

Telephone: 023 9247 4174  
Fax: 023 9248 0263  
Website: [www.havant.gov.uk](http://www.havant.gov.uk)

## CABINET AGENDA

**Membership:** Councillor Cheshire (Chairman)

Councillors Bains, Pike, Briggs, Guest, Turner and Wilson

**Meeting:** Cabinet

**Date:** Wednesday 15 March 2017

**Time:** 2.00 pm

**Venue:** Hollybank Room, Public Service Plaza, Civic Centre Road,  
Havant, Hants PO9 2AX

The business to be transacted is set out below:

Nick Leach  
Monitoring Officer

7 March 2017

Contact Officer: Penny Milne 02392446234  
Email: [penny.milne@havant.gov.uk](mailto:penny.milne@havant.gov.uk)

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

**1 Apologies for Absence**

To receive and record any apologies for absence.

**2 Minutes**

**1 - 8**

To confirm the minutes of the meetings of the Cabinet held on 8 and 22 February 2017.

**3 Matters Arising**

To consider any matters arising from the minutes of the last meeting.

#### **4 Declarations of Interests**

To receive and record any declarations of interest.

#### **5 Chairman's Report**

#### **6 Recommendation from the Scrutiny Board - Review of Independent Sheltered Housing in the Borough 9 - 16**

### **Deputy Leader and Cabinet Lead For Operations and Environmental Services, NORSE**

#### **7 Delegation by Havant Borough Council of Certain Litter Enforcement Functions to East Hampshire District Council 17 - 20**

#### **8 The Adoption of Public Space Protection orders (Dogs) Under Anti Social Behaviour and Police Act 2014 To Replace Existing Byelaws 21 - 52**

#### **9 Exclusion of the Press and Public**

The Cabinet is asked to consider whether to pass a resolution excluding the public from the meeting during consideration of any of the items 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 Solicitor to the Council 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:

- (a) 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
- (b) in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**Item 10** – Recommendation from the Scrutiny Board - Review of Shared Management Arrangements with EHDC (Paragraph 3)

**Item 11** – Recommendation from the Scrutiny Board - Review of Transfer of IT Services to the Five Councils (Paragraph 3)

**Item 12** - Havant Lottery Proposal (Paragraph 3)

**Item 13 – Hayling Seafront Masterplan (Paragraph 3)**

**PART 2 (Confidential items - closed to the public)**

**10 Recommendation from the Scrutiny Board - Review of Shared Management Arrangements with East Hampshire District Council 53 - 58**

**11 Recommendation from the Scrutiny Board - Review of Transfer of IT Services to the Five Councils 59 - 64**

**Cabinet Lead For Communities and Housing**

**12 Havant Lottery Proposal 65 - 72**

**Cabinet Lead for Strategic Innovation, Infrastructure and Projects**

**13 Hayling Seafront Masterplan 73 - 76**

## **GENERAL INFORMATION**

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# Havant

## BOROUGH COUNCIL

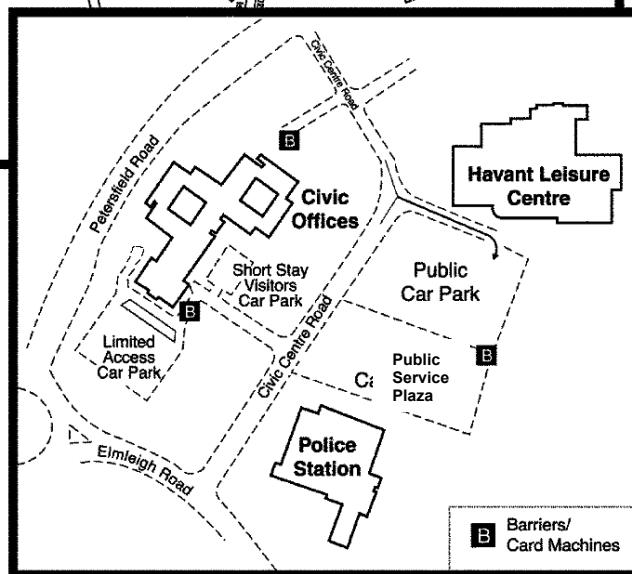
### PROTOCOL AT MEETINGS – RULES OF DEBATE

#### Rules of Debate

- Councillors must always address each other as “Councillor ...” and must always address the meeting through the Chairman;
- A motion must relate to the business included on the agenda or accepted by the meeting as urgent business
- A motion must be proposed and seconded before it is debated until it is either accepted or rejected by a vote;
- An amendment can be proposed to the original motion and this must be seconded before it is debated;
- An amendment cannot be considered if it is inconsistent with an amendment previously adopted or repeats an amendment previously rejected;
- The mover of an original motion may, with the consent of the mover of an amendment, incorporate an amendment into the motion;
- Only one amendment may be moved at a time. No further amendments can be moved until the previous amendment has been dealt with;
- Each amendment must be voted on separately;
- If an amendment is carried, the amended motion becomes the substantive motion to which further amendments may be moved;
- If an amendment is lost, other amendments may be moved to the original motion.
- The mover may withdraw an amendment at any time
- After an amendment has been carried, the Chairman will read out the amended (substantive) motion, before accepting any further amendment, or if there are none, put it to the vote.

#### Voting

- Voting may be by a show of hands or by a ballot at the discretion of the Chairman;
- Councillors may not vote unless they are present for the full duration of the item;
- Where there is an equality of votes, the Chairman may exercise a second (casting) vote;
- Two Councillors may request, before a vote is taken, that the names of those voting be recorded in the minutes
- A recorded vote will always be taken in respect of approval of the Annual Budget
- Councillors may not vote unless they are in the meeting for the full debate on any particular item
- A Councillor may request that his/her vote be recorded in the minutes



**Havant**  
**BOROUGH COUNCIL**  
 Civic Offices, Havant, Hants, PO9 2AX  
 Telephone (023) 9247 4174

## HAVANT BOROUGH COUNCIL

At a meeting of the Cabinet held on 8 February 2017

Present

Councillor Cheshire (Chairman)

Councillors Bains, Pike, Briggs, Guest, Turner and Wilson

### **48 Apologies for Absence**

There were no apologies for absence.

### **49 Minutes**

The minutes of the meeting of the Cabinet held on 16 November 2016 were agreed as a correct record subject to an amendment to minute 44 to reflect that Cllr Wilson presented the Council Tax Support Scheme report to Cabinet.

### **50 Matters Arising**

There were no matters arising from the minutes of the last meeting.

### **51 Declarations of Interests**

There were no declarations of interest from any of the members present.

### **52 Chairman's Report**

The Chairman welcomed Councillor Tim Pike to the meeting as the new Cabinet member with responsibility for Strategic Innovation, Infrastructure and Projects.

### **53 Cabinet Lead Delegated Decisions, Minutes from Meetings etc.**

RESOLVED that the minutes of the meeting of the Portchester Crematorium Joint Management Committee held on 12 December 2016 be noted.

### **54 Recommendations from the Scrutiny Board**

### **55 Review into the Need for a new Cemetery in the Borough**

Councillor Fairhurst was invited to join the meeting to present the findings and recommendations of the Economy, Planning, Development and Prosperity Havant Scrutiny Panel arising from its evaluation of the need to identify a site for a new cemetery in the Borough.

RESOLVED that

- (1) The Council continue with its current provision of cemeteries and aim to make the service financially viable;
- (2) The Cabinet investigate raising the fees and charges for burial sites to cover the operational costs of the service (including maintenance of cemeteries);
- (3) A financial analysis be carried out to investigate the costs of developing the MDA cemetery site as a whole and the costs for developing the site in stages;
- (4) If the decision is made to proceed with the MDA cemetery site, opportunities for private sector investment be fully investigated;
- (5) An update be carried out on the review of other possible sites for a cemetery within the Borough; and
- (6) Officers be requested to complete discussions with Grainger PLC relating to the future provision of a cemetery site arising from the MDA Development before making a decision.

## **56 Revenue and Capital Budget 2017/18 to 2021/22**

### **56a Recommendations from the Scrutiny Board**

As Chairman of the Scrutiny Board, Councillor Buckley presented the Board's recommendations to the Cabinet, following an extensive examination by the Budget Scrutiny Panel from June-December 2016 when it met with Cabinet Leads and Heads of Service to look at emerging budgetary issues in the context of the 2017/18 budget strategy.

The Board had reviewed the draft 2017/18 budget report at its meeting on 31 January 2017 and, arising from that meeting, a number of additional questions had been forwarded to the Heads of Service. The Leader sought confirmation that responses to these questions had been provided and circulated to all members of the Scrutiny Board. This confirmation was given. Confirmation was also given that a briefing paper on property investment proposals had been circulated to all Councillors as requested by the Scrutiny Board.

The Scrutiny Board had recommended to the Cabinet that it recommended to Council the Proposed Revenue and Capital Budgets 2017/18 and the Treasury Management Strategy and Prudential Indicators, subject to an amendment to paragraph 2.9 of Appendix E to the Cabinet report seeking Cabinet approval on all property purchases and clarification on how much may be invested in the scheme in any one year. Cabinet members were not minded to support this recommendation, however, in seeking to address the Scrutiny Board's concerns, it was agreed that further consultations be held with all members of the Council on the proposals for a property investment strategy, prior to consideration of the 2017/18 Budget Strategy by full Council at its meeting on 22 February 2017.

RESOLVED that



- (1) the following be recommended to full Council:
  - (a) the proposed Revenue & Capital Budgets for 2017/18, including a Council Tax rate of £192.78 at Band D, representing a 0% increase on the current charge and continuing the Council's freeze on its portion of the Council Tax since 2009/10; and
  - (b) the Treasury Management Strategy and Prudential indicators, and the Prices for Services.
- (2) further consultations be undertaken with all councillors prior to any full Council decision with reference to the Council's property strategy being made;
- (3) the responsibilities and associated budgets for all current economic development events and the responsibility for the mayoral service be transferred to the Community Team;
- (4) the appointment of a full or part time Funding Officer within the Community Team be considered with the aim that this post be self funding and to enable the Council to take greater advantage of external funding;
- (5) the Council considers to a major investment scheme in 2017/18 that will act as the catalyst for town centre regeneration;
- (6) regular economic status reports be reinstated; and
- (7) an assurance be given that, in future years, the Budget Scrutiny and Policy Development Panel be given ample opportunity to consider the budget prior to finalisation of the draft proposals.

#### **56b Report to Cabinet**

The Cabinet considered a report setting out the proposed Revenue and Capital Budget, Reserves and Balances, Treasury and Prices for Services for 2017/18.

RECOMMENDED to full Council:

- (1) the proposed Revenue & Capital Budgets for 2017/18, including a Council Tax rate of £192.78 at Band D, representing a 0% increase on the current charge and continuing the Council's freeze on its portion of the Council Tax since 2009/10; and
- (2) the Treasury Management Strategy and Prudential indicators, and the Prices for Services.

#### **57 Public Sector Audit Appointments**

Councillor Cheshire presented a report seeking a recommendation to Council in relation to the future process for external auditor appointments.

RECOMMENDED to full Council that the Council opts in to the appointing person arrangements made by the Public Sector Audit Appointments (PSAA) for the appointment of external auditors.

**58 CIL Spending 2016/17**

Councillor Guest presented a report to Cabinet providing an analysis of the 26 bids received following the CIL Bidding process and setting out recommendations on the spending of CIL funds.

At the suggestion of Cllr Turner, Cabinet members minded to support a proposal that the time limit in relation to the Northney Coastal Path project be extended to three years to support efforts to secure match funding.

RECOMMENDED to full Council that

- (i) the Council invests part of the available CIL Pot of £1,250,724.12 in the following capital infrastructure projects:
  - (a) Langstone Flood and Coastal Erosion Risk Management Scheme (FCERM) Feasibility Assessment £75,000.
  - (b) Southmoor Lane, Harts Farm Way Junction Improvements (Short Term) £190,405.
  - (c) Havant Railway Footbridge Detailed Design up to £150,000, subject to negotiation with Hampshire County Council
  - (d) Warblington Station Footbridge – Whilst the funding bid for Warblington Station Footbridge scored very highly using the CIL Protocol, the option of Network Rail providing this infrastructure will be explored. S106 funds of £647,784 have already been secured until 2025 to support this project. A contribution from CIL will be considered further during the next round of bidding.

The cumulative effect of expenditure on the CIL 123 List of the above bids is illustrated in Table A:

Bid No	Priority	Title	Amount	Cumulative amount
2	Critical	Langstone FCERM Feasibility Assessment	£75,000	£75,000
4	Essential	Southmoor Lane, Harts Farm Way Junction Improvements (Short Term)	£190,405	£265,405
18	Essential	Havant Railway Footbridge Detailed Design	£150,000	£415,405

**Table A: Cumulative total of all recommended CIL Pot bids**

- ii) that the council invests part of the available Neighbourhood Portion of £163,305.49 in the following projects:
- a) The Hub – Hayling Island Community Centre Association £42,638
  - b) Northney Coastal Path £90,000–  
Funding will be contingent upon other funding opportunities having been exhausted and planning permission being obtained. As there is some uncertainty over the delivery of this project at present it is recommended that a two year time limit is added to this recommendation (that funds be spent by the Council by 31 March 2019).

The cumulative effect of expenditure on the CIL 123 List of the above bids is illustrated in Table B:

Bid No	Priority	Title	Amount	Cumulative amount
26	Desirable	The Hub – Hayling Island Community Centre Association	£42,638	£42,638
15	Desirable	Northney Coastal Path	£90,000	£132,638

**Table B: Cumulative total of recommended Neighbourhood Portion bids**

- iii) That the Council agrees a Revised CIL Funding Decision Protocol set out at Appendix F to the Cabinet report.

**The meeting commenced at 2.00 pm and concluded at 4.09 pm**

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**Chairman**

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## **HAVANT BOROUGH COUNCIL**

At a meeting of the Cabinet held on 22 February 2017

Present

Councillor Cheshire (Chairman)

Councillors Bains, Pike, Briggs, Guest, Turner and Wilson

### **59 Apologies for Absence**

None.

### **60 Declarations of Interests**

None.

### **61 Revenue and Capital Budget 2017/18**

The Leader presented a report to Cabinet setting out the proposed revenue and budget, reserves and balances, treasury and prices for services for 2017/18 that had been updated since the last meeting of the Cabinet held on 8 February to take into account further consultations with all members of the Council with regard to property investment.

(A) RESOLVED that:

- (1) the allocation of £285,000 for Havant Leisure Centre Lifecycle Works in 2017/18 as set out in Appendix B to the Cabinet report be removed and that the Cabinet Lead be authorised to continue negotiations with Horizon Leisure Trust;
- (2) the allocation of £418,000 for the provision of a new cemetery in the MDA as set out in Appendix B to the Cabinet report be deferred pending consideration of a full business case; and
- (3) the allocation of £61,000 for External Poster Frames as set out in Appendix B to the Cabinet report be deferred pending consideration of a full business case.

(B) RECOMMENDED to full Council that:

- (1) Council notes that, due to the removal of investment property income, there is a requirement to drawn down £250,000 from the General Fund in 2017/18 as set out in paragraph 3.2 in the Cabinet report;

- (2) Council approves the proposed Revenue & Capital Budgets for 2017/18, including a Council Tax rate of £192.78 at Band D, representing a 0% increase on the current charge and continuing the Council's freeze on its portion of the Council Tax since 2009/10; and
- (3) Council approves the Treasury Management Strategy and Prudential indicators, and the Prices for Services.

**The meeting commenced at 2.00 pm and concluded at 2.09 pm**

.....  
**Chairman**

## HAVANT BOROUGH COUNCIL

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CABINET

15 March 2017

### ***Review of Independent Sheltered Housing in the Borough***

Report by: Scrutiny Board

For recommendation

Key decision: no

Portfolio and Cabinet Lead: Councillor Leah Turner

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#### **1.0 Purpose of the Report**

1.1 At its meeting held on 22 November 2016, the Scrutiny Board considered a report (Appendix A) from the Communities and Housing Scrutiny and Policy Development Panel, setting out its findings and recommendations following a review of independent sheltered housing in the Borough.

1.2 The Scrutiny Board endorsed the recommendations set out in the report.

#### **2.0 Recommendations**

2.1 It is recommended to Cabinet that:

2.11 six monthly liaison meetings be arranged with the Guinness Partnership and Portsmouth City Council for Councillors (Portfolio Holders) and officers (Heads Of Service) to discuss high-level strategic issues within housing schemes and community issues in the Borough;

2.12 Monthly contact discussions be arranged between officers at the Council and Guinness Partnership / Portsmouth City Council housing teams to discuss housing related issues and concerns relating to residents the Borough;

2.13 A clear guideline on the process of raising issues concerning residents living within schemes provided by housing associations be circulated to all members;

2.14 Guinness Partnership be recommended to improve its communication and performance recording to overcome the clear disparity between the expectations of their customers and the service it provides;

- 2.15 Councillors be encouraged to regularly visit sheltered housing schemes within their ward e.g. attend coffee mornings to improve the profile of the Council and strengthened the link between councillors and their constituents;
- 2.16 Guinness Partnership and Portsmouth City Council be requested to supply the Council each year with a copy of their Housing Annual Report together with a breakdown of the performance statistics relating to this Borough;
- 2.17 The officers be requested to compile a list of sheltered housing schemes within the Borough and publish this on the Council's website; and
- 2.18 a link to the definition of Sheltered Housing be included in the Home Choice website.

## **Appendices**

Appendix A – Report by the Communities and Housing Scrutiny and Policy Development Panel

## **Background Papers**

[Survey Results Pack](#)  
[Findings Pack](#)

**The Panel's report was agreed and signed off for publication by:**

**Head of Service:** 19.10.16  
**Head of Finance:** 09.11.16  
**Head of Legal:** 01.11.16

**Contact:** Councillor Diana Patrick  
**Title:** Scrutiny Lead for the Communities and Housing Scrutiny and Policy Development Panel  
**Telephone:** 02392 482480  
**E-Mail:** [diana.patrick@havant.gov.uk](mailto:diana.patrick@havant.gov.uk)



**HAVANT BOROUGH COUNCIL**

**Scrutiny Board**

**22 November 2016**

***Review of Independent Sheltered Housing in the Borough***  
FOR RECOMMENDATION

KEY DECISION NO

REPORT BY: Communities and Housing Scrutiny and Policy Development Panel

**1.0 EXECUTIVE SUMMARY**

- 1.1 The review was established to investigate issues with residents living in independent sheltered accommodation within the Borough. Guinness Partnership and Portsmouth City Council schemes were selected as the main two providers of independent sheltered housing in Havant.

**2.0 RECOMMENDATIONS**

- 2.1 It is recommended to Cabinet that;
- 2.11 six monthly liaison meetings be arranged with the Guinness Partnership and Portsmouth City Council for Councillors (Portfolio Holders) and officers (Heads Of Service) to discuss high-level strategic issues within housing schemes and community issues in the Borough;
- 2.12 Monthly contact discussions be arranged between officers at the Council and Guinness Partnership / Portsmouth City Council housing teams to discuss housing related issues and concerns relating to residents the Borough;
- 2.13 A clear guideline on the process of raising issues concerning residents living within schemes provided by housing associations be circulated to all members;
- 2.14 Guinness Partnership be recommended to improve its communication and performance recording to overcome the clear disparity between the expectations of their customers and the service it provides;
- 2.15 Councillors be encouraged to regularly visit sheltered housing schemes within their ward e.g. attend coffee mornings to improve the profile of the Council and strengthened the link between councillors and their constituents;

- 2.16 Guinness Partnership and Portsmouth City Council be requested to supply the Council each year with a copy of their Housing Annual Report together with a breakdown of the performance statistics relating to this Borough;
- 2.17 The officers be requested to compile a list of sheltered housing schemes within the Borough and publish this on the Council's website; and
- 2.18 a link to the definition of Sheltered Housing be included in the Home Choice website.
- 2.2 It is recommended to the Scrutiny Board that the Crime and Disorder Panel include in their review of the Safer Havant Partnership, how the agencies work together to resolve anti social behaviour in sheltered accommodation.

### **3.0 STRATEGY**

- 3.1 The project links with the key aim in the Corporate Strategy to work with partners to help ensure health and well being of our residents

### **4.0 LEGAL**

- 4.1 There are no legal considerations arising directly from this report.

### **5.0 RESOURCES**

- 5.1 The proposed meetings recommended at 2.1 would require attendance by Councillors and officers. However, it is proposed that these meetings be half yearly to ease the burden on resources.

### **6.0 STAKEHOLDERS**

- 6.1 The residents of the Borough and their concerns over their accommodation were the key consideration throughout this review. The aim of this review was to improve the quality of life for residents living at independent sheltered housing schemes within the Borough.

### **7.0 RISKS**

- 7.1 There are no risks arising directly from this report.

### **8.0 METHODOLOGY**

- 8.1 This review was instigated after a Councillor received complaints from residents at one of the sheltered schemes in the Borough. It was then decided that the review would investigate the standards of independent sheltered accommodation sites by visiting 12 schemes within the Borough – 6 under the management of the Guinness Partnership, 6 under the management of Portsmouth City Council – to allow for comparison. The project plan for this review is included in the background papers.

8.2 Full details of the methodology of the project is set out in a separate Findings Pack.

## **9.0 KEY FINDINGS**

- 9.1 Both the Guinness Partnership and Portsmouth City Council give publications on the service provided to tenants prior to move-in. However, compared to the tenants of Portsmouth City Council a larger percentage of Guinness Partnership tenants had a higher expectation of the anticipated services provided under a sheltered housing scheme than was actually provided by the Partnership..
- 9.2 It is acknowledged that the removal of some services funded by Hampshire County Council may be an explanation for the difference between expectation and delivery. However, this cannot explain the discontent arising from repairs and redecoration from the Guinness Partnership's tenants, who took part in the survey. This appears to be a communication issue which needs to be resolved.
- 9.3 From the information provided the key difference between the way the two landlords communicate sheltered housing to tenants is that Portsmouth City Council provide separate guidelines for sheltered accommodation whereas Guinness Partnership include their sheltered housing information in a general tenancy handbook ;
- 9.4 Although the Guinness Partnership has performance targets e.g. to complete general repairs within twenty eight days, it doesn't record how it performs against all these targets. Measuring and publicising its performance could help resolve the problem highlighted in 9.1 above;
- 9.5 Although Guinness Partnership record 92% satisfaction with repair contractors, this figure relates to all properties owned by the Partnership and not solely repairs in sheltered housing schemes. The Panel's survey shows that 51% of those that took part in the survey consider that the repair service is poor. This suggests that the partnership's policy of only checking 10% of repairs across all properties in housing is not a true reflection of the views of their customers in sheltered housing schemes. In contrast Portsmouth City Council checks all its repairs and has a higher level of satisfaction with repairs;
- 9.6 With regard to the rating of décor and cleanliness of the Building/Communal Areas surveyed Portsmouth City Council residents appeared to be more satisfied than Guinness Partnership's. However, this difference in the level of satisfaction could be largely due to the fact that major refurbishment works had recently been undertaken on three of the City Council's schemes included in the survey;
- 9.7 There are currently no clear guidelines on how Councillors should raise residents' concerns to Landlords. The project has highlighted the value of Councillors meeting the residents of sheltered housing schemes. Visiting

Councillors were extremely well received at all of the schemes they visited, and it is hoped that this review will lead to more Councillors visiting housing association schemes within their respective wards. It would be helpful if guidelines could be produced which enable Councillors to pass on issues/matters raised by the residents during these visits. This would reinforce the Councillors role in his or her ward and at the time improve the system for resolving constituent's concerns or complaints;

9.8 The project has also illustrated the value of Councillors meeting representatives and being able to raise concerns directly with landlords. The meeting with the Partnership proved enlightening and a valuable discussion forum to the members of the Panel and hopefully the Partnership's representatives. Both the Guinness Partnership and Portsmouth City Council have indicated that they would be happy to attend future meetings with the Council. It is hoped that these meetings (as detailed in 2.1 and 2.2) will lead to improved communication and quicker solutions to resident concerns.

9.9 Although not included in the survey questionnaires, a number of tenants who took part in the survey raised concerns about the way complaints about anti social behaviour are handled. The Panel acknowledge that Guinness Partnership has a robust anti social behaviour policy and the legal processes for dealing with such behaviour through the courts can be lengthy. However, it is felt that the way the agencies deal with anti social behaviour in sheltered homes could be included in the Crime and Disorder Panel's review of the Safer Havant Partnership to see if these complaints could be resolved more quickly.

## 10.0 Background Papers

[Survey Results Pack](#)  
[Findings Pack](#)

Appendices

**Appendix A** – Additional Comments To the Report and Findings Pack Received from Guinness Partnership, Portsmouth City Council and the Cabinet Lead for Communities and Housing.

**Agreed and signed off for publication by:**

<b>Head of Service:</b>	19.10.16
<b>Head of Finance:</b>	09.11.16
<b>Head of Legal:</b>	01.11.16

**Contact:** Councillor Diana Patrick  
**Title:** Scrutiny Lead for the Communities and Housing Scrutiny and Policy Development Panel

**Telephone:**

**E-Mail:** [diana.patrick@havant.gov.uk](mailto:diana.patrick@havant.gov.uk)

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NON EXEMPT

## HAVANT BOROUGH COUNCIL

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**CABINET**

15 March 2017

### **DELEGATION BY HAVANT BOROUGH COUNCIL OF CERTAIN LITTER ENFORCEMENT FUNCTIONS TO EAST HAMPSHIRE DISTRICT COUNCIL**

Report by Tim Pointer  
Neighbourhood Support Team Leader

**FOR DECISION**

**KEY DECISION: Yes**

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#### **1.0 Purpose of Report**

The Cabinet is requested to authorise the delegation of certain litter enforcement functions to East Hampshire District Council.

#### **2.0 Recommendation**

That the Executive Director of Operations, in consultation with the Cabinet Lead for the Environment and Neighbourhood Quality, be authorised to delegate the following enforcement functions to EHDC:

- Littering under section 87 Environmental Protection Act 1990 as amended by the Clean Neighbourhoods and Environment Act 2005;
- Failure to provide an authorised officer with correct details under section 88 Environment Protection Act 1990 as amended and
- The Havant Dogs (Fouling of Land Act)1997; and
- Orders made under the Antisocial Behaviour Crime and Policing Act 2014

#### **3.0 Subject of Report**

In May 2014 Havant Borough Council (HBC), seeking a “zero tolerance” approach to littering, commenced a pilot scheme to engage a private contractor (Kingdom) to provide a uniformed patrol and back office service to enforce the following offences:-

- Littering under section 87 Environmental Protection Act 1990 as amended by the Clean Neighbourhoods and Environment Act 2005.
- Failure to provide an authorised officer with correct details under section 88 Environment Protection Act 1990 as amended and
- The Havant Dogs (Fouling of Land Act)1997 and
- Orders made under the Antisocial Behaviour Crime and Policing Act 2014

- 3.1 The pilot was managed by officers within the Neighbourhood Quality Team to ensure the co-ordinated delivery of services in a manner which complimented the education and partnership strands of the zero tolerance approach agreed with the portfolio holder. The project received considerable publicity at a local and regional level and was well received by the majority of residents and businesses in the area. The work sent a clear message to offenders that littering was not acceptable to the Council.
- 3.2 In November 2015 the pilot having been completed the contract was put out to competitive tender and Kingdom was successful in securing a one year contract. In November 2016 a two year contract was put out to tender, but, despite being subject of European tender processes no suitable application was received.
- 3.3. Discussions have since been held between the respective portfolio holders and officers at HBC and EHDC with a view to EHDC providing a litter enforcement service for HBC. Agreement in principle has been reached and subject to the delegation of authority being agreed, terms and conditions will be drawn up to cover the delivery of the service.

#### **4.0 Implications**

- 4.1 **Resources:** The aim of the proposal is to deliver a “cost neutral” option for Havant to support the delivery of a “zero tolerance” approach to littering and dog fouling. The basic principles around the proposed agreement are that EHDC will provide the enforcement officers for an agreed period of time each week and deliver back office support. HBC in turn will pay EHDC a set fee for each correctly issued fixed penalty notice (FPN) and recoup this cost from the monies paid by customers in relation to the FPN and court costs where the FPN is not paid.
- 4.2 **Legal:** Section 101 of the Local Government Act 1972 and section 9EA Local Government Act 2000 together with Regulation 5 of the Local Authorities (Arrangements for the Discharge of Functions) Regulations 2012 allows for a Local Authority to arrange for the discharge of certain functions to another Local Authority.
- 4.3 **Strategy:** Improving and creating a better quality of place.



- 4.4 **Risks:** The financial to HBC is that not enough money would be recouped to cover the monies paid to EHDC. This risk will be mitigated by quality control, set performance indicators and regular contract management meetings.
- 5.5 **Communications:** An internal and external communication strategy will be developed between both authorities.

Agreed and signed off by:

Head of Legal: 1/3/17  
Head of Finance: 31/1/17  
Head of Service: 7/3/17  
Executive Director: 1/3/17  
Cabinet Lead: 1/3/17

**Contact Officer:** Tim Pointer  
**Job Title:** Neighbourhood Support Team Leader  
**Telephone:** 02392 446606  
**E-Mail:** tim.pointer@havant.gov.uk

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NON EXEMPT

## HAVANT BOROUGH COUNCIL

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**CABINET**

15 March 2017

### **THE ADOPTION OF PUBLIC SPACE PROTECTION ORDERS (DOGS) UNDER ANTI SOCIAL BEHAVIOUR AND POLICE ACT 2014 TO REPLACE EXISTING BYELAWS**

Report by Tim Pointer  
Neighbourhood Support Team Leader

**FOR RECOMMENDATION TO COUNCIL**

**KEY DECISION: No**

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#### **1.0 Purpose of Report**

The Council is requested to approve the use of Public Space Protection orders (PSPO) – Dogs for the Borough of Havant.

#### **2.0 Recommendation**

That the Cabinet recommends to Council that it:

- 2.1 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
- 2.2 agrees to the use of £80 fixed penalty notices to tackle offences disclosed; and
- 2.3 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.

### **3.0 Subject of Report**

Since 1990 Havant Borough Council (HBC) has utilised local byelaws and other legislation in place to control problems related to dogs. This include the offence of failing to remove dog faeces, requirements for dogs to be held on a lead and seasonal dog bans from particular areas.

3.1 The Crime, Anti-Social Behaviour and Police Act 2014 created new powers to replace previous and existing legislation for the control of dogs in public areas. The legislation also places a requirement on the council to publicise the nature and extent of the orders.

3.2 These new powers provide a clearer and more consistent approach to dog control and make it easier for everyone to understand what a dog owner's responsibilities are. They also provide an opportunity for the Council to reinforce its message of "zero tolerance" in relation to littering.

3.3 The new legislation also identified the need to balance the requirements of dog owners and other members of the community.

They will also allow the Council to increase the penalties in line with littering for those committing offences with fines of £80 being introduced.

3.4 It is recognised that the vast majority of dog owners are considerate to others needs and to the environment but a scoping study of the demand placed on Council services revealed community concerns over the owners failing

- to clear up after their dogs
- to control their dogs in designated children's play areas
- to control their dogs in cemeteries
- to observe seasonal "blue flag" restrictions.

It was also noted that there was an increase in reports of dogs not being on a lead or under control in the street and also being allowed to run free in fenced play areas such as tennis courts.

3.5 To test current public attitude to these issues a predominantly online consultation process was carried out between 2<sup>nd</sup> January to 10<sup>th</sup> February 2017 using social media and Havant Borough Council's Website. This was complimented by a poster campaign in the town centres, smaller notices in affected parks with hard copies available in the Plaza foyer, both Portsmouth City Council housing offices and Beachlands Office.

3.6 The council received 606 completed surveys and several submissions from councillors and interested organisations. Of those that answered

the question, 583 (96%) were residents of the borough and 383 (64%) were dog owners. In response to questions about the proposed order, the following was noted (percentages are of those that answered the particular question:

- 584 (96%) agreed it should be an offence for failing to dispose of dog faeces
- 444 (73%) agreed that dogs should be kept on leads in certain play areas
- 462 (76%) agreed dogs should be kept on leads within cemeteries.
- 418 (69%) agreed with a continuation of the seasonal exclusion of dogs from blue flag beaches in Hayling Island.
- 450 (74%) agreed that dogs should be banned from gated and fenced tennis courts.
- 508 (84%) agreed that it should be an offence to fail to put a dog on a lead when asked by an authorised officer.
- 320 (53%) agreed that there should be a limit on the number of dogs to be walked by one person

The full consultation report is attached at appendix “A”

3.7 The Council also sought the views of the Kennel Club and the Dogs Trust both were supportive of the approach taken by the council generally but felt that any issues relating to the number of dogs being walked by an individual could be appropriately dealt with by the ability to require that dogs be placed on a lead. It is not therefore proposed to proceed with this particular offence.

3.8 The Kennel Club and Dogs Trust also raised concerns over the impact that such legislation might have on “assistance dogs” and therefore it is proposed that exemptions are put in place for users of registered assistance dogs.

#### **4.0 Implications**

##### **4.1 Resources:**

The back office processes for the enforcement of Fixed Penalty Notices (FPNs) already exist and will be operated alongside those for littering

The most significant implication will be the signage required for the areas covered by the PSPO, this will hopefully be met from the proceeds of FPNs

##### **4.2 Legal:**

Prosecutions for failure to pay any fixed penalty notice for the above offences will be pursued by the council legal team and costs recouped

via court processes. Powers in respect of Section 59, Anti-Social Behaviour, Crime and Policing Act 2014 & Section 2, Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations.

- 4.3 **Strategy:** Improving and creating a better quality of place.
- 4.4 **Risks:** This action may increase public expectations over the number of offences reported this expectation will need to be mitigated by the communication strategy
- 4.5 **Communications:** An internal and external communication strategy will be developed to ensure that maximum coverage of the requirements of the order to residents with, and without dogs.

## **Appendix A**

### Consultation Report

Agreed and signed off by:

Legal Services (Sara Bryan): 7/3/17

Head of Finance (Craig Smith): 7/3/17

Head of Neighbourhood Support (Natalie Meagher): 7/3/17

Cabinet Lead (Cllr Briggs): 1/3/17

**Contact Officer:** Tim Pointer

**Job Title:** Neighbourhood Support Team Leader

**Telephone:** 023 9244 6606

**E-Mail:** tim.pointer@havant.gov.uk



## **Public Spaces Protection Order: Dogs**

### **Consultation report**

**February 2017**

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## **Consultation on proposed new Public Spaces Protection Orders (PSPOs) in Havant**

### **Introduction**

This report considers the results of the consultation carried out by Havant Borough Council from 2<sup>nd</sup> January 2017 to 10<sup>th</sup> February 2017, concerning legislation relating to dogs in the borough.

### **Background**

Havant Borough Council have a number of byelaws regarding dogs. This current legislation does not allow for the issue of fixed penalty notices for all relevant offences.

In order to prevent offences of this nature and enable actions to be taken against offenders in a manner that is easy for all to understand, Havant Borough Council propose to put into place a Public Spaces Protection Order (PSPO) to replace the current byelaws for the regulation of dogs.

Havant Borough Council are considering adopting the powers provided by the Police and Anti Social Behaviour Bill 2014, these powers could include:

- Replacing existing dog control orders in relation to dog fouling, making it an offence to fail to clear up after your dog and would enable the issue of an FPN for offences.
- As a result of a number of concerns raised in the past by residents and Councillors, Havant are also considering the implementation of orders requiring dogs to be on a lead in areas specifically designated as children's plays areas within parks and effectively banning dogs from tennis courts and other fenced in sports areas.
- Ensuring that there was a suitable order in place to effectively ban dogs from within the Blue Flag areas of Hayling whilst the zone is in place.

### **Consultation Objectives**

The objectives of the consultation were to ensure that:

- The Council provided information on the current dog byelaws and the new powers being considered;
- The local community, special interest groups and other relevant stakeholders had the opportunity to feedback on proposals to change the current dog byelaws.

## Methodology

A methodology was designed and agreed by Gary Morton (Neighbourhood Quality Officer).

Initially a stakeholder analysis was undertaken to ascertain stakeholders who needed to be notified of and included in the consultation. This list of stakeholders included:

- Havant Borough Residents
- Hayling Island Residents (pedestrians, cyclists and motorists)
- Dog owners and walkers including those with seeing and hearing dogs
- The Kennel Club
- Friends of Parks Groups
- Walking Clubs
- Beach Hut owners
- Event Organisers
- Those involved in sailing / watersports on Hayling island
- Children and parents
- Sports Clubs

In order to reach the relevant stakeholders with the limited resources available, an online survey was designed. This was shared with the Kennel Club for their input and the final draft was agreed by Gary Morton.

Publicity of the consultation took place through the following methods:

- Communications Plan promoting the questionnaire along with a link for people to use for online responses, including a notice about the consultation made available on the HBC website, Twitter and Facebook page.
- Press release sent to local papers
- Survey Link sent to Havant Borough Council Councillors
- Paper questionnaires were made available at the Havant Plaza Office.

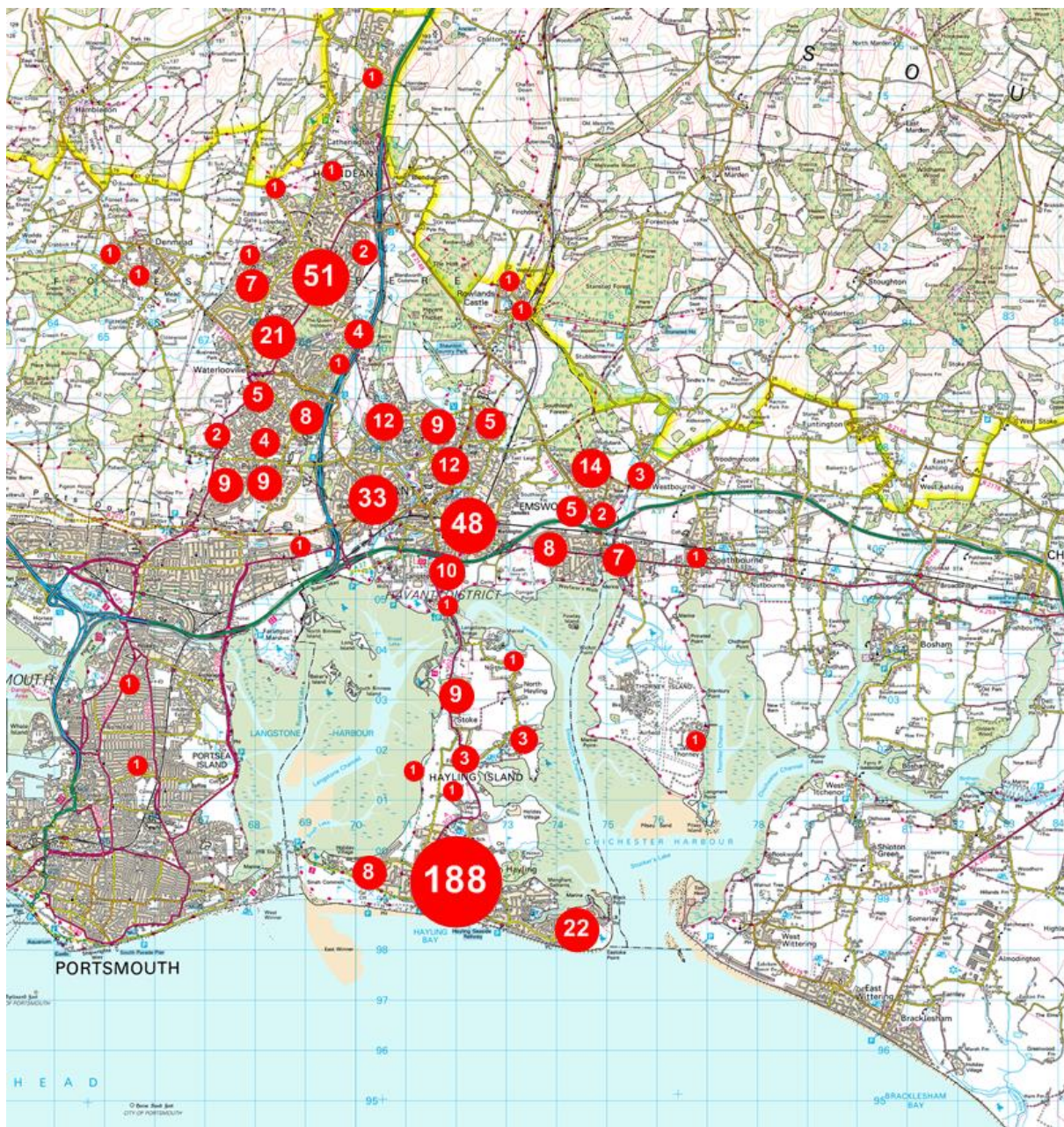
Returned questionnaires were inputted into Snap software. Responses have been collated and summarised.

A copy of the questionnaire is attached at [Appendix A](#).

## Consultation with Local Residents

We had a very good response to our questionnaire with 606 completed returns.

Respondents were asked to supply their full post code; responses from those who answered have been plotted on the map below. The majority of respondents were from the Havant Borough, with a large proportion of respondents from the Hayling Island area. The questionnaire asks for comments on the continuation of the seasonal exclusion of dogs from the blue flag beaches on Hayling Island which may explain why such a high response was achieved from this area.



*Do you live or work in the Borough of Havant?*

Yes  583 (96%)

No  23 (4%)

*If yes do you live, work or both?*

Of those who answered (578):

Live  358 (62%)

Both  202 (35%)

Work  18 (3%)

*Are you a dog owner?*

Of those who answered (602):

Yes  383 (64%)

No  219 (36%)

*Do you regularly walk a dog / dogs?*

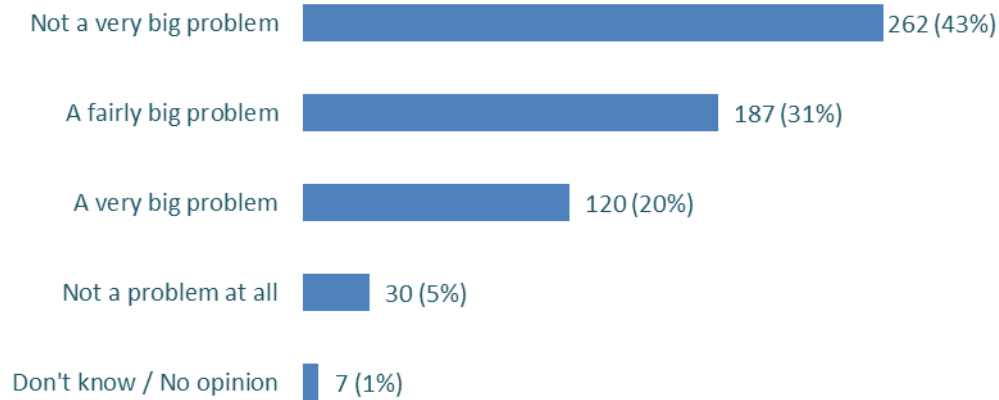
Of those who answered (598)

Yes  398 (67%)

No  200 (33%)

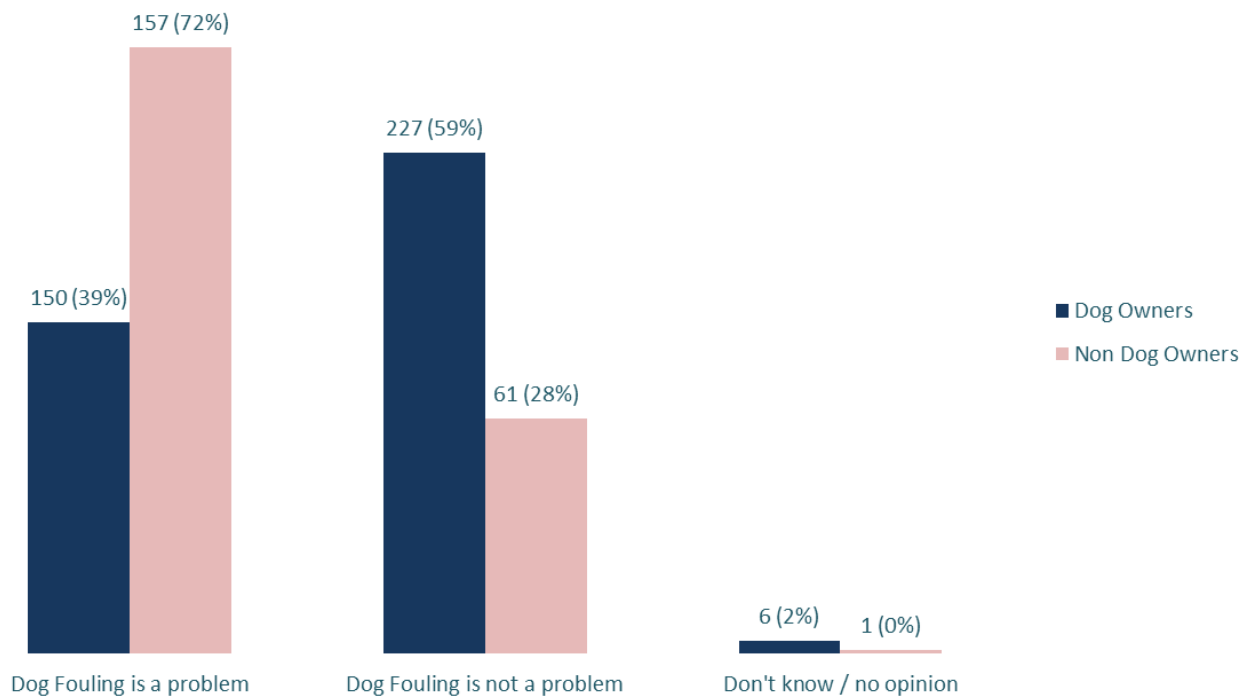
*How much of a problem do you think dog fouling is in the borough of Havant?*

All respondents answered this question. 51% felt that dog fouling was either a fairly big or very big problem. 48% felt that it was either not a very big problem or not a problem at all.



Comparison between dog owners and non dog owners

Clearly the perception of dog owners and non dog owners are very different. Those who own dogs appear to view dog fouling as less of a problem than those who do not own them.



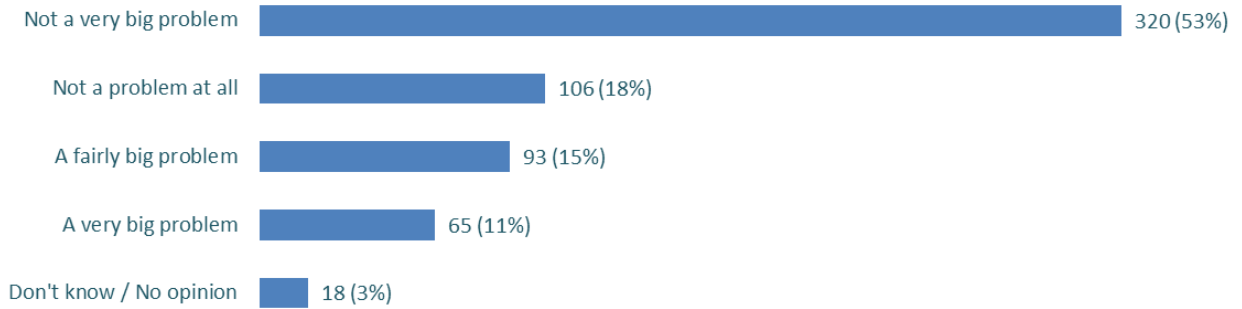
*If you answered that dog fouling was a problem, please could you identify ONE area where you think this is an issue. Please be as specific as possible.*

Responses have been broken down into the following themes:

- *Hayling Island*  
126 respondents stated that dog fouling was a problem in Hayling Island (either generally or in specific areas such as the beach / seafront, parks, named roads, and common areas). The seafront / promenade was named by 95 respondents as being a bad area for dog fouling.
- *Hayling Billy Trail*  
32 respondents stated that dog fouling was a problem around the Hayling Billy Trail area.
- *Parks*  
22 respondents either cited a particular park or felt that dog fouling was a problem in parks generally.
- *Pavements / Roads in Havant*  
20 respondents cited particular roads within Havant as having a problem with dog fouling.
- *Green Areas*  
15 respondents either cited a particular park or felt that dog fouling was a problem in green areas generally.
- *Bins*  
14 respondents felt that the problem occurred where there were not enough bins provided.
- *Emsworth / Hampshire Farm*  
13 respondents stated that dog fouling was a problem in either Emsworth generally or in Hampshire Farm meadows.
- *Pavements / Roads in Waterlooville*  
12 respondents cited area within Waterlooville as having a particular problem.
- *General Areas*  
11 respondents felt dog fouling was a problem generally.
- *Everywhere*  
10 respondents did not cite a particular place but felt there was a problem generally.
- *Pavements / Roads Purbrook*  
4 areas within Purbrook were cited as having a problem.

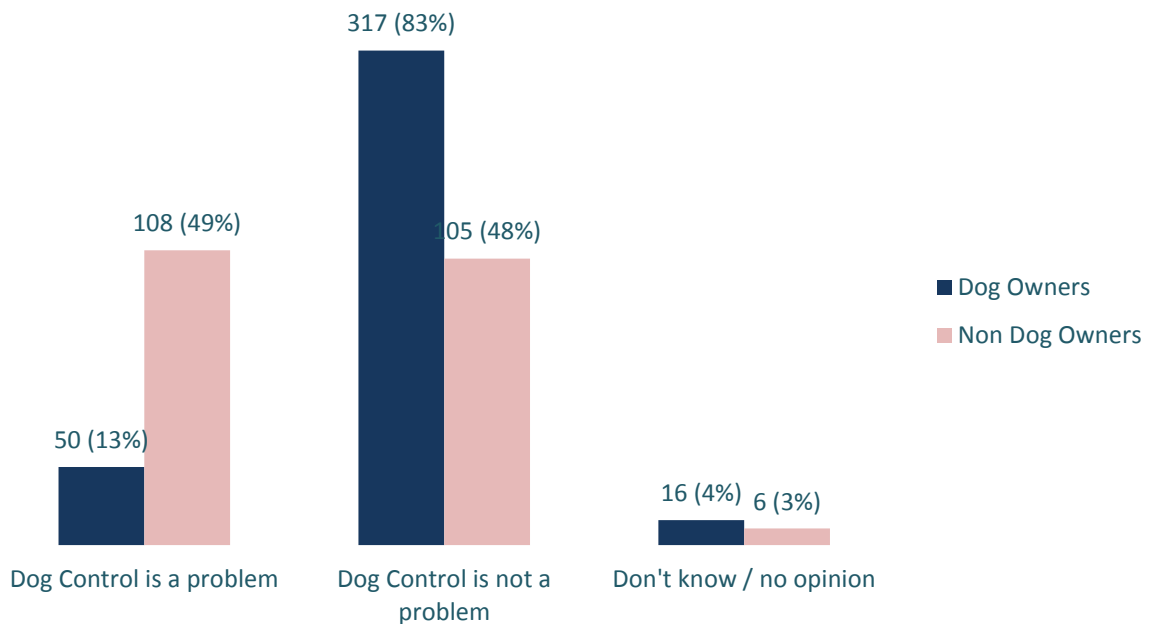
*How much of a problem do you think dogs not being kept under control is in the borough of Havant?*

Of those who responded (602), 71% of respondents stated that dogs not being kept under control was either not a very big problem or not a problem at all. 26% of respondents stated that this was either a fairly big or very big problem.



#### Comparison between dog owners and non dog owners

Again the perceptions of dog owners and non dog owners differ. Those who do own dogs appear to view dogs being kept under control as much less of a problem than those who do not own them.



*If you answered that dogs not being kept under control was a problem, please could you identify ONE area where you think this is an issue. Please be as specific as possible.*

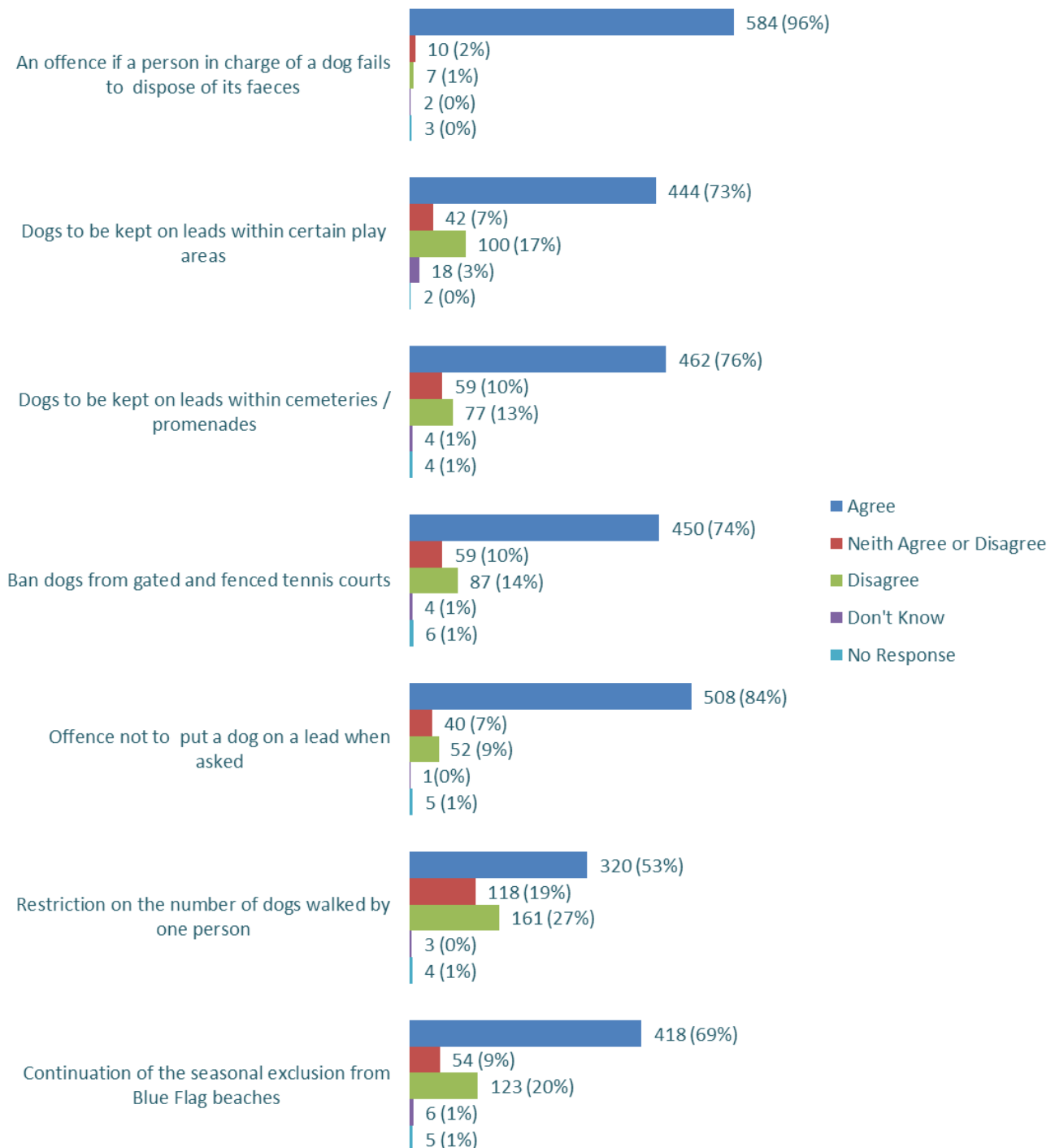
Responses have been broken down into the following themes:

- *Hayling Beach*  
60 respondents stated that this was an issue in Hayling beach areas.
- *Parks generally*  
This theme was cited 17 times.
- *Hayling Billy Trail*  
The Hayling Billy Trail was cited 11 times as a hot spot.
- *Hampshire Farm*  
5 respondents cited this area as having an issue with dogs not being kept under control.
- *Pavements / Roads*  
5 pavements / roads were identified.
- *Leigh Park*  
Leigh Park was cited by 4 respondents.
- *Grass Areas*  
4 grass areas were cited.
- *Emsworth*  
2 areas within Emsworth were cited.



*Under the new PSPO, Havant Borough Council propose a number of orders and requirements. To what extent do you agree or disagree with these proposals?*

In the main, most respondents appear to agree with the new proposals. The proposal which respondents disagreed with the most was the proposal to place a restriction on the number of dogs that can be walked by one person.



*Any other comments or suggestions you may have.*

The comments left have been broken down into key themes, the main themes are:

- *Punishment*

Several respondents stated that dog owners should be punished /penalised for failing to adhere to rules regarding dogs in public areas. A large number of respondents advocated the greater use of fines for those not adhering to laws relating to dogs.

- *Signage*

A popular theme was that of more signage needed. Many felt that current signage stipulating rules was inadequate.

- *Bins*

A very common theme arising from the respondents was the need for more bins. There seemed a large support for a greater number of dog bins to be provided.

- *Dog Warden*

Several respondents stated that more dog wardens should be in place to address problems with dogs in public spaces.

- *Dog Licenses*

A suggestion made by some respondents was that dog licenses should be introduced.

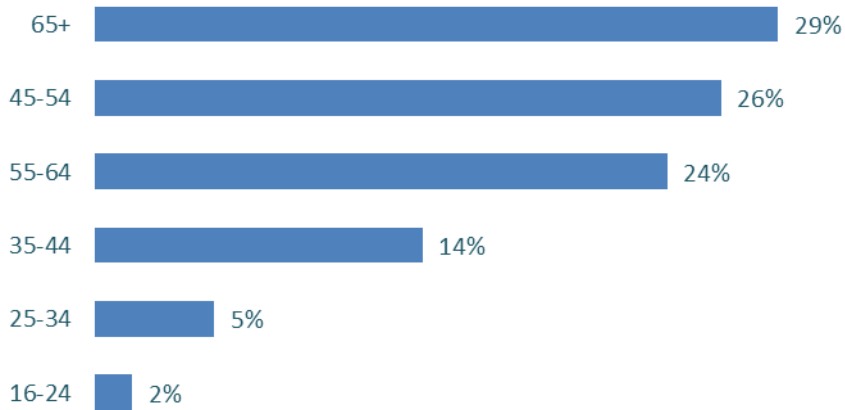
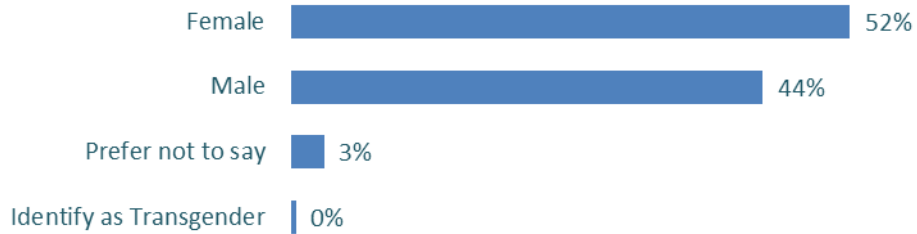
- *Fenced Dog Areas*

A number of respondents suggested that the borough could assign fenced dog areas. It was felt by some that owners / walkers needed somewhere safe and secure to exercise their dogs.

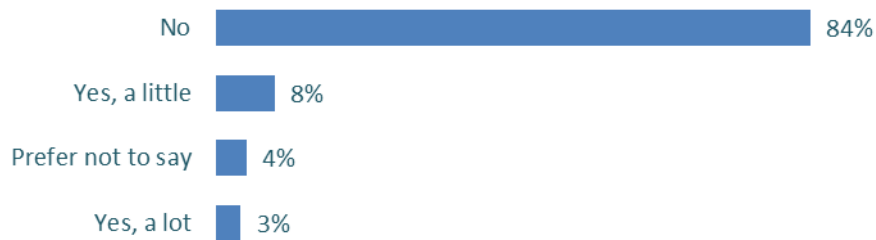
- *Hayling Beaches*

There were mixed views about allowing dogs on beaches. Respondents were split on whether rules should be in place prohibiting them from the beach at certain times.

## Profile of Respondents



*Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?*



## Consultation with Specialist Interest Groups

Written submissions in relation to the consultation were received by the Kennel Club and by the Dogs Trust.

The key issues raised have been summarised below.

### The Dogs Trust

- *Fouling of dogs*

The DT support this order but urge the council to consider whether an adequate number of disposal points are provided, consider providing free disposal bags and ensure that there is sufficient signage.

- *Dog Exclusion Order*

The DT recommend that exclusion areas are kept to a minimum and restricted to enclosed areas with clear boundaries. They also highlight the need to provide plenty of signage for owners.

- *Dogs on Leads Order*

The DT urge the Council to consider the Animal Welfare Act 2006 section 9 requirements (the 'duty of care') this includes the need for sufficient exercise including the need for dogs to run off lead in appropriate areas. Any orders should not restrict dog owners in complying with this. They ask the Council to ensure there are an adequate number of well sign posted areas dogs can be exercised off lead.

- *Dogs on Lead by Direction*

This order is supported by the DT and they state that they would be content if the others (other than the fouling order) were dropped in favour of this order.

- *Taking more than a specified number of dogs onto a land*

The DT disagrees that there should be a limit on the number of dogs walked, they consider that proper use of a "Dogs on Leads by Direction" order, by authorised officers, would be a better solution and less restrictive on responsible owners.

## The Kennel Club

- *Dog fouling*

The KC urge the Council to increase the number of bins available and run events / campaigns advising owners about responsible ownership.

- *Dog access*

The KC also highlight the Animal Welfare Act and the need for owners to exercise their dogs daily. The KC will oppose PSPOs which introduce blanket restrictions on dog walkers accessing public open spaces without specific and reasonable justification. Dog controls should be the least restrictive. In many cases a seasonal or time of day restriction are most appropriate and the KC are very pleased to see that this has been the approach taken by the council.

- *Dogs on leads*

The KC welcome the provision but recommend local authorities make use of the other more flexible and targeted measures at their disposal such as Acceptable Behavioural Contracts and Community Protection Notices

- *Maximum number of dogs a person can walk*

The KC feel this is an inappropriate approach to dog control. They recommend that the Council utilise “dogs on lead by direction” orders and targeted measures such as Acceptable Behaviour Contracts and Community Protection Orders to address people who don't have control of the dogs they are walking.

The KC raise concerns that limits might encourage some commercial dog walkers to leave excess dogs in their vehicles, which can give rise to welfare concerns. If the Council considers issues arising from commercial dog walkers, then the KC suggest the council looks at accreditation schemes.

- *Assistance dogs*

The KC request that appropriate exemptions are put in places for users of registered assistance dogs and state that ‘there are in total seven charities training registered assistance dogs in the UK that we submit should be included.’

- *Wording for proposals / signage*

In the KC's submission they propose wording that should be adopted for the fouling order, dog access restrictions and appropriate signage. This should be considered when drafting any such proposals.

## Consultation with Councillors

Havant Councillors were informed of the consultation via email communication. Whilst a number completed the online survey (and hence their responses were considered in the questionnaire section of this report), two councillors supplied written comments. The points raised were as follows:

- *Dog Fouling*

One councillor suggested that owners should take responsibility for their dogs and fines should be raised to deter this.

- *Dog Exclusion Order*

One councillor suggested that dogs should not be allowed in Children's play areas under any circumstances and that children's health is paramount. Another felt that the consultation should have been publicised in every park, open space and sports field in the borough. One councillor Whilst fully supporting Hayling Islands Blue Flag beaches, was unsure what changes were being proposed here.

- *Maximum Number of dogs a person can walk*

It was felt by one councillor that it was not the council's job to tell residents how many dogs they may walk.

## Key Messages

- I. General*

The consultation garnered a high response, the issues raised were clearly emotive and any such response to the consultees should be dealt with sensitively. A number of extra responses were received to the consultation. The literal responses have been summarised in this report, full copies are available upon request. Consideration should be given to these comments before introducing any new orders/ policies.

- II. Dogs on Leads*

A number of respondents were concerned that responsible dog owners would be penalised. Submissions from stakeholders such as the Dogs Trust and the Kennel Club highlighted the need to balance any legislation against a dog's 'need for sufficient exercise', this is a requirement under the (Animal Welfare Act 2006). Therefore when drafting orders around dogs on leads this should be kept to a minimum where possible. The proposal regarding the proposed restriction of numbers of dogs on leads should

be considered in the context of responses and submissions from consultees. Consideration should be given to whether a 'Dogs on leads by Direction' Order would be a more appropriate option.

*III. Exclusion Orders*

When drafting orders around exclusion areas these should be kept to a minimum and dog owners / walkers should be made aware of clear boundaries so they can adhere to the rules. Appropriate signage should be displayed making owners / walkers aware of their responsibilities.

*IV. 'Hot spot' areas*

Hayling Island is the area most cited in the literal response questions as having a problem with dog fouling / dogs not being kept under control. Large numbers of respondents who felt dog fouling and dog control was a problem were residents from the Hayling Island area. Three key areas that were raised in the general comments section of the questionnaire and by the DT and KC were:

- **More signage**
- **Fenced Dog areas**
- **More bins – particularly along prominent areas**

It would be prudent to consider the possibility of these above suggestions, particularly in the Hayling Island area. These measures would form a proactive approach by Havant Borough Council in tackling issues arising from dogs in public spaces and may help to allay any concerns residents have about responsible dog owners being penalised.

*V. Wording*

When drafting proposals / signage, particular consideration should be given to the wording suggested by the Kennel Club, particularly with reference to exemptions of users of registered assistance dogs.

## Appendix A: Questionnaire

### **Public Spaces Protection Order: Dogs....Have your say.**

Dogs are a large and enjoyable part of everyday life for many of our residents and visitors, and the majority of those are responsible and caring owners. Havant Borough Council, in our role as stewards for our streets and open spaces is updating our byelaws to a Public Space Protection Order (PSPO) to:

- create a clearer, simpler system thereby making it easier for the public to understand
- provide a more comprehensive and consistent approach to the control of dogs in the borough
- increase the penalties for those committing offences
- balance the needs of dog owners and other members of the community

The council of course recognises the pleasure that dogs bring to individuals and families, and the desire and the legal requirement\* to provide their dog with regular opportunities for exercise and play with people or other friendly dogs. A period of public consultation will ensure the views of those affected are taken into account.

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.

\* Defra 'Code of Practice for the Welfare of Dogs'

The public consultation will run from the 2nd January 2017 to Friday 10th February 2017.

If you need help with this questionnaire please contact Customer Services on 023 9244 6019.



01 Do you live or work in the Borough of Havant?  
 Yes   
 No.....

02 If yes do you  
 Live.....   
 Work.....   
 Both.....

03 Are you a dog owner?  
 Yes   
 No.....

04 Do you regularly walk a dog / dogs?  
 Yes   
 No.....

05 How much of a problem do you think dog fouling is 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 / no opinion.....

06 If you answered that dog fouling was a problem, please could you identify ONE area where you think this is an issue. Please be as specific as possible.

07 How much of a problem do you think dogs not being kept under control is 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 / no opinion.....

08 If you answered that dogs not being kept under control was a problem, please could you identify ONE area where you think this is an issue. Please be as specific as possible.

Q9 Under the new PSPO, Havant Borough Council propose a number of orders and requirements. To what extent do you agree or disagree with these proposals?

	Strongly	Neither	Agree or	Strongly	Don't
	Disagree	Disagree	Disagree	Disagree	Disagree
Making it 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"/>
A requirement for dogs to be kept on leads within certain children's play areas (Bidbury Mead, Longwood Park, Cowplain Recreation, Front Lawn Recreation, Gauntlett's Park, Hampshire Farm Play Area and Hollybank	<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 and specific promenades	<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"/>
Making it 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"/>
A restriction on the number of dogs that one person may walk at one time	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A continuation of the seasonal exclusion of dogs from the Blue Flag beaches on Hayling Island	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q10 Any other comments or suggestions you may have.

## About you

Q11 Are you?

- Male.....
- Female .....
- Do you identify yourself as transgender? .....
- Prefer not to say

Q12 Which of the following age bands do you fall into?

16 - 24 .....	<input type="checkbox"/>
25 - 34 .....	<input type="checkbox"/>
35 - 44 .....	<input type="checkbox"/>
45 - 54 .....	<input type="checkbox"/>
55 - 64 .....	<input type="checkbox"/>
65+ .....	<input type="checkbox"/>
Prefer not to say .....	<input type="checkbox"/>

Q13 Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

Yes, limited a lot .....	<input type="checkbox"/>
Yes, limited a little .....	<input type="checkbox"/>
No .....	<input type="checkbox"/>
Prefer not to say .....	<input type="checkbox"/>

Q14 Please supply your full postcode

Thank you for completing this questionnaire. When completed please return to:

Neighbourhood Support  
 Havant Borough Council  
 The Plaza

Civic Centre Road

Havant

PO9 2AX

## Appendix B: Dogs Trust Submission



11 R. M. All. R. S. P. S.

Dear Havant Council,

As the largest dog welfare charity in the UK we are very pleased to have this opportunity to give our response to this consultation. Naturally, we don't have specific knowledge of the local area and so you will no doubt also wish to draw on the first-hand experience of dog owners who live and work in the area.

### 1. Re; 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.

### 2. Re; 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.

### 3. Re; 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.

### 4. Re; 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 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.

Dogs Trust  
Clarissa Baldwin House  
17 Wakley Street  
London EC1V 7RQ

T 020 7837 0006  
F 020 7833 2701  
[www.dogstrust.org.uk](http://www.dogstrust.org.uk)

Patron: Her Majesty The Queen

Registered Charity Numbers: 227523 & 5037843

5. Re; Taking more than a specified number of dogs onto a land:

- Dogs Trust does not agree that there should be a limit on the number of dogs walked as so much depends on the ability of the person to control the dogs. A good owner may be able to control large numbers of dogs while a less responsible person may be incapable of controlling one. While we accept the motivation for introducing this order, we consider that proper use of a "Dogs on Leads by Direction" order, by authorised officers, would be a better solution that is less restrictive on responsible owners.

Whilst we believe that the vast majority of dog owners are responsible, Dogs Trust would be happy to talk to the Council about ways we could work together to encourage responsible behaviour amongst the small minority of owners who may cause problems.

We would also be very grateful if you could inform us of the outcome of the consultation process and of subsequent decisions made in relation to the order.

Yours faithfully,



Lee Paris  
Campaigns Officer  
020 7837 7701

## Appendix C: The Kennel Club Submission



# THE KENNEL CLUB

*Making a difference for dogs*

## Kennel Club Response to Havant Borough Council Public Spaces Protection Order Consultation

Submitted on 10<sup>th</sup> February by: The Kennel Club, Clarges Street, Piccadilly, London W1J 8AB, tel: 020 7518 1020, email: [kcdog@thekennelclub.org.uk](mailto:kcdog@thekennelclub.org.uk)

The Kennel Club is the largest organisation in the UK devoted to dog health, welfare and training, whose main objective is to ensure that dogs live healthy, happy lives with responsible owners. As part of its External Affairs activities the Kennel Club runs a dog owners group KC Dog with approximately 5,000 members, which was established to monitor and keep dog owners up to date about dog related issues, including Public Spaces Protection Orders (PSPOs) being introduced across the country.

As a general principle we would like to highlight the importance for all PSPOs to be necessary and proportionate responses to problems caused by dogs and irresponsible owners. It is also important that authorities balance the interests of dog owners with the interests of other access users.

We would very much like to thank the council for proactively consulting with us in relation to the proposed PSPO

### Response to proposed measures

#### Dog fouling

The Kennel Club strongly promotes responsible dog ownership, and believes that dog owners should always pick up after their dogs wherever they are, including fields and woods in the wider countryside, and especially where farm animals graze to reduce the risk of passing Neospora and Sarcocystosis to cattle and sheep respectively.

We would like to take this opportunity to encourage the local authority to employ further proactive measures to help promote responsible dog ownership throughout the local area in addition to introducing Orders in this respect.

These proactive measures can include: increasing the number of bins available for dog owners to use; communicating to local dog owners that bagged dog poo can be disposed of in normal litter bins; running responsible ownership and training events; or using poster campaigns to encourage dog owners to pick up after their dog.

#### Dog access

The Kennel Club can support reasonable "dogs on lead" orders, which can - when used in a proportionate and evidenced-based way - include areas such as cemeteries, picnic areas, sites where livestock may be present, or on pavements in proximity to cars and other road traffic.

The council should be aware that dog owners are required, under the Animal Welfare Act 2006, to provide for the welfare needs of their animals and this includes providing the necessary amount of exercise each day. Their ability to meet this requirement is greatly affected by the amount of publicly accessible parks and other public places in their area where dogs can exercise without restrictions. This section of the Animal Welfare Act was included in the statutory guidance produced for local authorities by the Home Office on the use of PSPOs.

However, we will oppose PSPOs which introduce blanket restrictions on dog walkers accessing public open spaces without specific and reasonable justification. Dog owners are required to provide their dogs with appropriate daily exercise, including "regular opportunities to walk and run", which in most cases will be off lead while still under control. This is a provision of the Code of Practice for the Welfare of Dogs, which accompanies the Animal Welfare Act 2006.

Accordingly, the underlying principle we seek to see applied is that dog controls should be the least restrictive to achieve a given defined and measurable outcome; this is the approach used by Natural England. In many cases a seasonal or time of day restriction will be effective and the least restrictive approach, rather than a blanket year-round restriction. For instance a "dogs on lead" order for a picnic area is unlikely to be necessary in mid-winter.

We are very pleased to see that this has been the approach taken by the council.

We welcome the inclusion of the "dog on lead by direction" provision, which should allow a more targeted approach to tackle the individuals who allow their dogs to run out of control. We would also recommend local authorities make use of the other more flexible and targeted measures at their disposal such as Acceptable Behavioural Contracts and Community Protection Notices. Kennel Club Good Citizen Training Clubs and our accredited trainers can also help those people whose dogs run out of control due to them not having the ability to train a good recall.

#### **Maximum number of dogs a person can walk**

The Kennel Club feel that an arbitrary maximum number of dogs a person can walk is an inappropriate approach to dog control that will often simply displace and intensify problems in other areas. The maximum number of dogs a person can walk in a controlled manner depends on a number of factors relating to the dog walker, the dogs being walked, whether leads are used and the location where the walking is taking place.

An arbitrary maximum number can also legitimise and encourage people to walk dogs up to the specified limit, even if at a given time or circumstance, they cannot control that number of dogs.

We thus suggest that defined outcomes are used instead to influence people walking more than one dog, be that domestically or commercially, such as dogs always being under control, or not running up to people uninvited, on lead in certain areas etc.

For example, an experienced dog walker may be able to keep a large number of dogs under control during a walk, whereas an inexperienced private dog owner may struggle to keep a single dog under control. Equally the size and training of the dogs are key factors; this is why an arbitrary maximum number is inappropriate. The Kennel Club would recommend the local authority instead uses "dogs on lead by direction" orders and targeted measures such as Acceptable Behaviour Contracts and Community Protection Orders to address people who don't have control of the dogs they are walking.

A further limitation of a maximum number of dogs per person is that that it does not stop people with multiple dogs walking together at a given time, while not exceeding the maximum number of dogs per person. Limits can also encourage some commercial dog walkers to leave excess dogs in their vehicles, which can give rise to welfare concerns.

If a maximum number of dogs is being considered due to issues arising from commercial dog walkers, we instead suggest councils look at accreditation schemes that have worked very successfully in places like the East Lothian council area. These can be far more effective than numerical limits, as they can promote wanted good practice, rather than just curb the excesses of just one aspect of dog walking. Accreditation can also ensure dog walkers are properly insured and act as advocates for good behaviour by other dog owners. The Kennel Club is currently developing a national Code of Practice for Commercial Dog Walking for launch in 2017, alongside a national accreditation and training scheme that councils can work with us to apply and promote in their areas.

### **Assistance dogs**

We would also request appropriate exemptions are put in places for users of registered assistance dogs. There are in total seven charities training registered assistance dogs in the UK that we submit should be included. We would suggest that to find out more information about the range of assistance dogs now legally recognised under disability legislation in the UK that need to be accommodated, go to [www.assistedogs.org.uk](http://www.assistedogs.org.uk).

For the proposed dog fouling up measure we suggest the Council adopts the following wording -

These offences does 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) 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.

For the dog access restrictions including dog exclusion and dogs on lead we submit the Council adopts the following wording -

- 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 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.

### **Appropriate signage**

It is important to note that in relation to PSPOs the "The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014" make it a legal requirement for local authorities to –

"cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to -

- (i) the fact that the order has been made, extended or varied (as the case may be); and
- (ii) the effect of that order being made, extended or varied (as the case may be)."



With relation to dog access restrictions such as a "Dogs on Leads Order", on-site signage should make clear where such restrictions start and finish. This can often be achieved by signs that on one side say, for example, "You are entering [type of area]" and "You are leaving [type of area]" on the reverse of the sign.

While all dog walkers should be aware of their requirement to pick up after their dog, signage should be erected for the PSPO to be compliant with the legislation.



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