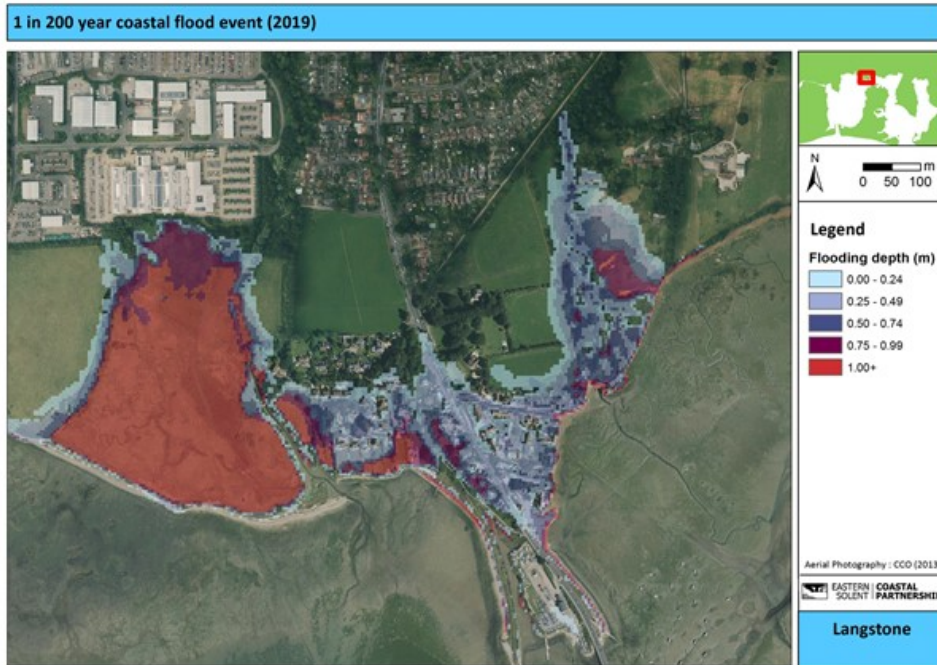
9.1 The decision-making process has been set out to the public during our exhibition. Once decided upon there will be a Communications Plan to lead the project through planning and consenting to the next decision point in September.

9.2 Council decisions are be published on the Council's website when available.

<b>Agreed and signed off by:</b>		<b>Date:</b>
<b>Cabinet Lead:</b>	Councillor Liz Fairhurst	14/02/2024
<b>Executive Head:</b>	Lyall Cairns	14/02/2024
<b>Monitoring Officer:</b>	Jo McIntosh	27/02/2024
<b>Section151 Officer:</b>	Steven Pink	15/02/2024



## APPENDIX A Present day and Future Flood Mapping



Present day with present management and future 1/200-year flood mapping with no defences in place

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# Wider Benefits Assessment

Langstone Flood & Coastal Erosion Risk Management Scheme

Eastern Solent Coastal Partnership

60578525

April 2019

## Quality information

Prepared by	Checked by	Approved by
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## Revision History

Revision	Revision date	Details	Authorized	Name	Position
00	February 2019	Draft	JCAS	Jon Short	Associate
01	April 2019	Update	JCAS	Jon Short	Associate

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# 1. Introduction

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## 1.1 Background

AECOM was commissioned by the Eastern Solent Coastal Partnership (ESCP) to undertake an option appraisal study and develop an outline business case for a tidal flood risk management scheme at Langstone. As part of this, AECOM is undertaking a wider benefits assessment which will form a key part of determining the preferred management option.

This assessment compares the impact of a Do Nothing scenario against the scheme options to identify the wider benefits which could be provided by the scheme. These wider benefits represent considerations which are not measured in the FCERM appraisal process as part of the PF calculator, though they may present economic, social or environmental benefits to the local community.

## 1.2 Wider Benefits

Wider benefits of the scheme options at Langstone have been evaluated as part of four different assessments. Each of these assessments supports the business case for the tidal flood risk management scheme, using information gathered from stakeholder engagement, businesses within Havant and independent surveys.

- **Gross Value Added (GVA) Assessment:** The first round and dynamic economic impacts of the do nothing scheme option scenario have been calculated to highlight other local economic impacts as part of the evidence base;
- **Tourism and Recreation Disruption:** The potential impact of flooding on tourism and recreation around greenspaces within Langstone has been estimated using the ORVal tool, and an analysis of coastal visitor surveys which were conducted within Langstone;
- **Disruption to Hayling Island:** As the A3023 provides the only road access onto Hayling Island, the potential impact of flooding along the A3023 on transport and business within Hayling Island has been explored; and,
- **Ecosystem Services Assessment:** The value of the natural coastal environment within Langstone has been measured, highlighting the potential impacts of the proposed scheme option scenarios on the delivery of Ecosystem Services within the area.

## 1.3 Economic Footprint

In addition to the wider benefits assessments within this report, the potential impacts of flooding on the local economy have been ascertained through stakeholder engagement by assessing employment locations of residents. Of those who attended the stakeholder engagement event, 21 are in employment, with 11 of those working within Havant Borough, and 10 commuting outside of the Borough.

The indicative economic footprint based on the limited available sample (Figure 1-1:). This shows the potential spillover impacts on the wider economy of flood risk impacting residents of Langstone who are in employment elsewhere. Two of the attendees commute UK wide, and one commutes to London; this highlights the potential wide reaching impacts of flooding in Langstone. Furthermore, the impact on different employment sectors is shown in Figure 1-2, which indicates that flooding in Langstone has the potential to impact at least 10 different employment sectors.



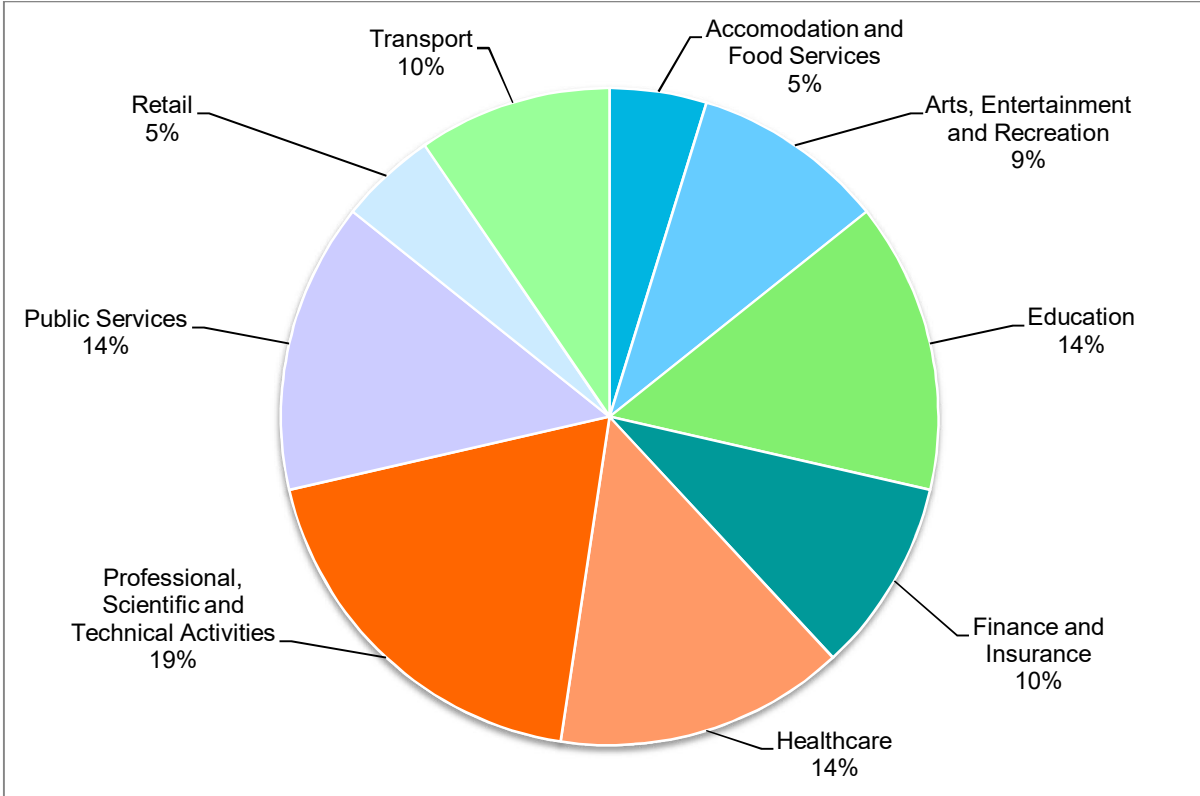


Figure 1-2: Employment Sectors of Residents of Langstone



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## 2. GVA Assessment

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### 2.1 Wider Economic Impacts of Do Nothing

The Gross Value Added (GVA) assessment determines the wider economic impacts of a 'Do Nothing' scenario which are not measured in the Environment Agency FCERM methodology, in the form of 'Dynamic Impacts'. The economic impacts assessed within the FCERM framework, such as the expected annual average damage to properties, relate specifically to impacts in the short term. These are termed 'First Round Impacts' and include losses which are applicable to the economic in a national context.

### 2.2 First Round Impacts

The estimated 'first round' damages for a Do Nothing scenario typically may include the following aspects:

- Expected damage to residential and commercial properties (premises, inventories, machinery etc.);
- Damage to public infrastructure (utilities, for example);
- Education and Schools;
- Vehicle damage;
- Risk to life;
- Emergency clean up and temporary accommodation;
- Intangible damages (e.g. mental health, loss of personal items);
- Accommodation and subsistence;
- Traffic and travel disruption;
- Heritage and tourism loss from impacts on bespoke features (e.g. if there is no equivalent feature elsewhere, or there is no potential for displacement or transfer of this related tourism).

Table 2-1 below shows the estimated values of the first round impacts, as valued in the FCERM economic assessment. Each of the values is presented in present value terms (i.e. discounted PV damages). Where FCERM interventions prevent some or all of these first round impacts, the benefits are eligible to be included in FCERM assessments, Partnership funding and Grant in Aid applications.

**Table 2-1: Summary of first round (FCERM eligible) impacts for Langstone**

Category	Do Nothing First Round Impact (50 years)
Damage to residential and commercial properties	£11,010k
Damage to public infrastructure	£910k
Damage to education and schools	£0k
Vehicle damage	£706k
Damage associated with risk to life	£3,477k
Emergency clean up and temporary accommodation	£589k
Intangible damages	£48k
Traffic and travel disruption	£756k
Heritage and tourism loss	£0k*

\*No National losses counted as displacement or transfer anticipated to occur to similar nearby sites.

The first round impacts can trigger business responses. This in turn leads to dynamic impacts. The scale and significance of these dynamic impacts on the local economy, in part depends on the geographical area under consideration. The relationship of GVA and FCERM Appraisal Guidance impacts, and the categorisation of first round and dynamic impacts, is shown in Figure 2-1.

Figure 2-1: Overlap of current FCERM-AG economic impacts and additional impacts on the local economy.

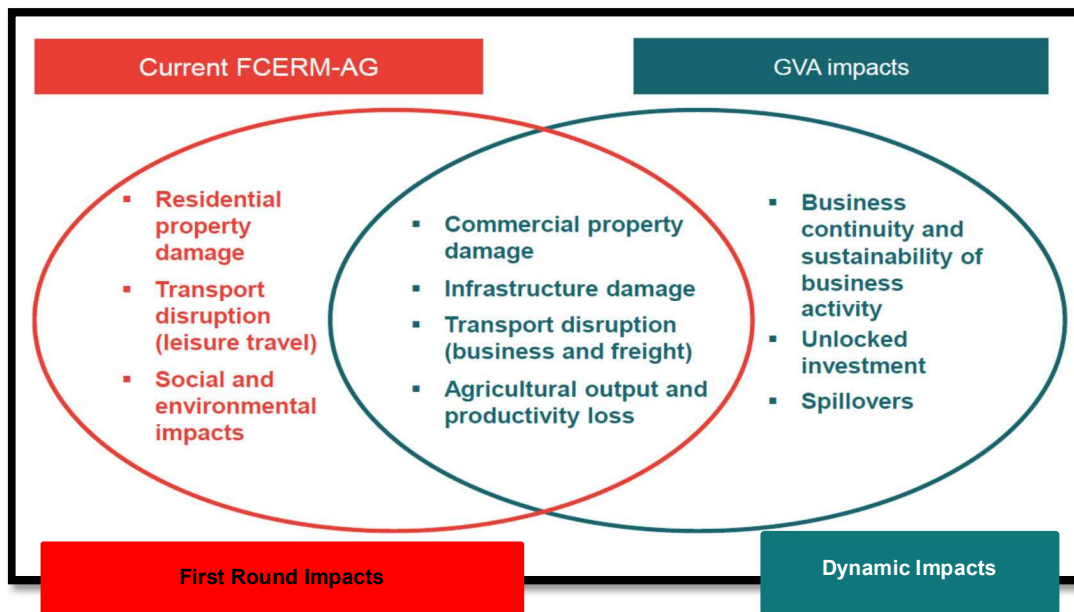


Figure 2-1: Overlap of current FCERM-AG economic impacts and additional impacts on the local economy.

## 2.3 Dynamic Impacts

Dynamic impacts reflect the outcomes for a local economy over time as businesses respond to changes in flood risk. Strategic tidal flood risk management intervention is likely to:

- Support business continuity and sustainability of business activity in an area;
- ‘Unlock’ investments that might otherwise have been constrained or unattractive given the flood risk; and,
- Lead to ‘spill over’ impacts which reflect interdependencies or other intangible impacts on economic activity.

By evaluating the potential contribution to the local economy of investing in flood risk management measures it helps build an understanding of their potential impacts on the local economy. This would be expected to increase the propensity for local partners to contribute funding to FCERM as part of the government’s Partnership Funding approach.

## 2.4 Methodology of Dynamic Impacts Assessment

The contribution to the economy is quantified where possible and measured as Gross Value Added (GVA). This is complemented with qualitative assessments. The full method is described in the Flood and Coastal Erosion Risk Management and the Local Economy TOOLKIT (2014)<sup>1</sup>.

The primary focus is on local GVA, and associated key drivers of the impacts on the local economy. As the methodology for assessing GVA impacts of FCERM, and its application, are in their infancy, it is likely that the approach, data and assumptions will need to be reviewed and updated over time as a richer evidence base comes to light.

A high level proportionate GVA assessment was applied in this study using the AECOM LEVI (Local Economic Valuation of Impacts) Tool. The Tool which adopts the GVA toolkit methodologies has been used to estimate the wider impacts on economic activity by explicitly considering businesses’ likely responses to flood risk. Within Langstone this assessment is based upon the two public houses – the Ship Inn and the Royal Oak – using data on the number of employees and their salaries.

<sup>1</sup> Frontier Economics (2014) *Flood and Coastal Erosion Risk Management and the Local Economy TOOLKIT*. Available from: [http://evidence.environment-agency.gov.uk/FCERM/Libraries/FCERM\\_Project\\_Documents/FD2662\\_full\\_toolkit.sflb.ashx](http://evidence.environment-agency.gov.uk/FCERM/Libraries/FCERM_Project_Documents/FD2662_full_toolkit.sflb.ashx) [Accessed 3 January 2019].

Typically, a GVA assessment is undertaken using a 10 year period, as this period reflects that where direct impacts can be reasonably attributed or linked to specific interventions. Beyond that the envelope of uncertainty grows significantly and other factors may become more influential in determining the futures experienced; therefore a 10 year appraisal period has been adopted in this study.

The GVA estimations are based on an average annual figure for the period which is then presented as a discounted (Present Value) total for the whole period. The base year of appraisal used was 2018 with a discount rate of 3.5%.

The dynamic impacts assessment for the Langstone FCERM scheme focussed on quantitative estimations of disruption to existing businesses, including valuation of potential losses from flood risk detrimentally impacting on business continuity and operation.

### 2.4.1 Business responses to flood risk

Using the estimated range of business responses, we can explore the likely dynamic impacts of flooding and FCERM. In the absence of FCERM intervention, evidence suggests that disruption to business activity could last many weeks. Frontier guidance suggests that without intervention, a business could be disrupted for around 16-24 weeks because of flooding, and 2-4 weeks with the FCERM intervention. For this assessment the length of business disruption without intervention is assumed to be 8 weeks, according to consultation with the business owners within Langstone, and 4 weeks with FCERM intervention.

Businesses operate in the context of uncertainty about when, how, what scale, how long and how often they may experience flooding. They have to make business decisions to manage the risks they face. In response to flood risk, businesses respond in one of 4 ways:

- Stay and do nothing
- Stay and adapt
- Move
- Shut down

Following consultation with the businesses to underpin an assessment of potential business behaviours (with respect to flood risk), two scenarios have been used in the valuation of impacts:

1. Both businesses will ‘Stay and Do Nothing’; and
2. Likely business response where both businesses will ‘Stay and Adapt’.

## 2.5 Results from Dynamic Impacts Assessment

The analysis shows that the potential worst case scenario dynamic impact cash cost to the local economy is £27k per annum, which equates to a total potential PV damage of £231,600 over the next 10 years (Table 2-2:).

This GVA total is additional to the first round impacts associated with commercial, infrastructure and transport damage avoided, which is counted under FCERM-AG as a national economic loss.

**Table 2-2: Summary of Cumulative Estimated Dynamic Impacts over next 10 years (Present Value)**

<b>Do Nothing Scenario Total Dynamic Impacts</b>	
Existing business disruption & loss of earnings (Assumed both businesses ‘Stay & Do Nothing’)	£231,600
Existing business disruption & loss of earnings (Likely business response ‘Stay & Adapt’)	£115,800

An 8-week disruption period caused by flooding would also impact the revenue of the two commercial properties. Consultation with the Ship Inn suggested that this period of disruption would result in the loss of approximately £200k (per major flood event). Although this is not recorded within the GVA assessment, it supports the business case for strategic tidal flood risk management at Langstone, exemplifying that flooding has the potential to impact both the Ship Inn and Royal Oak functioning as profitable businesses.

## 2.6 Likely GVA Benefits of Preferred Option

The delivery of a flood protection scheme will maximise the opportunity to turn the dynamic impacts (damages) estimated for a Do Nothing Scenario into benefits (disruption to businesses avoided). Although the final SoP of the scheme is still to be defined, by providing a strategic FCERM intervention which delivers a high standard of protection to Langstone, the potential GVA damages valued under Do Nothing (Table 2-2:) will almost entirely be claimed as a benefit through significantly improved protection against tidal flooding.

The GVA assessment demonstrates significant local value (beyond simply traditional FCERM valuation of benefits) of the proposed FCERM intervention, and this provides a more comprehensive evidence base and greater justification to seek partner funding from the potential beneficiaries thus helping to enable the schemes required.

## 2.7 Recommendations

Further GVA Benefits could be calculated by evaluating the impact of flooding on residents of Hayling Island, commuting off of the Island for work. Flood events in Langstone have the potential to reduce access to the A3023, preventing safe egress from Hayling Island, which will result in a loss of earnings for residents of Hayling Island who cannot commute to their workplace. Although an assessment of the cost of traffic disruption on the A3023 has been calculated as part of the Do Nothing damages, the loss of earnings caused by traffic disruption should be calculated to add to the GVA value. This would require a survey to be undertaken by residents of Hayling Island, to determine the average loss of earnings of commuters from Hayling Island in a flood event.

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## 3. Disruption of Tourism and Recreation

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### 3.1 Background

Flooding and the associated impacts are likely to lead to disruption of tourism activities at recreational locations in Langstone. The natural character of the site makes it a popular coastal destination within the Solent region for tourists, through identifiable features such as Langstone Spit. There are a variety of recreational activities available, including fishing and water sports in the Harbour.

Langstone has popular greenspaces and areas which are recognised internationally for importance in nature conservation, particularly for aquatic wildlife and a variety of bird species. The area is also considered to have cultural and historical significance, in sites such as the Mill, which is a factor in attracting both residents and visitors.

The following tools and surveys have been used to assess the current value of tourism and recreation within Langstone, and the potential impact of flooding on the contribution of tourism to the local economy.

### 3.2 ORVal Tool

The Land, Environment, Economics and Policy Institute (LEEP) at the University of Exeter have developed the Outdoor Recreation Valuation Tool (ORVal)<sup>2</sup>. This tool is used to measure the value of currently available greenspace to the economy at various locations across the whole of the UK, including the frontage at Langstone.

The value of outdoor recreation is provided as a welfare value per year, with other information including the number of visitors per year, and transport modes of visitors to the site. Here the welfare value is defined as the monetary equivalent of the welfare enjoyed by individuals as a result of having access to having access to the green space, which can also correspond to a willingness to pay value for the site.

ORVal estimates that there is an average of 43,147 visitors to Langstone each year for outdoor recreation, worth a welfare value of £178,147. The impacts of potential flooding would likely reduce the value of outdoor recreation in Langstone, by limiting the access and availability of greenspaces. The timing, scale and extent of the reduction in visitors is difficult to quantify with any certainty, but if defences deteriorate, coastal access will become difficult and with increasing flood risk under a Do Nothing scenario it is highly likely a significant proportion of visitors would chose an alternative nearby coastal destination for leisure and recreation activities.

### 3.3 Solent Visitor Surveys

Footprint Ecology carried out surveys of visitors to the Solent region in Winter 2017/18<sup>3</sup>, on behalf of the Solent Recreation Mitigation Partnership. The purpose of the study was to develop a baseline understanding of visitor numbers and access patterns from 10 recreational locations across the Solent, using both interviews and counts of visitors to the locations. The interviews developed profiles on the types of visitors, including factors that influence behaviour.

The survey location for Langstone was situated on the shore adjacent to the parking area at the end of Southmoor Lane. As an indicator of the sphere of influence of Langstone, the interviews found that 79% of visitors visited Langstone for day trips or just a short visit from home. However, 72% of visitors drove to the site, emphasising the importance of the road networks for travel to and from Langstone for tourism purposes.

Surveys were also carried out on Hayling Billy trail, Hayling Island. Although this area is not within the Langstone study area, the results help to demonstrate the impact that flooding in Langstone would have on access to popular tourist locations on Hayling Island. The path junction on Hayling Billy trail coastal path was surveyed. The surveys found that on average, 95% of those surveyed visit for a day trip or short visit from home and the remaining 5% of visitors were tourists staying away from home; therefore it is likely many will have to access Hayling Island via the A3023, which would be difficult during flood events.

Overall, the main activities of visitors to the Solent region were walking (21%) and dog walking (66%), emphasising the importance of maintaining footpath access within the shortlisted options. A further 93% of visitors accessed the

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<sup>2</sup> Land, Environment, Economics and Policy (LEEP) Institute (2018) *Outdoor Recreation Valuation (ORVal) Tool*, University of Exeter. Available from: <https://www.leep.exeter.ac.uk/orval/> [Accessed 10 December 2018].

<sup>3</sup> Liley, D., Panter, C. (2018) *Solent Visitor Surveys, Winter 2017-18*. Unpublished report by Footprint Ecology for the Solent Bird Aware Project.

shoreline during their visits, so access to the foreshore remains important to visitors of the Langstone frontage and should be protected as part of the scheme.

### 3.4 Langstone Coastal Survey

Havant Borough Council conducted a study<sup>4</sup> with 25 respondents on the use of Langstone Harbour as a key coastal site for tourism and recreation to understand both visitor and resident uses of the site, and their perspectives on potential changes to the existing coastal defences.

Paths along the frontage were viewed as a favourite aspect of the site by 100% of the respondents, and walking was the most common way that visitors use the coastline; 83% of respondents stated they would like the existing footpath access to be improved. This emphasises the need to limit the disruption caused by flooding on footpath. A further 68% stated that access to the water was their favourite aspect of the site, highlighting that access to the foreshore should also be protected as part of the scheme.

72% of respondents stated that they use the site for its historic setting, and 56% said that this was one of their favourite aspects of the site. Flooding has the potential to disrupt the access to the historical parts of Langstone, potentially reducing the tourism value of the area. This should encourage the implementation of defences which protect the historic setting and also retain the cultural value of the site, as 88% of respondents stated that the look and feel of the design of coastal defences should be one of the most important considerations.

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<sup>4</sup> Havant Borough Council (2018) *Langstone Coastal Survey*.

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## 4. Access and egress disruption to Hayling Island

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Extreme flood events in Langstone are likely to impact access to the A3023, which is a critical piece of transport infrastructure linking Langstone to Hayling Island. Flooding of this main access road has the potential to disrupt businesses operating on Hayling Island, residents commuting from the Island, future development and access for emergency services and safe egress.

### 4.1 Travel and Business

Flooding of the A3023 will impact residents of Hayling Island commuting off of the Island for work, as exemplified in a travel and transportation survey<sup>5</sup> conducted by Havant Borough Council as part of the evidence base for the Local Plan 2036. The survey found that 34% of respondents travel off of the island for work related purposes, and 92% of residents use road vehicles for travel off of the island. Although 55% of those leaving the island are travelling to other areas of Havant, a number of other locations are listed as destinations including Chichester, Fareham, London, Portsmouth and Southampton, which demonstrates the large spatial economic impact of the A3023 flooding.

Reduced access to Hayling Island may impact the hundreds of businesses operating there by preventing both employees and customers from getting to and from the Island. A large proportion of the businesses are aimed at visitors to the Island, including tourist accommodation and marine activities. With these visitors unable to access the Island due to flooding of the A3023, these businesses are likely to suffer economically.

### 4.2 Future Development

The draft Local Plan 2036<sup>6</sup> has established the need for the development of 9,549 new homes (including a windfall allowance) across the Borough between 2016 and 2036, including the potential for sites on Hayling Island. Four regeneration areas of mixed use development have been proposed for the Island composed of around 195 dwellings, leisure centres and retail spaces. However there are challenges to development on Hayling Island due to the single access road, and these challenges would be exacerbated by flooding.

The Local Development Scheme<sup>7</sup> highlighted uncertainty in development due to the highway capacity via the A3023, therefore two studies are currently underway to explore whether the highway infrastructure will be a constraint to development. If these studies identify that development on Hayling would not be considered sustainable, then the Borough's need for housing would not be met<sup>8</sup>. Therefore flooding of the A3023 from Langstone is a concern for development targets across the Borough and not just Hayling Island.

### 4.3 Safe Egress

Flooding of the A3023 has implications on safety procedures for Hayling Island during emergencies as it is the only road providing egress from the Island. In an extreme flood event, emergency services will have reduced access to Hayling Island. Although there are fire and rescue services based on Hayling Island, there is no permanent police presence. There is also no ambulance station, and those at Havant, Fareham and Gosport have now been closed<sup>9</sup>. This would make it extremely difficult for ambulance services to respond to emergencies.

The greatest proportion of calls to ambulance services come from Eastoke, where there is a larger elderly population. This is likely to increase as the dependency ratio is expected to rise to 80% by 2021, as the percentage

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<sup>5</sup> Havant Borough Council (2017) *Hayling Island Travel and Transportation Survey, Local Plan 2036*. Available from: <http://www.havant.gov.uk/sites/default/files/documents/Hayling%20Island%20Travel%20Report%20External%20Version.pdf> [Accessed 10 December 2018].

<sup>6</sup> Havant Borough Council (2018) *Where next for housing in Havant Borough?* Available from: [http://www.havant.gov.uk/sites/default/files/documents/The%20Draft%20Local%20Plan%202036\\_for%20web%20with%20policy%20numbers%20%281%29.pdf](http://www.havant.gov.uk/sites/default/files/documents/The%20Draft%20Local%20Plan%202036_for%20web%20with%20policy%20numbers%20%281%29.pdf) [Accessed 10 December 2018].

<sup>7</sup> Havant Borough Council (2017) *Local Development Scheme, Local Plan 2036*. Available from: <http://www.havant.gov.uk/sites/default/files/documents/Local%20Development%20Scheme%20%28December%202017%29.pdf> [Accessed 10 December 2018].

<sup>8</sup> Havant Borough Council (2017) *Constraints and Supply Analysis, Local Plan 2036*. Available from: [http://www.havant.gov.uk/sites/default/files/documents/Housing%20Constraints%20and%20Supply%20Analysis%20%28December%202017%29\\_0.pdf](http://www.havant.gov.uk/sites/default/files/documents/Housing%20Constraints%20and%20Supply%20Analysis%20%28December%202017%29_0.pdf) [Accessed 10 December 2018].

<sup>9</sup> Havant Borough Council (2017) *DRAFT Infrastructure Delivery Plan, Local Plan 2036*. Available from: <http://www.havant.gov.uk/sites/default/files/documents/Draft%20Infrastructure%20Delivery%20Plan%20%28December%202017%29.pdf> [Accessed 10 December 2018].

of residents aged 65 and over is predicted to increase as the Island remains an attractive retirement destination<sup>10</sup>. This will place more pressure on the South Coast Ambulance Service (SCAS) Community First Responders and Co-Responders based on the Island to reach callers and provide early intervention, particularly in extreme flood events.

Havant Borough Council has produced an Incident Plan<sup>11</sup> for Hayling Island, in the event of the closure of the A3023 over the Langstone Bridge in an emergency event such as flooding. The plan co-ordinates the use of other existing infrastructure in emergencies, as part of an agreement with Hampshire County Council's emergency planning resilience unit. The plan identified that helicopters and landing crafts (via slipways) can be utilised during emergencies to reach Hayling Island, though the use of these will be dependent on weather conditions. Furthermore, departure and landing sites have been identified on the Island for hovercrafts during emergencies, though the use of these will require specific permission is required from the Langstone Harbour Master. The use of this alternative infrastructure relies on many factors and therefore it may still be difficult to implement this plan during extreme flood events.

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<sup>10</sup> Havant Borough Council (2018) *Havant Borough Profile, Local Plan 2036*. Available from: <http://www.havant.gov.uk/sites/default/files/documents/Havant%20Borough%20Profile.pdf> [Accessed 10 December 2018].

<sup>11</sup> Havant Borough Council (2017) *Hayling Island Emergency Planning Framework*. Available from: <http://www.havant.gov.uk/sites/default/files/documents/Hayling%20Island%20EP%20Framework%20public%20version%20171120.pdf> [Accessed 10 December 2018].



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## 5. Ecosystem Services Assessment

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### 5.1 Background

An Ecosystem Services (ES) Assessment has been undertaken as part of the wider benefits assessment to highlight the value of natural capital across Langstone in the form of ES, using a bespoke ES Assessment tool developed by AECOM, ESIVI (Ecosystem Services: Identification, Valuation & Integration). The tool was created to support the option appraisal process by including an assessment of the value of ES in the scheme selection process. ESIVI allows for the identification of ES provided by the study area, and an assessment of the impacts and benefits of potential scheme options on the provision of each ES. This provides an aggregated appraisal score for each scheme option to inform the option selection process.

ES provided by coastal environments are undervalued by traditional assessments within the FCERM process. Highlighting the economic, social and environmental cost of impacting ES, or the benefits of improving them, has the potential to improve the business case for FCERM. This can lead to increased stakeholder contributions, and provides a more comprehensive measure of the value of ecosystem functions which can be difficult to assign a monetary value to.

The ES assessment has determined the existing baseline of ES delivery within Langstone at year 0 in a scoping process. The Frontage consists of a number of different environments, delivering a range of ES which are valued by the local community. The delivery of these ES will be affected by the coastal defences in place and the scheme options selected. The impact of the potential scheme options on the delivery of ES have been assessed against the baseline in an appraisal process for the entire Frontage, including an assessment of the Do Nothing, Do Minimum, Maintain and Improve options. The impact of the scheme options will be assessed over the lifetime of the scheme, from year 0 to year 99.

ES identified in this assessment are divided into three groups of services which provide different benefits:

- Provisioning Services: products that are obtained from ecosystems;
- Regulating Services: benefits obtained from the regulation of ecosystem processes; and,
- Cultural Services: non-physical benefits that people obtain from ecosystems.

Each of these groups of services, and the specific ES identified within them, has different beneficiaries. Only those ES with significant beneficiaries will be recognised by the assessment. ESIVI provides a high level assessment of the ES provided in the study area, although each ES can be measured further using different methods, to provide both monetary and non-monetary values.

### 5.2 Methodology

ESIVI has been used to assess the impact of the scheme options on the delivery of ES within Langstone. The potential ES delivered at Langstone are given in a pre-determined list, based on the type of ecosystem selected within ESIVI. For Langstone, the ecosystem selected is Coastal. Further ES can be added into the assessment if they are deemed to be delivered at the study area.

#### 5.2.1 Scoping

To determine the impacts and benefits of the scheme options on ES across the Langstone Frontage, the existing baseline of ES delivery has been assessed in a scoping process using the ESIVI tool.

The scoping process assigns a significance score of 'Negligible', 'Low', 'Medium' or 'High' to the delivery of each ES based on the following factors:

- Is the service provided by any of the ecosystems within the study area;
- Could habitat creation or restoration as part of the scheme lead to the provision of this service;
- Is this service of significant importance to any of the beneficiaries of the service;
- Is the scheme likely to impact the ecosystem which provides this service;
- Is the scheme likely to impact on any benefits people derive from this service.

ES with an indicative significance score of 'High' or 'Moderate' are scoped-in to the appraisal process and the next step of the assessment. This initial assessment is based on the existing baseline delivery of ES (year 0).

### 5.2.2 Appraisal

The potential impact or benefit of each scheme option (Do Nothing, Do Minimum, Maintain or Improve) is assessed for each scoped-in ES in the appraisal process. Each ES is scored based on the indicative impact across the scheme option life (year 99) against the baseline (year 0). The appraisal impact scores are defined in Table 2.

**Table 5-1: Appraisal Impact Scores**

Impact or Benefit	Score
Major Benefits	+2
Benefits	+1
No Net Impact	0
Adverse Impacts	-1
Major Adverse Impacts	-2

The appraisal process provides a score for the impact of each scheme option on each ES, and an aggregated score for each scheme option which is indicative of the overall impact or benefit of the scheme option on the delivery of ES across the Langstone Frontage.

## 5.3 Baseline (Year 0)

The scoping process within the ESIVI assessment provides a baseline for the ES currently delivered within the Langstone Frontage, and determined that there are no Provisioning Services.

### 5.3.1 Regulating Services

Several Regulating Services were identified as being delivered across the Frontage and of importance to the beneficiaries of the site.

Global Climate Regulation refers to carbon sequestration through active vegetation in the ecosystem, reducing the effects of climate change. Throughout the study area there are significant areas of vegetation which contribute to the delivery of this service, such as the vegetated river bank at Langbrook Stream in ODU 1a, the grassed area in ODU 3g, and the areas of saltmarsh in front of the defence at ODU 4b.

Local Climate Regulation occurs through variations in land cover which can affect local temperature, wind, precipitation and shading through evapotranspiration and surface albedo. The presence of vegetation throughout the Frontage contributes to the delivery of this service, as well as some of the formal hard defences including the sea wall at ODU 1b.

Pollination is delivered through the distribution, abundance and effectiveness of natural pollinators which regulate the ecosystem. At Langstone this is delivered in areas of vegetation with ecological value, such as Langbrook Stream in ODU 1a, the grassed area in ODU 3g, and the areas of saltmarsh in front of the defence at ODU 4b.

Hazard Regulation is delivered throughout the Frontage where coastal defences are in place, limiting the impact of flooding and coastal erosion and maintaining the integrity of the ecosystem. The existing formal coastal defences at ODUs 1b, 3b, 3d, 4a and 4b provide some protection against flooding and coastal erosion of the Frontage. There are also other informal defences in various locations which deliver varying levels of Hazard Regulation.

Sediment Transport Regulation is delivered at the Frontage where maintenance of soil cover, levels of suspended sediment loads and shoreline stabilization occurs. Similarly to Hazard Regulation, this takes place where formal coastal defences are in place to prevent coastal erosion and aid shoreline stabilization at ODUs 3b and 4a, as well as the area of salt marsh in front of the defences at ODU 4b.

### 5.3.2 Cultural Services

The Langstone Frontage also delivers all of the potential Cultural Services defined in ESIVI.

Tourism and Recreation is one of the most important services delivered throughout the Frontage, as with many coastal areas which provide activities that are attractive to visitors of the site. Several areas along the Frontage are recognised for Tourism and Recreation, particularly the National Cycle Route at ODU 2b, the Sailing club at ODU 2c, areas of ODU 3 around the Ship Inn and footpaths within ODU 3 and 4b. There are also several areas within ODU 3 which provide access to the foreshore, a key component of the Frontage for the community. Natural areas are valued for Tourism and Recreation at Langstone Spit at ODU 2a and the salt marsh in front of the defences at ODU 4b.

The Frontage delivers Cultural and Spiritual value in the historical and cultural benefits seen at different sites. The listed heritage buildings within ODU 3g provide cultural value, and the Mill at ODU 4a is historically valued by the local community as a listed building, providing character to the local community.

Scientific and Educational value is delivered through opportunities for scientific learning, for both research and educational purposes. This is prevalent in Langstone where there are ecological benefits at Langbrook Stream in ODU 1a, the salt marsh in front of the defences at ODU 4b and several other locations of the foreshore across the Frontage. Similarly, Wild Species Diversity is delivered at these locations where the site possesses a diverse range of flora and fauna.

Aesthetic Value is provided through the appearance of the site at several locations, including Langstone Spit at ODU 2a and the Mill at ODU 4a; both are valued by the local community as providing character to the area.

## 5.4 Do Nothing

The Do Nothing scheme option describes a 'walk away' scenario, where the defences are left to fail over time. This would have an overall negative impact on the delivery of ES across the Langstone Frontage, affecting the ES which are currently protected.

The scheme option would have adverse impacts on the delivery of Local Climate Regulation, Global Climate Regulation and Pollination as flooding and coastal erosion would no longer be prevented. The vegetation across the Frontage would be compromised, reducing the delivery of these services.

The scheme option would have major adverse impacts on the delivery of Hazard Protection over time as all of the defences would be diminished, and no protection provided to the Frontage. Similarly the scheme option would have major adverse impacts on the delivery of Sediment Transport Regulation, as the lack of coastal defences would lead to shoreline destabilization through coastal erosion.

Over the lifetime of the scheme, the scheme option would have a major adverse impact on the delivery of three of the cultural ES: Tourism and Recreation, Cultural and Spiritual and Aesthetic Value. The sites which are valuable for tourism such as the National Cycle Route at ODU 2b and the Sailing club at ODU 2c would have no protection and eventually be impacted by flooding. Furthermore the existing footpaths would be lost through flooding and coastal erosion where they exist close to the shoreline, removing the access to the foreshore. Sites such as Langstone Spit and the Mill which are highly valued under Cultural, Spiritual and Aesthetic Value would potentially be lost, having a large negative impact on the character of the area and the local community.

Both Scientific and Educational value and Wild Species Diversity would be adversely impacted by the scheme option, where opportunities for scientific learning at sites with high biodiversity (particularly Langbrook Stream at ODU 1a) would be lost through flooding and coastal erosion impacts.

## 5.5 Do Minimum

The Do Minimum scheme option involves patch and repair of the coastal defences, with reactive maintenance. This option would have an overall negative impact on the delivery of ES across the Langstone Frontage, to a lesser extent than the Do Nothing option.

This scheme option is likely to have no impact on the delivery of Local Climate Regulation, Global Climate Regulation and Pollination services at the Frontage. The process of reactive maintenance of the existing coastal defences will maintain these services, such as the presence of vegetation throughout.

This option would lead to adverse impacts on the delivery of Hazard Protection over time, as the reactive maintenance would allow the existing coastal defences to be diminished to some degree, prior to maintenance. This could allow the impacts of flooding and coastal erosion to impact the local community through flooding of residential properties, commercial properties, roads and the natural environment. Similarly Transport Regulation would be reduced through the impact of coastal erosion, particularly in areas such as Langstone Spit.

The scheme option would have major adverse impacts on the delivery of Hazard Protection over time as all of the defences would be diminished, and no protection provided to the Frontage. Similarly the scheme option would have major adverse impacts on the delivery of Sediment Transport Regulation, as the lack of coastal defences would lead to shoreline destabilization through coastal erosion.

The scheme option would have an adverse impact on each of the Cultural services identified. Although patch and repair of the defences will provide some protection to the services along the Frontage, it is likely that they will not be delivered to the same extent. For example sites valued for Tourism and Recreational benefits such as footpaths for foreshore coastal access may be damaged, and impacts of coastal erosion on the Langstone Spit could reduce the Cultural, Spiritual and Aesthetic Value. Similarly to Do Nothing, the Scientific and Educational Value and Wild Species Diversity of several sites including Langbrook stream could be adversely affected.

## 5.6 Maintain

The Maintain scheme option would involve proactive repair and larger scale maintenance of the existing defences. This option would benefit the delivery of ES at the Frontage in most cases, through the provision of better flooding and coastal erosion defences.

Maintaining the existing defences with this scheme option is likely to have no impact on the delivery of Local Climate Regulation, Global Climate Regulation and Pollination through vegetation. The services will be maintained through proactive repair of the defences where they are delivered.

The scheme option would have benefits on Hazard Regulation and Sediment Transport Regulation, improving the delivery of these services. Proactive repair and large scale maintenance will prevent the existing defences from deteriorating and improve on the existing level of protection provided against flooding and coastal erosion for properties and the environment. This would support improved shoreline stabilization at ODUs 3b and 4a.

Maintaining the existing defences would be likely to benefit the delivery of Tourism and Recreation and Cultural and Spiritual Value. Sites that are valued for all of these services would be better protected against the impacts of flooding and coastal erosion, enabling full access to the benefits of the services. This is particularly relevant for recreational areas such as footpaths which enable coastal access throughout the Frontage, the National Cycling Route, the Sailing club and the Ship Inn. The cultural sites such as those buildings at ODU 3g and the Mill will also be protected, retaining the cultural value for the local community.

The value of Scientific and Educational services and Wild Species Diversity will be maintained by the scheme option. It will provide flooding and coastal erosion protection benefits to the delivery of these services at Langbrook Stream and the salt marsh in front of the defences at ODU 4b. However to retain these services, the defence structures should not lead to encroachment and adversely impact the ecology. Similarly, the Aesthetic Value of the Frontage will not be impacted, as the proactive repair of the defences should maintain the standard of protection, and therefore maintain the benefits provided by the services at Langstone Spit and the Mill.

## 5.7 Improve

The Improve scheme option would effectively improve the standard of protection provided by raising the height of existing defences, or constructing new defences. This scheme option has the greatest benefits of any scheme option on the delivery of ES at the Frontage.

The impact of the scheme option is dependent on the extent of improvements made to the defences, though it is anticipated the scheme will adversely impact the delivery of Local Climate Regulation, Global Climate Regulation and Pollination services throughout the Langstone Frontage. Constructing new defences is likely to reduce the existing area of vegetation located in ODUs 1a, 3g and 4b, although the impact of defence structures on ecology may limit the extent of frontline defences.

Hazard Regulation and Sediment Transport Regulation would experience major benefits from this scheme option. Improving the standard of protection for the existing defences provides Hazard Regulation and Sediment Transport Regulation (through shoreline stabilization) to the greatest extent possible, minimising the impacts of flooding and coastal erosion on the local community. This is applicable to areas which currently have formal coastal defences (ODUs 1b, 3b, 3d, 4a and 4b) and any informal defences which will be improved as part of the scheme option.

Similarly to the Maintain option, this scheme option will provide major benefits for Tourism and Recreation and Cultural and Spiritual services. All of the sites which deliver these services will be better protected against flooding and coastal erosion, enabling and potentially improving access to the benefits of these services. Recreational areas such as footpaths will be improved, allowing better access to the Frontage. The cultural sites such as those buildings at ODU 3g and the Mill will be better protected, retaining the cultural value for the local community.

This scheme option will provide benefits to the Aesthetic Value of the Frontage, by better protecting Langstone Spit and the Mill from flooding and coastal erosion impacts. Furthermore, improving the existing formal and informal defences along the Frontage will increase the general Aesthetic Value of the Frontage. However, where the height of existing defences are raised or new defences constructed, the Aesthetic Value of the natural elements of the site may be negatively impacted.

The value of Scientific and Educational services and Wild Species Diversity will be maintained by the scheme option. The benefits currently delivered at Langbrook Stream, and the salt marsh in front of the defences at 4b will be retained and better protected against the impacts of flooding and ecology. However to retain these services, the defence structures should not lead to encroachment and adversely impact the ecology.

## 5.8 Summary

Each of the Scheme Options has an impact on the ES currently delivered at the Langstone Frontage as described in Sections 5.4 – 5.7. The appraisal scores for each ES and each scheme option (Figure 5-1) provide a total aggregated appraisal score to highlight the overall benefit of each scheme option.

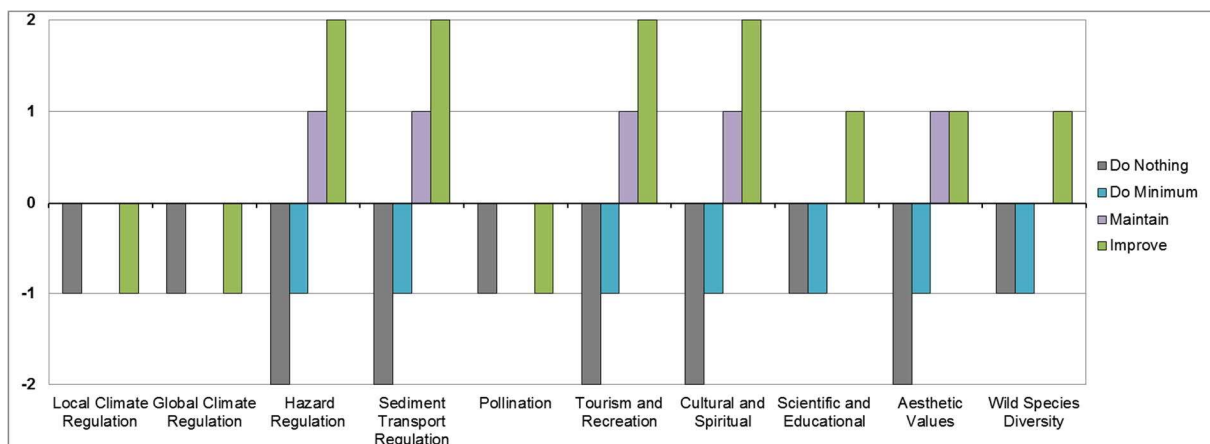


Figure 5-1: Summary of ecosystem service impacts

The Scores are calculated according to Table 5-1: where a score of zero is representative of the scheme option having no net impact on the delivery of the ES, rather than the ES not being delivered.

The total aggregated appraisal scores (Table 5-2:) show that the Do Nothing option would have the highest overall negative impact on the ES delivery, and the Improve scheme option would have the highest overall positive impact on the benefits delivered by the ES in the Langstone Frontage. Improving the standard of protection of the defences facilitates the benefits of the ES by reducing the impact of flooding and coastal erosion on their delivery. However, the impact of the scheme options on the ES is only estimated based on the general overview of each scheme option. The final impact of the scheme will be dependent on the specific defence mechanisms implemented along the frontage.

**Table 5-2: Appraisal Impact Scores for the Scheme Options**

Ecosystem Service		Scheme Option			
		Do Nothing	Do Minimum	Maintain	Improve
Regulating Services	Local Climate Regulation	-1	0	0	-1
	Global Climate Regulation	-1	0	0	-1
	Hazard Regulation	-2	-1	1	2
	Sediment Transport Regulation	-2	-1	1	2
	Pollination	-1	0	0	-1
Cultural Services	Tourism and Recreation	-2	-1	1	2
	Cultural and Spiritual	-2	-1	1	2
	Scientific and Education	-1	-1	0	0
	Aesthetic Values	-2	-1	1	1
	Wild Species Diversity	-1	-1	0	0
<b>Total Aggregated Appraisal Score</b>		<b>-15</b>	<b>-7</b>	<b>4</b>	<b>6</b>

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## 6. HEAT Assessment

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### 6.1 HEAT Tool

The Health Economic Assessment Tool (HEAT) for walking and cycling by WHO/Europe has been used to conduct an economic assessment of the health impacts of walking and cycling in the study area. The HEAT estimates the value of reduced mortality that results from specified amounts of walking or cycling, answering the following question:

*If x people regularly walk or cycle an amount of y, what is the economic value of the health benefits that occur as a result of the reduction in mortality due to their physical activity?*

The tool can be used to assess changes over time and 'before' and 'after' situations where measures have been taken.

### 6.2 Baseline

The Do Nothing scenario has been used as the baseline for the HEAT assessment and the potential health impacts associated with erosion of the main public footpath along the frontage has been assessed (between the Ship Inn and Royal Oak). Used in this way, the HEAT tool has produced a Do Nothing damage value for the increase in mortality that could result from people reducing the amounts of physical activity (walking) that they do because the existing footpath is not available. Should the footpath be protected as part of the scheme, this will be converted into an economic health benefit because people will be able to continue with current levels of physical activity.

### 6.3 Inputs

The HEAT tool has a number of input fields which need to be populated to determine the economic health impact. The following values were input into the tool:

- The length of coastal path lost under the Do Nothing scenario was estimated to be 156m.
- An average adult population age was assumed, between 20-74 years.
- The total population included in the assessment was 308. This has been based on the number of properties protected by the scheme (134) multiplied by the UK average number of persons per household (2.3).
- In the event of the footpath being eroded, it has been assumed that 50% of the existing users of the footpath will find an alternative route for their recreation activities. However, it has been assumed that the remaining 50% of the existing users would not find an alternative route and would cease to undertake this particular physical activity.
- A 50 year appraisal period has been adopted as this is the likely duration of the scheme.

### 6.4 Results

Based on the inputs to the tool the impact to health with the Do Nothing scenario is estimated to be approximately £320k over 50 years. This value is the discounted value in present day terms. Loss of the footpath under the Do Nothing scenario would lead to a loss of approximately 2 walking minutes per day, which could lead to 0.005 premature deaths per year across the population. Over the 50 year appraisal period this equates to 0.3 premature deaths.

Converting the estimated damages to a benefit, relative to the Do Nothing scenario the health impact of protecting the footpath as part of the scheme is estimated to be £320k over 50 years.

## 7. Summary

Table 7-1 summarises the findings of the various assessments outlined in chapters 2 to 6.

**Table 7-1: Summary of wider impacts of flood risk at Langstone**

Assessment	Key findings
Economic footprint	Approximately half of the residents employed travel outside the borough for work (based on limited sample size from attendance at consultation events) demonstrating the potential spillover impacts on a spatial scale of flooding at Langstone.
FCERM first round impacts under Do Nothing scenario (next 50 years)	<ul style="list-style-type: none"> <li>- £11,010k damage to residential and commercial properties</li> <li>- £910k damage to public infrastructure</li> <li>- £706k damage to vehicles</li> <li>- £3,477k damage associated with risk to life</li> <li>- £589k damages for emergency clean up and temporary accommodation</li> <li>- £48k intangible damages</li> <li>- £756k traffic disruption damages</li> </ul>
GVA dynamic impacts under Do Nothing scenario (next 10 years). Focussed on Ship Inn and Royal Oak businesses	<ul style="list-style-type: none"> <li>- Approximately £232k business disruption loss to the public houses over the next 10 years (local economy impact)</li> <li>- An eight week clean-up period after a flood event expected to lead to an additional loss of approximately £200k business turnover due to closure.</li> </ul>
Tourism impacts	<ul style="list-style-type: none"> <li>-Langstone is a key location for tourism in the area</li> <li>- ORVal tool estimates over 43,000 visitors per year at the site, generating a welfare value of £178k. Under a Do Nothing scenario a significant proportion of these visitors is likely to be lost to local alternative destinations.</li> <li>- Survey found that 79% of visitors on day trips to Langstone and that 72% of visitors drove to the site.</li> </ul>
Link to Hayling Island	<ul style="list-style-type: none"> <li>- Flooding of the A3023 in Langstone has potential to restrict access and egress from Hayling Island.</li> <li>- Approximately 34% of Hayling island population travel off the island for work purposes; flooding at Langstone would prevent this.</li> <li>- Flooding at Langstone could restrict emergency access to Hayling Island, and alternative ways of transport would need to be used (e.g. helicopter).</li> </ul>
Ecosystem services (ES)	<ul style="list-style-type: none"> <li>- Do Nothing scenario would have adverse impact on ES; negatively impacting climate regulation, hazard regulation, pollination, tourism and recreation, culture, science and education, aesthetic values and wild species diversity.</li> <li>- Constructing a scheme at the site has the potential to improve hazard regulation, sediment transport regulation, tourism and recreation, culture, science and education, aesthetics and wild species diversity.</li> </ul>
WHO HEAT tool	<ul style="list-style-type: none"> <li>- Loss of the public footpath between Ship Inn and Royal Oak has potential to decrease physical activity levels of the population. This is estimated to lead to £320k damages over the next 50 years due to premature deaths.</li> <li>- Protection of the footpath would result in £320k benefit</li> </ul>



## **Links to Appendices C and D**

### **APPENDIX C Preferred Option Report**

The Preferred Option Report is available for viewing Here:

[langstone-preferred-option-report.pdf \(coastalpartners.org.uk\)](#)

### **APPENDIX D Langstone Coastal Defence Scheme January 2024 Poster Booklet**

The poster booklet is available for viewing Here:

[Langstone Scheme January 2024 Exhibition Poster Booklet by Coastal Partners - Issuu](#)

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# Langstone FCERM Scheme

## Summary of the January 2024 Detailed Design Public Exhibition



# Langstone Flood and Coastal Erosion Risk Management Scheme

Issued 12/2/2024.

## Summary of the Detailed Design Public Exhibition

### 1. The Public Exhibition

In January 2024, Coastal Partners on behalf of Havant Borough Council welcomed the community to the public exhibition of the Detailed Design of the Langstone Coastal Defence Scheme. This is the latest and most detailed vision of the design proposals which have been developed with the Community and other Key Stakeholders. This event was an opportunity for the community to share support for the scheme and provide feedback on any areas for further improvement.

The exhibition was advertised over a 4-week period prior to the event via the following digital and traditional methods:

- Updated project webpages.
- E-Newsletter to more than 5000 subscribers to the Langstone Scheme e-Newsletter.
- An article in [December's issue of the Havant Borough Council's 'Your Borough' magazine](#), a free magazine provided to every household within the Borough of Havant.
- Email to members of the Langstone Stakeholder Working Group.
- Email to other key contacts within the community.
- Event posters around Langstone and at the Council Offices.
- Social Media (Facebook, Instagram, X) subsequently shared more widely.

The Project Team were in attendance to bring the scheme to life and answer any questions about the proposals. Samples of many of the materials proposed were also available to view.

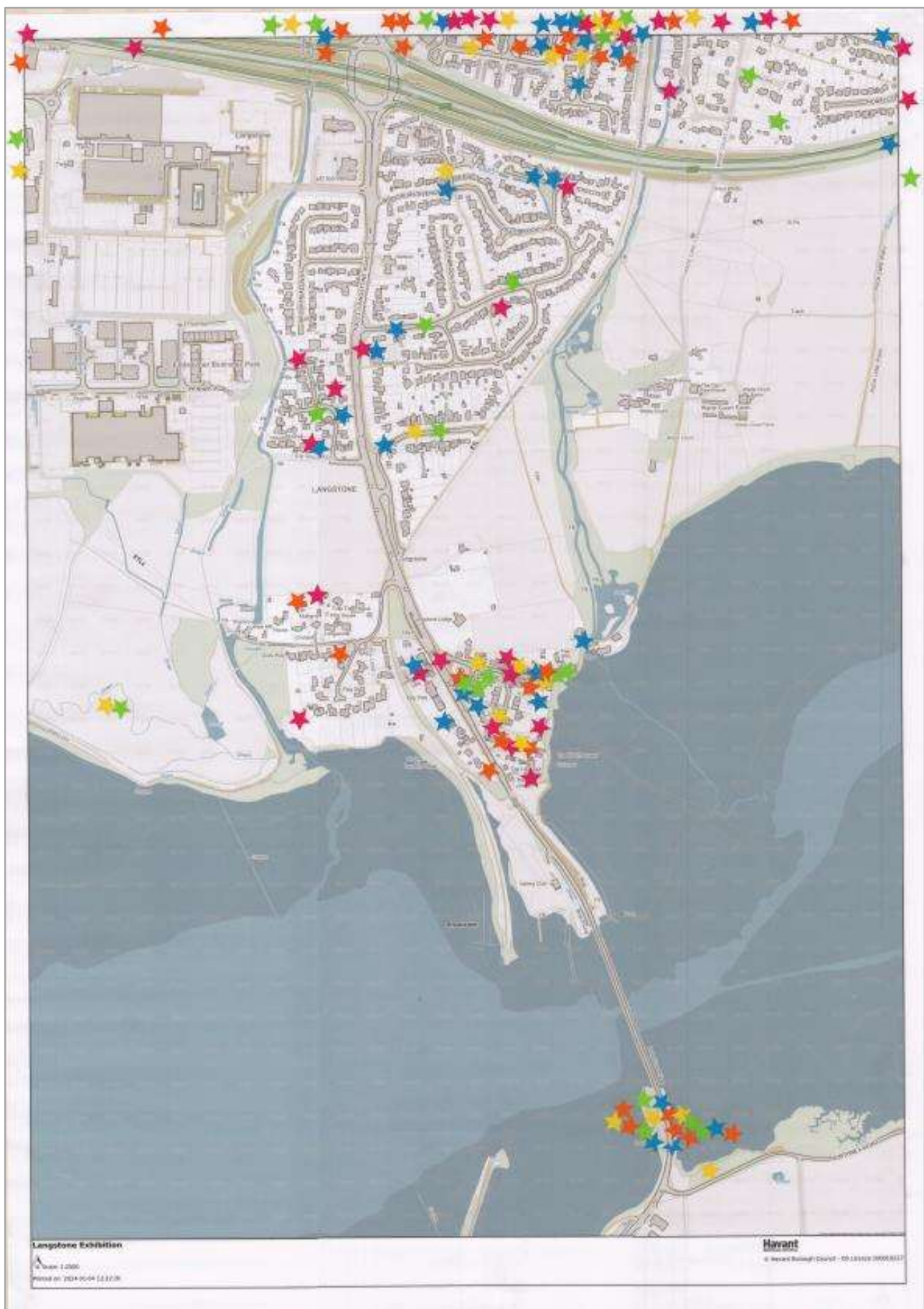
The drop-in session provided time to read the information boards which covered the key design aspects. These are available to view as a digital leaflet here:

[Langstone Scheme January 2024 Exhibition Poster Booklet by Coastal Partners - Issuu](#)

Key Information about the exhibition is included in the infographic below:



During the event, attendees were asked on arrival to indicate roughly where they had visited from to enable a visual representation of the reach of the event. The mapping is shown below (with stickers showing rough indication of where visitors had attended from). Many were clustered locally in Langstone Village, with interest from the wider Havant Borough and beyond.



## 2. The Feedback Survey

### 2.1. Survey Introduction

To support this exhibition, we also sought further feedback from the community and visitors to Langstone via a survey. This survey (January 2024) focused on feedback from the exhibitions and the communities understanding of the scheme itself as presented within the exhibition posters. The survey was available as a paper copy at the event, and also online, accessible via QR code and email link.

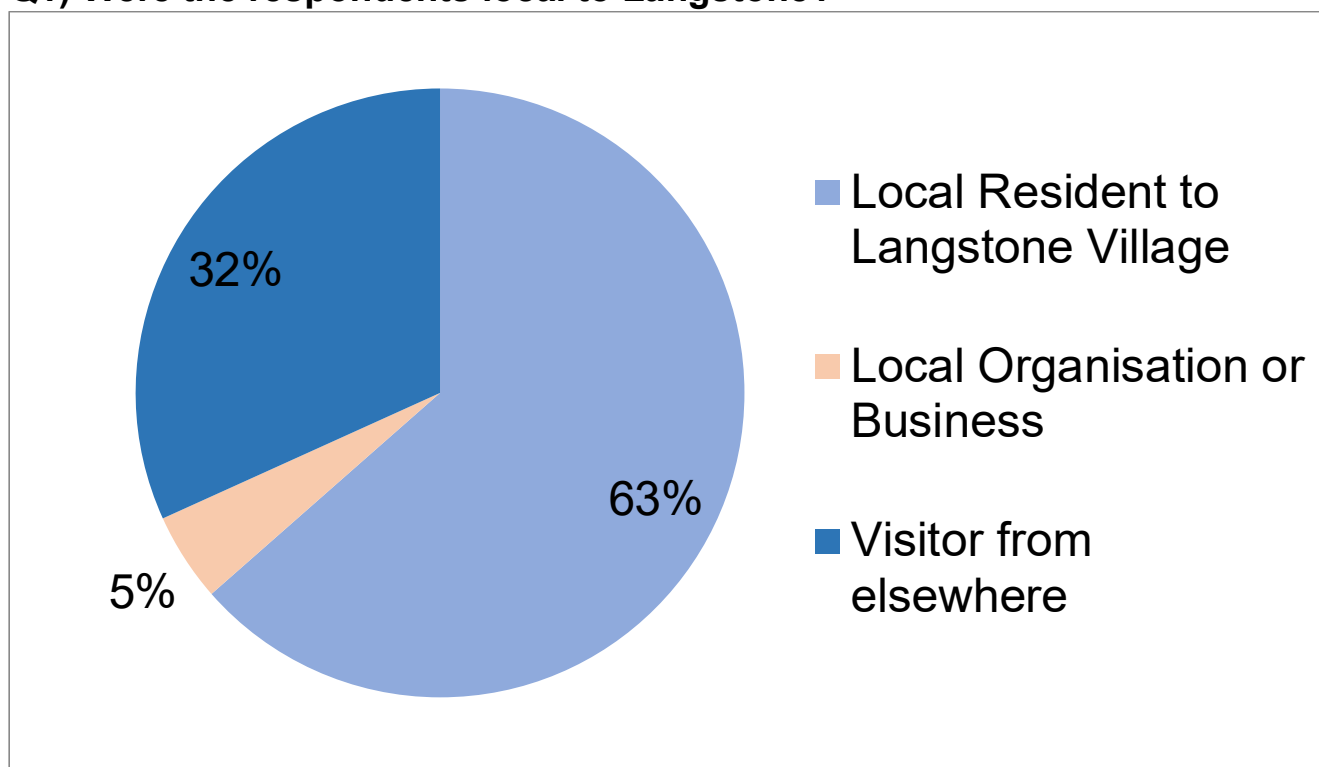
The consultation closed at the end of January 2024. Whilst the majority of submissions were online, 40% of submissions were on paper and submitted at the event itself:

35	Paper Submissions
50	Digital Submissions
<b>85</b>	<b>TOTAL</b>

### 2.2. Survey Results

This section sets summarises the responses for key questions up to and including the 2<sup>nd</sup> of February 2024 (i.e., 3 weeks' worth of submissions). The sample size is 85 responses.

#### Q1) Were the respondents local to Langstone?



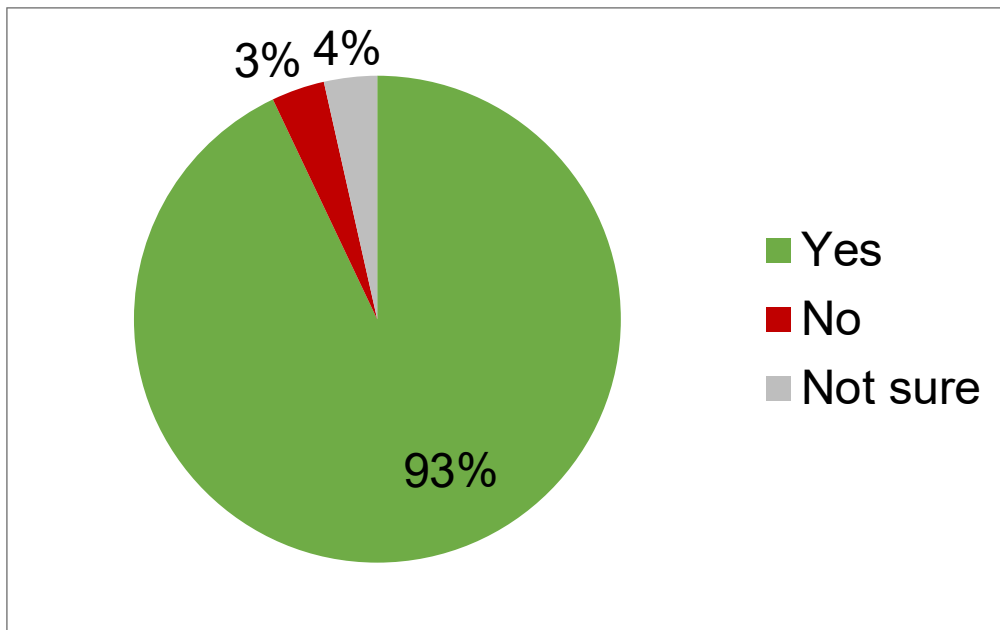
The chart above suggests that the majority of respondents identified themselves as Local Residents of Langstone Village.

56% of respondents further indicated that they lived in a PO91 Postcode (i.e., the postcode for Langstone). Other majority postcodes indicated were PO11 (9%), PO9 (7%), PO92 (6%) PO93 (6%).

#### Q2) Did the survey respondents attend the exhibition?

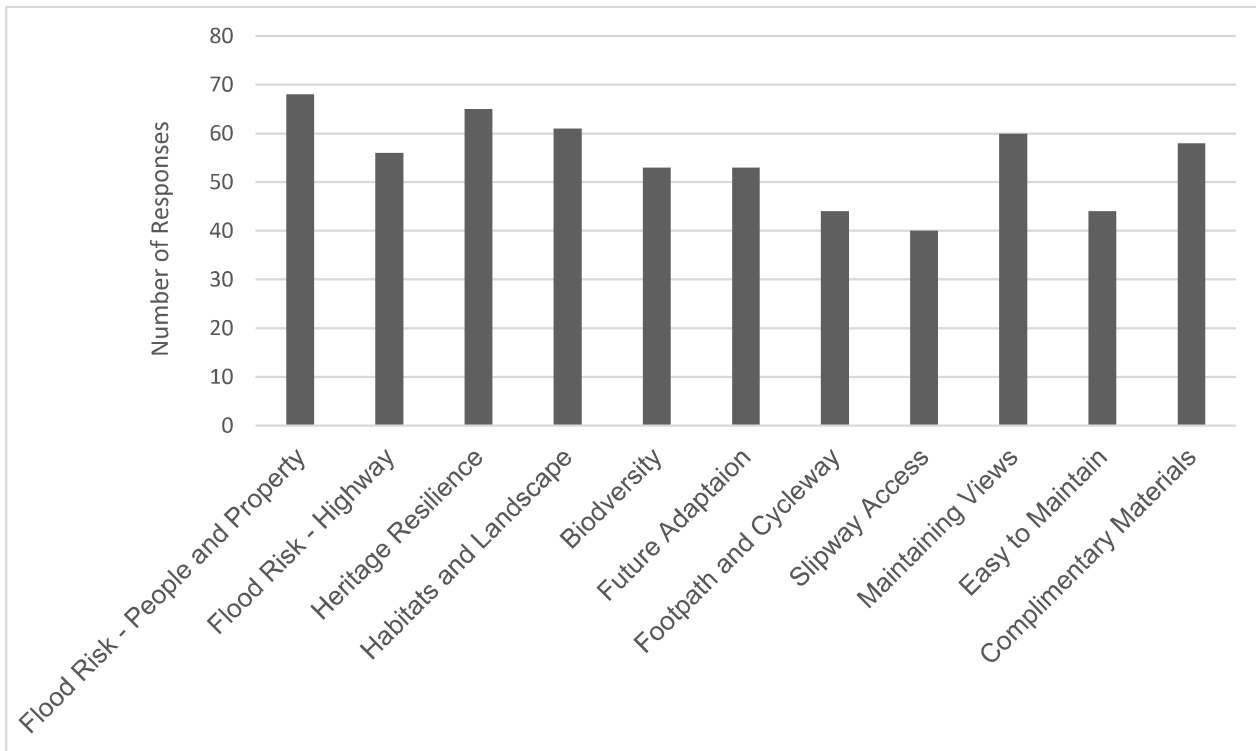
Of the 85 respondents to the survey, 76% said they attended the exhibition. Not everyone who attended the exhibition provided feedback.

**Q3) Do respondents feel that there is a need for the scheme to reduce the coastal flood and erosion risk to the Langstone community?**



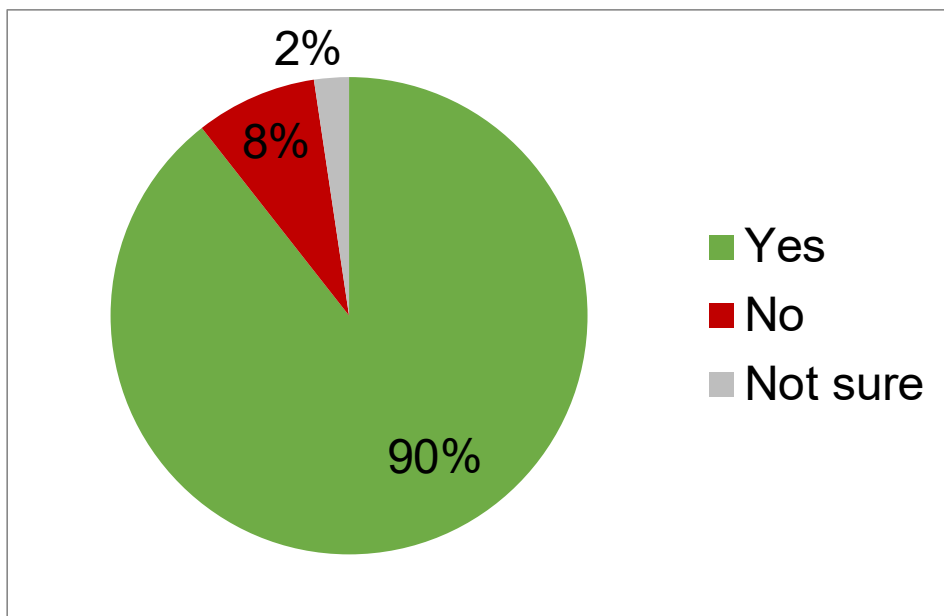
Of the 85 respondents to the survey, 93% agreed that there is a need for the scheme to reduce the coastal flood and erosion risk to the Langstone Scheme. 3 respondents disagreed and 3 said they were not sure.

**Q4) Which benefits of the scheme are respondents most interested in?**



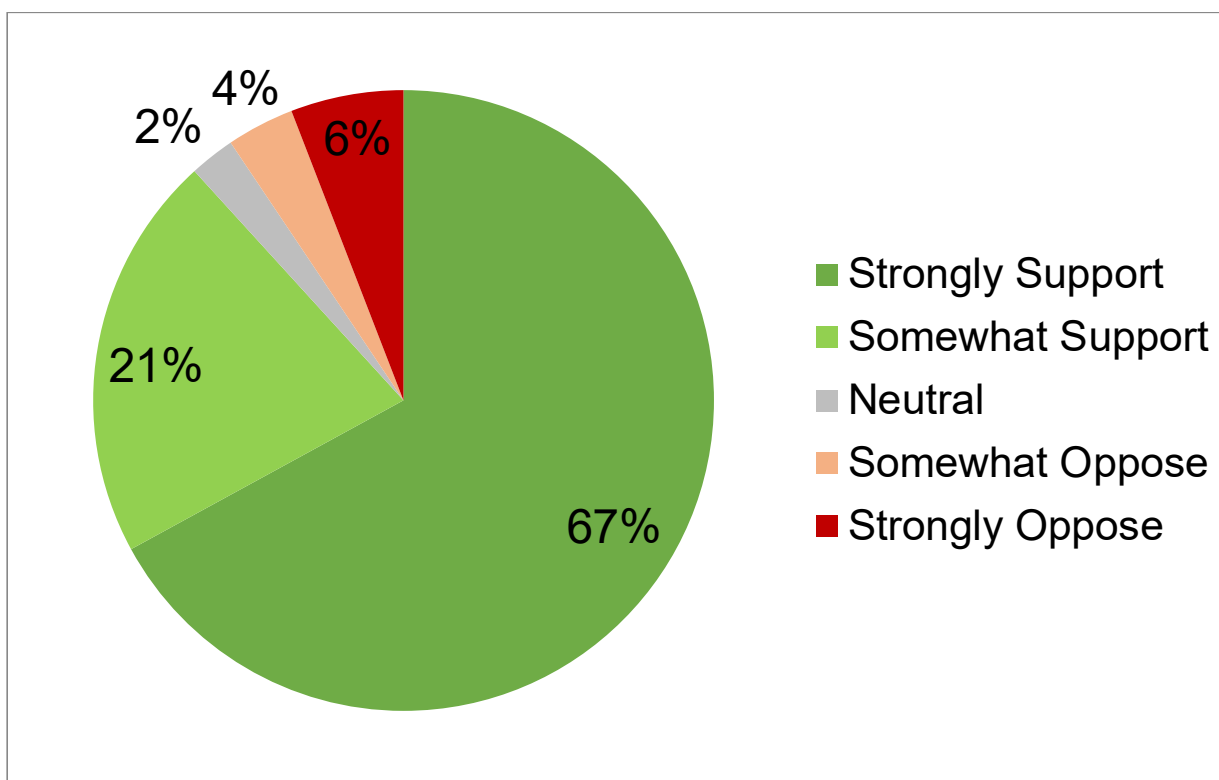
Respondents were able to select multiple interests. Reducing coastal flood and erosion risk to people and property was found to be the primary interest. Respondents were also interested in finding a solution which is complimentary to the heritage features of Langstone making them more resilient.

**Q5) Subject to funds being secured, do respondents support the delivery of the Scheme?**



90% of respondents said they support the delivery of the Scheme, subject to funds being secured. 8% (7 individuals) said they did not support.

**Q6) To what extent did respondents support the scheme proposals?**



67% of respondents strongly supported the scheme proposals, whilst a further 21% said they somewhat supported the proposals.

6% strongly opposed the proposals, with a further 4% somewhat opposing the proposals.

2% were neutral.



### 3. Next Steps

The survey also asked, ‘*Do you have any further comments on the scheme proposals?*’, providing an opportunity for free-text feedback. The project team will analyse this feedback and produce an updated ‘Frequently Asked Question’ document to respond to key points made in the feedback both at the exhibition and more widely. The aim will be to provide clarification in areas where questions continue to be made, and also highlight any outstanding key areas of concern that the community have in relation to the design and next stages. This will be available in the spring.

The design has now reached a major milestone. Together with the feedback on the exhibition, a recommendation will be made in Spring 2024 to HBC Cabinet for the next stages of the project. Construction is currently programmed for Spring 2025, subject to securing the necessary funding, licences and consents.

This exhibition summary document will be available publicly and added to the project webpages at <https://coastalpartners.org.uk/langstone-detailed-design-public-exhibition>.

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<b>Name of Committee:</b>	Cabinet		
<b>Committee Date:</b>	6 March 2024		
<b>Report Title:</b>	Chichester Harbour Investment and Adaptation Plan (CHIAP)		
<b>Responsible Officer:</b>	Lyll Cairns, Executive Head of Coastal Service		
<b>Cabinet Lead:</b>	Cllr Liz Fairhurst – Cabinet Lead for Coastal		
<b>Status:</b>	Non-Exempt		
<b>Urgent Decision:</b>	No	<b>Key Decision:</b>	Yes
<b>Appendices:</b>	N/A		
<b>Background Papers:</b>	<p><b>North Solent Shoreline Management plan</b>  <a href="http://northsolentsmp.co.uk">Shoreline Management Plan - Shoreline Management Plan (northsolentsmp.co.uk)</a></p> <p><b>Hayling Island Draft Coastal Management Strategy</b>  <a href="https://coastalpartners.org.uk/project/hayling-island-coastal-management-strategy-2120/">https://coastalpartners.org.uk/project/hayling-island-coastal-management-strategy-2120/</a></p> <p><b>National FCERM Strategy for England (2020)</b>  <a href="https://publishing.service.gov.uk">Environment Agency – National Flood and Coastal Erosion Risk Management Strategy for England (publishing.service.gov.uk)</a></p> <p><b>Natural England 2021</b>  <a href="https://publications.naturalengland.org.uk/publication/5535304204419072">https://publications.naturalengland.org.uk/publication/5535304204419072</a></p> <p><b>HBC</b>  <a href="#">A Plan for Chichester Harbour   Havant Borough Council</a></p>		
<b>Officer Contact:</b>	Name: Sam Box Email: samantha.box@havant.gov.uk		
<b>Report Number:</b>	HBC/88/2024		

<p><b>Corporate Priorities:</b></p> <p>Supports Havant Borough Council’s Corporate Strategy ‘Pride in Place’ aspiration, which is to create a great place to live, work and enjoy.</p> <p>The Chichester Harbour Investment and Adaptation Plan will help communities and stakeholders plan and adapt to flood and coastal erosion risks within Chichester Harbour. It will also identify projects, actions and approaches that contribute towards the improvement of the Council’s coastal environment and, that prevent the ongoing declines in the Chichester Harbour Site of Special Scientific Interest, which is currently in unfavourable, declining condition. This will enable the Council to maintain and enhance its coastline and harbours for wildlife and continue to deliver projects to protect our coastline whilst embedding environmental matters and considering environmental impacts in all its decisions to help tackle climate change. This will therefore also contribute towards the wellbeing of the community.</p>
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## **Executive Summary:**

Coastal Partners are bidding for Environment Agency Flood and Coastal Erosion Risk Management (FCERM) Grant in Aid (GiA) funding to develop an Investment and Adaptation Plan for Chichester Harbour. The bid is not anticipated to exceed £2.2 million (including risk), however our current best estimate, whilst we are still refining costs, is £1.42 million (plus £426,000 risk). The Chichester Harbour Investment and Adaptation Plan (the Plan) will help guide those who live work and play within Chichester Harbour, to plan and adapt to flooding and coastal change in the future, while helping to improve the unfavourable, declining environmental condition of the Harbour.

The Plan will identify flexible adaptation pathways to guide future management decisions, identify triggers for action and a short-term package of resilience projects for both people and nature, directly developed by the community, landowners, stakeholders and regulators.

Coastal Partners will lead the delivery of the Plan on behalf of Havant Borough Council and Chichester District Council. Coastal Partners have the support of our other partners, including the Environment Agency, Natural England, Chichester Harbour Conservancy and Chichester District Council in making this funding bid with a strong acknowledgement of the need for the Plan.

## **Recommendations:**

That Cabinet:

1. Approves that the Council shall be the lead authority to submit a business case on behalf of Havant Borough Council and Chichester District Council for funding for up to £2.2 million (including risk) of Environment Agency Flood and Coastal Erosion Risk Management Grant in Aid to fund development of the Chichester Harbour Investment and Adaptation Plan.
2. Approves the preparation and delivery of a Chichester Harbour Investment and Adaptation Plan to help strengthen the resilience of the communities and environment of Chichester Harbour to flooding and coastal change to the year 2100 and beyond, if funding is secured.
3. Approves that the Council, on behalf of Havant Borough Council and Chichester District Council, lead, manage, administer funds and undertake the work to develop the Chichester Harbour Investment and Adaptation Plan and delivery plan of short-term resilience projects, subject to securing the necessary funding.
4. Delegates authority to the Executive Head of Coastal Partners, following consultation with the S151 Officer, to spend grant in aid and appoint professional services (if required) to develop and deliver the Chichester Harbour Investment and Adaptation Plan, subject to securing the necessary funding.

## 1. Introduction

- 1.1. Coastal Partners are bidding for Environment Agency Flood and Coastal Erosion Risk Management (FCERM) Grant in Aid (GiA) funding to develop an Investment and Adaptation Plan for Chichester Harbour. The bid is not anticipated to exceed £2.2 million (including risk), however our current best estimate, whilst we are still refining costs, is £1.42 million (plus £426,000 risk).
- 1.2. The Investment and Adaptation Plan will help guide those who live work and play within Chichester Harbour, plan, and adapt to flooding and coastal change in the future while helping to improve the poor environmental condition of the Harbour.
- 1.3. Communities and stakeholders will be at the heart of decision making at all stages of the Plan.
- 1.4. A key output will be a delivery plan of short-term projects, overseen by a dedicated delivery management group.
- 1.5. The work will be undertaken by Coastal Partners on behalf of Havant Borough Council and Chichester District Council, working closely with regulators, stakeholders, landowners and the community.
- 1.6. This report seeks the approval to bid for, and if successful to develop an Investment and Adaptation Plan for Chichester Harbour.

## 2. Background

### 2.1. Chichester Harbour

- 2.1.1. Chichester Harbour, covering the shorelines of the Chichester Harbour National Landscape, is a popular, attractive place to live, work and play and one of the most important sites for wildlife in the UK.
- 2.1.2. The entire area is protected under a range of legal designations to safeguard the internationally important wildlife the Harbour supports.
- 2.1.3. Chichester Harbour falls within the boundaries of both Havant Borough Council (the eastern side of Hayling Island, Langstone and Emsworth) and Chichester District Council (Thorney Island to East Head).
- 2.1.4. Land use is mainly rural, with a number of coastal towns and villages scattered around the harbour.

## 2.2. Coastal Flood and Erosion Risk Management

- 2.2.1. The HBC adopted North Solent Shoreline Management Plan (SMP) (2010), which sets high-level policies for coastal defence management planning for the next 100 years, recommended a Hold the Line policy for the majority of the Chichester Harbour shoreline.
- 2.2.2. These Hold the Line policies within the Harbour, in some places, are no longer considered deliverable, affordable or environmentally appropriate, and consequently are in need of review.
- 2.2.3. The approved and HBC adopted Portchester to Emsworth Coastal Strategy (2013) and the Hayling Island Coastal Management Strategy (currently in development) identify the preferred approaches to deliver the SMP policies, but only for the west of the Harbour.
- 2.2.4. The majority of the Harbour therefore does not have a Coastal Management Strategy in place to review the appropriateness of current SMP policies and guide coastal management approaches in the future.
- 2.2.5. With sea level rise and coastal change, tidal flood and erosion risk within the harbour will increase over time.
- 2.2.6. Where there are defences, as sea levels rise, habitats are squeezed against these defences, resulting in the loss of important habitats and ecosystems, known as coastal squeeze.
- 2.2.7. The interaction between the different habitats and the features of importance within them is therefore an important consideration in planning the management of coastal flood and erosion risk in this area.

## 2.3. Environment

- 2.3.1. The Chichester Harbour environment is currently in 'unfavourable, declining' condition (Natural England, 2021), due to pressures within the harbour such as coastal squeeze.
- 2.3.2. Natural England estimates that Chichester Harbour has lost over 58% of its saltmarsh habitat since 1946 and continues to lose an average of 2.54 hectares of saltmarsh annually (the equivalent of more than 3 football pitches in area). <https://www.conservancy.co.uk/about->

chichester-harbour/pressures-on-chichester-harbour/coastal-squeeze/

- 2.3.3. Replacing and recreating this habitat is a legal requirement of the SMPs, through the Environment Agency's Habitat Compensation and Restoration Programme (HCRP).
- 2.3.4. There is therefore a need to identify and progress opportunities for coastal habitat creation within Chichester Harbour as part of this plan.
- 2.3.5. Without a clear plan in place for the future, regulators such as Natural England and the Environment Agency could turn down planning approvals for any new FCERM works in the Solent.

## **2.4. Chichester Harbour Investment and Adaptation Plan**

- 2.4.1. The Chichester Harbour Investment and Adaptation Plan will help guide the future management of Chichester Harbour's coastline and waters, addressing people, property and environmental challenges in one place, using an adaptive approach.
- 2.4.2. Building on the existing evidence base, the Plan will be developed in line with the National FCERM Strategy for England (2020), focusing on resilience and adaptation.
- 2.4.3. The Plan will aim to identify opportunities for coastal habitat creation and improvement that can help reduce current pressures and contribute towards a recovering environment.
- 2.4.4. Working together with regulators, stakeholders, landowners and the community, this community led Plan will set out adaptation options and pathways within the Harbour, defined by triggers for action.
- 2.4.5. An important element of this work will be to review SMP policies, updating policy and initiating the SMP policy change process if required.
- 2.4.6. A key output will be a delivery plan of short-term projects for resilient places for people and nature, which will be managed by a clearly defined delivery management group to progress, monitor, review and adjust the plan over time.

### **3. Options**

- 3.1. Do nothing – Under this option no Investment and Adaptation Plan would be developed but business as usual work would continue. There would remain no collaborative plan to guide the future management of Chichester Harbour’s coastline and waters, addressing people, property and environmental challenges holistically in light of future climate and coastal change.
- 3.2. Do minimum - Under this option the Councils shall take stand-alone schemes forward. No Investment and Adaptation Plan would be developed. Adhoc management of the shoreline will continue, and projects would be taken forward on a reactive basis. There would be no joined-up plan for the whole Harbour, the harbour environment would continue to decline and engagement with communities and landowners would be on an adhoc basis.
- 3.3. Do something – Under this option develop a traditional Flood and Coastal Erosion Risk Management (FCERM) Strategy for the east of Chichester Harbour. Although the Harbour coastline would be covered by three Coastal management Strategies, there would be no joined-up plan for the whole Harbour. The Strategy would mainly focus on people and property, a real missed opportunity for the environment.
- 3.4. Do something – Develop an investment and adaptation plan for the whole of Chichester Harbour. Under this option a single cohesive, holistic, flexible plan would be developed collaboratively with partners to help strengthen the resilience of the communities and environment of Chichester Harbour to flooding and coastal change to the year 2100 and beyond. The Plan will put the community at the heart of decision making and focus on resilience and adaptation for both people and the environment in light of future climate change. This is the preferred option to take forward.

### **4. Relationship to the Corporate Strategy**

- 4.1. This work supports the Councils Corporate Strategy ‘Pride in Place’ aspiration, which is to create a great place to live, work and enjoy, and will also contribute towards wellbeing, setting out a plan to improve the natural coastal environment for communities to enjoy.
- 4.2. The Chichester Harbour Investment and Adaptation Plan will ensure we take a holistic approach to help communities and stakeholders plan and adapt to flood and coastal erosion risks within Chichester Harbour.
- 4.3. The Plan will also identify projects, actions and approaches that contribute towards the improvement of the Council’s coastal environment and, that prevent the ongoing declines in the Chichester



Harbour Site of Special Scientific Interest, which is currently in unfavourable, declining condition.

- 4.4. This will enable the Council to maintain and enhance its coastline and harbours for wildlife and continue to deliver projects to protect our coastline whilst embedding environmental matters and considering environmental impacts in all its decisions to help tackle climate change.
- 4.5. The Plan will also contribute towards the wellbeing of the community.

## **5. Conclusion**

- 5.1. Coastal Partners are bidding for funding to develop an Investment and Adaptation Plan for Chichester Harbour, on behalf of Havant Borough Council and Chichester District Council.
- 5.2. Coastal Partners will lead, manage and undertake the work to develop the Chichester Harbour Investment and Adaptation Plan and delivery plan of short-term resilience projects.
- 5.3. Coastal Partners have the support of our other partners, including the Environment Agency, Natural England, Chichester Harbour Conservancy and Chichester District Council in making this funding bid with a strong acknowledgement of the need for the Plan and commitment to work collaboratively to produce a plan to meet local needs.
- 5.4. The Plan will identify flexible adaptation pathways to guide future management decisions, identify triggers for action and a short-term package of resilience projects for both people and nature, directly developed by the community, landowners, stakeholders and regulators.

## **6. Implications and Comments**

- 6.1. S151 Comments
  - 6.1.1. Members should be assured that there is no direct impact on the Council's revenue budget or capital programme. The only commitment will be some draw on existing officer time and possible existing resources (which are sunk costs).
  - 6.1.2. If successful, the work undertaken from the funding may well lead to additional funding requirements and/or additional funding availability and potential economic benefits (which are impossible to quantify at this stage).

## 6.2. Financial Implications

- 6.2.1. Coastal Partners will bid for up to £2.2 million (including risk) to undertake this work. However, our current best estimate is £1.42 million (plus £426,000 risk).
- 6.2.2. The Council will be the lead organisation bidding for funds from Environment Agency FCERM GiA.
- 6.2.3. Coastal Partners officers will lead delivery of the project on behalf of both Havant Borough Council and Chichester District Council.
- 6.2.4. The funding being sought is FCERM GiA administered by the Environment Agency on behalf of Defra.
- 6.2.5. The project is included on the Environment Agency's Capital Investment Programme; however, allocation of funding will be subject to the submission of a business case, which will be technically and financially assured by the Environment Agency.
- 6.2.6. Although the project is identified on the Environment Agency's Capital Investment Programme for funding allocation, other financial contributions may be required from other sources to secure approval.
- 6.2.7. Coastal Partners have the support of our partners in making this funding bid with a strong acknowledgement of the need for the Plan, however, if no funds are secured then the project will not proceed.

## 6.3. Monitoring Officer Comments

Members can be assured that the Monitoring Officer has no concerns and is supportive of the recommendations. The legal implications are clearly identified within the section below. Constitutionally, this an Executive function for consideration by Cabinet.

## 6.4. Legal Implications

- 6.4.1. The Council will be identified as the lead organisation on the funding bids and will be making the application as a coastal Risk Management Authority (RMA).
- 6.4.2. These works are currently undertaken under s.1 of the Localism Act 2011 (power of general competence), which enables a Local Authority to do anything that individuals generally may do, whether for a commercial purpose or

otherwise (with or without charge) for the benefit of its area.

- 6.4.3. The Council, as the coast protection authority, is not legally required to do anything to protect against flooding and erosion. However, it has permissive powers to undertake sea defence and coastal erosion works or studies under the Land Drainage Act 1991, Coast Protection Act 1949, and Water Resources Act 1991, and act in the public interest doing so only when there is a clear economic benefit, an appropriate engineering solution which can be achieved and no contravention of environmental legislation.

## 6.5. Equality and Diversity

- 6.5.1. It is not considered that there are any equality or diversity implications as a result of undertaking the work identified in this report.

## 6.6. Human Resources

- 6.6.1. Coastal Partners has a detailed service plan to guide the delivery of its work which is signed off by its client board.
- 6.6.2. The plan has identified the resource required for this work.

## 6.7. Information Governance

- 6.7.1. Any data collected as part of the project will be held in line with Council's retention and data protection policies.

## 6.8. Climate and Environment

- 6.8.1. The Plan's objectives directly address climate change challenges and the environment front and centre.
- 6.8.2. The Plan's core objective is to 'by 2030, help strengthen the resilience of the communities and environment of Chichester Harbour to flooding and coastal change for a range of future climate scenarios, using adaptive pathways to the year 2100 and beyond'.
- 6.8.3. A key environmentally focused objective is to 'by 2030, identify projects, actions and approaches for Chichester Harbour to help habitats and species recover and thrive, boost biodiversity, improve water quality, sequester carbon, preserve heritage, enhance natural landscapes and restore the ecosystems and the interconnections between them'.

- 6.8.4. The Plan also recognises the need to transition and adapt management practices to become more resilient to climate change and to utilise nature to manage risks, through the objective, ‘by 2030 we will work with those who own land, businesses or assets around the harbour to help them understand their responsibilities and support them to transition and adapt to become more resilient to flooding and coastal change in the future using a combination of sustainable practices and nature-based solutions’.

## 7. Risks

- 7.1. If no funding is secured the project will not progress, meaning a risk to the FCERM delivery and environmental programmes within the Harbour.
- 7.2. The project has been carefully costed and will be applying for an additional 30% optimism bias applied in line with the treasury green book, so if any project level risks are realised this risk budget can be applied for from the Environment Agency.
- 7.3. The need for the project is well understood and supported by the Chichester Harbour Conservancy, the Environment Agency and Natural England, however, as this is a brand-new type of plan, Environment Agency assurance could be prolonged.
- 7.4. Although the project is identified on the Environment Agency’s Capital Investment Programme for funding allocation, other financial contributions may be required from other sources to secure approval.
- 7.5. Risk of raising expectations – whilst the plan will help us manage, maintain and enhance Chichester Harbour’s coastline for wildlife and continue to deliver projects to manage our flood and erosion risk, there will need to be difficult discussions and tough decisions. The project is about bringing the stakeholders and community on a journey, to understand and acknowledge their risk, identify constraints and opportunities collaboratively, and embrace adaptation in the recognition that in reality not everywhere will or can be protected in the future.

## 8. Consultation

- 8.1. Key statutory consultees including the Environment Agency, Natural England, Chichester Harbour Conservancy and Chichester District Council will be consulted throughout the life of the projects and have already been involved in shaping the need for and scope of the work required.

- 8.2. Throughout the development of the Investment and Adaptation Plan, the community, landowners and wider stakeholders will be encouraged to get actively involved, to allow local decision making, achieve community support and meet local needs.
- 8.3. Another objective of the plan is to 'by 2030, increase education and awareness of present and future coastal change within the Harbour, its risks and potential impacts to local ecosystems, communities, recreation, landowners, businesses, and infrastructure'.

## 9. Communications

- 9.1. An engagement and communication plan will be developed at the start of the project and kept live throughout Plan development.

<b>Agreed and signed off by:</b>		<b>Date:</b>
<b>Cabinet Lead:</b>	Councillor Liz Fairhurst	09.02.2024
<b>Executive Head:</b>	Lyall Cairns	08.02.2024
<b>Monitoring Officer:</b>	Jo McIntosh	23.02.2024
<b>Section151 Officer:</b>	Steven Pink	09.02.2024

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<b>Name of Committee:</b>	Cabinet		
<b>Committee Date:</b>	6 <sup>th</sup> March 2024		
<b>Report Title:</b>	Havant and Waterlooville Leisure Centres – Lease and Partnership Agreement Variations		
<b>Responsible Officer:</b>	Chris Riggott - Interim Executive Head of Commercial		
<b>Cabinet Lead:</b>	Cllr Liz Fairhurst – Cabinet Member for Coastal and Property		
<b>Status:</b>	Part-Exempt		
<b>Urgent Decision:</b>	Yes	<b>Key Decision:</b>	No
<b>Appendices:</b>	Appendix 1: Havant Leisure Centre lease Appendix 2: Partnering Agreement Appendix 3: Financial Information and Risks (Exempt) Appendix 4: Heads of Terms & Summary of Benefits (Exempt) Appendix 5: Partnering Agreement Updates (Exempt)		
<b>Background Papers:</b>	N/A		
<b>Officer Contact:</b>	Name: Chris Riggott Email: <a href="mailto:chris.riggott@havant.gov.uk">chris.riggott@havant.gov.uk</a>		
<b>Report Number:</b>	HBC/91/2024		

<b>Corporate Priorities:</b>
<p>Wellbeing – Working closely with our partners to improve the leisure offering at Havant Leisure Centre and Waterlooville Leisure Centre.</p> <p>Growth - Developing a regeneration plan for Havant Plaza and civic centre to make best use of the surrounding land.</p> <p>Improving the leisure offering at Havant Leisure Centre and Waterlooville Leisure Centre is a corporate priority. This will be enabled by updating the lease and partnering agreements in place with Horizon Leisure Trust (HLT), our leisure partner and a Registered Charity, to reflect the shared approach in developing an effective active wellbeing service for the health and wellbeing of residents within the Borough.</p>

## **Executive Summary:**

Whilst significant improvements have been made to the leisure offer within the Borough, the existing contractual relationship with HLT requires updating and modernising as we transition away from traditional leisure provision to an active wellbeing service that is financially sustainable for the council and the provider.

This coincides with the council's intention to make a substantial capital investment at Waterloo Leisure Centre, that will require various consents and variations to the lease to enable the works to go ahead.

The way forward, provisionally agreed with HLT, is to update the partnership agreement via the change mechanism and to make the required variations to both leases.

## **Recommendations:**

1. Cabinet agrees to the revision of the lease agreements based on the terms outlined in the report at Havant Leisure Centre and Waterloo Leisure Centre.
2. Cabinet delegates authority to the Chief Executive, in consultation with S151 Officer, to undertake all due diligence, negotiate and finalise the terms and execute all legal agreements on behalf of the Council.



## 1.0 Introduction

- 1.1 Horizon Leisure Trust (HLT) have managed both Havant and Waterlooville leisure centres since 1997 under a partnering agreement and two separate leases.
- 1.2 The Trust conducts its management and service delivery having regard to the agreed 'philosophy of use' between the council and HLT.
- 1.3 Both parties acknowledge and appreciate that variations and updates are required to ensure the long-term sustainability and financial viability of leisure and wellbeing provision in the Borough.
- 1.4 The relationship between the parties is fundamental to the council delivering and discharging its duties and responsibilities.

## 2.0 Background

- 2.1 The existing partnering agreement and leases are outdated, reflect the thinking at the time and require modernising and updating so that they are fit for purpose and align with the joint objectives for leisure and wellbeing provision in the Borough.
- 2.2 Both leisure centre leases contain a shared responsibility for repairs and maintenance, though the lines of responsibility are blurred and the terms are unduly onerous on the council. These need to be updated to reflect common practice.
- 2.3 The existing partnering agreement is built on a philosophy of use. It is proposed that this is updated to provide a modern, transparent, and shared approach between the council and HLT in developing an effective active wellbeing service. This aims to meet wider strategic objectives and transition away from traditional leisure services.
- 2.4 The gain share element within the partnering agreement is also to be updated, to remove ambiguity and associated risks, provide open and transparency of reporting and greater clarity on the distribution of any surplus funds to ensure they are apportioned fairly and reasonably.
- 2.5 The council needs to consider the proposed delivery of regeneration initiatives at Havant in respect of the existing provisions within the Havant Leisure Centre lease. The potential costs relating to this are contained within Appendix 3 (exempt from publication).

- 2.6 The council is about to make a substantial contribution of £2.7m towards improvements at Waterlooville Leisure Centre through ringfenced s106 and other contributions. The improvements will require various changes and consents under the existing lease agreement in order for works to proceed, which provides an opportunity to review the contractual and partnering arrangements with HLT to reflect our mutual objectives and the interest of both parties.
- 2.7 Winchester City Council have also approved £200,000 CIL allocation towards the improvements and are keen to see progress.
- 2.8 Complicated and protracted negotiations have taken place over many years prior to reaching provisional agreement for the proposed changes to the lease and partnering agreements.
- 2.9 The draft heads of terms of terms relating to the proposed lease agreement changes are attached at Appendix 4 (exempt from publication).
- 2.10 The proposed partnering agreement updates are set out at Appendix 5 (exempt from publication) and are subject to final agreement.

### **3.0 Options**

- 3.1 Options are set out in detail at Appendix 3 (exempt from publication).

#### Option 1: Do nothing

- 3.2 The existing agreements would continue until 2042 with no opportunity to update without future agreement with HLT.

The opportunity to improve facilities at Havant would be lost, without payment of a substantial sum (unless determined earlier by the tenant).

The existing lease liabilities and risks to the council remain unchanged.

Delivery of the planned improvements at Waterlooville Leisure Centre would require further negotiations to proceed, resulting in delay.

Option 1 is not recommended.

Option 2: Do nothing until vacant possession of Havant Leisure Centre is required

- 3.3 The existing agreements would continue until determined by the Council. The existing liabilities and risks would remain.

Payment of non-statutory compensation to HLT would be required in accordance with the terms of the existing lease.

HLT could exercise their right to determine the Waterlooville Leisure Centre lease at that time, resulting in additional compensation payments and risk to service delivery.

Delivery of the planned improvements at Waterlooville Leisure Centre would require further negotiations to proceed, resulting in delay.

Option 2 is not recommended.

Option 3: Proceed to update the partnering agreement and regear the lease agreements

- 3.4 The lease agreements would be updated in accordance with the heads of terms attached at Appendix 4 (exempt from publication).

The partnering agreement would be updated as set out at Appendix 5 (exempt from publication).

Sustainability of leisure and wellbeing provision will be assured.

The council would be able to obtain vacant possession of the Havant Leisure Centre at the appropriate time, time without those risks and costs associated with service of notice and payment of compensation.

Expectations of partners (including Winchester City Council) are met in terms of the planned programme of improvement works at Waterlooville Leisure Centre.

Members will note the resolution at full Council on 28<sup>th</sup> February 2024 in respect of the use of the ringfenced Leisure Contingency Reserve.

**Option 3 is the recommended option.**

#### **4.0 Relationship to the Corporate Strategy**

- 4.1 Improving the leisure offering at Havant Leisure Centre and Waterlooville Leisure Centre is a corporate priority included within the list of initiatives in the People First – Wellbeing theme of the Corporate Strategy.
- 4.2 There are also links to the Pride in Place – Growth (External) theme, as the council develops a regeneration plan for Havant Plaza to make best use of the surrounding land.
- 4.3 There is a further link to the Growth (Internal) theme in terms of the council's review of approach to property asset management and maximising returns through either maintenance, disposal or transfer.

#### **5.0 Conclusion**

- 5.1 It is recommended that the Council should proceed to update the partnering agreement and regear the lease agreements in accordance with Option 3 above and the terms set out at Appendices 3 and 4 of this report (exempt from publication).
- 5.2 Negotiations between the Active Wellbeing team within Communities and the Leisure Operator are at an advanced stage and the key heads of terms for the lease regears have been provisionally agreed with HLT.
- 5.3 Timing of completion of the required amendments to the leases and partnering agreement are imperative and it is suggested that the required consents to the improvements at Waterlooville Leisure Centre and release of s.106 monies are undertaken simultaneously to mitigate risks.
- 5.4 It should be noted that the planned programme of improvement works at Waterlooville Leisure Centre is onerous, with a late summer / autumn site start date. This will be missed if the recommendations of this report are not approved.
- 5.5

## **6.0 Implications and Comments**

### **6.1 S151 Comments**

Members should be comfortable with the recommended option, the proposed regeared lease agreement and the detailed costs and benefits associated.

Members can be assured that the appropriate legal and financial due diligence will be completed before the Chief Executive and Section 151 Officer enter into any new formal agreement, and should any significant new risk/s emerge, the proposal will be reported back to Cabinet for further consideration.

### **6.2 Financial Implications**

The financial considerations are set out at Appendix 3 of this report (exempt from publication).

The Heads of Terms & Summary of Benefits at Appendix 4 (exempt from publication) set out the benefits of the recommended option and further due diligence will be completed before entering into any new agreements.

Members will note the resolution at full Council on 28<sup>th</sup> February 2024 in respect of the total capital spend of £2.7m (including s.106 and other contributions) for the improvements at Waterloo Leisure Centre, and funds will not be released until the council is satisfied that terms for the proposed lease and partnering agreement changes have been finalised with HLT.

### **6.3 Monitoring Officer Comments**

This matter is an executive function which fall to be agreed by Cabinet. When making this decision, members can be assured that all appropriate due diligence shall be undertaken in respect of this transaction. The Council's legal advisers shall advise on the transaction ensuring the Council complies with its statutory duties and to draft the appropriate legal documentation.

## 6.4 Legal Implications

Section 1 of the Localism Act 2011 gives the local authority power to do anything that individuals generally may do, subject to certain limitations, none of which are applicable here.

The Council may dispose of land (including entering into leases) having regard to the provisions in s123 of the Local Government Act 1973 and the General Local Disposal Consent (England) 2003.

## 6.5 Equality and Diversity

The proposals endeavour to deliver improvements to widen the leisure offer at Waterlooville, appealing to a broader section of the community. The Council expects Active Wellbeing Hubs to demonstrate a genuine contribution to wider strategic priorities and help narrow local health inequalities. HLT's community health and wellbeing programme will focus on the borough's populations who face the greatest barriers and inequalities to being active. It will provide a range of targeted support for specific conditions, pre and rehab, healthy weight, exercise referral and pain management. Social Value, Equalities, Accessibility and Inclusivity being core requirements to be developed and monitored with KPI's reported and reviewed annually.

6.6 Human Resources – there are no implications arising directly from this report

6.7 Information Governance - there are no Information Governance implications arising directly from this report

6.8 Climate and Environment – there are no climate and environment considerations relating to this report.

## 7.0 Risks

7.1 Risks are set out in Appendix 3 (Exempt)

## 8.0 Consultation

8.1 Extensive internal consultation has been undertaken with both the Leisure Team and the Regeneration Team.

8.2 Given the nature of the matter it is not appropriate to consult externally. Horizon Leisure Trust have, of course, been involved in the negotiation of this matter to date.

## 9.0 Communications

9.1 No external communications are required.

<b>Agreed and signed off by:</b>		<b>Date:</b>
<b>Cabinet Lead:</b>	Cllr Liz Fairhurst	27.02.24
<b>Executive Head:</b>	Chris Riggott	27.02.24
<b>Monitoring Officer:</b>	Jo McIntosh	27.02.24
<b>Section151 Officer:</b>	Steve Pink	27.02.24

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DATED 7 May 2014

**COUNTERPART LEASE**

relating to

HAVANT LEISURE CENTRE

CIVIC CENTRE ROAD

HAVANT

PO9 2AY

Between

(1) HAVANT BOROUGH COUNCIL

And

(2) BOROUGH OF HAVANT SPORT AND LEISURE TRUST

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**PRESCRIBED CLAUSES**

**LR1. Date of lease**

7 May

2014

**LR2. Title number(s)**

**LR2.1 Landlord's title number(s)**

HP20370

**LR2.2 Other title numbers**

NONE

**LR3. Parties to this lease**

**Landlord**

HAVANT BOROUGH COUNCIL

PUBLIC SERVICE PLAZA CIVIC CENTRE ROAD HAVANT HAMPSHIRE PO9 2AX

**Tenant**

BOROUGH OF HAVANT SPORT AND LEISURE TRUST

HAVANT LEISURE CENTRE CIVIC CENTRE ROAD HAVANT HAMPSHIRE PO9 2AY

COMPANY NUMBER: 3319069

Charity Registration Number 1060896

**Other parties**

None

**LR4. Property**

**In the case of a conflict between this clause and the remainder of this lease then, for the purposes of registration, this clause shall prevail.**

See the definition of 'Property' in Clause 1.1 of this lease

**LR5. Prescribed statements etc.**

See Clause 43 of this Lease

**LR6. Term for which the Property is leased**

The term as specified in this lease at Clause 1. 1 in the definition of "Contractual Term"

**LR7. Premium**

None

**LR8. Prohibitions or restrictions on disposing of this lease**

This lease contains a provision that prohibits or restricts dispositions.

**LR9. Rights of acquisition etc.**

**LR9.1 Tenant's contractual rights to renew this lease, to acquire the reversion or another lease of the Property, or to acquire an interest in other land**

None

**LR9.2 Tenant's covenant to (or offer to) surrender this lease**

None

**LR9.3 Landlord's contractual rights to acquire this lease**

None

**LR10. Restrictive covenants given in this lease by the Landlord in respect of land other than the Property**

None

**LR11. Easements**

**LR11.1 Easements granted by this lease for the benefit of the Property**

The easements as specified in Clause 2.2 of this lease .

**LR11.2 Easements granted or reserved by this lease over the Property for the benefit of other property**

The easements as specified in Clause 4 of this lease.

**LR12. Estate rentcharge burdening the Property**

None

**LR13. Application for standard form of restriction**

The Parties to this lease apply to enter the following standard form of restriction

[against the title of the Property] [against title number]

None

**LR14. Declaration of trust where there is more than one person comprising the Tenant**

The Tenant is more than one person. They are to hold the Property on trust

[COMPLETE AS NECESSARY]

This lease is dated

7 May

2014

## **PARTIES**

- (1) HAVANT BOROUGH COUNCIL of Public Service Plaza, Civic Centre Road, Havant, Hampshire, P09 2AX (Landlord)
- (2) BOROUGH OF HAVANT SPORT AND LEISURE TRUST incorporated and registered in England and Wales with company number 3319069 whose registered office is at Havant Leisure Centre, Civic Centre Road, Havant, Hampshire, P09 2AY (Tenant)

## **AGREED TERMS**

### **1. INTERPRETATION**

1.1 The definitions and rules of interpretation set out in this clause apply to this lease.

**The Amusement Machines:** means any amusement machine including, but not limited to, mechanical, electrical or electronic amusement with prizes machines, amusement without prizes machines, skill with prizes machines or gaming machines, or devices for sound and/or visual reproduction, or projection and other machines of a similar nature and pool tables, snooker tables, billiard tables and equipment for use with similar types of games, except where for purely domestic use.

**Annual Rent:** rent at a rate of one peppercorn if demanded.

**Contractual Term:** a term of years beginning on, and including the date of this lease and ending on, and including 30 September 2042.

**Conversion :** means

- (a) conversion of the former indoor bowls hall to a gym and ancillary services;
- (b) construction of a new entrance lobby;
- (c) insertion of 6 external windows;
- (d) reconfiguration of the reception, changing rooms, corridor, cellar, kitchen, bar and lounge; and
- (e) removal of the wall between the main hall and the lounge
- (f) display of 3No. illuminated fascia signs, 3No. wall mounted fabric signs and 7No. hanging signs
- (g) the removal or relocation re-siting of the existing bus shelter

and all other works as more particularly described in the full planning application received by the Planning Authority on 22 November 2013 numbered APP/13/01148 and APP/13/01149 upon which planning permission has been granted and shown on the plan labelled 'Dr No 27922-SK-14F') and including all ancillary works required.

**Engineering Insurance:** a standard policy providing cover for damage or loss of plant, particularly pressure plant and lifts including provision for statutory inspections and testing of equipment under cover that will be extended to cover the Conversion and all future works to the Property undertaken by the Tenant.

**Insured Risks:** means fire, explosion, lightning, earthquake, storm, flood, bursting and overflowing of water tanks, apparatus or pipes, impact by aircraft and articles dropped from them, impact by vehicles, riot, civil commotion including temporarily making the property safe and protecting any adjoining structures, debris removal, demolition and site clearance, obtaining planning and all other statutory and other consents, architects, surveyors and other fees incurred by the Landlord in relation to the reinstatement and complying with the requirements of any statute or of any local public regulatory or other authority (together with any VAT that may be payable on or in respect of any of these costs and fees) and any other risks against which the Landlord's Head of Resources decides to insure from time to time but excluding ionising radiations or contamination by radioactivity from any nuclear fuel or from any nuclear waste from the combustion of nuclear fuel radioactive toxic explosive or other hazardous properties of any explosive nuclear assembly or nuclear component hereof, pressure waves caused by aircraft or other aerial devices travelling at sonic or supersonic speeds and in respect of movable property theft.

**Interest Rate:** interest at four percentage points above the base lending rate from time to time of National Westminster Bank Plc, or if that base lending rate stops being used or published then at a comparable commercial rate reasonably determined by the Landlord.

**Licence:** means the premises licence or certificates, relating to the sale of intoxicating liquor for consumption on the Property.

**Maintenance Schedule:** the maintenance, repair and replacement obligations in respect of the Property of the Landlord and the Tenant as set out in Schedule One of this lease.

**Permitted Use:** the operation of a Sport and Leisure Centre and for any purposes incidental to or in furtherance of the due operation of a Sport and Leisure Centre including the use as a children's play facility, physiotherapy consultancy and car parking but excluding retail shopping of any kind unless the Landlord has first given its prior written consent to such use.

**Property:** the land and building at Havant Leisure Centre Civic Centre Road Havant being part of the land registered at HM Land Registry with freehold title absolute under Title Number HP20370 shown edged red on the attached plan.

**Rent Commencement Date:** 7 May 2014

**Rent Payment Dates:** 1st January

**Service Media:** the lifts and lift machinery and equipment and all media for the supply or removal of heat, electricity, gas, water, sewage, air conditioning energy, telecommunications, data and all other services and utilities and all structures, machinery and equipment ancillary to those media.

**Third Party Rights:** all rights, covenants and restrictions affecting the Property including the matters referred to at the date of this lease in the property and charges registers of Title Number HP20370.



**VAT:** value added tax chargeable under the Value Added Tax Act 1994 or any similar replacement or additional tax.

**1954 Act:** Landlord and Tenant Act 1954.

- 1.2 A reference to this **lease**, except a reference to the date of this lease or to the grant of the lease, is a reference to this deed and any deed, licence, consent, approval or other instrument supplemental to it.
- 1.3 A reference to the **Landlord** includes a reference to the person entitled to the immediate reversion to this lease. A reference to the **Tenant** includes a reference to its successors in title and assigns.
- 1.4 In relation to any payment, a reference to a **fair proportion** is to a fair proportion of the total amount payable, determined conclusively (except as to questions of law) by the Landlord.
- 1.5 The expressions **landlord covenant** and **tenant covenant** each has the meaning given to it by the Landlord and Tenant (Covenants) Act 1995.
- 1.6 Unless the context otherwise requires, a reference to the **Property** is to the whole and any part of it.
- 1.7 A reference to the **term** is to the Contractual Term and any agreed or statutory continuation of this lease.
- 1.8 A reference to the **end of the term** is to the end of the term however it ends.
- 1.9 References to the **consent** of the Landlord are to the consent of the Landlord given in accordance with clause 38.4 and references to the **approval** of the Landlord are to the approval of the Landlord given in accordance with clause 38.5.
- 1.10 A **working day** is any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in England.
- 1.11 Unless otherwise specified, a reference to a particular law is a reference to it as it is in force for the time being, taking account of any amendment, extension, application or re-enactment and includes any subordinate laws for the time being in force made under it and all orders, notices, codes of practice and guidance made under it.
- 1.12 A reference to laws in general is to all local, national and directly applicable supra-national laws in force for the time being, taking account of any amendment, extension, application or re-enactment and includes any subordinate laws for the time being in force made under them and all orders, notices, codes of practice and guidance made under them.

- 1.13 Any obligation in this lease on the Tenant not to do something includes an obligation not to agree to or suffer that thing to be done and an obligation to use reasonable endeavours to prevent that thing being done by another person.
- 1.14 Unless the context otherwise requires, where the words **include(s)** or **including** are used in this lease, they are deemed to have the words 'without limitation' following them.
- 1.15 A **person** includes a corporate or unincorporated body.
- 1.16 References to **writing** or **written** do not include faxes or email.
- 1.17 Except where a contrary intention appears, a reference to a clause or Schedule, is a reference to a clause of, or Schedule to, this lease and a reference in a Schedule to a paragraph is to a paragraph of that Schedule.
- 1.18 Clause, Schedule and paragraph headings do not affect the interpretation of this lease.

## **2. GRANT**


- 2.1 The Landlord with full title guarantee lets the Property to the Tenant for the Contractual Term
- 2.2 The grant is made with the right for the Tenant and all persons authorised by it (including all persons using the facilities at the Property) at all times to gain both pedestrian and vehicular access to and from the Property over the adjoining roadways in the ownership of the Landlord as at the date of this Lease in order to obtain access to and from the public highway.
- 2.3 The grant is made excepting and reserving to the Landlord the rights set out in clause 4, and subject to the Third Party Rights.
- 2.4 The grant is made with the Tenant paying the Annual Rent to the Landlord.

## **3. ANCILLARY RIGHTS**

Except as referred to in clause 2.2, neither the grant of this lease nor anything in it confers any right over neighbouring property nor is to be taken to show that the Tenant may have any right over neighbouring property, and section 62 of the Law of Property Act 1925 does not apply to this lease.



*Debra A. Crane*

<p>Civic Offices, Civic Centre Road, Havant, Hampshire PO9 2AX t: 023 9247 4174</p>	<p>Title: <b>Havant Leisure Centre, Civ Centre Road, Havant</b></p>	<p>Drawn By: <b>CL</b></p>
	<p>Reproduced from the Ordnance Survey Digital Data with the permission of the Controller of HMSO, Crown Copyright Reserved 2008. Licence No LA100019217</p>	<p>Scale: <b>1:1250</b></p> <p>Drawing No: <b>V/2361</b></p> <p><b>Cleaner, Safer, More Prosperous</b></p>

#### 4. RIGHTS EXCEPTED AND RESERVED

4.1 The following rights are excepted and reserved from this lease to the Landlord (the **Reservations**):

- (a) rights of light, air, support and protection as those rights are capable of being enjoyed at any time during the term;
- (b) the right to use and to connect into Service Media at the Property which are in existence at the date of this lease or which are installed or constructed during the period of 80 years from the commencement of the term (and that period is the perpetuity period for the purposes of section 1 of the Perpetuities and Accumulations Act 1964);
- (c) right at any time to use the Property and all appropriate services in connection with holding elections and in the event of civil emergency provided that the Landlord will reimburse to the Tenant the reasonable and proper additional costs incurred by the Tenant in relation to fuel and labour charges incurred by the Tenant provided that the Landlord will not be liable for any loss of income suffered by the Tenant unless the Landlord is able through using its reasonable endeavours, to recover such loss of income or some part thereof from a third party and it is hereby agreed and declared that the Landlord shall apply to the relevant compensatory body/bodies to recover such loss of income with a view to minimising the loss suffered by the Tenant for the period during which the property cannot be used for the Permitted Use;
- (d) right of access for the maintenance repair renewal of the garage adjoining the store to the south east of the main leisure centre building shown coloured blue on the Plan;
- (e) rights to:
  - (i) develop any neighbouring property (whether or not belonging to the Landlord);
  - (ii) erect scaffolding at the Property and attach it to any building on the Property in connection with any development mentioned in paragraph (i) above;
  - (iii) build on or into any boundary wall of the Property; and
  - (iv) re-route any Service Media at or serving the Property or any means of access to or egress from the Property,notwithstanding that any of those works result in a reduction in the flow of light or air to the Property but not so that they result in a loss of a material amenity for the Property.
- (f) the right to enter the Property to repair, maintain or replace any Service Media or structure relevant to any of the other Reservations; and
- (g) the right to enter the Property for any other purpose mentioned in this lease or for any other purpose connected with this lease or with the Landlord's interest in the Property or in any neighbouring property.

(h) Subject to clause 22.1.1 the right to retain the litter bins, road name sign, directional sign, lighting columns and bollards in their current position at the Property, unless the Landlord consents to the relocation.

4.2 The Reservations may be exercised by the Landlord and by anyone else who is or becomes entitled to exercise them, and by anyone authorised by the Landlord and any damage caused in the exercise of those Reservations shall be made good to the reasonable satisfaction of the Tenant within a reasonable period of time.

4.3 The Tenant shall allow all those entitled to exercise any right to enter the Property, to do so with their workers, contractors, agents and professional advisors, and to enter the Property at any reasonable time (whether or not during usual business hours) and, except in the case of an emergency, after having given reasonable notice (which need not be in writing) to the Tenant.

4.4 Provided that every reasonable effort is taken in the exercise of the Reservations to not interfere with the business of the Tenant then no one exercising any of the Reservations nor its workers, contractors, agents and professional advisors, shall be liable to the Tenant or to any undertenant or other occupier of or person at the Property for any loss, damage, injury, nuisance or inconvenience arising by reason of its exercising any of those rights except for:

(a) physical damage to the Property or;

(b) any loss damage, injury nuisance or inconvenience in relation to which the law prevents the Landlord excluding liability.

## **5. THIRD PARTY RIGHTS**

5.1. The Tenant shall comply with all obligations on the Landlord relating to the Third Party Rights (insofar as those obligations relate to the Property) and shall not do anything (even if otherwise permitted by this lease) that may interfere with any Third Party Rights.

5.2. The Tenant shall allow the Landlord and any other person authorised by the terms of the Third Party Rights to enter the Property in accordance with its terms.

## **6. THE ANNUAL RENT**

The Tenant shall pay the Annual Rent on or before the Rent Payment Dates.

## 7. INSURANCE

- 7.1 Subject to clause 7.2 - 7.4, the Landlord shall keep the Property insured against loss or damage by the Insured Risks for the full reinstatement cost, the Tenant having the opportunity to challenge the amount of the reinstatement cost. The Landlord shall produce to the Tenant on demand but not more than once in any period of 12 months, reasonable evidence of the terms of the policy and of payment of the last premium. The Landlord shall not be obliged to insure any of the Property or any fittings furniture equipment or facilities installed by the Tenant.
- 7.2 The Landlord will insure the Conversion to the extent it forms part of the Property and after it has been completed in the amount the Tenant notifies the Landlord is the full reinstatement cost, the Tenant accepting that it continues to be responsible for insuring from the date of such notification until the Landlord has put the necessary arrangements in place.
- 7.3 Until the Landlord is obliged to insure the Conversion, the Conversion will be at the Tenant's sole risk.
- 7.4 The Landlord's obligation to insure is subject to:
- (a) any exclusions, limitations, excesses and conditions that may be imposed by the insurers or decided upon by the Landlord in its absolute discretion; and
  - (b) insurance being available in the London insurance market on reasonable terms acceptable to the Landlord.
- 7.5 The Tenant shall:
- (a) give the Landlord notice immediately any matter occurs that any insurer or underwriter may treat as material in deciding whether or on what terms to insure or to continue to insure the Property;
  - (b) not do or omit anything as a result of which any policy of insurance of the Property or any neighbouring property may become void or voidable or otherwise prejudiced, or the payment of any policy money may be withheld, nor (unless the Tenant has previously notified the Landlord and has paid any increased or additional premium) anything as a result of which any increased or additional insurance premium may become payable;
  - (c) comply at all times with the requirements and recommendations of the insurers relating to the Property;
  - (d) give the Landlord immediate notice of the occurrence of any damage or loss relating to the Property arising from an Insured Risk or of any other event that might affect any insurance policy relating to the Property;
  - (e) not effect any insurance of the Property at the Property, but if it becomes entitled to the benefit of any insurance proceeds in respect of the Property pay those proceeds or cause them to be paid to the Landlord; and

- (f) pay the Landlord an amount equal to any insurance money that the insurers of the Property refuse to pay by reason of any act or omission of the Tenant, or any undertenant, their workers, contractors or agents or any person at the Property.
- (g) put into place Engineering Insurance in an amount and to the extent the Landlord from time to time reasonably requires, and must make available to the Landlord on reasonable demand a copy of the policy or a summary of its terms and a copy of the current premium receipt. The coverage of this insurance shall be similar to the insurance cover held by the Tenant as at September 2013 if required by the Landlord the Tenant must procure the noting on the policy of the Landlord's interest.

7.6 The Landlord shall, subject to obtaining all necessary planning and other consents, use all insurance money received (other than for loss of rent) to repair the damage for which the money has been received or (as the case may be) in rebuilding the Property. The Landlord shall not be obliged to:

- (a) provide accommodation identical in layout or design so long as accommodation reasonably equivalent to that previously at the Property is provided; or
- (b) repair or rebuild the Property after a notice has been served pursuant to clause 7.7 or clause 7.8.

7.7 If, following damage to or destruction of the Property, the Landlord reasonably considers that it is impossible or impractical to reinstate the Property, the Landlord may terminate this lease by giving notice to the Tenant. On giving notice this lease shall determine but this shall be without prejudice to any right or remedy of the Landlord or the Tenant in respect of any breach by the other party of their covenants of this lease. Any proceeds of the insurance (other than any insurance for plate glass) shall belong to the Landlord.

7.8 Provided that the Tenant has complied with its obligations in this clause, the Tenant may terminate this lease by giving notice to the Landlord if, following damage or destruction by an Insured Risk, the Property has not been reinstated so as to be fit for occupation and use within 2 years after the date of damage or destruction. On giving this notice this lease shall determine but this shall be without prejudice to any right or remedy of the Landlord or the Tenant in respect of any breach by the other party of their covenants of this lease. Any proceeds of the buildings insurance shall belong to the Landlord.

## **8. RATES AND TAXES**

8.1 The Tenant shall pay all present and future rates, taxes and other impositions payable in respect of the Property, its use and any works carried out there, other than:

- (a) any taxes payable by the Landlord in connection with any dealing with or disposition of the reversion to this lease; or
- (b) any taxes, other than VAT and insurance premium tax, payable by the Landlord by reason of the receipt of any of the rents due under this lease.

8.2 If any rates, taxes or other impositions are payable in respect of the Property together with other property, the Tenant shall pay a fair proportion of the amount payable.

8.3 The Tenant shall not make any proposal to alter the rateable value of the Property or that value as it appears on any draft rating list, without the approval of the Landlord.

## 9. UTILITIES

9.1 The Tenant shall pay all costs in connection with the supply and removal of electricity, gas, water, sewage, telecommunications, data and other services and utilities to or from the Property.

9.2 If any of those costs are payable in relation to the Property together with other property, the Tenant shall pay a fair proportion of all those costs.

9.3 The Tenant shall comply with all laws and with any recommendations of the relevant suppliers relating to the use of those services and utilities.

## 10. COMMON ITEMS

The Tenant shall comply with all reasonable regulations the Landlord may make from time to time in connection with the use of any of those Service Media, structures or other items.

## 11. VAT

11.1 All sums payable by the Tenant are exclusive of any VAT that may be chargeable. The Tenant shall pay VAT in respect of all taxable supplies made to it in connection with this lease on the due date for making any payment or, if earlier, the date on which that supply is made for VAT purposes.

11.2 Every obligation on the Tenant under or in connection with this lease to pay, refund or to indemnify the Landlord or any other person any money or against any liability includes an obligation to pay, refund or indemnify against any VAT, or an amount equal to any VAT, chargeable in respect of it.

## 12. COSTS

12.1 The Tenant shall pay the costs and expenses of the Landlord including any solicitors' or other professionals' costs and expenses (incurred both during and after the end of the term) in connection with or in contemplation of:

- (a) the enforcement of the tenant covenants of this lease;
- (b) serving any notice in connection with this lease under section 146 or 147 of the Law of Property Act 1925 or taking any proceedings under either of those sections, notwithstanding that forfeiture is avoided otherwise than by relief granted by the court;



- (c) serving any notice in connection with this lease under section 17 of the Landlord and Tenant (Covenants) Act 1995;
- (d) the preparation and service of a schedule of dilapidations in connection with this lease within three months of the end of the Term; and
- (e) any consent or approval applied for under this lease, whether or not it is granted (unless the consent or approval is unreasonably withheld by the Landlord in circumstances where the Landlord is not unreasonably to withhold it).

12.2 Where the Tenant is obliged to pay or indemnify the Landlord against any solicitors' or other professionals' costs and expenses (whether under this or any other clause of this lease) that obligation extends to those costs and expenses assessed on a full indemnity basis.

### **13. COMPENSATION ON VACATING**

Any right of the Tenant or anyone deriving title under the Tenant to claim compensation from the Landlord on leaving the Property under the Landlord and Tenant Act 1927 or the 1954 Act is excluded, except to the extent that the legislation prevents that right being excluded.

### **14. REGISTRATION OF THIS LEASE**

Promptly following the grant of this lease, the Tenant shall apply to register this lease at HM Land Registry. The Tenant shall ensure that any requisitions raised by HM Land Registry in connection with that application are dealt with promptly and properly. Within one month after completion of the registration, the Tenant shall send the Landlord official copies of its title.

### **15. ASSIGNMENTS**

The Tenant shall not assign the whole or any part of this lease.

### **16. UNDERLETTINGS**

- 16.1 The Tenant shall not underlet the whole or any part of the Property except in accordance with this clause.
- 16.2 The Tenant shall subject to the prior written approval (not to be unreasonably withheld or delayed) of the Landlord be permitted to share possession of the Property for the purposes only of trading in support of the Tenant's objects provided that no relationship of landlord and tenant is established.

16.3 The Tenant shall be entitled to let rooms in the Property to affiliated clubs associations or other bodies or individuals using the Property for the Permitted Use provided that no relationship of landlord and tenant is established

## **17. CHARGING**

The Tenant shall not charge the whole or any part of this lease.

## **18. PROHIBITION OF OTHER DEALINGS**

Except as expressly permitted by this lease, the Tenant shall not assign, underlet, charge, part with or share possession or share occupation of this lease or the Property or hold the lease on trust for any person.

## **19. CLOSURE OF THE REGISTERED TITLE OF THIS LEASE**

Within one month after the end of the term (and notwithstanding that the term has ended), the Tenant shall make an application to close the registered title of this lease and shall ensure that any requisitions raised by HM Land Registry in connection with that application are dealt with promptly and properly; the Tenant shall keep the Landlord informed of the progress and completion of its application.

## **20. REPAIRS**

20.1 The Tenant is to keep the Property in good repair and condition so far as it is liable in accordance with the provisions set out in Schedule One.

20.2 The Tenant shall not lop, fell or plant trees on the Property without having first obtained the Landlord's prior written consent, such consent not to be unreasonably withheld or delayed.

20.3 The Tenant shall not be liable to repair the Property to the extent that any disrepair has been caused by an Insured Risk, unless and to the extent that:

- (a) the policy of insurance of the Property has been vitiated or an insurance proceeds withheld in consequence of any act or omission of the Tenant, any undertenant or their respective workers, contractors or agents or any person on the Property with the actual or implied authority of any of them: or
- (b) the insurance cover in relation to that disrepair is excluded, limited, is unavailable or has not been extended as mentioned in clause 7.4.

20.4 The tenant covenants to maintain so far as the Tenant is liable in accordance with the provisions of the Schedule One all components, finishes mechanical and electrical installations and lifts plant furniture fixtures and fittings.

## **21. DECORATION**

- 21.1 The Tenant shall decorate the outside and the inside of the Property as often as is reasonably necessary and also in the last three months before the end of the term (except where the Property is to be demolished as part of a comprehensive scheme of redevelopment of the Property and adjoining land) in accordance with the provisions of the Schedule One.
- 21.2 All decoration shall be carried out in a good and proper manner using good quality materials that are appropriate to the Property and the Permitted Use and shall include all appropriate preparatory work.
- 21.3 All decoration carried out in the last three months of the term shall also be carried out to the reasonable satisfaction of the Landlord and using materials, designs and colours approved by the Landlord.

## **22. ALTERATIONS**

### **22.1 Conversion**

22.1.1 The Landlord consents to the Tenant carrying out the Conversion using a method and materials to a specification of the Tenant's choosing, subject to the Tenant complying with all relevant statutory requirements/regulations including complying with all necessary planning permissions, advertisement consent, building regulation approval and the Construction (Design and Management) Regulations 2007.

22.1.2 The tenant's covenants in this lease will extend to the Conversion and apply to the Property as altered by the Conversion.

22.2 Other than the Conversion, the Tenant shall not make any external or structural alteration or addition to the Property without the Landlord's prior written consent such consent not to be unreasonably withheld or delayed and shall not make any opening in any boundary structure of the Property.

22.3 Subject to clause 22.1, the Tenant shall not install any Service Media on the exterior of the Property nor alter the route of any Service Media at the Property without the consent of the Landlord, such consent not to be unreasonably withheld or delayed.

22.4 Subject to clause 22.1, the Tenant shall not make any internal, non-structural alteration to the Property without the consent of the Landlord, such consent not to be unreasonably withheld or delayed.

**23. SIGNS**

- 23.1 In this clause **Signs** include signs, fascia, placards, hanging banners and boards (both illuminated and non-illuminated).
- 23.2 The Landlord consents to the Tenant attaching Signs to the Property as part of the Conversion .
- 23.3 The Landlord consents to the Tenant erecting external signs at the Property identifying and promoting the Conversion, the design, size and location of the signs to be agreed between the parties.
- 23.4 The Landlord retrospectively consents to the Tenant erecting Signs at the Property under planning application numbers APP/11/01239, APP/11/01832 and APP/13/00110.
- 23.5 Other than those specified in Clause 23.2 and clause 23.3, the Tenant shall not attach any Signs to the exterior of the Property or display any inside the Property so as to be seen from the outside except Signs of a design, size and number and in a position that are appropriate to the Property and the Permitted Use, without the consent of the Landlord, such consent not to be unreasonably withheld or delayed provided that the Tenant has obtained all necessary planning consents and provided further that if the Landlord (acting reasonably) deems such signs to be inappropriate the Tenant shall remove such signs immediately.
- 23.6 Before the end of the term, the Tenant shall remove any Signs placed by it at the Property and shall make good any damage caused to the Property by that removal if so requested by the Landlord.
- 23.7 The Tenant shall allow the Landlord to fix to and keep at the Property any sale or re-letting board as the Landlord reasonably requires during the last six months of the term.

**24. RETURNING THE PROPERTY TO THE LANDLORD**

- 24.1 At the end of the term the Tenant shall return the Property to the Landlord in the repair and condition required by this lease.
- 24.2 If the Landlord gives the Tenant notice no later than three months before the end of the term, the Tenant shall remove items it has fixed to the Property, remove any alterations it has made to the Property (excluding the Conversion) and make good any damage caused to the Property by that removal.
- 24.3 At the end of the term, the Tenant shall remove from the Property all chattels belonging to or used by it.

24.4 The Tenant irrevocably appoints the Landlord to be the Tenant's agent to store, sell or dispose of any chattels or items it has fixed to the Property and which have been left by the Tenant on the Property for more than ten working days after the end of the term. The Landlord shall not be liable to the Tenant by reason of that storage or disposal where their possessions have been disposed of in the mistaken belief (which shall be presumed unless proven to the contrary) that the possessions belong to the Tenant. The Landlord shall hold the proceeds of sale (after deducting the costs of the sale) to the order of the Tenant. The Tenant shall indemnify the Landlord in respect of any claim made by a third party in relation to that storage or disposal.

24.5 If the Tenant does not comply with its obligations in this clause, then, without prejudice to any other right or remedy of the Landlord, the Tenant shall pay the Landlord an amount equal to the Annual Rent at the rate reserved immediately before the end of the term for the period that it would reasonably take to put the Property into the condition it would have been in had the Tenant performed its obligations under this clause. The amount shall be a debt due on demand from the Tenant to the Landlord.

## 25. USE

The Tenant shall:

- 25.1 not use the Property for any purpose other than the Permitted Use.
- 25.2 not use the Property for any illegal purpose nor for any purpose or in a manner that would cause loss, damage, injury, nuisance or inconvenience to the Landlord, its other tenants or any other owner or occupier of neighbouring property.
- 25.3 not overload any structural part of the Property nor any machinery or equipment at the Property nor any Service Media at or serving the Property.
- 25.4 not without the prior written consent of the Landlord to supply or sell intoxicating liquor otherwise than pursuant to a Licence in the areas that have a licence for that purpose.
- 25.5 not without the prior written consent of the Landlord to use the Property or allow or permit or cause the Property to be used for the purpose of playing the game of bingo in contravention of the Gaming Act 1968 or the Gambling Act 2005.
- 25.6 not without the prior written consent of the Landlord (not to be unreasonably withheld or delayed) to allow cause permit or suffer any Amusement Machines to be placed or installed on or in the Property.
- 25.7 not to permit music or singing to be played or performed within the Property so as to be audible at such a level as to constitute a nuisance outside the Property.
- 25.8 ensure that all emergency exits from the Property shall be kept free from obstruction at all times and closed at all times other than when their opening is required to permit egress from the Property in an emergency.

25.9 ensure that the Property shall not be open to the public generally after 11.30pm at night except on Fridays and Saturdays when the closing time shall be midnight without the prior written consent of the Landlord PROVIDED that the Property may in any event remain open as aforesaid until 1 o'clock in the morning on not more than five days in any calendar year.

25.10 ensure that before the Property is used for any public entertainment the Tenant obtains all necessary licences under the Licensing Act 2003 and the Tenant will comply with their terms.

## **26. COMPLIANCE WITH LAWS**

26.1 The Tenant shall comply with all laws relating to:

- (a) the Property and the occupation and use of the Property by the Tenant;
- (b) the use of all Service Media and machinery and equipment at or serving the Property;
- (c) any works carried out at the Property; and
- (d) all materials kept at or disposed from the Property.

26.2 Without prejudice to any obligation on the Tenant to obtain any consent or approval under this lease, the Tenant shall carry out all works that are required under any law to be carried out at the Property whether by the owner or the occupier.

26.3 Within five working days after receipt of any notice or other communication affecting the Property (and whether or not served pursuant to any law) the Tenant shall:

- (a) send a copy of the relevant document to the Landlord; and
- (b) take all steps necessary to comply with the notice or other communication and take any other action in connection with it as the Landlord may require (but in respect of subclauses 1, 2 and 3 of this clause 26 not where any such compliance is the obligation of the Landlord)

26.4 The Tenant shall not apply for planning permission for the Property (except in respect of the Conversion) without the prior consent of the Landlord which consent will not be unreasonably refused or delayed if the application will have no detrimental effect on the continued use of the Property for the Permitted Use.

26.5 Subject to clause 22.1, the Tenant shall not carry out any works at the Property in respect of which the Construction (Design and Management) Regulations 2007 apply without the consent of the Landlord. Such consent is not to be unreasonably withheld or delayed in the case of works in respect of which the Landlord is not otherwise to withhold its consent unreasonably or which the Tenant is obliged to carry out under the terms of this lease.

26.6 The Tenant shall maintain the health and safety file for the Property in accordance with the Construction (Design and Management) Regulations 2007 and shall give it to the Landlord at the end of the term.

26.7 As soon as the Tenant becomes aware of any defect in the Property, it shall give the Landlord notice of it. The Tenant shall indemnify the Landlord against any liability under the Defective Premises Act 1972 in relation to the Property by reason of any failure of the Tenant to comply with any of the tenant covenants in this lease.

26.8 The Tenant shall keep the Property equipped with all fire prevention, detection and fighting machinery and equipment and fire alarms which are required under all relevant laws or required by the insurers of the Property or reasonably recommended by them or reasonably required by the Landlord and shall keep that machinery, equipment and alarms properly maintained and available for inspection.

## **27. ENCROACHMENTS, OBSTRUCTIONS AND ACQUISITION OF RIGHTS**

27.1 The Tenant shall not grant any right or licence over the Property to a third party.

27.2 If a third party makes or attempts to make any encroachment over the Property or takes any action by which a right may be acquired over the Property, the Tenant shall:

(a) immediately give notice to the Landlord; and

(b) take all steps (including any proceedings) the Landlord reasonably requires to prevent or license the continuation of that encroachment or action.

27.3 The Tenant shall not obstruct the flow of light or air to the Property nor obstruct any means of access to the Property.

27.4 The Tenant shall not make any acknowledgement that the flow of light or air to the Property or that the means of access to the Property is enjoyed with the consent of any third party.

27.5 If any person takes or threatens to take any action to obstruct the flow of light or air to the Property or obstruct the means of access to the Property, the Tenant shall:

(a) immediately notify the Landlord; and

(b) take all steps (including proceedings) the Landlord reasonably requires to prevent or secure the removal of the obstruction.

## **28. REMEDY BREACHES**

28.1 The Landlord may enter the Property to inspect its condition and state of repair and may give the Tenant a notice of any breach of any of the tenant covenants in this lease relating to the condition or repair of the Property.

28.2 If the Tenant has not begun any works needed to remedy that breach within two months following that notice (or if works are required as a matter of emergency, then immediately) or if the Tenant is not carrying out the works with all due speed, then the Landlord may enter the Property and carry out the works needed.

28.3 The proper costs incurred by the Landlord in carrying out any works pursuant to this clause (and any professional fees and any VAT in respect of those costs) shall be a debt due from the Tenant to the Landlord and payable on demand.

28.4 Any action taken by the Landlord pursuant to this clause shall be without prejudice to the Landlord's other rights, including those under clause 32.

## **29. INDEMNITY**

The Tenant shall keep the Landlord indemnified against all expenses, costs, claims, damage and loss (including any diminution in the value of the Landlord's interest in the Property and loss of amenity of the Property) arising from any breach of any tenant covenants in this lease, or any act or omission of the Tenant, any undertenant or their respective workers, contractors or agents or any other person on the Property with the actual or implied authority of any of them.

## **30. PUBLIC LIABILITY INSURANCE**

The Tenant covenants with the Landlord throughout the Term to keep in force a policy of insurance with a reputable insurance company, incorporating the standard conditions and exemptions of the insurance company, to cover all public liability claims arising from the exercise by the Tenant of the rights granted by this lease and all claims, damages, costs, charges, losses or expenses arising from the wilful act or negligence of the Tenant its employees or contractors in the amount of £10,000,000, or any higher amount the Landlord from time to time reasonably requires, in respect of any one claim for bodily injury or disease or damage to property, and must make available to the Landlord on reasonable demand a copy of the policy or a summary of its terms and a copy of the current premium receipt. If required by the Landlord, the Tenant must procure the noting on the policy of the Landlords interests.

## **31. LANDLORD'S COVENANTS**

31.1 The Landlord covenants with the Tenant that, so long as the Tenant pays the rents reserved by and complies with its obligations in this lease, the Tenant shall have quiet enjoyment of the Property without any lawful interruption by the Landlord or any person claiming under the Landlord.

31.2 The Landlord shall comply with its obligations set out in Schedule One except that when the Landlord has budgetary constraints then Schedule One can be adjusted by agreement between the parties, such agreement of both parties not to be unreasonably withheld or delayed (and upon agreement by the Tenant, the Tenant shall provide the balance of the funding required subject to its affordability having regard to the Tenant's financial position).



## **32. CONDITION FOR RE-ENTRY**

32.1 The Landlord may re-enter the Property at any time after any of the following occurs:

- (a) any rent is unpaid 21 days after becoming payable whether it has been formally demanded or not;
- (b) any breach of any condition of, or tenant covenant, in this lease;
- (c) where the Tenant or any guarantor is a corporation:
  - (i.) the taking of any step in connection with any voluntary arrangement or any other compromise or arrangement for the benefit of any creditors of the Tenant or guarantor; or
  - (ii.) the making of an application for an administration order or the making of an administration order in relation to the Tenant or guarantor; or
  - (iii.) the giving of any notice of intention to appoint an administrator, or the filing at court of the prescribed documents in connection with the appointment of an administrator, or the appointment of an administrator, in any case in relation to the tenant or the guarantor; or
  - (iv.) the appointment of a receiver or manager or an administrative receiver in relation to any property or income of the Tenant or guarantor; or
  - (v.) the commencement of a voluntary winding-up in respect of the Tenant or guarantor, except a winding-up for the purpose of amalgamation or reconstruction of a solvent company in respect of which a statutory declaration of solvency has been filed with the Registrar of Companies; or
  - (vi.) the making of a petition for a winding-up order or a winding-up order in respect of the Tenant; or
  - (vii.) the striking-off of the Tenant from the Register of Companies or the making of an application for the Tenant to be struck-off; or
  - (viii.) the Tenant otherwise ceasing to exist,
  - (ix.) the tenant losing its charitable status,

32.2 If the Landlord re-enters the Property pursuant to this clause, this lease shall immediately end, but without prejudice to any right or remedy of either party in respect of any breach of covenant by the other.

## **33. LANDLORD'S OPTION TO DETERMINE FOR REDEVELOPMENT**

33.1 In the event of the Property or the means of access to it being required for demolition or in connection with a scheme of rebuilding, refurbishment or reconstruction of any adjoining land owned by the Landlord the Landlord may determine this lease on or before 30 September 2027 by giving to the Tenant not less than five years notice ('the Landlord's Redevelopment Notice').

33.2 The Tenant shall use its reasonable endeavours to continue to operate the Waterloooville Leisure Centre and the Property for the Permitted Use during the period of the Landlord's Redevelopment Notice.

33.3 If, after using its reasonable endeavours to continue to operate the Waterloooville Leisure Centre and following negotiations with the Landlord to investigate all options to continue to operate the Waterloooville Leisure Centre or the closure of the Waterloooville Leisure Centre, in the Tenant's opinion it would not be viable to continue to operate the Waterloooville Leisure Centre following termination of this Lease under the provisions of clause 33.1 then the Tenant may serve a notice on the Landlord at any time during the period of the Landlord's Redevelopment Notice giving the Landlord not less than 12 months notice to determine the lease of the Waterloooville Leisure Centre on the earlier of the date that the Tenant ceases to operate the Property for the Permitted Use or on the date of termination specified in the Landlord's Redevelopment Notice or as extended pursuant to Clause 33.6 and the provisions of this clause 33 (save clause 33.4) shall then also apply in relation to the Waterloooville Leisure Centre.

33.4 It is hereby agreed that the compensation payable under section 37 of the Landlord and Tenant Act 1954 shall be payable upon the Tenant giving vacant possession of the Property to the Landlord consequent upon the earlier of (a) the Tenant ceasing to operate the Property for the Permitted Use or (b) the expiry of the Landlord's Redevelopment Notice, such compensation to be payable irrespective of whether or not the Tenant is able to achieve the continued operation of the Property for the Permitted Use to the end of the notice period and such compensation shall be determined with reference to the fact the Tenant took occupation in 1997 and such occupation has been continuous.

33.5 If the Landlord determines this lease in accordance with this clause then the Landlord shall pay compensation to the Tenant to fully indemnify the Tenant against all loss arising from only capital expenditure previously approved by the Landlord in writing (which, for the avoidance of doubt includes the capital expenditure by the Tenant in connection with the Conversion) (not to be unreasonably withheld or delayed where the expenditure is necessary for the Tenant to remain competitive) that the Tenant has incurred since it took occupation of the Property in 1997 provided that such compensation shall be reduced by depreciation in accordance with the usual accounting standards for depreciation due to the service of the Landlord's Redevelopment Notice or in respect of which licence for alterations was obtained under the relevant Landlord and Tenant Legislation. In the event of any dispute as to the payment of such compensation that matter shall be referred to arbitration in accordance with clause 44.

33.6 The date of the termination of this Lease specified in the Landlord's Redevelopment Notice served pursuant to clause 33.1 may be extended with the written agreement of the Landlord and the Tenant at any time prior to the expiry of the said notice.

#### **34. LANDLORD'S OPTION TO DETERMINE ON NOTICE**

34.1 The Landlord may determine this lease by giving the Tenant not less than five years notice provided that no such notice may be served before 30 September 2022 ('the Landlord's Notice')

34.2 The Tenant shall use its reasonable endeavours to continue to operate the Waterloooville Leisure Centre and the Property for the Permitted Use during the period of the Landlord's Notice.

- 34.3 If, after using its reasonable endeavours to continue to operate the Waterloooville Leisure Centre and following negotiations with the Landlord to investigate all options to continue to operate the Waterloooville Leisure Centre or the closure of the Waterloooville Leisure Centre, in the Tenant's opinion it would not be viable to continue to operate the Waterloooville Leisure Centre following termination of this Lease under the provisions of clause 34.1 then the Tenant may serve a notice on the Landlord at any time during the period of the Landlord's Notice giving the Landlord not less than 12 months notice to determine the lease of the Waterloooville Leisure Centre on the earlier of the date that the Tenant ceases to operate the Property for the Permitted Use or on the date of termination specified in the Landlord's Notice or as extended pursuant to Clause 34.6 and the provisions of this clause 34 (save clause 34.4) shall then also apply in relation to the Waterloooville Leisure Centre.
- 34.4 It is hereby agreed that the compensation payable under section 37 of the Landlord and Tenant Act 1954 shall be payable upon the Tenant giving vacant possession of the Property to the Landlord consequent upon the earlier of (a) the Tenant ceasing to operate the Property for the Permitted Use or (b) the expiry of the Landlord's Notice, such compensation to be payable irrespective of whether or not the Tenant is able to achieve the continued operation of the Property for the Permitted Use to the end of the notice period and such compensation shall be determined with reference to the fact the Tenant took occupation in 1997 and such occupation has been continuous.
- 34.5 If the Landlord determines this lease in accordance with clause 34.1 then the Landlord shall pay compensation to the Tenant to fully indemnify the Tenant against all loss arising from only capital expenditure previously approved in writing (which, for the avoidance of doubt includes the capital expenditure by the Tenant in connection with the Conversion) (not to be unreasonably withheld or delayed where the expenditure is necessary for the Tenant to remain competitive) that the Tenant has incurred since 1 April 2014 provided that such compensation shall be reduced by depreciation in accordance with the usual accounting standards for depreciation due to the service of the Landlord's Notice or in respect of which licence for alterations was obtained under the relevant Landlord and Tenant Legislation. In the event of any dispute as to the payment of such compensation that matter shall be referred to arbitration in accordance with clause 44.
- 34.6 The date of the termination of this Lease specified in the Landlord's Notice served pursuant to clause 34.1 may be extended with the written agreement of the Landlord and the Tenant at any time prior to the expiry of the said notice.
- 34.7 The Landlord may determine this lease by giving the Tenant not less than six but no more than twelve months notice, such notice to take effect not earlier than 30 September 2027 and not later than 30 September 2028 (the Landlord's Notice).
- 34.8 If the Landlord determines this lease in accordance with clause 34.7 the Landlord will not be liable to the Tenant for compensation other than in accordance with statute and any regulatory provision.
- 34.9 If, after using its reasonable endeavours to continue to operate the Waterloooville Leisure Centre and following negotiations with the Landlord to investigate all options to continue to operate the Waterloooville Leisure Centre or the closure of the Waterloooville Leisure Centre, in the Tenant's opinion it would not be viable to continue to operate the Waterloooville Leisure Centre following

termination of this Lease under the provisions of clause 34.7 then the Tenant may serve a notice on the Landlord at any time during the period of the Landlord's Notice giving the Landlord not less than 12 months notice to determine the lease of the Waterlooville Leisure Centre on the earlier of the date that the Tenant ceases to operate the Property for the Permitted Use or on the date of termination specified in the Landlord's Notice or as extended pursuant to Clause 34.10.

- 34.10 The date of the termination of this Lease specified in the Landlord's Notice served pursuant to clause 34.7 may be extended with the written agreement of the Landlord and the Tenant at any time prior to the expiry of the said notice
- 34.11 If the Tenant serves a notice to determine the lease of Waterlooville Leisure Centre made between the parties hereto of even date herewith the Landlord may serve notice to determine this Lease such notice to expire on the same date as the notice to determine the lease of the Waterlooville Leisure Centre.
- 34.12 If the Landlord obtains a report from the UK Quality Scheme for Sport and Leisure ("Quest") or such other independent body that the tenant has failed to (and has no reasonable prospect of remedying such failure) within the period required by the quality assurer operate and maintain a high quality leisure facility and services for the community of Havant and its surrounding areas from the property the Landlord may by agreement with the Tenant serve not less than three months notice on the Tenant to determine this lease and then on the expiry of the notice the Term is to cease and determine immediately, but without prejudice to any rights or remedies that may have accrued PROVIDED FURTHER THAT the provisions of clauses 33.2 and 34.2 shall then apply in relation to the Waterlooville Leisure Centre if this Lease is determined.
- 34.13 If the Property or a substantial part of the Property (and for the avoidance of doubt the swimming pool facility constitutes a substantial part of the Property for the purposes of this clause) is closed to the public for a continuous period of more than two months other than as a result of a temporary and reasonable closure for maintenance repair or building works that have previously been approved in writing by the Landlord or reinstatement or rebuilding works following destruction or damage by fire or other insured perils the Landlord may serve the Tenant with a notice requiring the Tenant to either:-
- (a) Reopen the Property within one month from the date of the notice or;
  - (b) Provide to the reasonable satisfaction of the Landlord a written explanation for the closure within one month from the date of the notice and for the avoidance of doubt any explanation given by the Tenant in accordance with this clause 34.13(b) shall be deemed to be to the reasonable satisfaction of the Landlord if such an explanation reveals that the Landlord's failure to perform its maintenance obligations set out in Schedule One is mainly causative of the closure.

34.14 In the event that the Tenant fails to comply with the notice served in accordance with clause 34.13 the Landlord may (in the event that the Property continues to be closed) at any time thereafter serve on the Tenant two months notice ('Landlord's Two Month Notice') requiring the Property to reopen failing which this lease will determine immediately but without prejudice to any rights or remedies that may have accrued. For the avoidance of doubt the Landlord's Two Month Notice cannot be served in the event that the Landlord's failure to comply with its maintenance obligations is mainly causative of the closure.

### **35. TENANT'S OPTION TO DETERMINE**

35.1 If any of the following events occur the Tenant may determine this Lease at any time during the Term upon giving to the Landlord not less than six months notice of that wish and, then on expiry of the notice the Term is to cease and determine immediately, but without prejudice to any rights or remedies that may have accrued:

35.1.1 if the Landlord, after service of a notice giving the landlord a reasonable period of not less than six months to remedy any failure to comply with its obligations under clause 31.2, has failed to comply to the reasonable satisfaction of the Tenant;

35.1.2 if the Tenant loses its charitable status or is unable to continue due to a lack of trustees or passes a resolution for its winding up;

35.1.3 if the existing car park adjacent to the Property and on the south west side of it ceases to be a car park in its current form available for members of the public;

35.1.4 if the Landlord serves notice to determine the lease of WaterlooVille Leisure Centre made between the parties hereto of even date herewith such notice to expire on the same date as the notice to determine the lease of the WaterlooVille Leisure Centre.

### **36. LIABILITY**

36.1 At any time when the Landlord or the Tenant is more than one person, then in each case those persons shall be jointly and severally liable for their respective obligations arising by virtue of this lease. The Landlord may release or compromise the liability of any one of those persons or grant any time or concession to any one of them without affecting the liability of any other of them.

36.2 The obligations of the Tenant arising by virtue of this lease are owed to the Landlord and the obligations of the Landlord are owed to the Tenant.

36.3 In any case where the facts are or should reasonably be known to the Tenant, the Landlord shall not be liable to the Tenant for any failure of the Landlord to perform any landlord covenant in this lease unless and until the Tenant has given the Landlord notice of the facts that give rise to the failure and the Landlord has not remedied the failure within a reasonable time.

**37. ENTIRE AGREEMENT AND EXCLUSION OF REPRESENTATIONS**

- 37.1 This lease constitutes the entire agreement and understanding of the parties relating to the transaction contemplated by the grant of this lease and supersedes any previous agreement between the parties relating to the transaction.
- 37.2 The Tenant acknowledges that in entering into this lease it is not relying on, and shall have no remedy in respect of any statement or representation made by or on behalf of the Landlord except those made in writing during the course of negotiations between the parties solicitors leading to completion of this Lease.
- 37.3 Nothing in this lease constitutes or shall constitute a representation or warranty that the Property may lawfully be used for any purpose allowed by this lease.
- 37.4 Nothing in this clause shall, however, operate to limit or exclude any liability for fraud.

**38. NOTICES, CONSENTS AND APPROVALS**

- 38.1 Except where this lease specifically states that a notice need not be in writing, or where notice is given in an emergency, any notice given pursuant to this lease shall be in writing.
- 38.2 A written notice shall be delivered by hand or sent by pre-paid first class post or registered post. A correctly addressed notice sent by pre-paid first class post shall be deemed to have been delivered at the time at which it would have been delivered in the normal course of the post.
- 38.3 Section 196 of the Law of Property Act 1925 shall otherwise apply to notices given under this lease.
- 38.4 Where the consent of the Landlord is required under this lease, a consent shall only be valid if it is given by deed, unless:
- (a) it is given in writing and signed by a person duly authorised on behalf of the Landlord; and
  - (b) it expressly states that the Landlord waives the requirement for a deed in that particular case.
- If a waiver is given, it shall not affect the requirement for a deed for any other consent.
- 38.5 Where the approval of the Landlord is required under this lease, an approval shall only be valid if it is in writing and signed by or on behalf of the Landlord, unless:
- (a) the approval is being given in a case of emergency; or
  - (b) this lease expressly states that the approval need not be in writing.
- 38.6 If the Landlord gives a consent or approval under this lease, the giving of that consent or approval shall not imply that any consent or approval required from a third party has been obtained, nor shall it obviate the need to obtain any consent or approval from a third party.

**39. GOVERNING LAW AND JURISDICTION**

39.1 This lease shall be governed by and construed in accordance with the law of England and Wales.

39.2 The Landlord and the Tenant irrevocably agree to submit to the exclusive jurisdiction of the courts of England and Wales over any claim or matter arising under or in connection with this lease or the legal relationships established by it.

**40. CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999**

A person who is not a party to this lease shall not have any rights under or in connection with this lease by virtue of the Contracts (Rights of Third Parties) Act 1999.

**41. LANDLORD AND TENANT (COVENANTS) ACT 1995**

This lease creates a new tenancy for the purposes of the Landlord and Tenant (Covenants) Act 1995.

**42. STATUTORY POWER**

Nothing expressed or implied in this lease shall prevent or impose on the Landlord any liability for or in relation to the carrying out by the Landlord as a local government authority of the provisions of any public or Local Act of Parliament or any byelaws or regulations made thereunder or the carrying out by the Landlord of any matter or thing on behalf of another statutory authority.

**43. CHARITABLE OBJECTS**

43.1 The Property hereby demised will as a result of this Lease be held by or in trust for Borough of Havant Sport and Leisure Trust, a non exempt charity and the restrictions on disposition imposed by Sections 117 – 121 of the Charities Act 2011 will apply to the Property (subject to Section 117(3) of that Act).

43.2 The liability of the Trustees for the time being of the Borough of Havant Sport and Leisure Trust and any former trustees who may at any future time have any liability in respect of the rents and other monies payable hereunder and any breach of the Tenant covenants and other covenants and provisions of this Lease and whether during the continuance of this Lease or following its determination whether by forfeiture, disclaimer or otherwise shall be limited in amount to the net realisable value of the assets of the said charity for the time being under the control of the Trustees and nothing contained in this Lease entitles the Landlord to any right or remedy against the personal estate, property, effect or assets of any of the Trustees or against any assets for the

time being vested in or otherwise in the hands of the Trustees which are not assets of the said Borough of Havant Sport and Leisure Trust, save in the case of wilful and individual fraud or wrongdoing or wrongful omission on the part of the trustee sought to be made liable.

#### **44. ARBITRATION**

44.1 If any dispute or question whatever arises between:

44.1.1 the parties to this Lease,

44.1.2 a party to this Lease and any of the third parties (if any) on whom this Lease has conferred any benefit, or

44.1.3 any of the third parties (if any) on whom this Lease has conferred a benefit

with respect to the construction or effect of the rights, duties or obligations of the parties to this Lease or any of the third parties (if any) on whom this Lease has conferred any benefit, or any other matters in any way arising out of or connected with this Lease, then the dispute or question must be determined by a single arbitrator.

44.2 The arbitrator is to be appointed by agreement between the parties to the dispute or question or, if they do not agree within 14 days of one of them giving notice to the other of his nomination, by or on behalf of the President for the time being of the Royal Institution of Chartered Surveyors on the application of any party to the dispute or question.

44.3 The arbitration is to be conducted in accordance with the Arbitration Act 1996 or any statutory amendment or re-enactment of it.

44.4 This arbitration provision does not apply to forfeiture of this Lease, relief against forfeiture of this Lease, or any dispute or question for which another method of resolution is expressly provided by this Lease.

44.5 The arbitrators fees and expenses and any VAT payable on them must be borne by the parties to the dispute or question as the arbitrator awards. If any party to the dispute or question pays those fees and expenses he may recover the proportion of them due from the other party or parties as a debt from the other party.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

Executed as a deed by affixing  
the common seal of HAVANT BOROUGH COUNCIL in  
the presence of  
Solicitor to the Council



Executed as a deed by affixing  
the common seal of Borough of Havant Sport and Leisure Trust  
in the presence of

-----  


Director



Director/Secretary

## SCHEDULE ONE

### **Maintenance and Asset Obligations**

1. The paragraphs within this schedule reflect, supplement and explain the repairing obligations contained in the Lease.
2. These repairing clauses provide that the responsibility for major buildings and plant repairs and replacement rest with the Landlord (**HBC**) on the basis of a landlord and tenant arrangement.
3. The items identified for replacement at the end of their **Useful Life** (the period of time during which, with regular economic repair and maintenance in accordance with manufacturers' instructions and best practice, the elements continue to support the operation of the leisure centre in a safe and satisfactory manner) and as part of ongoing lifecycle replacement programme are governed by the current most recent condition survey or variation thereof. The current programme is the one produced as part of the McAndrew Martin condition audit completed in 2010. The annual requirements will be agreed as part of the business planning process.
4. HLT shall be responsible for the proper operation, maintenance and repair in accordance with manufacturers' instructions and best practice, of all plant, equipment, fixtures, fittings and machinery installed, incorporated or brought into the leisure centre for the purposes of providing leisure services, in accordance with the Table in this Schedule.
5. The Landlord will be responsible for the procuring, project management, and funding of all the elements of its asset responsibility. Close consultation with the Tenant and the utilisation of the in-house expertise will be a clear requirement in delivering all works.
6. A transparent reporting and approval process will be initiated by the Landlord in consultation with the Tenant.
7. The following table identifies the responsibility for maintenance, repair and replacement in all building elements and the following definitions apply:-

#### Schedule Definitions

WLC: Waterloo Leisure Centre

HLC: Havant Leisure Centre

Building & Plant Equipment		Maintenance & Repair Responsibility		Replacement Responsibility	
		Landlord	Tenant	Landlord	Tenant
1.	Structure of the Property including the roof covering, gutters and down pipes, insulation, structural steel members, load bearing beams & columns	✓		✓	
2.	External and load bearing walls	✓		✓	
3.	Swimming pool tanks including pool tanks, wall and floor finishes		✓	✓	
4.	Floors, internal & external staircases and ramps	✓		✓	
5.	Swimming pool screeds and tiles above and below waterline – at HLC includes steel tank & epoxy lining		✓	✓	
6.	Internal joinery		✓		✓
7.	Sanitary fixtures & fittings including washbasins and showers		✓		✓
8.	Water, gas & electric services supply connections to the buildings	✓		✓	
9.	Water, gas & electric services supply within the centre		✓	✓	
10.	Telephones, computers etc & circuits		✓		✓
11.	Health & safety fittings and appliances		✓		✓
12.	Internal signs and notices		✓		✓
13.	Fitness equipment		✓		✓
14.	Sports Equipment		✓		✓
15.	Any equipment installed by HLT		✓		✓
16.	External signs and notices (installed by HBC)	✓		✓	

	Main Responsibility	Landlord	Tenant	Landlord	Tenant
17.	External signs & notices (Installed by HLT)		✓		✓
18.	External doors, fire doors and large outside windows		✓	✓	
19.	The specialist screeds and playing surfaces		✓	✓	
20.	All external drain pipework and related fittings below the ground	✓		✓	
21.	Internal lighting, associated fixed fittings and electrical equipment		✓	✓	
22.	CCTV		✓	✓	
23.	External lighting and associated fixed fittings		✓	✓	
24.	Artificial sub-structure ceiling		✓	✓	
25.	Pool water treatment plant including sterilisation, monitoring, dosing systems and associated equipment		✓	✓	
26.	Pressure gauges and thermostats		✓	✓	
27.	Air handling units including supply and extract fans, control systems, heat exchangers and associated connections		✓	✓	
28.	Ventilation fans and air conditioning systems including associated controls		✓	✓	
29.	Electrical circuits		✓	✓	
30.	Lifts		✓	✓	
31.	Car parking spaces allocated for centre use, car park hard standing and lighting at HLC	✓		✓	
32.	Grounds maintenance including grassed areas and trees at HLC	✓		✓	
33.	Pool water circulation systems including filter vessels (excluding media), pumps and ancillary equipment		✓	✓	
34.	Primary heating systems and associated equipment		✓	✓	

Dated

13<sup>th</sup> June

2008

**Havant Borough Council**  
**and**  
**Horizon Leisure Trust**

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**PARTNERING AGREEMENT**

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THIS AGREEMENT is dated

13<sup>th</sup> June

2008

**BETWEEN:-**

- (1) **The Council of the Borough of Havant** the local authority based at The Civic Offices, Civic Centre Road, Havant, Hampshire P09 2AX.
- (2) **Horizon Leisure Trust** which is the working name for The Borough of Havant Sport and Leisure Trust, a company limited by guarantee (Company number 3319069) and a registered charity (number 1060896) whose registered office is Havant Leisure Centre, Civic Centre Road, Havant, Hampshire PO9 2AY.

(together "the Parties")

**RECITALS**

- a) This partnering agreement relates to the management of Havant Borough Council's leisure centres. These leisure centres are Havant Leisure Centre, Civic Centre Road, Havant, Hampshire PO9 2AY and Waterlooville Leisure Centre, Waterberry Drive, Waterlooville, Hampshire, PO7 7UW.
- b) The leisure centres are 'multi-purpose' centres, providing a wide range of leisure related facilities. These facilities include:

**Havant Leisure Centre**

Swimming Pools  
Children's Play Centre  
2-Court Sports Hall  
Small Hall  
Health Suite  
Dance Studio  
Health and Fitness Facility  
Crèche  
Conference Room  
Bar and café  
Squash Court  
Indoor Bowls Hall

**Waterlooville Leisure Centre**

Swimming Pools  
Health Suite  
Health and Fitness Facility  
Crèche  
Vending Area  
Meeting Room  
Retail Unit

- c) The centres are owned by Havant Borough Council (HBC) and Horizon Leisure Trust (HLT) currently operates the leisure centres, through a 30-year lease agreement, which commenced in 1997. HLT have been operating the centres since 1997 following the transfer of the management responsibility from HBC.
- d) These centres provide for and deliver a wide range of both sporting and non-sporting activities principally for the community of Havant and neighbouring authorities.

## PHILOSOPHY OF USE

- a) HBC is committed to developing a long-term partnership for the management of its leisure provision.
- b) HBC will provide a framework for the management and delivery of this Partnering Agreement in relation to ensuring effective communication, involvement and the delivery of mutually agreed objectives between the parties.
- c) HBC will take the lead role in developing the 'Havant Tourism and Leisure Plan', the future strategy for leisure provision in Havant. Whilst HBC is taking the lead role it recognises the important role HLT will play in contributing to the leisure elements of its development and delivery.
- d) HBC will work in partnership with HLT on developing joint service delivery plans in key developmental and other operational areas where appropriate.
- e) HBC will work with HLT to agree the strategic framework for future investment plans at both centres, taking account of the evolving leisure plan. All future investment plans will be required to be supported by detailed business case development.
- f) HBC recognises that HLT is an independent body which will operate in partnership with the Council. It acknowledges HLT's freedom to develop leisure provision commercially, but fundamentally in the best interests of the community. HBC wish to work in partnership with an organisation that is successful, and responsive.
- g) HLT will prepare and share a detailed 3-year business plan supported by a comprehensive service delivery plan. The 3-year rolling business plan will be reviewed annually by HBC.
- h) The responsibility for the management of HBC's building assets, structure and contents will be clearly identified. This is in relation to the funding, management and delivery of maintenance, repair and replacement.
- i) Alternative ways of delivering sport and health related activity development will be explored through the revised partnership.
- j) HBC will from time to time, wish to utilise the skills and expertise of staff employed by HLT on corporate and community issues. It is also recognised that the support of the Trust (with commensurate compensation) will be available to HBC should there be a major disaster or emergency.
- k) HLT will work in partnership with local people including those working in the Borough.
- l) HLT will ensure its active participation in strategic partnerships in the Borough, and recognise its role and opportunities in a wider context and with cross-boundary working.
- m) Both parties will embrace the ethos of continuous improvement in all aspects of their partnership, management and service delivery.
- n) HLT will give consideration to and implement where practicable, innovation and any new Council, local, regional or national initiative in order to enhance the operation and the service delivery to the community.



1. DEFINITIONS AND INTERPRETATION

1.1 In this Agreement the following words and expression shall carry the meaning set opposite them unless inconsistent with the context:

- "Authorised Officers" means officers appointed by each of HLT and HBC as notified to each other as soon as reasonably practicable after the Effective Date as may be changed from time to time upon details being provided to the other Party.
- "Business Plan" means the Business Plan for the management of the Centres, as may be amended in accordance with the terms of this Agreement.
- "Change Control Procedure" means the procedure to be adopted by the Parties set out in Schedule 5 to implement a change to the Services or the terms of this Agreement.
- "Centres" means the Havant and Waterlooville Leisure Centres or (in the event that one of those Centres shall be permanently closed) the Centre which remains open.
- "Community Use" means all use of the centres:-  
(a) for self organised casual use (whether or not such use requires pre booking) by members of the general public where such use is not dependent upon membership of or connection with any club or organisation;  
(b) for the purposes of any other sport, leisure, physical education or recreation programmes by HLT; or  
(c) by any club or organisation of part only of the Centre which use furthers the objects of HLT in managing the Centre.
- "Effective Date" means the date upon which this Agreement comes into full force and effect being ...13<sup>th</sup> June 2008
- "HBC" means the Council of the Borough of Havant.
- "HLT" means the Horizon Leisure Trust.
- "Lease" and "Leases" means (as the context so requires) the leases made between HBC and HLT dated...13<sup>th</sup> June 2008 relating to Havant Leisure Centre ("the Havant Lease") and the lease dated ...13<sup>th</sup> June 2008 relating to the Waterlooville Leisure Centre ("the Waterlooville Lease").

"Employees"	means the employees of HLT working at the centres.
"Event of Force Majeure"	means any event excusing performance beyond the reasonable control of any party including but not limited to shortage of raw materials, sabotage, fire, flood, act of God, civil commotion, strike, slowdown or industrial action of any kind, riot, insurrection, war or act of governmental authority.
"Exit Strategy"	means the exit strategy as at clause 9 that may be amended from time to time in accordance with the Change Control Procedure.
"Expenditure"	means all expenditure incurred by HLT in managing the centres, examples of which are detailed in the Business Plan.
"Income"	means all income received by HLT in managing the centres including rental and other payments due under sub leases and payments received in respect of community use.
"Local Area Agreements"	LAAs set out the priorities for a local area agreed between central government and a local area (the local authority and Local Strategic Partnership) and other key partners at the local level.
"Major Incidents"	means any accident or incident such as a fatality, severe injury or assault on customers, theft of property worth more than £5,000, major damage to plant or equipment major plant failure or chemical leakage, fire, flood, hurricane and other acts of God, industrial action, closure [or any other issue likely to be of interest or concern to HBC, stakeholders, users or attract the attention of the media.]
"Material Breach"	means any breach of this Agreement which goes to the heart or root of the Agreement.
"Monitoring of Service Requirements"	means the monitoring requirements set out in Schedule 4.
"Month"	means a calendar month.
"Operator"	means any other organisation appointed by HBC in succession to HLT to manage the centres.
Partnering Period	means the duration of this Agreement as

provided in Clause 2.1.

“Payment Mechanism”	means the payment mechanism for the operation of the centres set out in Schedule 3.
“Planned Maintenance Obligations”	means the obligations relating to the repair and maintenance of the centres as set out in Schedule 2.
“Pricing Policy”	means the pricing policy for the centres included as part of the business plan submission
“Quest™”	means the UK Quality Scheme for Sport and Leisure.
“Service Responsibilities”	means the services to be provided by HLT as more particularly set out in Schedule 1, Part 1.
“Term”	means the Term referred to in clause 2.
“TUPE”	means the Transfer of Undertakings (Protection of Employment) Regulations 2006.
“Useful Life	the period of time during which, with regular economic repair and maintenance in accordance with manufacturers’ instructions and best practice, the elements continue to support the operation of the Centres in a safe and satisfactory manner.

- 1.2 References to clauses, schedules and appendices are (unless specified otherwise) references to clauses, schedules and appendices of this Agreement.
- 1.3 The headings to this Agreement have been inserted for convenience only and do not affect its construction or interpretation.
- 1.4 The various schedules all form part of this Agreement.
- 1.5 Where the context so admits references to the masculine gender include the feminine and vice versa and references to the singular include the plural and vice versa.
- 1.6 Any reference in this Agreement to a statute or statutory instrument or any provision thereof shall be construed as a reference to that statute or statutory instrument or provision thereof as amended, re-enacted or extended.
- 1.7 Any definitions contained in or referred in the Lease shall apply to this Agreement where the context applies.

## 2. DURATION

- 2.1 This Agreement shall, continue from the Effective Date until the earliest of:

- 2.1.1 The date on which the Leases shall cease and be determined (howsoever such cessation and determination may arise) or, as the case may be, shall expire by effluxion of time PROVIDED THAT and for the avoidance of doubt, in the event that one of the Leases shall be determined or expire before the other, this Agreement shall continue until the determination or expiry of that other remaining Lease.
- 2.1.2 The date on which this agreement is terminated under Clause 8 of this Agreement.
- 2.2 This Agreement will be subject to formal review annually.
- 2.3 The review will be based on the monitoring of service performance and key reporting requirements indicators as identified in Schedule 4.

### **3. THE OBLIGATIONS OF HLT**

HLT agrees and undertakes:

- 3.1 To conduct its management and service delivery arrangements at all times under the auspices of this agreement's philosophy of use.
- 3.2 To achieve the quality assurance system Quest™ by 2009/10 and maintain accreditation for the Centres during the remaining period of this Agreement.
- 3.3 To perform and observe the Service Requirements as detailed in Schedule 1 and in accordance with all relevant Quest™ standards at all times.
- 3.4 To perform and observe the obligations on its part under the Planned Maintenance Programme, as detailed in Schedule 2 and in accordance with all relevant manufacturers, industry and legislative standards at all times.
- 3.5 To observe and comply with the obligations on its part set out in the Payment Mechanism – Schedule 3.
- 3.6 To observe and comply with the obligations on its part under the Monitoring of Service Requirements.
- 3.7 To assist in achieving the Havant Leisure Partnership objectives.

### **4. THE OBLIGATIONS OF HBC**

HBC agrees and undertakes that:

- 4.1 It will ensure it delivers its requirements under the auspices of the agreement's philosophy of use.
- 4.2 It will observe and comply with the obligations on its part set out in the Payment Mechanism (Schedule 3) and the Planned Maintenance Programme (Schedule 2).
- 4.3 It will provide the management responsibility and organisation for servicing the Havant Leisure Strategy Partnership Group.
- 4.4 It will work in partnership with HLT to develop a medium term investment strategy.

## **5. AUDIT AND CORRUPT GIFTS AND PAYMENTS**

**5.1** For the purposes of any examination under the National Audit Act 1983 and Audit Commission Act 1998 of the economy, efficiency and effectiveness with which each party has used its resources, each party undertakes to:

**5.1.1** Provide the auditors of the other party with such documents as they may reasonably require which are owned, held or otherwise within the control of it, excluding (to the extent permitted by law) commercially confidential information and each organisation's legal advice; and

**5.1.2** Procure that all professional advisers, agents or any other persons it engages in relation to this Agreement shall provide the auditors of the other party with such documents as they may reasonably require which are owned, held or otherwise within their control excluding (to the extent permitted by law) commercially confidential information and legal advice.

**5.2** Each party shall ensure (including by way of appropriate contractual provisions) that neither it nor, any of its employees shall:

**5.2.1** Offer or give or agree to give to any person employed by or on behalf of the other parties or any other public body any gift or consideration of any kind as an inducement or reward for doing or having done or not doing any act in relation to the obtaining or execution of this Agreement or for showing favour or for not showing favour or disfavour to any person in relation to this Agreement; or

**5.2.2** In connection with this Agreement or its subject matter, act fraudulently or commit any offence under the Prevention of Corruption Acts 1889 to 1916 (or any equivalent statute).

## **6. ASSIGNMENT AND SUB-CONTRACTING**

**6.1** HLT shall not assign, sub-contract, charge or otherwise deal with all or any of its rights and obligations under the Agreement without the previous written consent of HBC, which consent (if given), shall not relieve HLT from any liability or obligations under the Agreement. HLT shall be responsible for the acts, defaults or neglect of any sub-contractor or its agents or personnel in all respects as if they were the acts, defaults or neglect of HLT or its agents or personnel notwithstanding that HBC may require as a condition of giving any consent to sub-contract a direct warranty and undertaking from the sub-contractor concerning the performance of the service requirements and compliance with this Agreement.

**6.2** Without prejudice to the provision of this Clause, it shall be the responsibility of HLT to maintain full control over and adequate liaison with any sub-contractor in order to ensure compliance with the provisions of this Agreement and in particular (but without prejudice to the generality of the foregoing) with the Service Responsibilities.

**6.3** HBC shall take all reasonable steps for the control and oversight of the operations/activities of such contractors as it may appoint to undertake works of

maintenance, repair or replacement at the Centres.

## **7. LIABILITY AND INSURANCE**

- 7.1 Notwithstanding anything to the contrary in this Agreement, neither Party excludes its liability for fraudulent misrepresentation or death or personal injury caused by its negligence.
- 7.2 Each Party agrees to indemnify the other against direct cost, loss, claim demand, expenses or liabilities arising from the negligent acts or omissions of its employees, agents or sub-contractors save to the extent that such act or omission is due to the acts or omissions of the other Party.
- 7.3 Subject to clauses 7.1 and 7.2 above, no Party shall be liable whether under the terms of this Agreement or otherwise for any indirect, special or consequential loss or damage or for any loss of surplus, loss of opportunity or loss of goodwill arising from any act or omission which arise out of or in connection with this Agreement.
- 7.4 HLT shall at all times during the Partnering Period hold and maintain public liability and employer's liability insurance at a suitable level to meet the requirements of the business.

## **8. TERMINATION**

- 8.1 This Agreement shall terminate automatically on the termination of the Leases PROVIDED THAT, and for the avoidance of doubt, in the event that one of the Leases shall be determined or otherwise expire before the other, this Agreement shall terminate automatically on the termination or expiry of that other remaining Lease.
- 8.2 Either party shall be entitled to terminate this Partnering Agreement forthwith if the other party commits a Material Breach of the terms of this Agreement which is incapable of remedy or (if capable of remedy) is not remedied within 10 working days (or such longer period as may reasonably be specified having regard to the subject matter of the breach) of service upon the party in breach of a notice specifying the breach and requiring it to be remedied.

## **9. TERMINATION CONSEQUENCES/EXIT STRATEGY**

- 9.1 Following termination or expiry of this Agreement for whatever reason, the Parties shall implement the Exit Strategy.
- 9.2 As soon as reasonably practicable after the date of termination or expiry (as the case may be) HLT shall submit to HBC a statement which shall set out the amount (if any) due and payable by HBC, to HLT pursuant to the provisions of this Agreement to the date of termination or expiry and such amount shall (unless HBC acting reasonably considers it to be inaccurate in which event it shall pay such part as it accepts and the disputed element shall be resolved in accordance with clause 10) be due and payable to HLT within [20] Working Days of receipt of the date of such statement by HBC.

In the last 6 months of the Partnering Period, or on and after the termination of this Agreement, howsoever such termination shall arise HLT shall (prior to and for the purpose of facilitating the establishment of a new partnership agreement, management contract or, as the case may be, HBC assuming direct management of the centres) supply within 14 days of demand by HBC all information as HBC considers it requires as a result of the Acquired Rights Directive/TUPE ( including but not limited to the terms and conditions of all of HLT's staff engaged in the provision of the service) and will fully and promptly indemnify HBC or any third party against any claims or expenses and proceedings brought about as a result of any failure to supply such information or supplying inaccurate information. AND IT IS AGREED that this obligation on the part of HLT is in addition and without prejudice to the obligations and liabilities it may have concerning employee liability information under TUPE.

- 9.3 Whereas among the liabilities under TUPE, which are transferred to a third party on termination or in establishing another partnership agreement or other arrangements for managing the Centres, is liability for Employer Liability Insurance claims, the normal convention of the insurance industry is that the insurance company which took the premium handles the claim: this convention will be followed under this partnership agreement so that subject to only regulation 17 of TUPE all Employer Liability Claims which are in respect of circumstances that occurred during a transferred employee's period of employment with HLT will be dealt with by HLT/its insurers.
- 9.4 HLT shall throughout the period of any notice of termination served under the provisions of this Agreement or of the Leases and, if reasonably practicable, for a period of six months following the date of termination of the Partnership, provide such advice, assistance and co-operation as HBC may reasonably require, to enable HBC to provide or procure the performance of the service requirements or any part thereof.
- 9.5 HLT will use all reasonable endeavours to assign promptly to HBC or (at HBC's direction) to any third party taking over all or part of the Service Responsibilities, any contract to which HLT is a party and which relates to the Service Responsibilities or part thereof.
- 9.6 At the end of the Partnering Period or earlier termination, HLT shall return to HBC all original and copy records, documents and Information relating to the Agreement (except for any Charitable records required by the Charity Commission and any information or documents properly the subject of legal professional privilege) in its possession or under its control or in possession or under the control of any permitted sub-contractor PROVIDED THAT nothing in this clause shall oblige HLT to disclose to HBC any commercially sensitive information unless the same is reasonably required by HBC to enable HBC to continue to provide or procure the performance of the Service Requirements or any part thereof.
- 9.7 Termination or expiry of the Partnering Agreement shall be without prejudice to any rights and remedies of HLT and HBC accrued before such termination or expiration. Nothing in the Agreement shall prejudice the right of either party to recover any amount outstanding at such termination or expiry.

## 10. DISPUTE RESOLUTION

- 10.1 In the event that any dispute arises between the parties in relation to the operation or interpretation of this Agreement, the Authorised Officers of the parties will meet within [10] Working Days of the dispute arising to negotiate in good faith to reach a settlement.
- 10.2 If the Authorised Officers cannot reach agreement within [10] Working Days of the meeting held in accordance with clause 10.1, any of the parties may refer the dispute to the Chief Executive of HLT and a nominated Director of HBC who shall meet within [15] Working Days of such notice to seek to resolve the dispute.
- 10.3 If the parties referred to in clause 10.2 cannot resolve the dispute within [10] Working Days of the meeting referred to in clause 10.2, the dispute shall be referred to an independent expert appointed by the Parties and in the event that the Parties cannot agree the identity of the expert within a further period of [5] Working Days the Managing Director of HBC for the time being of the relevant organisation as set out in clause 10.4 shall appoint such an expert.
- 10.4 The expert appointed shall be as follows:
- 10.4.1 (in the case of a financial dispute) the Institute of Chartered Accountants or Chartered Institute of Public Finance Accountants (CIPFA) in England and Wales;
- 10.4.2 (in the case of a dispute relating to the interpretation of this Agreement) the Law Society of England and Wales;
- 10.4.3 (in the case of a dispute relating to the Services) the Institute of Sport, Parks and Leisure (ISPAL) or Institute of Sport and Recreation Management (ISRM);
- 10.4.4 (in a case relating to building related disputes) the Royal Institution of Chartered Surveyors.
- 10.5 Any expert appointed in accordance with either clause 10.3 or 10.4:
- 10.5.1 Shall act as an expert and not as an arbitrator;
- 10.5.2 Shall be entitled to such information and documentation from the parties as he shall reasonably request;
- 10.5.3 Shall give a decision in writing stating its reasons which shall be final and binding on the Parties (save in the event misconduct fraud or error in law); and
- 10.5.4 Shall determine which of the Parties shall be responsible for his costs or in the absence of such determination the Parties shall share his costs equally.

## 11. EMPLOYEES

- 11.1 The parties acknowledge and agree that (unless and save to such extent as may be determined otherwise by any court or tribunal of competent jurisdiction), pursuant to TUPE, the contracts of employment between HLT and the Employees will have effect after termination or expiry of this Agreement as if originally made between the Operator and the Employees.



- 11.2 The Operator shall indemnify HLT (and HLT shall indemnify the Operator) against any costs, claims, liabilities and expenses (including legal expenses on an indemnity basis) as a result of any failure by the other of them to comply with any of their obligations under TUPE.
- 11.3 Upon or as soon as practicable after termination or expiry of this Agreement HLT and the Operator shall jointly give the Employees a notice in the approved form.
- 11.4 All wages and salaries of the Employees shall be discharged by HLT in respect of the period up to and including termination or expiry of this Agreement
- 11.5 The Operator shall be responsible for all emoluments and outgoings in respect of the Employees (including without limitation all wages, bonuses, commissions, PAYE, national insurance contributions and pension contributions) in respect of the period after termination or expiry of this Agreement and shall indemnify HLT against any costs, claims, liabilities and expenses (including legal expenses on an indemnity basis) in respect of the same.
- 11.6 Nothing in this Clause shall have the effect of imposing on HLT any liability to the Operator in respect of any claims by the Employees in connection with the termination of their employment by the Operator on or after termination or expiry of this Agreement and nothing in this clause shall have the effect of imposing any similar liability on the Operator to HLT in respect of such claims preceding termination or expiry of this Agreement.
- 11.7 The Operator shall indemnify HLT against any liabilities, costs, claims and expenses incurred by or made against HLT in respect of the employment of any Employee or former employee at the Centre relating to the period commencing on the termination of this Agreement.
- 11.8 HLT shall indemnify the Operator against any liabilities costs claims and expenses incurred by or made against the Operator in respect of the employment of any Employee or former employee at the Centres relating to the period up to the termination or expiry of this Agreement.
- 11.9 HLT shall provide to the Operator and/or HBC such information as they reasonably require in relation to the Employees prior to the termination or expiry of this Agreement, subject to the Operator/HBC complying with the Data Protection Act 1998 in relation thereto, and provided that the provision of such information shall not place HLT in breach of any law (including without limitation the Data Protection Act 1998).

## 12. GENERAL

- 12.1 This Agreement and the documents referred to in it constitute the entire agreement between the parties. No variation shall be effective unless it is implemented in accordance with the Change Control Procedure.
- 12.2 This Agreement will remain in full force and effect after the date of this Agreement in respect of any matters, which have not been performed in full at the date of this Agreement and after termination in respect of any matters which have not been performed in full on termination of this Agreement.
- 12.3 Notices

12.3.1 Any notice required under this Agreement is to be in writing signed by or on behalf of the party giving it. The notice may be served by leaving it at or sending it by prepaid recorded delivery or registered post to the address of the party concerned in this Agreement or such other address as either party may notify to the other from time to time or by facsimile transmission to such number as shall be specified by each party on or as soon as reasonably practicable after the Effective Date.

12.3.2 Any notice so served is deemed to have been received:

12.3.2.1 In the case of personal service upon delivery;

12.3.2.2 In the case of special delivery forty-eight hours from the date of posting; or

12.3.2.3 In the case of facsimile transmission upon receipt of a transmission report indicating successful delivery;

12.3.2.4 In the case of electronic mail on the acknowledgment of receipt;

12.3.3 For notices sent by post it will be sufficient in proving service to establish that the envelope containing the notice was properly addressed and posted.

12.4 For the avoidance of any doubt this Agreement shall not be construed or taken as forming a partnership between the parties within the meaning of the Partnership Act 1890

## 12.5 Confidentiality/Freedom of Information

12.5.1 The contents of this Agreement and all documents which relate to it or are connected with it shall remain private and confidential and the contents thereof shall not be disclosed or released to any third party without the prior written consent of both parties save as may be required by Legislation, or by any court or tribunal of competent jurisdiction, or where such information is in the public domain as at the Effective Date or comes into the public domain without default by the disclosing Party or is disclosed in accordance with Clause 12.5.3.

12.5.2 It is agreed by the parties that this Agreement and its contents may be disclosed or released to the National Audit Commission provided that the National Audit Commission keeps such information private and confidential (save as may be required by law or by any court or tribunal of competent jurisdiction).

12.5.3 In this sub-clause 12.5.3:

"Exemption" means an exemption or exception to disclosure under the FOI Legislation, under which HBC may lawfully withhold information requested under the FOI Legislation from disclosure.

"FOIA" means the Freedom of Information Act 2000.

"FOI Legislation" means the FOIA, the Environmental Information Regulations 2004 and any other applicable legislation or codes under which HBC is obliged at law to release information.

(a) HLT recognises that HBC is subject to legal duties which may require the release of information under the FOI Legislation and that HBC may be under an obligation to

provide information on request. Such information may include matters relating to, arising out of or under this Agreement in any way.

- (b) HLT is responsible for identifying any information contained within this Agreement that it believes to be subject to an Exemption and producing a Schedule of such information to HBC at the time the Agreement is entered into. The Schedule must include the grounds on which HLT believes the information to be subject to an Exemption. For the avoidance of doubt, a piece of information that has been requested under the FOI Legislation and that has been supplied by or which relates to HLT, shall be withheld if an Exemption applies, notwithstanding that HLT may not have identified that piece of information in the Schedule as being subject to an Exemption. For the avoidance of doubt, HLT considers the following information in this Agreement to be subject to the commercial interest Exemption on the basis that its disclosure would, or would be likely to, prejudice the commercial interests of HLT:
- Attendance data other than summary
  - Income figures other than summary
  - Churn rates
  - Customer information on catchments and complaints
  - Plans of changes and new facilities before the chosen release dates
  - Staffing issues on pay and conditions
  - Personal information on employees
- (c) Notwithstanding anything in this Agreement to the contrary, in the event that HBC receives a request for information under the FOI Legislation, HBC shall be entitled to disclose all information and documentation (in whatever form) as necessary to respond to that request in accordance with the FOI Legislation, save that in relation to any such information that is requested under the FOI, HBC shall use reasonable endeavours to consult HLT as soon as reasonably practicable and shall not disclose the information requested, if in HBC's opinion (having taken into account the views of HLT and having regard to all relevant circumstances) an Exemption is, or may be applicable in accordance with the relevant section of the FOI Legislation.
- (d) In any event HBC shall not be liable for any loss, damage, harm or other detriment however caused arising from the disclosure of information that HBC is obliged to disclose under the FOI Legislation.
- (e) HLT will assist HBC where strictly necessary to enable HBC to comply with its obligations under the FOI Legislation. In the event that HBC receives a request for information under the FOI Legislation, and requires HLT's assistance in obtaining the information that is held by HLT on HBC's behalf and therefore required to be disclosed under the FOI Legislation, HLT will respond to any such request for assistance from HBC at its own cost and promptly and in any event within 10 working days of receiving HBC's request.
- (f) In any event, the decision as to whether a piece of information or documentation shall be released under the FOI Legislation shall be at HBC's absolute discretion.

**12.6** This Agreement and the documents referred to in it shall not be construed or taken as forming an agency or create an agent and principal relationship between the parties.

**12.7** HBC may assign all or any of its rights under this Agreement to any successor in title in relation to its interest in the Centres but HLT shall not be permitted to assign such

rights, which shall be personal to them in each case.

**12.8** If any provision of this Agreement shall be held illegal or unenforceable, the enforceability of the remainder of this Agreement shall not be affected.

**12.9** This Agreement shall be governed by English Law. The parties agree to submit to the exclusive jurisdiction of the English Courts.

**12.10 Force Majeure**

**12.10.1** Neither party shall have any liability to the other as a result of an Event of Force Majeure.

**12.10.2** If an Event of Force Majeure shall continue to occur for more than twenty-eight days or the effects of an Event of Force Majeure shall continue for more than three months then either HBC or HLT shall be entitled to terminate this Agreement by notice in writing to the other with immediate effect.

**12.11** No announcement or information concerning this Agreement or any ancillary matter shall be made, released or authorised to be made or released in any advertising, publicity, promotional or other marketing activities by either party unless it has received the prior written consent of the other party.

**12.12** No third party shall have any rights whatsoever to take any action under or in relation to this Agreement and accordingly all rights that are or may be conferred on any such third parties pursuant to the Contracts (Rights of Third Parties) Act 1999 are hereby expressly excluded.

## SCHEDULE ONE

### PART ONE

#### Horizon Leisure Trust's Service Responsibilities

1. To operate and maintain quality leisure facilities and services at the Centres for the community of Havant and the surrounding area.
2. To ensure that as a minimum the Centres are available for public use during the following core times, herein referred to as Minimum Opening Requirements:

Monday to Friday	09.00 – 21.00 (Excluding Bank Holidays)
Saturday and Sunday	09.00 – 17.00
Bank Holidays	09.00 – 16.30

The Minimum Opening Requirements may be varied by agreement with HBC and will be subject to agreed planned and unplanned closures to facilitate essential maintenance.

3. On Christmas Eve, Christmas Day, Boxing Day and New Years Day the Centres will be closed. On all other Bank Holidays and between 27 December and 31 December the minimum opening times will be those stated for Bank Holidays in 2. above.
4. To procure that the centres will provide a balanced activity programme based upon the following principles:
  - 4.1 Facilitating community participation, performance, club and commercial sport and leisure use that contribute to health and social inclusion outcomes supporting;
    - a) the development of sport from a grass roots level and providing pathways for individuals to achieve their potential;
    - b) maximising sporting and leisure utilisation of the Centre at all times;
    - c) seeking to protect regular users from changes in their programme, other than for approved events.
5. To ensure that community use of the centres shall feature a balanced range of coached/led sessions, links between the centre and clubs/schools, with an element of casual use aimed at converting infrequent users into regular participants where practicable whereby such casual use. 'Pay and play' shall be managed on the basis of HLT programming the centres to ensure that other users of the centres who are pre booked do not have their activities unduly disrupted as a result of adjacent 'pay and play' activities.
6. Where practicable and financially viable, to support the activities of HBC and other sporting agencies in the field of sports development as long as it does not conflict adversely with the aims and objectives of the Trust.
7. To work where practical and financially viable with various agencies on health promotion both in terms of delivering the Trust's social objects, increasing participation and for business development opportunities so long as it does not conflict adversely with the aims and objectives of the Trust.

- 8 To review service delivery and programming in line with the LAA (Local Area Agreements) targets and objectives and the Havant Community Strategy so long as it does not conflict adversely with the aims and objectives of the Trust.

**Operational Service delivery requirements**

9. To strive for the highest possible standards of service and care.
10. To aim for the highest practical standards of cleanliness and presentation of the Centres.
11. To adopt the recommendations made in the latest Health and Safety Commission's book entitled "Managing health and safety in swimming pools".
12. To employ sufficient qualified and experienced staff to ensure a high standard of service provision and customer care throughout the opening hours.
13. To comply with all statutory licensing requirements.
14. To undertake maintenance of equipment and plant to the manufacturers' recommendations in accordance with the table of responsibilities in Schedule 2.
15. To comply with the requirements of the leases.
16. To provide a balanced programme of activities and where practicable support initiatives of other organisations meeting the Trust's mission statement 'To enable and encourage sport and leisure for all'.
17. To enhance the provision of the service through the effective use of information technology.
18. To report the occurrence of major incidents to HBC's nominated officer as soon as practical after the event.

## PART TWO

### Havant Borough Council's Service Responsibilities

1. Havant Borough Council is responsible for a number of service areas that will contribute to the delivery and ongoing success of this partnership.
2. These responsibilities include:
  - a) building maintenance, repair and replacement in accordance with Schedule 2 responsibilities;
  - b) development of the Tourism and Leisure Plan;
  - c) development of a life cycle investment plan in conjunction with HLT;
  - d) management of the Havant Leisure Partnership;
  - e) ongoing monitoring and review of this Partnering Agreement;
  - f) ongoing communication and regular liaison with HLT's nominated officer/ officers
  - g) involving HLT in any new HBC, central government and other agency initiatives that will enhance the ongoing delivery and development of the partnership;
  - h) on the basis that HLT undertake litter picking regularly to keep the respective areas (the areas of open land in thin red line on each lease plan) to a high standard of cleanliness HBC will provide grass cutting and shrub bed work and sweeping of the car parks. HBC will endeavour to carry out this work in accordance with the Council's schedules but cannot always guarantee to do so because of the requirement to be flexible to respond to ad-hoc service demands;
  - i) that HBC will consult with the Trust annually or whenever proposals are made to change any aspect of the management of the public car parks at both the Centres.

## SCHEDULE TWO

### Maintenance and Asset Obligations

1. The clauses within this schedule reflect, supplement and explain the repairing obligations contained in the Leases.
2. These repairing clauses provide that the responsibility for major buildings and plant repairs and replacement rest with HBC on the basis of a Landlord and Tenant arrangement. The Landlord shall comply with its obligations set out in the Maintenance Schedule and allocate sufficient funding in its annual budget provided that if the Landlord has budget constraints then the Maintenance Schedule can be adjusted by agreement between the parties such approval not to be unreasonably withheld or delayed.
3. The items identified for replacement at the end of their Useful Life, and as part of ongoing lifecycle replacement programme are governed by the current most recent condition survey or variation thereof. The current programme is the one produced as part of the McAndrew Martin condition audit completed in 2003. The annual requirements will be agreed as part of the business planning process.
4. HLT shall be responsible for the proper operation, maintenance and repair in accordance with manufacturers' instructions and best practice, of all plant, equipment, fixtures, fittings and machinery installed, incorporated or brought into the Centres for the purposes of providing the services, in accordance with the Table in this Schedule.
5. HBC will be responsible for the procuring, project management, and funding of all the elements of its asset responsibility. Close consultation with HLT and the utilisation of the in-house expertise will be a clear requirement in delivering all works.
6. A transparent reporting and approval process will be initiated by HBC in consultation with HLT as part of this Agreement.
7. The following table identifies the responsibility for maintenance, repair and replacement in all building elements.

#### LIFE CYCLE PROGRAMME

<i>Building &amp; Plant Element</i>		<i>Maintenance and repair HBC</i>	<i>Maintenance and repair HLT</i>	<i>Replacement responsibility HBC</i>	<i>Replacement responsibility HLT.</i>
<b>A</b>	<b>Main responsibilities</b>				
1.	Structure of the building including the roof covering, gutters and down pipes, insulation, structural steel members, load bearing beams and columns	√		√	
2	External and load bearing walls	√		√	



<i>Building &amp; Plant Element</i>		<i>Maintenance and repair HBC</i>	<i>Maintenance and repair HLT</i>	<i>Replacement responsibility HBC</i>	<i>Replacement responsibility HLT.</i>
3	Swimming pool tanks including pool tanks , wall and floor finishes		√	√	
4	Floors, staircases and ramps both internal and external	√		√	
5	Swimming pool screeds and tiles above and below waterline – at HLC includes steel tank and epoxy lining		√	√	
6	Internal joinery		√		√
7	Sanitary fixtures and fittings including washbasins and showers		√		√
8	Water, gas and electric service supply connections to the buildings	√		√	
9	Water, gas and electric services supply within the centres		√	√	
10	Telephones, computers, etc and circuits		√		√
11	Health and safety fittings and appliances		√		√
12	Internal signs and notices		√		√
13	Fitness equipment		√		√
14	Sports equipment		√		√
15	Any equipment installed by HLT		√		√
16	External signs and notices (installed by HBC)	√		√	
17	External signs and notices (installed by HLT)		√		√
18	External doors, fire doors, and large outside windows		√	√	

Building & Plant Element		Maintenance and repair HBC	Maintenance and repair HLT	Replacement responsibility HBC	Replacement responsibility HLT
19	The specialist screeds and playing surfaces		√	√	
20	All external drain pipework and related fittings below ground	√		√	
21	Internal lighting, associated fixed fittings and electrical equipment (incl. CCTV)		√	√	
22	External lighting, associated fixed fittings and CCTV		√	√	
23	Artificial sub-structure ceiling		√	√	
24	Pool water dosing and monitoring equipment, chemical storage systems, ozone generation and delivery systems		√	√	
25	Pressure gauges and thermostats		√	√	
26	Air handling units to include control systems, supply and extract connections between boilers and heat exchangers		√	√	
27	Fans and air conditioning to include control and monitoring systems		√	√	
28	Electrical circuits		√	√	
29	Lifts at Havant Leisure Centre		√	√	
30	Car parking spaces allocated for centre use and car park hard standing	√		√	
31	Grounds maintenance	√		√	
<b>B</b>	<b>Items where HBC will make every effort to fund any repair with a works/contract cost over £1,000 per item</b>				
32	Filter vessels and associated fitting (excluding media)		√	√	

<i>Building &amp; Plant Element</i>		<i>Maintenance and repair HBC</i>	<i>Maintenance and repair HLT</i>	<i>Replacement responsibility HBC</i>	<i>Replacement responsibility HLT.</i>
33	Primary heating systems and associated fitting		√	√	

### Supporting Information

<b>Responsibility</b>	<b>Description</b>
Repairs HBC	<p>HBC is responsible for funding and repairing broken, damaged or faulty items (including day to day maintenance as reasonably required and agreed servicing). An item is classified as a repair if the cost of repair and future estimated repairs within an accepted time period of life for that item is less than the cost of replacement. If the cost of repair or subsequent repairs within an accepted time period is greater than replacement, the item should be replaced subject to its prioritised status.</p> <p>HBC will pay for the works and arrange for them to be carried out in agreement with HLT to minimise costs, loss of revenue and disruption to customers.</p>
Repairs HLT	<p>HLT is responsible for repairing broken, damaged or faulty items (including day to day maintenance as reasonably required and agreed servicing). An item is classified as a repair if the cost of repair and future estimated repairs within an accepted time period of life for that item is less than the cost of replacement. If the cost of repair or subsequent repairs within an accepted time period is greater than replacement, the item should be replaced subject to its prioritised status.</p> <p>HLT will arrange for the works to be carried out to minimise costs, loss of revenue and disruption to customers</p>
Replacement responsibility HBC	<p>HBC in agreement with HLT and subject to available resources will fund and arrange for the replacement of an item.</p> <p>HBC will arrange for the works to be carried out in agreement with HLT to minimise costs, loss of revenue and disruption to customers.</p>
Replacement responsibility HLT	<p>HLT in agreement with HBC and subject to available resources will fund and arrange for the replacement of an item.</p> <p>HLT will arrange for the works to be carried out to minimise costs, loss of revenue and disruption to customers</p>

8. Subject to the schedule in paragraph 7 above, HLT shall be responsible for the

general operation of the centres in such a way as to minimise vandalism, excessive wear and tear and other degradation and HLT shall be responsible for the repair and/or replacement of any elements which are damaged through vandalism or misuse. HLT shall not be responsible for any element of the Centres provided by HBC, maintained and/or managed in accordance with manufacturers' instructions and/or best practice, which fails as a result of faults in design and/or construction.

9. HLT shall maintain records of any plant, machinery or equipment failure, damage and disrepair and any remedial action taken, such records being made available for inspection by the Authorised Officer. Statutory inspections and service reports will be copied to the Authorised Officer.
10. HLT shall report, with actions taken to date and plans for rectification, any major plant, machinery, electrical or equipment failure, damage or disrepair that has an implication for the Health and Safety of customers and staff and or affects the provision of the advertised services to HBC within four hours of discovery.
11. HLT may enter into direct servicing/maintenance contracts in respect of specialist items of plant, machinery and equipment. HLT shall make all payments in connection with these contracts.
12. HLT will ensure that the Centres comply with, and are operated in accordance with, all relevant legislation and good practice guidance. HLT shall make regular tests of all emergency systems in accordance with Health and Safety guidance/regulations and their Health and Safety Management system.
13. Three months before the end of the Partnering Agreement, or as soon as reasonably practical in the case of either party giving formal notice to the other party that it is terminating the Partnering Agreement; HBC shall undertake a survey of the centres. The survey will determine the state and condition of the Centres at the end of the Contract. Where it is evident that HLT have not maintained elements of their asset responsibility, as detailed in Schedule 2, they would be liable for the associated replacement costs.
14. HLT will be responsible for all statutory inspections and periodic servicing of plant and equipment. The inspections required for Licensing will also be the responsibility of HLT.
15. As part of Health and Safety Management, HLT will be required to identify the responsible persons and ensure full compliance with the Regulatory Reform (Fire Safety) Order 2005, Control of Legionella (contained in COSHH Regulations 1999), and Control of Asbestos at Work (CAW) Regulations 2002. The management plans for these areas and the nominated officer (s) responsible will be provided to HBC. Plans to be reviewed and updated at no more than annual intervals and to suit changing use(s) of the centres.
16. HLT will at all time keep the Cultural Services Team Leader informed of current Centre key holders and members of staff responsible for out-of-hours call out.
17. HLT will be responsible for ensuring that both buildings comply with, and are operated in accordance with, the Disability Discrimination Act 2005. HLT will need to provide HBC with update reports on issues relating to the DDA at no more than 6

monthly intervals and immediately upon completion of any alterations to the buildings.



## SCHEDULE THREE

### Payment Mechanism

#### Financial Arrangements for Partnering Agreement Delivery

1. The basis of delivering the service in accordance with the requirements and conditions set out in this Agreement are on £nil management fee basis.
2. This agreement requires HLT in every year to prepare and agree with HBC the annual life cycle programme by 30 September and submit its business plan to HBC for consideration by the end of February, in advance of the following Local Authority financial year, which commences 1 April.
3. The requirements of this business plan submission are to deliver the services as required within this agreement, based on the principles of the partnership's Philosophy of Use and specifically, in relation to all the Service Responsibilities identified in Schedule 1 Part One.
4. The business plan will be for 3 financial years supported by the identified service delivery plan for the same duration clearly showing how the Service Responsibilities in Schedule 1 are to be delivered.
5. The business plan will need to comprise a financial and service delivery plan, incorporating the following key elements as a minimum:

#### *Financial*

- ◆ Summary revenue account – 3 future years
- ◆ Detailed income and expenditure forecasts by budget head – 3 future years
- ◆ Previous 2 years detail actual income and expenditure
- ◆ Current and previous 2 years reserves position
- ◆ Investment proposals (HLT)
- ◆ Joint development investment proposals (HBC and HLT)
- ◆ Trading company profit and loss
- ◆ Assumptions to support any variation greater or less than an inflationary change
- ◆ Contingency plans.

#### *Service Delivery Plan*

- Delivery of Schedule 4 responsibilities
- Structure and human resource plan
- Marketing strategy and delivery plan
- Core pricing proposals (to be submitted 4 weeks prior to implementation)
- Life cycle programme
- Quality system –development and accreditation
- Customer Services policies
- Programming review and development
- Health and safety policies
- Business development.

## Gain Share Payment Mechanism

6. In recognition of the payments made by the Council to the Trust for the management of the Havant and Waterlooville Leisure Centres since 1 October 1997 any share of surpluses will be treated as discount to the management charges raised by the Trust since 1 October 1997.
7. Payment of surpluses through a Gain Share mechanism to HBC will be applicable in the following circumstances:
  - after two successive years of surplus a gain share payment will be made based on the first year's surplus. The second year's surplus will then become the first years surplus to which will be added the outcome of the following year's outturn. Should a deficit be made in any one year then there will be no gain share payment for two years.
  - after HLT's reserves policy requirements, as recommended by external auditors, have been met
8. Gain share within this arrangement will be dependant on HLT overachieving on its agreed business plan performance. It will be based on an element of the surplus generated and declared following the end of year production and formal auditing of HLT's accounts. Surplus in this context relates to the cash/management accounts surplus and not the accounting surplus as reported in HLT's accounts and annual report. Payment will be made within one calendar month of the approval of the accounts and annual report by HLT's Board of Management.
9. The gain share element paid to HBC will be based on the following % of surplus generated on an incremental basis:

Surplus generated	Gain share payment to HBC
£0 - £29,999	0%
£30,000 - £49,999	10%
£50,000 - £74,999	20%
£75,000 +	40%

10. HLT's external auditors will be required to confirm the gain share contribution paid to HBC in accordance with these conditions.

### HLT's Loss of Surplus

11. HBC will not provide income protection to HLT in the normal course of its service delivery. HBC will, where it fails to act with due diligence and agrees that its actions in carrying out its maintenance responsibilities have resulted in loss of profit, reimburse HLT.
12. The loss of profit payment will be the net position of revenue lost minus variable costs saved. A financial analysis providing detailed evidence of revenue loss, and costs saved for the duration of the closure or facility being out of use, will need to be provided by HLT to support any potential claim. If there is a net saving to HLT during such a closure no contra payment will be required.
13. The scheduling of maintenance works by HBC will limit the impact on HLT's service delivery financial position, and any prolonged works will be scheduled with HLT's appropriate officer.

14. The loss of net revenue claim process will take effect after 1 day with a planned closure and after 2 days of an enforced unplanned closure.
15. Loss of net revenue claims will not be made on any closures as a result of any facility enhancement or improvement.

#### **HLT's Extra-ordinary Costs**

16. This clause is included to lessen the impact on the financial position of HLT following any future excessive increases in the market costs of utilities.
17. Leisure centres are high energy users and the increased price of utilities has in recent years put huge pressures on the Leisure Industry.
18. As part of the business planning process, a projected percentage increase based on the Retail Prices Index (R.P.I) for September of each year will be used by the Trust to estimate the utilities budget for the following budgetary period. If during that following budgetary period, actual utilities charges increase above the R.P.I percentage by more than 5%, then provided the Trust had reasonably sought best value HBC will fund 50% of any increase above R.P.I plus 5% provided that if HBC has budget constraints then the Maintenance Schedule can be adjusted by agreement between the parties such approval not to be unreasonably withheld or delayed. Such reimbursal to be made by HBC on six-monthly basis in September and March.
19. HLT will demonstrate through its service delivery plan energy saving opportunities and provide HBC analysis of energy usage to support any future claim of this nature.



## SCHEDULE FOUR

### Monitoring of Service Requirements

#### Introduction

1. This Partnering Agreement supports a collaborative relationship. Due to the nature of the arrangements, it is imperative that formal monitoring of the performance of HLT takes place, but focusing on critical success factors that HLT will be reviewing as part of the day to day operation.
2. Initially, quarterly operational and half yearly strategic reporting to HBC is required and reflects the close working relationship of the partnership.

#### Quarterly Operational Monitoring Requirements

3. HLT will be required to meet with HBC's Cultural Services Team Leader on a quarterly basis to review the performance of HLT. Where practical papers need to be distributed to HBC ten working days before the meeting.
4. The main purpose of the meeting will be to review the previous quarter's information reports, provide a forum for formal monitoring of service delivery and the discussion of any operational issues that have or will affect performance.
5. The report will include the following items, however, HLT is invited to augment this with other items of relevance at the time. HBC reserves the right to request changes to the format of this report template in consultation with HLT.

Issues to be reported on	Notes
Income and expenditure broken down into key activities and expenditure items – e.g. staffing, energy costs, marketing etc compared against target.	HBC will require to see quarterly financial reports based on actual performance, performance to date and performance against target.
Membership numbers broken down by category. Centre attendance broken down over main activity areas (including swimming course enrolments).	HLT shall monitor data that enables them to improve their performance in providing for targeted groups.
Information on the type of activities and events that have taken place in the last quarter and those planned for the next quarter List of any changes to the main programme of activities.	
Complaints and comments broken down into type and number, supplemented by a trend analysis and action plan.  Where practical minutes and actions from User Group meetings.	

Issues to be reported on	Notes
Report on accidents and incidents by Centre and type of injury. Other health and safety related issues including near misses, inspection reports, system reviews, and any building related H & S issues.	
Review of progress on the Life Cycle Programme with summary of repairs including costs.	HBC to provide a summary of actual expenditure to date. HLT/HBC to review projects to be undertaken in the next quarter and the projected year end position.
Quarterly update on implementing Quest.	HLT/HBC to review progress in implementing Quest at respective organisations. When available, HLT to provide Quest Self Assessment Validation or Quest Assessment scores and reports.

### Half Yearly Strategic Partnership Review Meetings

6. Havant Leisure Partnership (two HBC Executive Members, two HLT Trustees plus officers as required) to meet twice yearly to consider strategic partnership issues including:
- Life cycle repairs and budget
  - Business plans
  - Quest
  - Car park charges consultation
  - Havant Tourism and Leisure Plan implementation updates
  - Strategic development update e.g. Campdown
  - Proposed alterations to the Trusts charitable status or objectives
  - Review of the Partnership Agreement
  - Summary of annual performance.


## SCHEDULE FIVE

### Change Control Procedure

1. HLT and HBC recognise that the Partnering Agreement is a working document which will need to evolve over time to reflect changes in business requirements.
2. If HLT or HBC wishes to propose any change to the Partnering Agreement it shall notify the other Parties in writing of the proposed change and the Authorised Officers of the Parties shall meet to discuss the proposed change as soon as reasonably practicable thereafter and shall either approve the written request for a change or agree not to proceed further with the proposal (in which event no further action shall be required).
3. Unless and until such amendment is made in accordance with this Schedule, no such change shall be considered effective and this Agreement shall not in any way be considered to have been amended as a result of such change.
4. If the written request for the change is approved by the Authorised Officers of the Parties in accordance with paragraph 2, a change control note ("CCN") will be prepared by HBC within 10 working days.
5. Each CCN shall contain:-
  - (a) the title of the change and sequential number;
  - (b) the originator and date of the request or recommendation for the change;
  - (c) the reason for the change and if appropriate the impact of the change on other aspects of this Agreement;
  - (d) full details of the change;
  - (e) if appropriate a timetable for implementation together with any proposals for monitoring the effectiveness of the change;
  - (f) provision for signature by HLT and HBC;
  - (g) if applicable a schedule of any additional or reduced costs resulting from the change.
6. Following the signature of the CCN by all Parties, such change shall be incorporated as an amendment to this Agreement.

**SIGNED BY**  
Duly authorised to sign for and on  
behalf of Havant Borough Council

)  
)  
)



SOLICITOR TO THE  
COUNCIL

**SIGNED BY**  
Duly authorised to sign for and on  
behalf of Horizon Leisure Trust

)  
)  
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CHIEF EXECUTIVE

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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<b>Name of Committee:</b>	Cabinet		
<b>Committee Date:</b>	6 March 2024		
<b>Report Title:</b>	Review of Environmental Health and Licensing Enforcement Policy		
<b>Responsible Officer:</b>	Alex Robinson – Executive Head of Place		
<b>Cabinet Lead:</b>	Cllr Elizabeth Lloyd		
<b>Status:</b>	Non-Exempt		
<b>Urgent Decision:</b>	No	<b>Key Decision:</b>	No
<b>Appendices:</b>	Appendix A: Environmental Health and Licensing Enforcement Policy (2024)		
<b>Background Papers:</b>	<a href="#">The Regulators" Code</a>		
<b>Officer Contact:</b>	Name: David Fitzgerald Email: david.fitzgerald@havant.gov.uk		
<b>Report Number:</b>	HBC/87/2024		

**Corporate Priorities:**

Wellbeing: A transparent and robust enforcement policy is needed to ensure that the safety and wellbeing of the Borough’s residents and businesses is maintained.

Pride in Place: By regularly reviewing its enforcement policy, the Council can ensure that it is working proactively to ensure the safety of its residents and businesses. Furthermore, publishing a transparent policy in the public domain enables our residents and businesses to ensure compliance with the relevant regulatory regimes.

**Executive Summary:**

The report outlines the proposed revisions to the Environmental Health and Licensing Enforcement Policy.

**Recommendations:**

Members are requested to:

- a) Recommend to Full Council that the Environmental Health and Licensing Enforcement Policy (2024) is approved.
- b) To delegate authority to the Executive Head of Place, in consultation with the relevant Cabinet Lead to amend the Policy following adoption, provided those changes are limited to the correction of factual errors and changes necessary to accommodate national or local changes in regulations, guidance or procedures and shall not otherwise alter the meaning of the Policy.

- c) To delegate authority to the Executive Head of Place, in consultation with the relevant Cabinet Lead to prepare guidance and relevant process notes for the implementation and administration of the Policy.

## 1.0 Introduction

- 1.1 This report outlines the revised Environmental Health and Licensing Enforcement Policy. The revised enforcement policy is intended to apply to the Environmental Health and Licensing services as a whole, encompassing the various legislation and enforcement powers available to all authorised officers within those services.
- 1.2 The policy was last reviewed in 2009, and therefore revisions are required to ensure that the policy is consistent with relevant legislation, options available for enforcement, and the Council's other relevant policies.

## 2.0 Background

- 2.1 An Enforcement Policy is a document which sets out in clear terms how the Council carries out the enforcement of the wide range of legislation it is responsible for implementing. This revised policy is specific to the Environmental Health and Licensing services only.
- 2.2 The policy is an essential document as businesses and individuals who are subject to the legislation the Council enforces should know what to expect when the Council decides to take action. Similarly, those who the Council seek to protect have an expectation that companies and individuals who do not meet the standards required by legislation are required to put right any shortcomings. Publishing the Council's approach to enforcement, and the various enforcement powers available, ensures transparency and openness.
- 2.3 The publication of an enforcement policy is an approach encouraged and supported by the Local Government Association.
- 2.4 The policy outlines the processes for authorised officers to take in the event of non-compliance, ranging from engaging and educating customers to fixed penalty notices and prosecution.
- 2.5 There have been a number of new pieces of legislation introduced since the policy was last updated in 2009, including the Housing and Planning Act 2016 and The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 2.6 In particular, statutory guidance relating to the issuing of civil penalties under the Housing and Planning Act 2016 has been published, which the Council must have regard to in taking any enforcement action relating to private sector housing compliance.
- 2.7 The revised policy also includes comprehensive guidance for officers investigating a death at work under the Health and Safety at Work Act

1974, and the Council's protocol for liaison with other investigating authorities.

- 2.8 Consideration has been given to The Regulators' Code General Principles of Enforcement, which seeks to promote the development of transparent, effective dialogue, and understanding between regulators and those they regulate.

### **3.0 Summary of Key Provisions and Changes**

- 3.1 The Environmental Health and Licensing services have duties and powers (both statutory and discretionary) to take action to enforce a wide range of statutes relating to:
- Animal welfare
  - Environmental protection; nuisance and pollution
  - Environmental health; health, food and safety
  - Licensing
  - Pest control
  - Private sector housing
- 3.2 In previous years, the Council has drafted individual enforcement policies for each of the services outlined above. This proved time consuming, repetitive and challenging to ensure that they remained up to date with new and revised legislation.
- 3.3 The revised enforcement policy is intended to apply to the Environmental Health and Licensing services as a whole, encompassing the various legislation and enforcement powers available to all authorised officers within those services.
- 3.4 The revisions are not wholesale changes, but rather updates consistent with new legislation passed by Government since the policy was last updated. The revised policy includes reference to the following new legislation:
- Housing and Planning Act 2016
  - The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
  - The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- 3.5 The Housing and Planning Act 2016 includes the provision for civil penalties and rent repayment orders, which the Council cannot currently utilise due to neither being referred to in the current policy. The revised policy includes reference to the Housing and Planning Act 2016 and it's the various enforcement powers it provides, as they are effective options for dealing with non-compliance that the Council intends to utilise in the future.

- 3.6 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 replaces previous animal licensing legislation. Whilst the enforcement powers remain broadly similar to that of previous legislation (suspension and revocation of licences), the policy has been updated to be consistent with the most current legislation.
- 3.7 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 make provision for the service of penalty charge notices (PCN), up to a maximum of £5,000, on landlords who breach a remedial notice served on them under regulations. This legislation is not referenced in the current policy, and therefore is not utilised by the Council. The revised version includes reference to this legislation and its enforcement powers as they are effective enforcement options that the Council intends to utilise in the future.

#### **4.0 Options**

- 4.1 Whilst adopting an enforcement policy is not a statutory obligation, the adoption of an enforcement policy demonstrates that the Council acts with transparency, fairness and objectivity when dealing with non-compliance.
- 4.2 There are three options available:
1. Recommend the revised Environmental Health and Licensing Enforcement Policy for adoption by Full Council;
  2. Recommend a modified Environmental Health and Licensing Enforcement Policy for adoption by Full Council; or
  3. Retain the existing 2009 version of the enforcement policy.
- 4.3 The Council considers it essential to undertake periodic reviews to provide a comprehensive update of the policy. This is necessary to enable authorised officers to lawfully exercise their powers under relevant legislation and minimise the risk of successful legal challenge. Therefore, Option 1 is recommended.

#### **5.0 Relationship to the Corporate Strategy**

- 5.1 Wellbeing: A transparent and robust enforcement policy is needed to ensure that the safety and wellbeing of the Borough's residents and businesses is maintained.
- 5.2 Pride in Place: By regularly reviewing its enforcement policy, the Council can ensure that it is working proactively to ensure the safety of its residents and businesses. Furthermore, publishing a transparent policy in the public domain enables our residents and businesses to ensure compliance with the relevant regulatory regimes.

## 6.0 Conclusion

- 6.1 This report constitutes a comprehensive review of the enforcement provisions for the Environmental Health and Licensing services, outlined in a dedicated policy document, ensuring a more proportionate response to non-compliance.

## 7.0 Implications and Comments

### 7.1 S151 Comments

Members should be reminded that the primary purpose of the policy is not to generate income for the Council, but to allow appropriate measures to manage the function and purpose of the service. As long as the fee are set in mind to achieving the operational outcomes then they may result in increased income levels for the Council.

### 7.2 Financial Implications

- a) It is likely that adoption of the revised Environmental Health and Licensing Policy will result in additional income for the Council, through payment of civil penalties and Housing Act 2004 notices.
- b) The Council may also be awarded costs in the event of a successful prosecution. However, there is the risk that the Council will not succeed with a prosecution and therefore be liable for costs ordered by the Court.
- c) The Environmental Health and Licensing Enforcement Policy clearly outlines the relevant powers available to officers, the importance of transparency and proportionality, and guidelines for determining whether the evidence threshold has been met for a successful prosecution. This significantly reduces the likelihood of the Council being unsuccessful with enforcement action taken.

### 7.3 Monitoring Officer Comments

The recommendations ensure a comprehensive and consistent single enforcement policy across the Environmental Health and Licensing Service. The policy has been prepared in accordance with legislation and relevant statutory guidance.

### 7.4 Legal Implications

- a) The Council's Environmental Health and Licensing Enforcement Policy could be challenged by way of Judicial Review. However, the Council has drafted a fair, transparent and proportionate policy, consistent with the relevant legislation and statutory guidance, and therefore a successful challenge is unlikely.
- b) The Legislative and Regulatory Reform Act 2006 imposes a duty on regulators to have regard to the principles of good regulation so that regulatory activities are carried out in a way that is transparent, accountable, proportionate and consistent. The revised policy takes account of this duty provides comprehensive guidance to authorised officers considering enforcement action.



- c) Adoption of the Environmental Health and Licensing Enforcement Policy minimises the risk of challenge in response to enforcement action undertaken and seeks to protect the Council from legal challenge.
- d) The revised policy outlines the spectrum of enforcement options available, to allow a proportionate and appropriate response to non-compliance to be considered.
- e) Any authorised officer seeking to undertake enforcement action shall liaise with their Team Leader to seek approval, prior to liaising with the Council's Legal Team to prepare a case.

#### 7.5 Equality and Diversity

Section 4.4 of the revised policy states that Council staff responsible for undertaking enforcement action must be fair, independent and objective. They shall not allow any personal views about a suspect, victim, witness or offender influence their decisions. Such issues include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sex, religion or beliefs, political views, or sexual orientation.

#### 7.6 Human Resources

Implementation of the revised Environmental Health and Licensing Enforcement Policy does not require any additional resource or appointment of staff beyond filling the currently vacant posts within the service(s).

#### 7.7 Information Governance

- a) Undertaking enforcement action, in some cases, may require the Council to collect additional personal and special category data in order to gather sufficient evidence for a case. In all circumstances, the subject will be advised as to why this data is being collected.
- b) The Environmental Health Service will liaise with the Information Governance Team to review the data protection impact assessment(s) in place to ensure that they are current.

#### 7.8 Climate and Environment

- a) There are no climate implications arising as a result of this report. Climate matters are not considered as a part of enforcement action undertaken in line with the revised policy.
- b) The Environmental Health Service's role includes investigating noise pollution, light pollution, bonfires / smoke and odour. There may be circumstances where individuals or businesses are subject to enforcement action, in line with the revised policy, in connection with one of the above.
- c) Climate and environmental matters may be public interest factors in considering whether non-compliance meets the public interest test for enforcement action.

## 8.0 Risks

- 8.1 Should the Council decide not to adopt the revised policy, or a modified revised policy, the Council would remain open to legal challenge in respect of any enforcement action undertaken by the Environmental Health and Licensing services. The Council is currently at significant risk of successful legal challenge against any enforcement action that the Environmental Health and Licensing services undertake, as that the existing enforcement policy is outdated.
- 8.2 By adhering to its own policy and the Regulators' Code, the Council shall ensure that it acts proportionately, transparently, and fairly.
- 8.3 Adopting the revised policy is likely to increase the amount of enforcement action undertaken by the Environmental Health and Licensing services. Each individual case will be subject to its own level of legal risk, which will be considered and managed by the Council's Legal Team and any appointed external legal advice.
- 8.4 There will be no significant changes in the services' processes or protocols arising from adoption of this report. However, authorised officers are likely to spend more time on enforcement matters if they have a policy that empowers them to do so. This is unlikely to cause any significant drain on resources but this will be kept under review by the Environmental Health Manager.

## 9.0 Consultation

- 9.1 The revised Environmental Health and Licensing Enforcement Policy has been reviewed by the Environmental Health and Licensing services, ensuring that those who will be undertaking action in accordance with the policy have had opportunity for comment and feedback.
- 9.2 The Council's Legal Team have also been consulted on the revised policy, to provide feedback and ensure legal accuracy.
- 9.3 Key departments within the Council have been consulted on the revised policy as it may have further implications for their services, i.e., Housing and Council Tax.

## 10.0 Communications

- 10.1 Once adopted, the Council's Environmental Health and Licensing Enforcement Policy will be published on the Council's website to ensure that the Council is transparent about how it deals with non-compliance.

10.2 The Environmental Health Manager will contact all social landlords to notify them of adoption of the policy, as it will have significant implications on them with regard to the service of notices.

<b>Agreed and signed off by:</b>		<b>Date:</b>
<b>Cabinet Lead:</b>	Cllr Lloyd	15/02/2024
<b>Executive Head:</b>	Alex Robinson	15/02/2024
<b>Monitoring Officer:</b>	Jo McIntosh	21/02/2024
<b>Section151 Officer:</b>	Steve Pink	26/02/2024

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# Environmental Health and Licensing Enforcement Policy

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# Environmental Health and Licensing Enforcement Policy

## Version control record

Version number	Date	Author / reviewer	Comments / changes
V0.1	15/02/2024	David Fitzgerald	Revised to include new legislation and updated enforcement powers.



# Environmental Health and Licensing Enforcement Policy

<b>Author</b>	<b>David Fitzgerald, Environmental Health Manager</b>
<b>Approved by</b>	<b>Full Council</b>
<b>Approval date</b>	<b>[Approval date]</b>
<b>Review date</b>	<b>[Review date]</b>

## 1. Purpose

- 1.1 Havant Borough Council (hereafter referred to as 'the Council') aims to secure regulatory compliance.
- 1.2 The purpose of this Policy is to set out how the Council intends to implement fair and effective enforcement, which is essential to protect the health, safety, and welfare interests of the residents, visitors, businesses, and employees of the Council.
- 1.3 We recognise that most individuals, businesses, and other groups want to comply with the law. Our aim is to deliver regulatory enforcement functions in an enabling and supportive style, helping businesses and others meet their legal duty without unnecessary expense. However, we will take firm action, including prosecution where appropriate.
- 1.4 The Environmental Health and Licensing Service's principal focus will be on those activities that give rise to the most serious risks to the safety and health of the public and/or the environment, or where the duty-holder seeks a commercial advantage by breaking the law.
- 1.5 This policy outlines the Environmental Health and Licensing Service's approach to securing regulatory compliance, along with the options available within the legislation covered by the remit of the services for achieving this.



# Environmental Health and Licensing Enforcement Policy

1.6 Decisions about enforcement action can have serious implications for all involved. By applying the same principles, everyone involved in the process is helping to treat stakeholders fairly but effectively. This policy will be applied so that decisions about enforcement action will be transparent, accountable, proportionate, and consistent.

## 2. Scope

2.1. This policy applies to all legislation enforced by the Environmental Health and Licensing Service.

2.2. In relation to most areas of Environmental Health and Licensing legislation, the choice of action will be based on an assessment of the risk that the contravention poses to the health, safety, or welfare of the public, and/or employees, and/or the environment.

2.3. Enforcement, in the context of this policy includes action carried out in the exercise of, or against, the background of statutory enforcement powers. This is not limited to formal enforcement action such as prosecution and civil penalties but includes, for example, the inspection of premises to check compliance with relevant acts and regulations, and the provision of advice to help duty-holders achieve compliance. The term "duty-holder" has a wide meaning and applies to those persons on whom the law places duties (e.g., employers, self-employed, employees, and others).

2.4. The Legislative and Regulatory Reform Act 2006 (section 22) requires regulators to have regard to the 'Code of Practice' when developing policies and operational procedures that guide their regulatory activities. The Code seeks to promote the above through the development of transparent effective dialogue, and understanding between regulators and those they regulate.

2.5. Prevention is better than cure, and we should actively work with businesses, consumers, and other groups to advise and assist with compliance.

2.6. The Council undertakes its regulatory and enforcement activities fairly and without bias. We will look to minimise bureaucracy and red tape, provide help to those who need it, but we will take firm action against people who flout the law.



## 3. Executive Summary



# Environmental Health and Licensing Enforcement Policy

- 3.1. This policy sets out the general principles that inform the enforcement element of the Environmental Health and Licensing services. Our aim is to achieve a level playing field of regulatory compliance within the Borough of Havant.
- 3.2. We will achieve this through education, providing advice and by regulating activities. Providing clear advice and guidance will be our main approach to securing compliance; however, securing compliance by using enforcement powers is an important and sometimes necessary part of achieving this aim.
- 3.3. Where informal advice and guidance has not worked, or where a breach of regulatory compliance is so serious as to cause harm to our communities, we will take formal enforcement action against businesses and / or members of the public.
- 3.4. When we do take enforcement action we will do so efficiently and effectively, and in a way which is open, clear, and helpful to those against whom action is taken. We will also ensure fair and objective enforcement in accordance with the Council's Equality and Diversity Policy.
- 3.5. We believe that publishing information on our enforcement activities, where appropriate, raises awareness of the need to comply. Therefore, we will issue press releases and other publicity relating to offences and offenders, proportionate to the sanctions.
- 3.6. This policy will be reviewed every five years, or earlier, if necessary, in light of any legislative changes.

## 4. Approval

- 4.1. This policy was approved by Full Council on the **XX March 2023**, Committee Minute Reference **XXXX**.
- 4.2. Minor changes to this policy can be made with the approval of the Executive Head of Place.



# Environmental Health and Licensing Enforcement Policy

5.1 Carry out work so that it supports economic growth for compliant businesses.

We will:

- Avoid imposing unnecessary burdens through our regulatory activities and choose proportionate approaches to those we regulate.
- Support or enable economic growth for compliant businesses.
- Ensure our officers have the necessary knowledge and skills to support those they regulate.
- Ensure our officers understand the legal principles of good regulation.

5.2 Provide simple and straightforward ways to engage with those we regulate and hear their views. We will:

- Consider the impact on business and engage with business representatives.
- In responding to non-compliance, officers will clearly explain:
  - What the non-compliant item/activity is.
  - What actions are required to achieve compliance.
  - What advice is being given.
  - The decisions taken and reasons for these.
  - Provide an opportunity for dialogue, ensuring that they are acting in a way that is proportionate and consistent.
  - Consider the impact on business and engage with business representatives.

The above paragraph does not apply where the officer can show that immediate enforcement action is required.

- Provide an independent and clearly explained route to appeal against a regulatory decision, or a failure to act in accordance with this policy.
- Provide a timely explanation in writing of any right to representation or right to appeal. This will be in plain language and include practical information on the process involved.
- Make available a clearly explained complaints procedure, so that complaints can easily be made about the conduct of an officer.
- Receive and take on board customer feedback.

5.3 Base our regulatory activities on risk. We will: Take an evidence-based approach to determine our priorities and allocate our resources where they would be most effective in addressing our priorities.

- Consider risk at every stage of our decision-making processes.



# Environmental Health and Licensing Enforcement Policy

- Consider the compliance record of businesses, including earned recognition and external verification approaches when assessing risk.
- Periodically review the effectiveness of our chosen activities in delivering the desired outcomes and make any necessary changes.

5.4 We will use discretion in deciding what issues will be investigated. To maintain a proportionate response, most resources available for investigation of incidents will be devoted to the more serious circumstances. It is neither possible nor necessary to investigate every instance of non-compliance with the law. In selecting which incidents to investigate and in deciding the level of resources to be used, the following factors will be taken into consideration:

- the severity and scale of potential or actual harm/or nuisance
- the seriousness of any potential breach of the law
- knowledge of the duty holder's past performance
- the enforcement priorities
- the practicality of achieving results
- the wider relevance of the event, including serious public concern.

5.5 Sharing information about compliance and risk. We will:

- Follow the principle of "collect once, use many times" when requesting information.
- The requirements of the UK General Data Protection Regulations and Data Protection Act 2018 will be considered prior to the sharing of data.
- Where appropriate, we will share information, in a secure manner, with other regulators about those we regulate.
- As a public body the Council is subject to the regulations governing the provision of information under the 'Freedom of Information Regulations' and the 'Environmental Information Regulations'. This means that the Council must share information unless it is prohibited or exempt under other legislation.

5.6 Clear information, guidance, and advice. We will:

- When providing information under the 'Environmental Information Regulations' we will follow our Access to Information Policy on fees and charges.



# Environmental Health and Licensing Enforcement Policy

- When providing advice and guidance, clearly distinguish between legal requirements and good practice.
- Produce guidance and information in a clear, accessible, concise format, written in plain language.
- Periodically review the guidance we produce to ensure it meets the needs of those we regulate.
- Provide reliable and sound advice to those we regulate.
- Where appropriate, work collaboratively with other regulators and have regard to their advice in reaching decisions.

## 5.7 Ensure transparency in our approach. We will:

- Set and publish clear service standards so those we regulate know what to expect from us.
- Regularly publish details of our performance against our service standards (including results of customer feedback).
- Our service standards will include clear information on the following issues: -
  - How we communicate with those we regulate and vice versa.
  - Our approach to providing information, guidance, and advice.
  - Our approach to checks on compliance (e.g. inspections, audits, monitoring and sampling visits and test purchases).
  - Our enforcement policy, explaining how we will respond to non-compliance.
  - Our fees and charges and how they have been calculated.
  - How to comment or make a complaint against service provided and ways to appeal.

## 5.8 Environmental Health and Licensing staff must be fair, independent, and objective. They must not let any personal views about the suspect, victim, witness, or offender influence their decisions. Such issues would include age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, sex, religion or beliefs, political views, or sexual orientation.

## 5.9 The Environmental Health and Licensing is a public authority for the purposes of the Human Rights Act 1998. Environmental Health and Licensing Service's staff must apply the principles of the European Convention on Human Rights in accordance with the Act.

## 5.10 Environmental Health and Licensing staff must not be affected by improper or undue pressure from any source.

# Environmental Health and Licensing Enforcement Policy

5.11 Each case is unique and must be considered on its own merits. However, there are general principles that apply in the way each case is approached; these are laid out in this Enforcement Policy

5.12 The work we do must be carried out in ways that are transparent, accountable, proportionate, and consistent, and should be targeted at cases in which action is needed: -

- **Proportionality** means relating enforcement action to the risks (in this policy 'risk' is defined broadly to include a source of possible harm, the likelihood of that harm occurring, and the severity of any harm).

The action taken by Environmental Health & Licensing to achieve compliance with the law should be proportionate to any risks to health and safety, and to the seriousness of any breach, including actual or potential harm arising from the breach.

- **Consistency:** The consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends.
- **Transparency** means helping duty holders to understand what is expected of them and what they should expect from the enforcing authority. It also means making clear to duty holders not only what they have to do, but also where relevant what they do not **have** to do. This means distinguishing between "statutory requirements" which are their legal obligations, and "recommendations" which is generally advice or guidance given in terms of what is desirable but not compulsory.
- **Targeting** means making sure that visits/inspections carried out are targeted primarily on those activities or premises that give rise to the most serious risks or where hazards are least well controlled, and that action is focused on the duty holder.

- **Accountable:** Regulators are accountable to the public for their actions. This means that the Council must have policies and standards (such as the four enforcement principles above) against which we can be judged, and an effective and easily accessible mechanism for dealing with comments and handling complaints. The Council's procedure for handling complaints is available on the Council website and will be made available to any duty holder on request.

# Environmental Health and Licensing Enforcement Policy

## 6. Training, Competency, and Authorisation

- 6.1 Only officers who are competent by training, qualification, and/or experience will be authorised to take enforcement action. Authorised officers will also have sufficient training and understanding of the departmental policies and procedures to ensure a consistent approach to service delivery. The Environmental Health Manager (**EHM**) will maintain a list of current authorisations for Environmental Health and Licensing Service.
- 6.2 Officers who undertake criminal investigations will be conversant with the provisions of the Police and Criminal Evidence Act 1984, the Criminal Procedure and Investigations Act 1996, and the Regulation of Investigatory Powers Act 2000.

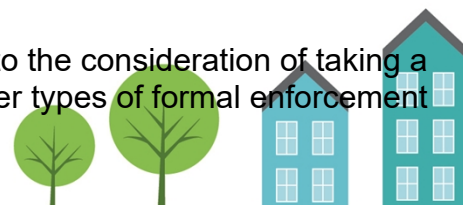
## 7. Deciding the action to take

- 7.1 Based upon the Code for Crown Prosecutors there are two issues to determine:
- 1) What level of enforcement action to take, and where the decision is to take formal enforcement action,
  - 2) Whether that action is viable and appropriate.
- 7.2 There are two stages in determining whether formal enforcement action is viable and appropriate. These are:
- Stage 1:** the evidential test  
**Stage 2:** the public interest test
- 7.3 If the case **does not** pass the evidential test, it must not go ahead, no matter how important or serious it may be. If the case **does** meet the evidential test, depending on the type of formal action being considered (e.g. prosecution, civil penalty) the Legal Service will decide if formal enforcement action is needed in the public interest.

- 7.4 Paragraphs 7.5 to 7.12 below detail how this policy applies to the consideration of taking a prosecution. The principles outlined apply equally to the other types of formal enforcement action that are available.

### The Evidential Test

- 7.5 The Council's EHM and Legal Service must be satisfied that there is enough evidence to provide a 'realistic prospect of conviction' against each defendant on each charge.



# Environmental Health and Licensing Enforcement Policy

- 7.6 A realistic prospect of conviction is an objective test. It means that a jury or bench of magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged. This is a separate test from the one that the criminal courts themselves must apply. A jury or magistrates' court should only convict if satisfied it is sure of a defendant's guilt.
- 7.7 When deciding whether there is enough evidence to prosecute, the EHM and Legal Service must consider whether the evidence can be used, if it is reliable, and if it would be admissible as evidence in a court of law.

## The Public Interest Test

- 7.8 Deciding on the public interest is not simply a matter of adding up the number of factors on each side. The Legal Service must decide how important each factor is in the circumstances of each case and go on to make an overall assessment.
- 7.9 The public interest must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. A prosecution will usually take place unless there are public interest factors tending against prosecution that clearly outweigh those tending in favour. Although there may be public interest factors against prosecution in a particular case, often the prosecution should go ahead, and those factors should be put to the court for consideration when sentence is being passed.
- 7.10 The Legal Services must balance factors for and against prosecution carefully and fairly. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the suspect. Some factors may increase the need to prosecute but others may suggest that another course of action would be better.

- 7.11 Detailed below are some of the common public interest factors that can generally be considered, both for and against prosecution, these are not exhaustive. The factors that apply will depend on the facts in each case.

## Common public interest factors in favour of prosecution

- 7.12 The more serious the offence, the more likely it is considered that a prosecution will be needed in the public interest. A prosecution is likely to be required if: -
- A conviction is likely to result in a significant sentence.
  - The offence was committed against a person serving the public, e.g. an officer was obstructed whilst attempting to carry out his/her duties.
  - The defendant was in a position of authority or trust.



# Environmental Health and Licensing Enforcement Policy

- The evidence shows that the defendant was a ringleader or an organiser in the offence.
- There is evidence that the offence was premeditated.
- There is evidence that the offence was carried out by a group.
- The victim of the offence was vulnerable, has been put in considerable fear, or suffered personal damage, or disturbance.
- The offence was motivated by any form of discrimination against the victim's age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or beliefs, sex, sexual orientation, or if the suspect demonstrates hostility towards the victim based on any of those characteristics.
- There is a marked difference between the actual or mental ages of the defendant and the victim, or if there is any element of corruption.
- The defendant's previous convictions or cautions are relevant to the present offence.
- The defendant is alleged to have committed the offence whilst under an order of the court.
- There are grounds for believing that the offence is likely to be continued or repeated, for example, by a history of recurring conduct.
- The offence, although not serious in itself is widespread in the area where it was committed.
- The extent to which the defendant has benefitted from the criminal conduct.
- The circumstances of and harm caused to the victim, and the impact on the community.

7.13 Where inspectors are assaulted, enforcing authorities will seek police assistance, with a view to seeking the prosecution of offenders.

## 8. Levels of enforcement action

8.1 Aside from taking prosecution proceedings, and out of court disposal may take the place of a prosecution, if it is an appropriate response to the offender and or the seriousness and consequences of the offending. Regard will be had to any relevant guidance, when deciding whether an alternative disposal, such as a simple caution, civil penalty or other appropriate regulatory proceedings should be administered.

8.2 Enforcement action can be one or more of the following actions:

- Prosecution
- Civil penalties
- Simple Caution
- Closure powers
- Banning Order





# Environmental Health and Licensing Enforcement Policy

- Rent Repayment Orders
- Management Orders (Empty Dwelling Management Orders, Interim Management Orders, Final Management Orders)
- Refusal, review, variation, suspension and/or revocation of licences, permits, consents, approval.
- Seizure, Detention or Destruction
- Works in default
- Formal Enforcement Notices & Orders (e.g. Improvement and Prohibition Notices)
- Financial Penalty
- Fixed penalty notices
- Informal Notice (written warning and advice)
- Informal verbal warning and advice
- Revisit of premises
- No action

8.3 Not all regulatory provisions covered by EH Services have access to each of the above-mentioned enforcement actions. For example, there are no current powers available to officers under the Licensing Act 2003 to serve formal notices such as Improvement or Prohibition notices.

8.4 The enforcement options available in each area of Environmental Health and licensing work are listed in appendices 2 to 9, these cover the environmental health areas of food hygiene; health and safety; licensing; housing; statutory nuisances; public health, land contamination; pollution prevention and control; respectively.

A brief explanation of each enforcement action is given in **Appendix 1**.

## 9. Liaison

9.1 The enforcement services (eg: noise pollution, licensing etc) within the Environmental Health and Licensing will co-ordinate their enforcement activity to maximise the effective enforcement of any matters that are related to more than one element.

9.2 Where an enforcement matter affects a wide geographical area beyond the Borough's boundaries or involves enforcement by one or more other local authorities or organisations



# Environmental Health and Licensing Enforcement Policy

(e.g. Fire Authority, Police, Trading Standards, etc); all relevant authorities and organisations will be informed of the matter as soon as possible and all enforcement activity co-ordinated with them.

9.3 Where appropriate, the matter will be first discussed with the relevant 'Primary Authority' (if the business has a relevant Primary Authority Partnership arrangement in place) or other regulatory body before proceeding.

9.4 The EHM or Team Leaders' shall carry out monitoring (as appropriate) to ensure that appropriate and full liaison is being undertaken.

## 10. Death at Work

10.1 Where there has been a breach of the law leading to a work-related death, officers must consider whether the circumstances of the case might justify a charge of manslaughter or Corporate Manslaughter.

10.2 To ensure that decisions on investigation and prosecution are closely co-ordinated following a work-related death, the HSE, the Association of Chief Police Officers (ACPO), Local Government Association and the Crown Prosecution Service (CPS) have jointly agreed and published MOU "Work-related deaths: A protocol for liaison".

10.3 We must therefore take account of the protocol when responding to work-related deaths. In which case, officers shall liaise with the Police, Coroners and Crown Prosecution Service (CPS), and if they find evidence suggesting manslaughter, pass it on to the police. If the Police or the CPS decide not to pursue a manslaughter case, the officer will normally bring a health and safety prosecution in accordance with the HSE Enforcement Policy.

## 11. Considering the best course of formal action

11.1 Considering the best course of formal action to be taken will:

- Reflect the seriousness of the offence(s)
- Give the court adequate sentencing powers
- Pass the evidential and public interest tests, and
- Enable the offence(s) to be presented in a clear and simple way



# Environmental Health and Licensing Enforcement Policy

11.2 The agreement of the Environmental Health Manager or appropriate Team leader must be obtained before cases are put forward for enforcement actions.

## 12. Considering the views of those affected by offences

12.1 Environmental Health and licensing undertake enforcement on behalf of the public at large and not just in the interests of any particular individual or group. However, when considering the public interest test (see section 6 above), the consequences for those affected by the offence, the decision whether or not and how to take enforcement action, and any views expressed by those affected, will be taken into account.

12.2 Those people affected by the offence will be told about any decision that makes a significant difference to the case in which they are involved.

## 13. Re-starting a Prosecution

13.1 People should be able to rely on enforcement decisions taken by the Council. Normally, if a suspect or defendant is advised that there will not be a prosecution, or that the enforcement action has been stopped, that will normally be the end of the matter and the case will not start again. Occasionally there are special reasons why enforcement action will re-start, particularly if the case is serious. These reasons include:

- Rare cases where a new look at the original decision shows that it was clearly wrong and should not be allowed to stand.
- Cases which are stopped so that more evidence that is likely to become available in the fairly near future can be collected and prepared. In these cases, the defendant will be told that the enforcement action may well start again.
- Cases that have been stopped because of a lack of evidence but where more significant evidence is discovered later.
- Cases involving a death in which a review following the findings of an inquest concludes that a prosecution should be brought, notwithstanding any earlier decision not to prosecute.

## 14. Power of Entry

14.1. Environmental Health staff are provided with specific powers of entry by a wide range of legislation. This gives them a right (usually in the form of delegated authority from the Council to named officer/s) to legally enter defined premises, such as businesses, vehicles, or land for specific purposes. Powers of entry include enabling officers to undertake



# Environmental Health and Licensing Enforcement Policy

inspections and investigations for a wide range of regulatory responsibilities including food safety, health and safety, environmental protection, and housing legislation, in addition to dealing with emergencies, searching for evidence and or gathering evidence.

- 14.2. Often, the power to enter is accompanied by what are known as 'associated powers', which set out what the officers are allowed to do once they have entered the premises. This might include, for instance, conducting a search, seizing relevant items, or collecting samples.
- 14.3. In certain cases, such as under Housing Act legislation, where entry is required to a residential property, then a period of notice is usually required to be given to the owner or occupier of the property before entry can be gained.
- 14.4. Officers also have the option to obtain a warrant from a magistrate and enter, at any time by force if necessary to ascertain if an offence has been committed, searching for evidence and or gathering evidence or to undertake emergency remedial work or works in default.
- 14.5. Officers of Environmental Health and licensing will have regard to the Code of Practice - Powers of Entry (issued under section 48 of the Protection of Freedoms Act 2012) when exercising any functions to which the Code relates. The purpose of the Code is to ensure greater consistency in the exercise of powers of entry and greater clarity for those affected by them while upholding effective enforcement.

## 15. Enforcement Policy Implementation

- 15.1. Officers must abide by this enforcement policy when making all enforcement decisions. Any departure from the policy must be exceptional, capable of justification, and be fully considered by the EHM before a decision is taken, unless it is considered that there is sufficient risk in delaying the decision, under which circumstances the officer must take the most appropriate course of action, as they see fit.
- 15.2. Should any departure from the policy result in an officer considering taking enforcement action that may be inconsistent with action being taken by other authorities then this will be discussed with the EHM and appropriate team leader. Where appropriate the matter will be discussed with relevant primary authority and/or other regulator, if necessary, before proceeding.
- 15.3. Scheduled internal performance review meetings will be undertaken to ensure that all enforcement activity is carried out in accordance with this policy.
- 15.4. Instances of non-compliance with this policy will be recorded and reported to the EHM and relevant team leader, who will instigate appropriate action.

# Environmental Health and Licensing Enforcement Policy

15.5. Where legislation permits financial charges will be made for formal enforcement action taken (e.g., The Housing Act 2004 - service of notices, and recovery of costs).

## 16. Guidance Documents

16.1. This policy considers various Guidance and Approved Codes of Practice issued by Central Government departments, and national regulators such as the Health and Safety Executive and the Food Standards Agency.

16.2. The Council fully acknowledges and endorses the rights of individuals and will ensure that all enforcement action occurs in strict accordance with the Police and Criminal Evidence Act 1984, the Human Rights Act 1998, the Equalities Act 2010, and other relevant legislation and guidance.

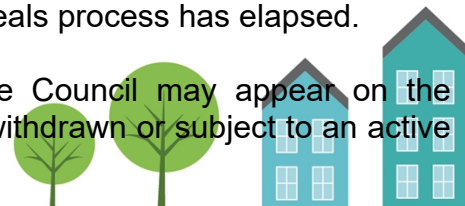
16.3. Directed covert surveillance will only be used in relation to the investigation of serious offences, defined as those with a penalty of six months imprisonment or more.

16.4. This policy has been written with regards to the content of the Regulators' Code 2014 and all the relevant parts of the Code for Crown Prosecutors 2018; the Ministry of Justice's Simple Caution for Adult Offender guidance 2015; the Criminal Procedures and Investigations Act 1996; and the Regulation of Investigatory Powers Act 2000.

## 17. Publicity

17.1 The Council may publicise cases of businesses, licensees, landlords, and individuals it successfully prosecutes for relevant offences as well as those it rewards for implementing very high standards. Names of companies and individuals convicted of offences may be published on the Council's website or through social media. Cases subject to an active appeal will not usually be published until the applicable appeals process has elapsed.

17.2 Information related to enforcement notices issued by the Council may appear on the Council's website or social media outlets. Notices that are withdrawn or subject to an active appeal will not be published.



## 18. Further Information

# Environmental Health and Licensing Enforcement Policy

- 18.1 The Code for Crown Prosecutors - (The Code) is issued by the Director of Public Prosecutions under section 10 of the Prosecution of Offences Act 1985. It sets out the basic principles Crown Prosecutors should follow when they make case decisions. It is a public document, and although it's written for members of the Crown Prosecution Service it is widely used by others to understand the way in which Crown Prosecutors make decisions. The Code for Crown Prosecutors can be downloaded on the crown prosecution website at:[http://cps.gov.uk/publications/code for crown prosecutors/index.html](http://cps.gov.uk/publications/code%20for%20crown%20prosecutors/index.html)
- 18.2 The Regulators' Code is available for download from:  
<https://www.gov.uk/government/publications/regulators-code>.
- 18.3 Ministry of Justice - Simple Caution for Adult Offender guidance is available for download from <https://www.gov.uk/government/publications/simple-cautions-guidance-for-police-and-prosecutors>.
- 18.4 Guidance Powers of entry: code of practice. The code provides guidance and sets out considerations that apply to the exercise of powers of entry including, where appropriate, the need to minimise disruption to business. It will ensure greater consistency in the exercise of powers of entry, and greater clarity for those affected by them, while upholding effective enforcement. Available for download from Powers of entry: code of practice - GOV.UK ([www.gov.uk](http://www.gov.uk)).
- 18.5 Ministry of Housing, Communities and Local Government - Statutory Guidance (April 2018), Civil penalties under the Housing and Planning Act 2016.
- 18.6 Ministry of Housing, Communities and Local Government - Statutory Guidance (April 2017), Rent repayment orders under the Housing and Planning Act 2016.
- 18.7 Ministry of Housing, Communities and Local Government - Non-statutory guidance (April 2018, Banning orders for landlords and property agents under the Housing and Planning Act 2016.
- 18.8 Ministry of Housing, Communities and Local Government - Statutory Guidance (April 2019), Database of rogue landlords and property agents under the Housing and Planning Act
- 18.9 Ministry of Housing, Communities and Local Government - Non-statutory guidance: Guide for local authorities: electrical safety standards in the private rented sector, Updated 7 October 2021.
- 18.10 Ministry of Housing, Communities and Local Government - Non-statutory guidance Guide for local authorities Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022: guidance for local authorities, Updated 29 July 2022.



# Environmental Health and Licensing Enforcement Policy

- 18.11 Ministry of Housing, Communities and Local Government - Non-statutory Guidance Lettings agents and property managers: which government approved redress scheme do you belong to? Updated 2 August 2018.
- 18.12 Department for Energy Security and Net Zero and Department for Business, Energy & Industrial Strategy, Guidance for landlords of domestic private rented property on how to comply with the 2018 'Minimum Level of Energy Efficiency' standard (EPC band E) Updated 13 April 2023.
- 18.13 Guidance Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022: guidance for local authorities, Updated 29 July 2022.



# Environmental Health and Licensing Enforcement Policy

## APPENDIX 1: Enforcement Action Options

The Openness of Local Government Bodies Regulations 2014 requires certain decisions made to be available to the public. Such decisions include the issued licences, permits and enforcement notices. Information made available includes: -

- The date the decision was taken.
- Details of the decision taken along with the reasons for the decision.
- Details of alternative options, if any, considered and rejected.
- Where the decision falls in the paragraph 7(2)(a) of the regulations, the names of any member of the relevant local government body who has declared a conflict of interest in relation to the decision.

Enforcement officers must seek to secure compliance with the law. Most of their dealings with those on whom the law places duties (businesses, landlords, occupiers, and individuals) are informal - officers offer information, advice, and support, both verbally and in writing.

Enforcement Officers may also use formal enforcement mechanisms as set out in law, including financial and fixed penalty notices; enforcement notices where a contravention needs to be remedied; prohibition notices where there is a risk of serious personal injury, damage to the environment, or injury to health; revocation of authorisations; withdrawal of approvals; refusal of registration; variations of licences or conditions or of exemptions; or ultimately caution, prosecution, and injunction.

### 1. Prosecution

This involves offender(s) being summoned by the Council to a criminal court to answer a charge(s) for a breach(es) of legislation enforced by this department.

When consideration is given to prosecute, regard shall be taken of the guidance contained within this Enforcement Policy, the Code for Crown Prosecutors, applicable Acts and Regulations, and relevant guidance produced by national regulators (such as the Health and Safety Executive, Food Standards Agency, Environment Agency, or specific government department).

Officers must exercise their discretion in deciding whether to initiate a prosecution. Prosecution without warning and recourse to alternative sanctions may be appropriate in certain circumstances.





# Environmental Health and Licensing Enforcement Policy

In terms of the Public Interest Test, the list of factors stated in section 7 of this policy will be taken into account when making a decision.

For non-payment of certain licence fees, or where the Council has not received payment of costs for carrying out works to remove a serious imminent risk or remedy pollution, it will pursue debts through the appropriate court, and where appropriate it will suspend/cancel the licence.

When taking a prosecution the Council will be mindful for applying for a Criminal Behaviour Order, (CBO) if the prosecution is successful. The EHM in conjunction with Legal Service, will also consider action under the Proceeds of Crime Act 2002.

## 2. Civil Penalties

The Housing and Planning Act 2016 provides powers permitting local authorities to impose a civil penalty of up to £30,000 per offence as an alternative to prosecution for a range of specified offences under the Housing Act 2004, and where a landlord or property agent has breached a banning order under the Housing and Planning Act 2016.

Ministers have made it very clear that they expected this power to be used robustly as a way of clamping down on rogue landlords.

Civil penalties can be used against landlords who are in breach of one or more of the sections of the Housing Act 2004 relating to: -

- Failure to comply with an improvement notice
- Offences in relation to the licensing of a House in Multiple Occupation (HMO)
- Offences in relation to selective licensing under part 3 of the Housing Act 2004
- Contravention of an overcrowding notice
- Failure to comply with management regulations for HMOs Compliance Code
- Breach of a banning order (section 21 of the Housing and Planning Act 2016)

The same criminal standard of proof (beyond reasonable doubt) is required for the issuing of a civil penalty as for prosecution. Before issuing a civil penalty, Environmental Health will satisfy itself that if the case were to be prosecuted there would be a realistic prospect of conviction. To this end, Environmental Health will work with the Legal Service.



Where a civil penalty is imposed, the recipient has the right of appeal through the First-tier Tribunal. Environmental Health would defend their decision with a view to demonstrating beyond reasonable doubt that the offence had been committed.

# Environmental Health and Licensing Enforcement Policy

In determining an appropriate level of penalty, local housing authorities will have regard to the statutory guidance issued by the Ministry of Housing, Communities, and Local Government (MHCLG) (Civil penalties under the Housing and Planning Act 2016 - Guidance for Local Housing which sets out the factors to consider when deciding on the appropriate level of penalty, however, the following factors will be considered when deciding on the amount: -

- Severity of the offence.
- Culpability and track record of the offender.
- The harm caused to the tenant.
- Punishment of the offender.
- Deter the offender from repeating the offence.
- Deterring others from committing similar offences.
- Remove any financial benefit the offender may have obtained as a result of committing the offence.

Environmental Health will have regard to the requirements of the statutory guidance issued by the Ministry of Housing, Communities, and Local Government (MHCLG) (Civil penalties under the Housing and Planning Act 2016 - Guidance for Local Housing Authorities).

### 3. Closure Powers

The powers to close certain premises, both commercial and domestic, or prohibit processes, are available to authorised officers under various legislation enforced by the Services. This option is taken when there is a serious and imminent risk to health or safety to the occupants, neighbouring premises' occupants, employees, customers, or visitors.

Decisions of this nature will be based on the professional judgement of authorised officers and relevant legislation and government guidance. All cases are to be discussed with the appropriate Team leader and EHM.



### 4. Rent Repayment Orders

Local authorities and tenants can apply to the First-tier Tribunal (The Residential Property Tribunal) for repayment of up to 12- months' rent, housing benefit, or universal credit where they can prove

# Environmental Health and Licensing Enforcement Policy

beyond reasonable doubt that the landlord is guilty of one of the qualifying offences, as listed below:

- Using violence to secure entry
- Illegal eviction or harassment of tenants
- Failure to comply with an improvement notice
- Failure to comply with a prohibition order
- Control or management of unlicensed house/HMO
- Breach of banning order

Rent repayment orders are limited to money paid by the body or person making the application.

A rent repayment order can be applied for when the landlord has committed an offence regardless of whether or not the landlord has been convicted of the offence. Where an application for a rent repayment order is made and the landlord has not been convicted of the offence the First-tier Tribunal will need to be satisfied beyond reasonable doubt that the landlord has committed the offence.

If successful and the tenant paid their rent themselves, then the rent will be repaid to the tenant. If rent was paid through housing benefit or through universal credit, then the rent will be repaid to the local housing authority. If the rent was paid partially by the tenant with the remainder paid through housing benefit/universal credit, then the rent would be repaid on an equivalent basis.

Environmental Health and the Local Housing Authority will have regard to the requirements of the statutory guidance issued by the MHCLG (Rent repayment orders under the Housing and Planning Act 2016 - Guidance for Local Housing Authorities).

## 5. Banning Orders

The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018 makes provision for housing authorities to apply to the First-tier Tribunal for a banning order against a person who has been convicted of banning order offence. The Schedule of Offences to the Regulations lists the offences; these include-

- Illegally evicting or harassing a residential occupier in contravention of the Protection from Eviction Act 1977
- Using violence to secure entry under the Criminal Law Act 1977
- Offences under the Housing Act 2004
- Offence under the Health and Safety at work Act 1974, and the Gas Safety (Installation and Use) Regulations 1998 (r.36)



# Environmental Health and Licensing Enforcement Policy

- Offence under the Regulatory Reform (Fire Safety) Order 2005 (a.32)
- Banning orders are designed to tackle the most serious and prolific offenders by preventing them from being involved in renting out or management of housing in the private rented sector. Banning orders are made for a minimum period of 12-months; there is no upper limit on the length of a banning order.
- Environmental Health Services and the Housing Services will have regard to the requirements of the statutory guidance issued by the MHCLG.

## 6. Property Management orders

Part 4 of the Housing Act 2004 provides local authorities with duties and powers to make an Interim Management Order (IMO) in respect of residential property. Their functions can be exercised where a landlord (or their managing agent) fails to obtain a licence, or where it is necessary due to the hazardous condition of the property. Upon the expiry of an IMO the local authority can make an application to the Residential Property Tribunal to make a Final Management Order and take over the management of the property for a period of up to 5 years. This disables the landlord's ability to manage the property and can also have a significant financial impact on its operation.

Interim Management Orders (IMO)- Local authorities are under a statutory duty to make an IMO under s.102 Housing Act 2004 where:

- a) The property is a House in Multiple Occupation (HMO) or other licensable dwelling, and the relevant person has failed to obtain a licence and the LA considers that there is no reasonable prospect of it being licensed in the near future.
- b) It is necessary for the purposes of protecting the health, safety or welfare of persons occupying the property (s.104).

An IMO can be in place for up to 12-months after which it ceases to have effect unless it is revoked before the end of the period. The IMO allows the local authority to:

- Have the right to possession of the property.
- Have the right to do, in relation to the property, anything that a person having an estate or interest in the property would be entitled to do such as repairs and collection of rent etc.
- To spend monies received through the collection of rent for carrying out its responsibilities of management and administration.
- To create new tenancies (with the consent of the landlord).

# Environmental Health and Licensing Enforcement Policy

application to the RPT. Once the FMO is made, it usually takes effect for a period of up to 5-years. This means that the landlord has no control of the property for duration of that period. The general effects of an FMO are similar to those of an IMO. IMOs and FMOs have extensive consequences on the management of a landlord's property, the most noticeable effect will be the financial consequences of the order as the landlord will not directly receive rental income from the property for that period. Rental monies can be used by the local authority to subsidise any relevant expenditure that is reasonably incurred in connection to it performing its duties under the legislation.

Through the duration of the FMO the LA must periodically review the operation of the order and the management scheme and consider whether keeping the order in force is the best alternative available to it.

## 7. Review, variation, suspension and/or revocation of licences or permits.

These powers are contained in legislation where local authorities issue licences or permits to businesses. Examples include the Licensing Act 2003, the Gambling Act 2005, the Pollution Prevention and Control Regulations 1999, and the Local Government (Miscellaneous) Provisions) Acts 1982 and 1976.

Powers to review, suspend, or revoke licences or permits and vary with the legislation and the Council's Scheme of Delegation. In terms of deciding to review, vary, suspend, or revoke licences or permits, one or more of the following non-exhaustive criteria will be used:

- a) The operator or personal licence holder has been convicted of a relevant offence(s).
- b) The potential for considerable harm.
- c) The seriousness of the offence(s).
  
- d) The history of compliance of the offender(s), i.e. apparent reckless disregard to the law, persistent poor standards, repeated breaches, etc.
- e) A person/organisation has been engaged in fraudulent activity.
- f) The operation is no longer being managed by a technically competent person.
- g) Failure of the operator, licence holder, to pay the Council any annual or subsistence fee.
- h) Where a licensed premises has been temporarily closed by the Police or Council for related reasons.
- i) Where a successful prosecution has been obtained for a breach(es) of licence condition(s).

# Environmental Health and Licensing Enforcement Policy

With reference to hackney carriage and private hire drivers and operators, licensed under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, consideration to suspend or revoke a licence will be based on whether the applicant or licensee is 'fit and proper' to hold a licence.

Under section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976, the Council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or private hire vehicle on any of the following grounds:

a) that he has since the grant of the licence—

(i) been convicted of an offence involving dishonesty, indecency or violence; or

(ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or

(aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or

(b) any other reasonable cause.

The possibility of refusal to renew, suspension or revocation will only arise where matters have been raised under section 61 which bring into question whether the licence holder is no longer considered to be a fit and proper person to hold a driver's licence. A licensing committee will then have to decide, on the balance of probabilities, whether the licence holder is no longer a fit and proper person.

The Council will have regard to relevant case law regarding the 'fit and proper' standard, and any guidance issued by the Department for Transport, in determining whether to suspend, revoke or refuse to renew a licence.

## 8. Seizure, detention and destruction powers

Authorised officers have powers to formally seize items, such as food, and equipment (including musical systems) which will or could cause an imminent risk to health, safety, or a nuisance to any person(s). Decisions of this nature will be based on the professional judgement of authorised officers and relevant legislation and government guidance.

We will always give full details of our actions to the offender(s) when we exercise this power.

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This power exists where an authorised officer considers a relevant and serious issue requires urgent work to be carried out. This can occur in relation to statutory nuisances, actual or imminent risks of serious environmental pollution, public health issues or serious housing defects where non-compliance exists and persists.

Recovery of costs from the offender(s) will occur by placing a charge on the property or seeking the recovery of the costs.

## 10. Simple Caution

This option is used as a formal warning and as an alternative to prosecution. Guidance has been issued by the Ministry of Justice entitled 'Simple Cautions or Adult Offenders' (April 2015). For a formal caution to be issued the following criteria must be satisfied:

- a) Sufficient evidence must be available to prove the case, so that if the caution is refused prosecution can be considered.
- b) The offender must admit the offence.
- c) The offender must agree to be cautioned.
- d) The offence must not have been committed by the offender before.

If the offender commits a further offence within 3-years of receiving a formal caution, this may influence our decision to take a prosecution. If during the time the caution is in force the offender pleads guilty to, or is found guilty of, committing another offence anywhere in England or Wales, the caution may be cited in court, and this may influence the severity of the sentence that the court imposes.

## 11. Formal Notices

Formal or legal notices are available to use in most Environmental Health legislation. They are served on the offenders requiring them to stop the contravention of their statutory duties.

Some notices allow an offender a reasonable length of time to remedy the contravention(s). Other notices may require a business, process, or state of affairs to cease immediately, or cease trading/operating immediately, where there is an imminent risk to health, safety, or environmental pollution to employees, members of the public, etc.



# Environmental Health and Licensing Enforcement Policy

Where legislation permits (e.g. The Housing Act 2004) financial charges will be made for any formal enforcement action that the Council takes. For 2024/25 the costs will be £650 for the service Improvement Notice, Prohibition Order, Emergency Prohibition Order, Improvement Notice, Emergency Remedial Action.

## 12. Community Protection Notices

Community protection notices (CPNs) are designed to stop a person aged 16 or over, business or organisation committing antisocial behaviour (ASB) which spoils the community's quality of life. The CPN can deal with a range of behaviours, including noise nuisance. Grounds for issuing a CPN include instances in which an individual's behaviour:

- 1) has a detrimental effect on the quality of life of those in the locality.
- 2) is unreasonable and
- 3) is of a persistent nature or continuing nature.

Before a CPN can be issued, the person, business or organisation must be informed of their problem behaviour, requesting them to stop, and the consequences of continuing. The warning must detail that a breach of a CPN is a criminal offence.

Failure to comply with the warning can lead to the issue of a community protection notice. The notice will list the following requirements: -

1. A requirement to stop doing specified things and/or to do specified things
2. A requirement to take reasonable steps to achieve specified results.

An appeal against a CPN or its terms can be made to a magistrates' court within 21 days of issue. If a recipient of a CPN fails to comply with the requirements, the Council may take action to ensure that the failure is remedied and may recover the cost of doing so from the person concerned.

Failure to comply with a CPN can lead to a court summons and, on conviction, can result in a fine of up to Level 4, currently £2,500 for individuals, or £20,000 for businesses. On conviction the Magistrates' have power to order forfeiture and destruction of any item used in the commission of the offence

## 13. Penalty Charge Notice



# Environmental Health and Licensing Enforcement Policy

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 make provision for the service of Penalty Charge Notices (PCN), up to a maximum of £5,000, on landlords who breach a remedial notice served on them under regulations.

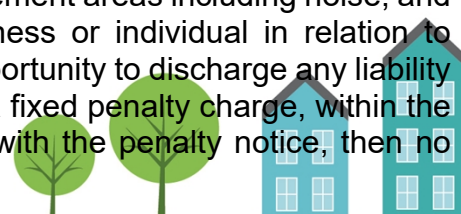
When Environmental Health has reason to believe that a landlord is in breach of the duties relating to smoke alarms or carbon monoxide alarms, it will serve a Remediation Action Notice (RAN) on the landlord within 21 days of the breach being identified.

The RAN will specify the actions that the landlord must take to remedy the breach/es. The landlords will have 28 days from the date the RAN was served to carry out the works. If the landlord does not carry out the works specified on the RAN the Council will ensure compliance by undertaking the work in default within 28 days if it has the necessary consent to do so. In addition to doing the works the Council may serve a PCN, which must be served within six weeks. Where the landlord does not pay the FPN, consideration will be given to prosecution for the original offence.

The landlord has a right to request the Council to review the PCN and has 28 days to make their representation to the Senior Environmental Health Manager. If the landlord is dissatisfied with the review they may appeal to the First Tier Tribunal.

## 14. Fixed Penalty Notices

Fixed Penalty Notices (FPNs) exist in Environmental Health enforcement areas including noise, and smokefree legislation. They are legal notices served on a business or individual in relation to observed contraventions of legislation. FPNs offer a person the opportunity to discharge any liability to conviction for the offence to which the notice relates by paying a fixed penalty charge, within the time specified in the notice. If the penalty is paid in accordance with the penalty notice, then no proceedings for the offence can be brought.



When issuing an FPN, there must be sufficient evidence to prove the offence, as non-payment of the penalty notice may lead to prosecution.

## 15. Informal notices (written warning)

# Environmental Health and Licensing Enforcement Policy

For some contraventions, we will send the offender a firm but polite letter clearly identifying the contraventions, giving advice on how to put them right and including a deadline by which this must be done. Informal notices/letters are not part of the statutory procedure, and no offences are committed by not complying with them.

Although, failure to comply could result in a formal notice(s) being served or more severe enforcement action being taken, depending on the seriousness of the breach(es). The time allowed must be reasonable but must also consider the implications of the contravention(s) in respect of the legislation being enforced.

## 16. Revisits

Following the service of a Formal Notice, we shall revisit the premises to check compliance has been achieved.

Following the service of an Informal Notice the investigating officer shall use their professional judgement to follow up the matter and depending upon the legislative implications of the contravention, and the perceived likely response of the offender, shall where necessary revisit the premises to check compliance has been achieved.

Following the provision of verbal warning and advice, the investigating officer shall use their professional judgement to follow up the matter, and depending upon the legislative implications of the contravention, and the perceived likely response of the offender, shall where necessary revisit the premises to check compliance has been achieved.

## 17. No action

In exceptional circumstances, contraventions may not warrant any action. This can be where the cost of compliance to the offender outweighs the detrimental impact of the contravention on the community, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community.

A decision of no action may also be taken where formal enforcement is inappropriate in the circumstances. A decision to take no action must be recorded in writing and must consider the legislative implications of the contravention.



# Environmental Health and Licensing Enforcement Policy

## **APPENDIX 2: Food Hygiene Enforcement Action Options**

The range of enforcement action options available includes:

- a) Prosecution
- b) Closure powers
- c) Seizure
- d) Simple cautions
- e) Formal notices
- f) Informal notices – Reports of Inspection left at premises/confirmation letters
- g) Informal verbal warnings
- h) Revisits
- i) No action

## **APPENDIX 3: Health and Safety Enforcement Action Options**

The range of enforcement action options available includes:

- a) Prosecution
- b) Closure powers
- c) Seizure
- d) simple cautions
- e) Formal notices
- f) Fixed penalty notices (under smoke free legislation)
- g) Informal notices - Reports of Inspection left at premises/confirmation letters
- h) Informal verbal warnings
- i) Revisits
- j) No action

## **APPENDIX 4: Licensing Enforcement Action Options**

This Appendix relates to enforcement options available to authorised officers under the Licensing Act 2003, Gambling Act 2005, the Town Police Clauses Act 1847, and Local Government (Miscellaneous) Provisions Acts of 1976 (taxi, and private hire driver and vehicle licences), and 1982 ("special treatment" licences), Street and House to House Collection licensing, and various animal welfare legislation.

The range of licensing enforcement action options available includes:



# Environmental Health and Licensing Enforcement Policy

- a) Prosecution
- b) Closure powers
- c) Review, variation, suspension or revocation of licences and consents
- d) Simple cautions
- e) Informal notices
- f) Informal verbal warnings
- g) Revisits
- h) No action

## **APPENDIX 5: Private Sector Housing Enforcement Action Options**

The range of enforcement action options available includes:

- a) Prosecution
- b) Civil Penalties
- c) Banning orders
- d) Revocation of HMO licences
- e) Rent Repayment Orders
- f) Closure powers
- g) Penalty charge notices
- h) Works in default
- i) HMO/property Management orders
- j) Simple cautions
- k) Formal notices
- l) Informal notices
- m) Informal verbal warnings
- n) Revisits
- o) No action

## **APPENDIX 6: Statutory Nuisance, Public Health and Anti-Social Behaviour, Crime and Policing Act 2014 Enforcement Action Options**

The range of enforcement action options available includes:

- a) Prosecution
- b) Seizure
- c) Works in default
- d) Simple cautions
- e) Formal notices



# Environmental Health and Licensing Enforcement Policy

- g) Informal notices
- h) Informal verbal warnings
- i) Revisits
- j) No action

## APPENDIX 7: Land Contamination Enforcement Action Options

This appendix relates to enforcement options available to authorised officers under Sections 78A to 78YC (inclusive) of Part IIA of the Environmental Protection Act 1990 and Regulations made under it; the Environment Act 1995; and the Law of Property Act 1925.

The range of enforcement action options available include:

- a) Prosecution
- b) simple cautions
- c) Formal notices
- d) Works in default
- e) Informal notices
- f) Informal verbal warnings
- g) Revisits
- h) No action

## APPENDIX 8: Pollution Control Enforcement Action Options

This appendix relates to enforcement options available to authorised officers under the Pollution Prevention and Control Act 1999 and Regulations made under it, and the Environmental Protection Act 1990 and Regulations made under it. Provisions relating to enforcement options applicable to Part IIA of the Environmental Protection Act 1990 are detailed within appendix 8.

The range of pollution control enforcement action options available includes:

- a) Prosecution
- b) Review, variation, suspension, and revocation of licence/permit
- c) Works in default
- d) Simple cautions
- e) Formal notices
- f) Informal notices
- g) Informal verbal warnings
- h) Revisits
- i) No action



## APPENDIX 9: Animal Welfare Enforcement Action Options

# Environmental Health and Licensing Enforcement Policy

This appendix relates to enforcement options available to authorised officers under the Animal Welfare Act 2006 and Sections 149 - 150 of Environmental Protection Act.

The action options available include:

- a) Prosecution
- b) Seizure of the Animal
- c) Service of Notices
- d) Variation, suspension or revocation of licences
- e) Simple cautions
- f) Formal notices
- g) Informal notices
- h) Informal verbal warnings
- i) Revisits
- j) No action



<b>Name of Committee:</b>	Cabinet		
<b>Committee Date:</b>	6 March 2024		
<b>Report Title:</b>	Conclusions of Water Quality Testing in Langstone Harbour		
<b>Responsible Officer:</b>	Alex Robinson – Executive Head of Place		
<b>Cabinet Lead:</b>	Cllr Elizabeth Lloyd		
<b>Status:</b>	Non-Exempt		
<b>Urgent Decision:</b>	No	<b>Key Decision:</b>	No
<b>Appendices:</b>	Appendix A: Summary of Results		
<b>Background Papers:</b>	HBC/128/2023 (Water Testing in Langstone Harbour) March 2023		
<b>Officer Contact:</b>	Name: David Fitzgerald Email: david.fitzgerald@havant.gov.uk		
<b>Report Number:</b>	HBC/86/2024		

**Corporate Priorities:**

As part of the Pride in Place theme, the Corporate Strategy highlights that the Council will “aim to take measures to promote and embed environmental matters and consider environmental impacts in all our decisions to help tackle climate change”.

**Executive Summary:**

The report outlines the results of water quality sampling conducted in Langstone Harbour during 2023.

**Recommendations:**

Cabinet is requested:

1. To note that the Council has undertaken a comprehensive water quality sampling programme in Langstone Harbour during June – October 2023 and following independent expert analysis has outlined the findings in this report.
2. To endorse the publication of the results of the water quality sampling on the Council’s website and the sharing of this information with partner agencies.
3. To support the Council’s commitment to continue to work closely with partner agencies and in doing so, the Cabinet Lead for Planning, Environment and Water Quality shall write to partner agencies calling for further action to protect water quality in Langstone Harbour as detailed in section 4.2 of the report.
4. To recommended to Council, that Council notes the works undertaken and that the Cabinet Lead for Planning, Environment and Water Quality has reported back to full Council on the water quality sampling programme in Langstone Harbour.

## 1.0 Introduction

- 1.1 This report updates Cabinet on the programme of water quality testing conducted in the period June to October 2023 in Langstone Harbour pursuant to full Council decision (reference HBC/128/2023).

## 2.0 Background to Testing Approach

- 2.1 Havant Borough Council and its partners<sup>1</sup> have carried out water testing in Langstone harbour between June to October 2023. Seven separate sampling locations across the harbour were identified, principally because of the use of these locations for recreational purposes (Appendix A). Currently there is no testing of these waters by the Environment Agency as Langstone Harbour is not a designated Bathing Beach.
- 2.2 The programme collected 19 rounds of water sampling across the harbour across the monitoring period. The programme had originally intended to have conducted 20 rounds of sampling but this was not possible due to unfavourable weather conditions. Of these samples 15 were collected in the bathing season (15<sup>th</sup> May - 30<sup>th</sup> September) and four were collected outside of the bathing season (5<sup>th</sup> - 30<sup>th</sup> October).
- 2.3 The samples were tested for *E.coli* and *Intestinal Enterococci* because they are both indicators of faecal matter in the water. These are the same bacterial indicators tested for by the Environment Agency in designated Bathing Waters. The samples were during a period of unsettled weather with some sampling taking place after periods of heavy rain.
- 2.4 The support and assistance of Langstone harbour board and their staff has been critical for the completion of the sampling programme.

## 3.0 Water Quality Results

- 3.1 The samples were analysed in an independent laboratory using the existing testing methodology employed by the Environment Agency for designated Bathing Waters. Furthermore, the results have been independently audited by a third-party specialist to ensure the approach to data collection, analysis and interpretation are sound.
- 3.2 The results are contained in Appendix A. For each sampling location two results have been produced. The first (top left) shows the aggregated results of sampling from within the Bathing Season (May – September). The second (bottom right) shows the aggregated results over the full sampling period (June - October).

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<sup>1</sup> Langstone Harbour Board and Portsmouth City Council



- 3.3 The results of sampling demonstrate that water quality across the harbour varies depending on location and time when the samples were collected. This reflects the harbour having differing microbiological characteristics and water classifications.
- 3.4 In four of the seven locations water quality is excellent or good with four locations showing excellent water quality during the Bathing Season. Excellent water quality was reported at W1 (Ferry Point) throughout the monitoring period. Poor Water quality was highlighted at W3 (Harts Farm Way slipway) throughout the monitoring period. Generally, water quality tends to be better during the Bathing Season compared to the whole monitoring period. The analysis does also indicate that heavy rainfall does have an impact on water quality.
- 3.5 The purpose of the programme of water quality sampling was to measure the levels of *E.coli* and Intestinal *Enterococci* – as these are both indicators of faecal matter. The programme was not designed to identify where this matter originated, and this type of testing does not allow the Council to determine whether it is human or animal waste.
- 3.6 Moreover, it is not possible to conclude whether elevated levels of *E.coli* and Intestinal *Enterococci* are linked to discharges from Combined Sewerage outflows and Sewerage treatment discharges or arise from agriculture or other run-off or contamination.

## 4.0 Options

- 4.1 It was always the Council's intention to publish the results of the water sampling programme and share the results with our partner agencies. Moving beyond this there are several options available to the Council, as set out below:
1. Option 1 – undertake an annual programme of water quality testing in Langstone Harbour. The Council is not the statutory body for undertaking water quality sampling and is not resourced to repeat this programme annually.
  2. Option 2 - publish the data and share the results with partner agencies and refresh the Council's advice to bathers and water sports users. The results have shown that heavy rainfall impacts water quality which is consistent with the Council's current advice which advises users to consider avoiding higher-risk activities for 72 hours following moderate-significant rainfall.
  3. Option 3 – to undertake all actions set out in option 2 and to write to partner agencies calling for further action to protect water quality in Langstone Harbour. This includes writing to Southern Water to provide additional investment in infrastructure and calling on the Environment Agency to expand their current testing regime to sample recreational waters as well as designated bathing waters. This is to ensure the same level of

information is available to the public for them to make informed decisions about where to swim or engage in water sports.

- 4.2 The Council considers Option 3 is the most appropriate course of action.

## **5.0 Relationship to the Corporate Strategy**

- 5.1 **Pride in Place:** As part of the Pride in Place theme, the Corporate Strategy highlights that the Council will “aim to take measures to promote and embed environmental matters and consider environmental impacts in all our decisions to help tackle climate change”.

## **6.0 Conclusion**

- 6.1 Havant Borough Council and its partners have carried out water testing in Langstone harbour between June to October 2023. This involved 19 rounds of water sampling collected both within and outside of the bathing season and analysis the water for E.coli and Intestinal Enterococci. The locations were identified principally because of their popularity for recreational users.
- 6.2 The results demonstrate that water quality across the harbour varies depending on location and time when the samples were collected reflecting the variation in microbiological composition across the harbour. In four of the seven locations water quality is excellent or good with four locations showing excellent water quality during the Bathing Season. Excellent water quality was reported at (W1) Ferry Point throughout the monitoring period. Poor Water quality was highlighted at (W3) Harts Farm Way slipway throughout the monitoring period.
- 6.3 Generally, water quality tends to be better during the Bathing Season compared to the whole monitoring period. The data also indicates that heavy rainfall has an impact on water quality.
- 6.4 The data does not allow the Council to determine whether elevated levels of bacteria are from human or animal activity, nor does it allow the Council to conclude that this is linked to discharges from Combined Sewerage outflows and Sewerage treatment discharges or arise from agriculture or other run-off or contamination.
- 6.5 The analysis demonstrates that it is safest to use water during the bathing season when weather conditions are less likely to adversely affect water quality. In addition, the Council’s existing advice which advises users to consider avoiding higher-risk activities for 72 hours following moderate-significant rainfall remains sound.

## 7.0 Implications and Comments

### 7.1 S151 Comments

Members should be reminded that it is not the responsibility of the Council to fund water quality testing. Any costs associated, where additional funding has not been sourced, become a pressure on the Council's limited revenue budget resources. Testing also takes up valuable officer time. Whilst this is not an additional cost, it is a use of resources that would otherwise be deployed on budgeted functions.

Members should also be aware that the results themselves, when published, may have an economic impact on local businesses associated with the harbour and its coastline.

### 7.2 Financial Implications

There are no additional costs of reporting the results. Council officers were able to reduce to costs of the sampling programme, with credits from UK Health Security Agency (UKHSA).

### 7.3 Monitoring Officer Comments

The Council has no statutory duty or legal responsibility to assess water quality, work towards the meeting of water quality targets for public health protection, nor provide the stakeholders with accurate information about the associated risks to health. With specific regard to the public health impacts of water pollution, the Council's duties are limited to its role as a bathing water controller (Beachlands & Eastoke), and insofar as its general role in emergency planning.

The Environment Agency is the responsible authority for monitoring and classifying bathing water quality at designated bathing waters. The Environment Agency regulate the activities of the sewerage undertakers, including permitted releases, and have powers to take enforcement action in relation to pollution of waters. These powers are not available to the Council. The lobbying of the responsible authority calling for further action to protect water quality in Langstone Harbour is most appropriate course of action.

### 7.4 Legal Implications

There are no legal implications of disclosing the information to the public.

## 8.0 Risks

- 8.1 The risks of the sampling have been reduced, by adopting the following steps:

- 1) The microbiological testing was conducted, by an approved laboratory for sea water testing.
  - 2) Independent review of data and the conclusions by a third party specialist in the field of sea water quality.
- 8.2 The study reinforces that it is safest to use water during the bathing season when weather conditions are less likely to adversely affect water quality.

## 9.0 Consultation

- 9.1 The results have been shared with both Portsmouth City Council and the Harbour Master of Langstone Harbour.

## 10.0 Communications

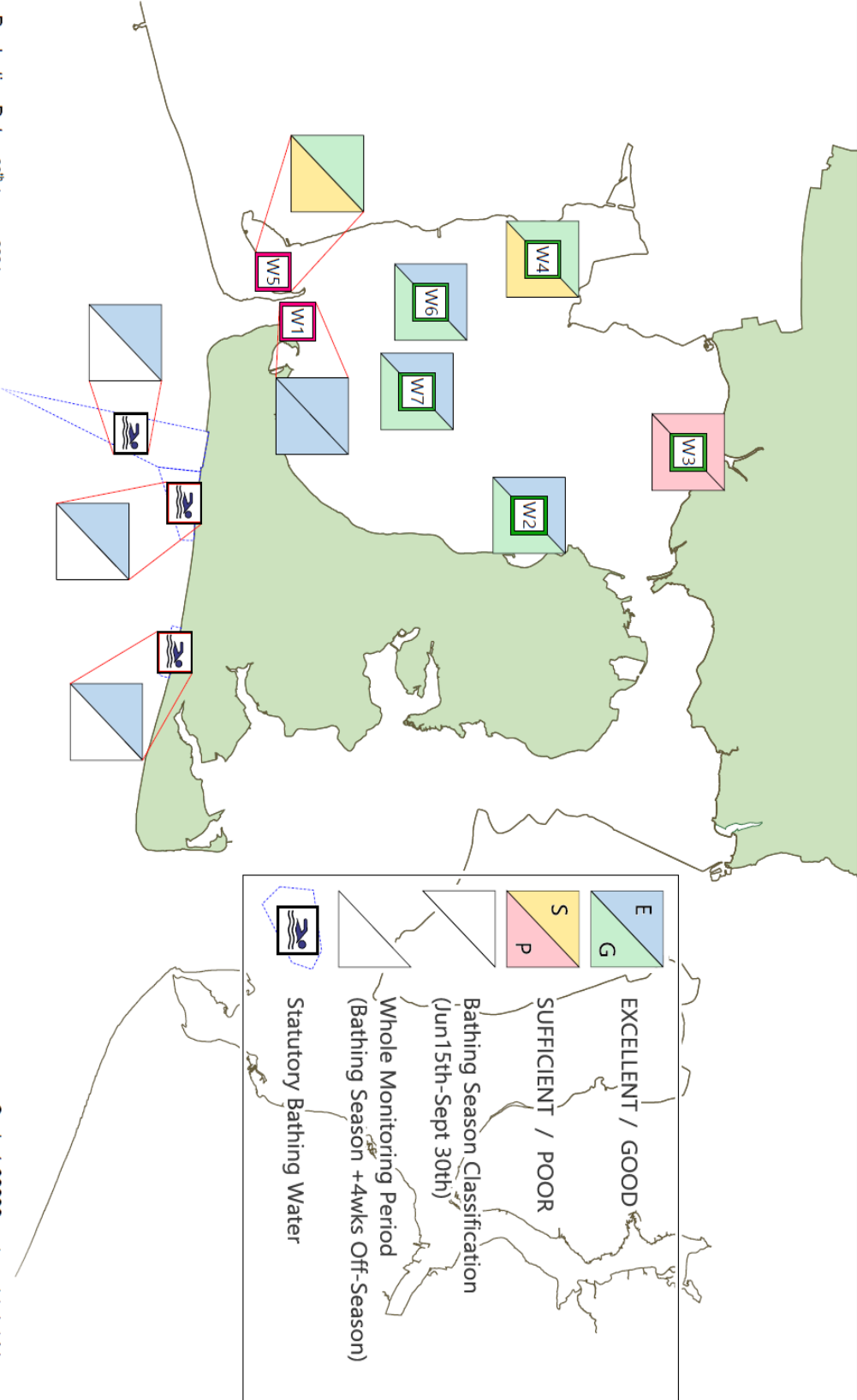
- 10.1 A detailed communication plan has been developed by Communications Team to communicate the findings.
- 10.2 The data will be added to relevant section of the HBC website and will be refreshed during March 2024.
- 10.3 Southern Water, the Environment Agency and Portsmouth City Council have been provided the data for information.

<b>Agreed and signed off by:</b>		<b>Date:</b>
<b>Cabinet Lead:</b>	Cllr Lloyd	26/02/2024
<b>Executive Head:</b>	Alex Robinson	25/02/2024
<b>Monitoring Officer:</b>	Jo McIntosh	26/02/2024
<b>Section151 Officer:</b>	Steven Pink	26/02/2024

# Appendix A

## Langstone Harbour - Bathing Water Quality Regulations 2023 Classifications

Creator: Environmental Health



Production Date: 29<sup>th</sup> January 2024

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