

Crawley Borough Council

Minutes of Overview and Scrutiny Commission

Monday, 10 January 2022 at 7.00 pm

Councillors Present:

T G Belben (Chair)

K Khan (Vice-Chair)

M L Ayling, R G Burgess, R A Lanzer, S Mullins, A Pendlington and S Piggott

Also in Attendance:

Councillor R D Burrett and C J Mullins

Officers Present:

Heather Girling Democratic Services Officer

Kate Wilson Head of Community Services

Apologies for Absence:

Councillor A Nawaz

Absent:

Councillor B A Smith

1. Disclosures of Interest and Whipping Declarations

The following disclosures were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor R A Lanzer	HASC (Minute 4)	Personal Interest – WSCC Cabinet Member for Public Health and Wellbeing

2. Minutes

The minutes of the meeting of the Commission held on 22 November 2021 were approved as a correct record and signed by the Chair.

3. Public Question Time

No questions from the public were asked.

4. Health and Adult Social Care Scrutiny Committee (HASC)

A detailed update was unfortunately unable to be provided from the most recent HASC meeting due to absence. However the meeting covered the Adults Services Quality Assurance Update, the Performance Resources Quarterly Report, together with progress on the West Sussex Stroke Programme. The full minutes were available on the HASC [webpages](#). It was queried whether a substitute could be provided, however following investigation on the WSCC website, WSCC councillors appear to have substitutes and the district and borough were representatives. It was noted that all meetings were available to view via webcast [here](#).

5. Information on Option 3 in relation to Petition – 'Keep your dog on a lead in Tilgate Park'

The Commission considered report [HCS/34](#) of the Head of Community Services. At its meeting of 8 September 2021, Cabinet requested that Officers bring a further report back for its consideration, which would provide more detail with regards to the potential implementation of Option 3 referred to within the report [HCS/30](#). In order for Cabinet to make an informed decision, the requested report should provide information on Option 3, the possible changes to service delivery and personnel, expected financial implications and any legal aspects. Report [HCS/34](#) included details on the use of bye-laws and the installation of a PSPO together with the associated statutory consultation requirements.

During the discussion with the Cabinet Member for Wellbeing and the Head of Community Services, Councillors made the following comments:

- It was noted that the proposal and potential change for a Public Space Protection Order (PSPO) to be considered to prohibit dog related anti-social behaviour in Tilgate Park for a period of 3 years to require dogs to be kept on leads in all areas of the park unless explicitly specified otherwise, was emotive and divisive.
- It would be important to have a strong, positive, education and information approach in place prior to the decision and beyond, together with offering alternative options where dogs are permitted to be “off lead”, such as the Hound Ground. It would be important that any alternative considerations were viable in terms of cost.
- Acknowledgement there was a need to balance the education and information sharing with a robust and measured approach. However concerns were also recognised that there would be challenges if the PSPO was implemented and it was also mentioned that the introduction may change public behaviour and dog walkers to other parks in the town.
- Recognition that the many dog owners who visit Tilgate Park were responsible; they keep their dog under control and exercise it in a manner that does not cause distress to other park users. It was important not to alienate responsible dog owners but to manage anti-social behaviour.
- Acknowledgement that there was likely to be under-reporting of incidents and the true scale of the issue was not necessarily reflected in formal complaints and reports and that whilst the majority of formally reported and anecdotal incidents were largely focused around the lake and lawn areas, there was evidence of the issue affecting other areas of the park, particularly where wildlife was concerned.
- Acknowledgement that PSPOs must be evidenced based, and decision makers should be satisfied that the required conditions were met including the information

received from the statutory consultation. Confirmation was provided that the consultation would be online, with alternative options available upon request.

- Confirmation provided regarding the evidence gathering and issuing of the fixed penalty notices. It was noted that only authorised officers can issue a Fixed Penalty Notice (FPN) immediately upon witnessing a breach of the PSPO.
- Concern was expressed regarding the finances available for the implementation of the PSPO together with the use of existing resources in light of the current financial climate.
- Clarification was sought as to the legal resources required following an unpaid FPN, as it was felt these would be common.
- Acknowledgement that at the expiration of the 3 years, the process would be reviewed to determine whether the threshold to sustain a PSPO was still being met and repeated if deemed necessary.
- It was queried whether the PSPO included Tilgate Golf Course and surrounding woodland. It was therefore recommended that a master plan (map) of the restricted areas outlining the exact geographical area affected by the PSPO be included in the report (similar to that in previous PSPO reports) as this would be advantageous. Officers confirmed this is a requirement of the PSPO process.
- It was queried whether professional dog walkers needed to be licensed or require a permit. In response, it was confirmed this was not the case, as it was noted that this was not currently a regulated licensable activity (DEFRA were looking into this). It was therefore requested that the Cabinet seek to investigate the opportunity to create a register of professional dog walkers in order to monitor the use.
- It was felt it would be beneficial to improve the education and information sharing for the public and the majority of the Commission were of the opinion that the reporting of dog off leads instances could be improved, whether via a specific webpage (portal) or link (similar to the council's '*report a problem*' page). This would further assist the gathering of data for other areas within the town, as currently no evidence had been received. Should further data be received in the future it would be beneficial for Councillors to be informed.

Having considered all the matters in detail, and as a result of the comprehensive discussion and subsequent voting, the Commission noted the report and felt that the views expressed along with the following recommendations were appropriate to be referred to the Cabinet:

RESOLVED

That the Commission:

1. Recommends a master plan of the restricted areas (map) outlining the exact geographical area affected by the PSPO be included in the PSPO report scheduled for Cabinet June 2022.
2. Requests that Cabinet investigate the opportunity to create a register of professional dog walkers in order to monitor the use.
3. Requests that Cabinet consider the implementation of a specific webpage (portal) or link (similar to the council's '*report a problem*' page) to improve information sharing and the reporting of dog off leads instances, which would assist with the gathering of data and evidence.

6. Forthcoming Decision List - and Provisional List of Reports for the Commission's following Meetings

The Commission confirmed the following reports:

31 January 2022

1. 2022/2023 Budget and Council Tax
2. Treasury Management Strategy 2022-2023
3. 2021/2022 Budget Monitoring - Quarter 3
4. Extension to Public Space Protection Order (PSPO) – Car Cruising
5. Towns Fund - To seek approval of business cases for 2 projects (PART B)

14 March 2022

1. Town Centre Regeneration Programme v3
2. Towns Fund - To seek approval of business cases for 8 projects (PART B)

Closure of Meeting

With the business of the Overview and Scrutiny Commission concluded, the Chair declared the meeting closed at 8.32 pm

T G Belben (Chair)