

Crawley Borough Council

Overview and Scrutiny Commission

Agenda for the **Overview and Scrutiny Commission** which will be held in **Ashurst Main Hall - The Charis Centre**, on **Monday, 10 January 2022** at **7.00 pm**

Nightline Telephone No. 07881 500 227

A handwritten signature in black ink, appearing to read "A. Smith".

Chief Executive

Membership:
Councillors

T G Belben (Chair), K Khan (Vice-Chair), M L Ayling, R G Burgess,
R A Lanzer, S Mullins, A Nawaz, A Pendlington, S Piggott and
B A Smith

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The order of business may change at the Chair's discretion

Part A Business (Open to the Public)

	Pages
1. Apologies for Absence	
2. Disclosures of Interest and Whipping Declarations In accordance with the Council's Code of Conduct, councillors are reminded that it is a requirement to declare interests where appropriate. Councillors must also declare if they are subject to their party group whip in relation to any items under consideration.	
3. Minutes To approve as a correct record the minutes of the Overview and Scrutiny Commission held on 22 November 2021.	5 - 12
4. Public Question Time To answer any questions or hear brief statements from the public which are relevant to the items on this agenda. The period will end after 15 minutes or later at the Chair's discretion.	
5. Information on Option 3 in relation to Petition – 'Keep your dog on a lead in Tilgate Park' To consider report HCS/34 of the Head of Community Services.	13 - 20
6. Health and Adult Social Care Scrutiny Committee (HASC) To receive a brief update on the Health and Adult Social Care Scrutiny Committee (HASC).	
7. Forthcoming Decision List - and Provisional List of Reports for the Commission's following Meetings	

To consider any requests for [future items](#). Those highlighted items have been referred to the Commission.

Cabinet 2 Feb 2022
OSC 31 Jan 2022

	Item	PFD
1	2022/2023 Budget and Council Tax	Yes
2	Treasury Management Strategy 2022-2023	Yes
3	2021/2022 Budget Monitoring - Quarter 3	
4	Irrecoverable Debts 2021/22 (Over £50,000)	
5	Extension to Public Space Protection Order (PSPO) - Car Cruising	
6	Towns Fund - To seek approval of business cases for 2 projects (Part B)	

Cabinet 16 March 2022
OSC 14 March

	Item	PFD
1	Allocating Monies Collected Through CIL	
2	Town Centre Regeneration Programme v3	
3	Towns Fund - To seek approval of business cases for 8 projects (Part B)	

8. Supplemental Agenda

Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.

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Crawley Borough Council

Minutes of Overview and Scrutiny Commission

Monday, 22 November 2021 at 6.30 pm

Councillors Present:

T G Belben (Chair)

K Khan (Vice-Chair)

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

Also in Attendance:

Councillor R D Burrett, I T Irvine, G S Jhans, P K Lamb, C J Mullins and P C Smith

Officers Present:

Natalie Brahma-Pearl	Chief Executive
Heather Girling	Democratic Services Officer
Karen Hayes	Head of Corporate Finance
Louise Skipton-Carter	Sustainability Manager
Clem Smith	Head of Economy and Planning
Kate Wilson	Head of Community Services
Paul Windust	Chief Accountant

Apologies for Absence:

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	Budget Strategy 2022/23-2026-27 (Minute 4)	Personal Interest – Member of WSCC
Councillor R A Lanzer	Climate Emergency Action Plan (Minute 9)	Personal Interest – Member of WSCC
Councillor R A Lanzer	One Town – Crawley Economic Plan – Consultation Findings and Final Version (Minute 10)	Personal Interest – Member of WSCC

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Councillor P Smith	One Town – Crawley Economic Plan – Consultation Findings and Final Version (Minute 10)	Personal Interest – Local Authority Director of the Manor Royal Business Improvement District
Councillor P Smith	One Town – Crawley Economic Plan – Consultation Findings and Final Version (Minute 10)	Personal Interest – Board member of the Town Centre Business Improvement District
Councillor R A Lanzer	Crawley Innovation Centre – Draft Business Case (Minute 13)	Personal Interest – Member of WSCC

2. Minutes

The minutes of the meeting of the Commission held on 1 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. Budget Strategy 2022/23 – 2026/27

The Commission considered report [FIN/537](#) with the Leader of the Council, Head of Corporate Finance and Chief Accountant. The report set out the projected financial position for 2022/23 to 2026/27 for the General Fund, Housing Revenue Account, capital programme and the underlying assumptions. The report also set the policy framework for the budget process, recognising that there were a range of options for capital investment, income generation, savings and Council Tax levels; none of which were to be considered in isolation. The overall objective was to work towards a balanced General Fund budget over a four year period, this however may be difficult due to the impact of the Coronavirus pandemic.

The Commission received clarification on a number of points within the report during the discussion with the Leader of the Council, Head of Corporate Finance and Chief Accountant.

Councillors made the following comments:

- Harsh decisions taken last year have resulted in an acceptable outcome, however it was acknowledged that the final settlement from central government was still outstanding.
- It was noted that any costs associated with the climate change action plan will have to be fed into future budget processes and may result in savings being sought.
- Query sought on the decline in retained business rates and estimated NNDR compared to the assumed projections. This was due to an assumption of a business rates reset in 2025/26 and the business rates equalisation reserve being utilised in the first few years of the strategy.
- Acknowledgement that the pension fund was fully funded as it had exceeded targets over the last three years, the saving in 2022/23 would be £145,000.
- It was noted that the waste collection changing to fortnightly household waste whilst not approved would save £250,000. It was commented that as COP26 had just ended it would be a beneficial time to lead by example and implement food collection and fortnightly waste collection.

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- Recognition that resources had been impacted over the course of the pandemic, financial resources, funding and grants available and it was clear that the financial pressures were going to continue for several years.
- Acknowledged that it still uncertain as to when the position with regards to Natural England and planning applications would be resolved.
- Disappointment was expressed that if there was a slower than anticipated take up of floor letting for the new Town Hall as a result of the impact of the pandemic and the new ways of working, savings may have to be sought in future.
- It was commented it would be beneficial to include the income being made from each investment property within the appendices.
- Officers were thanked for providing detailed reasons for reserves within the report.

RESOLVED

That the Commission noted the report and requested that the views expressed during the debate, were fed back to the Cabinet through the Commission's Comment sheet.

5. Treasury Management Mid Year Review 2021-2022

The Commission considered report [FIN/538](#) of the Head of Corporate Finance. The report provided an update on the Council's Treasury Management Strategy for 2021/22.

During the discussion with the Leader of the Council, Head of Corporate Finance and Chief Accountant, Councillors made the following comments:

- Confirmation sought and obtained on the lease surrounding Kingsgate car park. It would now be run as a Council owned car park once essential works were carried out and it was hoped it would be opened shortly, being in a prime location to the shops and the new town hall.
- Praise was offered for the in-house investments.

RESOLVED

That the Commission noted the report and requested that the views expressed during the debate, were fed back to the Cabinet through the Commission's Comment sheet.

6. 2021/2022 Budget Monitoring - Quarter 2

The Commission considered report [FIN/535](#) of the Head of Corporate Finance. The report set out a summary of the Council's actual revenue and capital spending for the quarters to September 2021 together with the main variations from the approved spending levels and impact on future budgets.

During the discussion with the Leader of the Council, Head of Corporate Finance and Chief Accountant, the following comments were made:

- Acknowledgement that the council currently had a favourable variance against the original budget largely due to government grants, although it was noted this was likely to be short term.
- Confirmation provided regarding the improved offer for the surrender of the lease on Kingsgate car park.
- Recognition of the additional income from interest on deferred receipts from shared equity properties.
- The Commission expressed its thanks to the Finance Team for its continued hard work throughout the pandemic and beyond.

RESOLVED

That the Commission noted the report and requested that the views expressed during the debate, were fed back to the Cabinet through the Commission's Comment sheet.

7. **Crawley Homes Rent Overcharge**

The Commission considered report [DCE/11](#) of the Deputy Chief Executive. The report considered the reasons behind the rental overcharge, the actions being taken to rectify this and the associated financial impact; and requested that Full Council approved the necessary financial changes.

During the discussion with the Cabinet Member for Housing, Chief Executive and Head of Corporate Finance, Councillors made the following comments:

- Acknowledgement that the report documented a historical error with regards to tenants' rents, reasons and rectification.
- Important that the council was seen to be doing the 'right thing' in repaying tenants and to ensure consistency with natural justice and transparency.
- Recognition that the analysis process was significant and complex along with the process for rectification for the teams involved, not just for the council but external organisations.
- By rightly applying the principles of natural justice there was a return of the money that has been overcharged, placing the financial impact at 'status quo', but it was noted that there was a financial impact in terms of resource analysis of the data and that required to rectify the issue which should be made open and transparent. It was subsequently confirmed that costs were borne out of existing hours.
- Acknowledgement that the implementation of the policy seemed simple (48 to 52 weeks) compared to the cost of the resolution which appeared overly complicated. It was important to learn how to avoid similar situations in the future as it was noted the Regulator for Social Housing contacted the council following its first mandatory data return.
- Acknowledgement that the change was made by dividing the existing rent by 52 and then multiplying by 48. Actual rents were changed but the target rents on the system were not. Confirmation that the information was now fed into the housing system.
- It was queried whether the rent charging may not have been consistent with the decision taken in October 2013. However that decision reflected the 52 week charge for actual rent and it was noted the targeted rent was set by central government.
- Recognition that the Council actively monitored actual rents received versus the level forecast and regularly checked and sought reasons for variances. The year that the decision was made the council had 101 RTB properties. The Council budgeted for a similar level the following year (the first year of the new 52 week rent), however sold 66. When completing the budget monitoring the rental income was higher than anticipated but at the time this was put that down to having more properties paying rent than anticipated.
- Confirmation that the costs would come from the HRA once the process was complete. The budget would be adjusted next year and be reflected in the quarter 3 budget monitoring report.
- It was noted that existing tenancies would not be affected by this change, and neither were new tenancies within properties built since April 2014. Reconciliation had taken place for the current rent to ensure they were correct.
- Confirmation that rent credit would be transferred into rent accounts and also that the Corporate Debt Team would be liaising with tenants for any outstanding debt.
- It was noted that communications for tenants would continue over the next few weeks and Housing Advisors would be available to assist with any queries and support. Correspondence will be issued for former tenants but the priority was to the current tenants.

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- It was felt it would be important for the Cabinet to acknowledge openly, ways to build some degree of public confidence in the council's ability to minimise this similar error in the future.

RESOLVED

That the Commission noted the report and requested that the views expressed during the debate, were fed back to the Cabinet through the Commission's Comment sheet.

8. Unsupervised Play Investment Programme

The Commission consider report [HCS/33](#) of the Head of Community Services. The report documented the investment priorities and necessary capital programme to be agreed for Unsupervised Play in Crawley for the period 2021/22 – 2022/23; together with the provisional capital spend requirement for 2023/24-2024/25.

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

- Recognition that the proposed investment programme had been devised based on the safety grounds and need of the sites throughout the town. The works were re-scheduled and prioritised due to condition.
- Acknowledgement that the sites had featured cross-party agreement through the working group.
- Confirmation that the current budget identified in table 6.7 was the remaining budget.

RESOLVED

That the Overview and Scrutiny Commission noted the report and the views expressed during the debate were fed back to the Cabinet through the Commission's Comment Sheet.

9. Climate Emergency Action Plan

The Commission considered report [PES/390](#) of the Head of Economy and Planning. The report sought approval for the Climate Emergency Action Plan to enable the council to reduce the carbon emissions generated by its activities in line with the commitments made in the Climate Emergency Declaration of July 2019; that is to reduce carbon emissions by at least 45% by 2030 and to zero by 2050 as recommended by the Inter-governmental Panel on Climate Change (IPCC).

During the discussion with the Cabinet Member for Environmental Services and Sustainability, the Head of Economy and Planning and the Sustainability Manager, Councillors made the following comments:

- Acknowledgement that the carbon dioxide emissions reduction target was at least 45% by 2030 and zero by 2050. It was highlighted that this was a target and it was hoped to reach this prior to this date.
- It was noted that a funding plan would need to be brought forward to ensure the action plan would be fully budgeted and costed. This would build on future investigations and audits to inform the full costs of driving down emissions.
- Recognition that procurement plays a key role in carbon dioxide emissions equating to the supply chain, construction, manufacturing, goods and services.
- It was commented upon that it was a useful intention to review the essential car user policy but it was commented that it may be difficult to revise staff terms and conditions.
- Other options should be considered for improving the waste fleet, together with waste services in general. It was felt that the reduction in emissions for waste

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collection could be instigated by implementing food waste collection ahead of the timescales indicated in the plan and fortnightly rubbish collection.

- Acknowledgement that under provision on car parking, particularly in the town centre, was a deterrent for take up of electric vehicles as only a small percentage have off-street parking. It was noted the infrastructure was important and the EV charging network contract was in place in partnership with WSCC to install a network of charging points across the town. In addition, some petrol stations had installed EV charging points. Compressed natural gas was not an alternative as it still produced carbon dioxide and consequently its use had not fully materialised.
- It was noted that through government policy and Local Plan policy there could be significant influence on planning applications in the future to assist in achieving sustainability. Recognition that there was a balance between residents' perception, feasibility and achieving net zero.
- Recognition that there was a need to encourage modal shift and behaviour change and the council should be leading on this and had a moral obligation. The Core Principles for Action (appendix A) stated the Carbon Emergency communications and engagement plan would engage and influence staff, councillors and externally with residents and stakeholders. However the Commission felt that further publicity would be beneficial in order to encourage the wider community and following a unanimous vote it was agreed that the Cabinet be requested to consider this additional recommendation:

Request the Cabinet complement the Climate Change Emergency Action Plan with a public educational programme.

RESOLVED

That the Commission noted the report and requested that the views expressed during the debate, were fed back to the Cabinet through the Commission's Comment sheet with the additional recommendation above.

10. One Town - Crawley Economic Recovery Plan - Consultation Findings and Final Version

The Commission considered report [PES/391](#) of the Head of Economy and Planning. In March 2021, Cabinet gave approval for the draft Economic Recovery Plan to go out to consultation. The draft Plan outlined a vision for Crawley's future prosperity and recovery from the pandemic and proposed a number of schemes for delivery, setting out strategic priorities. The report presents the findings of that consultation together with a final version of the Crawley 'One Town' Economic Recovery Plan, for approval and publication.

During the discussion with the Cabinet Member for Planning and Economic Development and the Head of Economy and Planning, Councillors made the following comments:

- Acknowledgement that the 'One Town' Crawley Economic Recovery Plan was an overarching strategic framework for Crawley's economic recovery and for the following existing economic regeneration programmes and policies: Crawley Growth Programme, Crawley Town Investment Programme, Crawley Town Centre Regeneration Programme and Crawley Employment & Skills Programme.
- Following the conclusion of the consultation a glossary of terms had been created together with a timeline for the delivery of the interventions and the funding allocations.
- Key partners were recognised and highlighted throughout the individual projects within the specific documents.

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- It was commented it would be beneficial to see quantifiable contributions from the different partners as a reminder of the amount from each contributor.
- Recognition that the recovery plan would tie in the needs and actions of the climate emergency action plan.
- Acknowledgement that there was firm commitment to invest in modernisation of the Crawley College campus and education programmes including degree syllabus, STEM centre along with new apprenticeships and identifying future employment opportunities.
- It was felt the 'joined up approach to recovery' lacked some other stakeholders and partners representation. The Crawley Growth Programme was one of four initiatives referenced. WSCC and Metrobus were key deliverables in this and yet they did not feature to the same extent. As a result, it was moved by Councillor Lanzer (seconded by Councillor Pendlington) that:

"the partnership contributions of Metrobus and WSCC to the Crawley Growth Programme should be more explicitly referenced in this document (the One Town Crawley Economic Recovery Plan – Consultation Findings & Final Version)".

Following a vote being put to the Commission, the proposal was declared as carried.

RESOLVED

That the Commission noted the report and requested that the views expressed during the debate, were fed back to the Cabinet through the Commission's Comment sheet with the additional recommendation above.

11. Exempt Information – Exclusion of the Public

RESOLVED

That in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

12. Crawley Innovation Centre - Draft Business Case

Exempt Paragraph 3

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

The Commission considered report PES/392 of the Head of Economy and Planning. The report requested Cabinet to consider the business case for the design, build and delivery of the Crawley Fusion Innovation Centre, proposed to be located in Manor Royal, fully financed by the government's Getting Britain Building Fund through the Coast to Capital Local Enterprise Partnership. The Cabinet report will include an evaluation of a full business case for the scheme, the development of which is being fully funded by the Coast to Capital LEP.

During the discussion with the Cabinet Member for Planning and Economic Development and Head of Economy and Planning, Councillors made the following comments:

- Recognition that the option proposed enabled the Council to acquire a suitable property should one become available to enable delivery of the Crawley Innovation Centre project.

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- There was overall support for the proposal which potentially could result in exciting opportunity for the town.

RESOLVED

That the Commission noted the report and requested that the views expressed during the debate, were fed back to the Cabinet through the Commission's Comment sheet.

Re-Admission of the Public

The Chair declared the meeting reopen for consideration of business in public session.

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

The Commission confirmed the following reports:

10 January

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

31 January

1. 2022/2023 Budget and Council Tax
2. Treasury Management Strategy 2022-2023
3. 2021/2022 Budget Monitoring - Quarter 3

Closure of Meeting

With the business of the Overview and Scrutiny Commission concluded, the Chair declared the meeting closed at 9.40 pm

T G Belben (Chair)

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Crawley Borough Council

Report to Overview and Scrutiny Commission 10 January 2022

Cabinet 12 January 2022

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

Report of the Head of Community Services, **HCS/34**

1. Purpose

- 1.1 A Petition of 139 valid signatures named 'Keep your dog on a lead in Tilgate Park' was submitted and considered at the Overview and Scrutiny Commission and Cabinet meetings in September 2021.
- 1.2 Cabinet requested officers bring a further report back for its consideration, providing more detail with regard to the potential implementation of 'option 3' referred to within report [HCS/30](#), including:
 - the possible changes to service delivery and personnel
 - expected financial implications
 - legal aspects (including details on the use of byelaws, installation of a PSPO together with the associated statutory consultation requirements).

2. Recommendations

- 2.1 To the Overview and Scrutiny Commission:

Consider the report and decide what comments, if any, it wishes to submit to the Cabinet.

- 2.2 To the Cabinet:

The Cabinet is recommended to:

- 2.2.1 Agree in principle to the implementation of a Public Space Protection Order (PSPO) to prohibit dog related anti-social behaviour in Tilgate Park for a period of 3 years. This will require dogs to be kept on leads in all areas of the park unless explicitly specified otherwise. Dogs will not be permitted at all in the children's play area or Walled Garden.
- 2.2.2 Reinstatement of a proactive and high profile education and information programme, as set out in section 3.5, encouraging owners to keep their dogs on leads in Tilgate Park.
- 2.2.3 Approve delivery of associated enforcement action from within existing revenue resource (Community Wardens service).

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- 2.2.4 Authorise the Head of Community Services, in consultation with the Head of Legal, Governance & HR, to commence a formal PSPO process, including the statutory public consultation, and to present the findings to Cabinet for a decision.

3. Background

- 3.1 The petition requested that the Council increases on site information signage and Community Warden patrols to inform and enforce the rules stated on the Council's website requiring dogs to be kept on leads in Tilgate Park, specifically around the lake.
- 3.2 Prior to this, a public consultation took place in 2017 which resulted in 146 external responses from park users who gave their views. The majority (54%) did not support a 'dogs on leads' policy, although there was significant support for it to be introduced (46%).
- 3.3 Further to the Cabinet meeting in September, there has been one further formal complaint involving a dog at Tilgate Park. As at 21st December 2021, there have been 10 formal reports involving dogs off leads in Tilgate Park (9 Council & 1 police reports), the most recent received on 18th December 2021 (please see Appendix A for detail). Complaints typically relate to the lake area (and main lawn) and involve dogs off lead approaching other park users uninvited. Anecdotally, complaints on social media channels have increased and staff have witnessed dogs causing nuisance to other park users during their working day.
- 3.4 There have been 22 dog related reports made to Sussex Police over a three year period (2018 – 2021). There have been no further complaints since the Cabinet meeting in September. As a comparison, 267 reports were made to Sussex Police over a similar timeframe when considering enforcement options for ASB relating to car cruising.
- 3.5 As an initial response to the petition, there was broad Cabinet support for the introduction of more robust measures to enforce against anti-social behaviour involving dogs in Tilgate Park. It was recognised 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 the entire park.
- 3.6 It was also acknowledged 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, particularly in the case of dogs interfering with the park's wildlife.
- 3.7 Current policy, to educate/inform dog owners to put their dogs on leads, has largely been unsuccessful with signage repeatedly being removed or vandalised and community warden intervention often ignored.
- 3.8 Option 3, as set out in report HCS/30, had a dual focus, that being to redouble education/information efforts alongside the introduction of enforcement action for those in breach of the rules.

Redouble education/information efforts

- Installation of vandal proof signage
- Implementation of a Communication Plan
- Undertake Community Warden patrols
- Provide education and information to dog owners

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Introduce enforcement alongside education/information

- Introduce enforcement approach (CBC byelaws / Public Space Protection Order (PSPO) / Community Protection Notice (Warning)

- 3.9 Dedicated spaces where dogs are permitted to be “off lead”, such as the “Hound Ground” are being considered and will be reflected in the agreed enforcement approach.

4. Reasons for the Recommendation

- 4.1 The council recognises that many dog owners who visit Tilgate Park are responsible; they keep their dog under control and exercise it in a manner that doesn't cause distress to other park users. However, the council and Police do have to deal with complaints each year about irresponsible ownership and the impact on the public and wildlife.
- 4.2 An enforcement approach has not been pursued for dog related matters prior to now because of the preference for an incremental approach to managing the issue, focusing on education of dog walkers. This has largely been unsuccessful, although new approaches to effective education, such as “Keep Britain Tidy” guidance, are well evidenced and continue to be a key element of the recommended approach. This is particularly important to ensure that responsible dog owners aren't alienated and that enforcement is applied to those who choose not to engage with the requirements.
- 4.3 A PSPO offers the most appropriate and practical enforcement solution to robustly manage antisocial behaviour involving dogs at Tilgate Park since it is designed to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to ensure the law abiding majority can use and enjoy public spaces, safe from anti-social behaviour. Authorised officers can issue a Fixed Penalty Notice immediately upon witnessing a breach of the PSPO.
- 4.4 Other enforcement options available to the Council – byelaws and a Community Protection Notice – are not considered to be appropriate or effective and are likely to be significantly more resource intensive.
- 4.5 Public Space Protection Orders must be evidence based. It is therefore necessary for decision makers to be satisfied, on reasonable grounds, that the required conditions are met, should they wish to proceed. This includes information received from the statutory public consultation.
- 4.6 The Council has successfully implemented PSPOs to address anti-social behaviour issues relating to car cruising and consumption of alcohol in public places.
- 4.7 Tilgate Park is already one of several patrol ‘hotspots’ for the Council's Community Warden Service and enforcement of the policy will be managed within existing resource. This will include daily patrols and regular days of action. Not only does this approach support the Council's requirement to achieve a balanced budget, it is proportionate to the scale of the issue and allows for resources to be adjusted according to need. This will be reviewed regularly against other service demands.
- 4.8 The Community Warden Service has suitably qualified, skilled and experienced personnel to enforce against the PSPO, requiring minimal training.

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5. Information & Analysis

Legal Implications

5.1 Byelaws

These are local rules made by local authorities but approved by central government which are enforceable as criminal offences.

Byelaws are quite an old fashioned way of dealing with local public order rules and Parliament has indicated that matters such as the control of dogs ought to be dealt with under the new types of orders which it has created – the current one being PSPOs which replaced dog control orders.

It therefore appears that in practice the legal route to making byelaws relating to dogs is effectively closed and, should CBC make byelaws and seek to have them confirmed by the Secretary of State (the procedure to make them valid), we may find that this request is refused leading to wasted effort, time and expense.

5.2 Community Protection Notices (CPNs)

CPNs can be served if satisfied on reasonable grounds that:

- The conduct of the person is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and
- the conduct is unreasonable.

However, there are preconditions to service of a CPN, which are:

- a written warning must first have been given to the person stating that the CPN will be issued unless the person's conduct ceases to have the detrimental effect, and
- the officer is satisfied that, despite the person having had enough time to deal with the matter, their conduct is still having that effect.

Pros

- Could be useful for repeat offenders if they can be identified.
- Enforcement can be via FPN (immediate).
- Reasonably straightforward and quick to introduce.

Cons

- Somewhat impractical for 'on the spot' one-off enforcement as written warnings are required.
- If a person does not provide their identity it would be very difficult, if not impossible, to enforce without police assistance.
- If a FPN is not paid, prosecution is the next step which can be lengthy and is resource-intensive.
- Resources required for enforcement (personnel on the ground required)

5.3 Public Spaces Protection Orders (PSPOs)

PSPOs were introduced under the Anti-social Behaviour Crime and Policing Act 2014. A PSPO is designed to address unreasonable and persistent behaviour that affects the quality of life of a local authority's residents. PSPOs last for 3 years

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unless extended before they expire. PSPOs can only be made where the Council is satisfied on reasonable grounds (i.e. there is evidence demonstrating):

- that there has been (or it is likely to be) activities carried on in a public place which have had (or are likely to have) a detrimental effect on the quality of life of those in the locality,
- the effect (or likely effect) of the activities:
 - is (or is likely to be) of a persistent or continuing nature,
 - is (or is likely to be) such as to make the activities unreasonable.
 - justifies the restrictions imposed.

Pros

- Once made, enforcement can be via Fixed Penalty Notice (immediate).

Cons

- Cannot be made if there is not an evidence base to meet the statutory threshold.
- Lengthy and resource-intensive to make a PSPO, including public consultation (6 month process)
- If a FPN is not paid, prosecution is the next step which can be lengthy and is resource-intensive.
- Resources required for enforcement (personnel on the ground required).

Installation of a PSPO

- 5.4 A Public Space Protection Order (PSPO) could be implemented to prohibit dog related anti-social behaviour in Tilgate Park for a period of 3 years. This will require dogs to be kept on leads in all areas of the park unless explicitly specified otherwise. Dogs will not be permitted at all in the children's play area or Walled Garden.
- 5.5 Before making, varying, extending or discharging a PSPO, the council must carry out the necessary publicity, consultation and notifications and must publish information about the order in accordance with the regulations.
- 5.6 Consultation should include formal consultation with the chief officer of the police, Police and Crime Commissioner, local partners, including West Sussex County Council and the local community including the public and local businesses.
- 5.7 Breach of a PSPO is a criminal offence and can be dealt with by way of a fixed penalty notice (FPN) (currently set at £100) or a fine up to level 3 (£1000) on prosecution.
- 5.8 Within the confines of the legal framework, councils have the freedom to determine their own procedures for introducing a PSPO including satisfying themselves that the statutory requirements are met and giving final approval for the Order to go ahead.
- 5.9 The timeline for the consultation process is outlined in the table below;

Action	Date
Report to Cabinet to agree in principle to make a PSPO	January 2022

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Consultation Period - consult stakeholders, online survey, face to face surveys, social media	February / March 2022
Return to Cabinet with results of consultation and agree to implement orders as per terms consulted on	June 2022
Full Council – ratify making of PSPO	July 2022

Behaviour Change - The continued importance of education and information

- 5.10 There is evidence nationally that dog enforcement is emotive and divisive. It is important to note that the policy will advocate for a continuation of a positive and proactive educational and informative approach to dog owners, particularly in the six month period leading up to a decision on the making of a PSPO.
- 5.11 By making it easy for the majority of dog walkers to know what the rules are and what alternatives are available for an off-lead experience, the minority are likely to follow suit. It is impossible to achieve 100% compliance but a majority compliance will shine a spotlight on those with entrenched behaviours where enforcement is actually needed, rather than penalising those who want to be responsible but were unclear about the rules.
- 5.12 Offering alternatives such as the Hound Ground and guided group dog walks can positively enable dog walkers to move away from the areas which we are trying to manage and will instigate word of mouth.
- 5.13 Working with local professional dog walkers will rapidly help us to spread the word and gather support for the initiative. It carries weight with dog owners if their trusted dog walker is already on board with the changes and can promote the benefits of it.

Potential Changes to Service Delivery and Personnel

- 5.14 Dog walking at Tilgate Park typically begins from 0600hrs and the peak drops away from 2030hrs except in the height of summer with lighter and warmer evenings. The Community Warden Service currently operates 0800 to 2130hrs, 7 days a week, and patrols Tilgate Park on a daily basis. This is alongside other service priorities which include;
- Statutory duties regarding stray dogs
 - Investigating and enforcing fly tipping, dog fouling, dealing with ASB and enforcement of littering across the town
 - Visiting hotspot locations (parks, open spaces, neighbourhood parades)
 - Town centre focus dealing with littering and engaging with the street community.
- 5.15 The equivalent of an additional 3 full-time Community Wardens would be needed to cover all dog walking hours 7 days per week at Tilgate Park to enforce the policy. This would cost the Council an additional £100,000 per annum.
- 5.16 The equivalent of 1.5 full-time Community Wardens would be needed to cover 7 hours per day, 7 days per week at Tilgate Park to enforce the policy. This would cost the Council an additional £50,000 per annum.

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6. Implications

Financial

- 6.1 There would be no additional resource implications to enforce the policy because this work will be absorbed within existing resources.
- 6.2 Revenue resource, in the region of £5,000, would be required to invest in permanent signage in key locations.
- 6.3 There would be legal costs associated with enforcement policy related prosecutions although full costs would be sought from the courts in the case of a successful prosecution.

Legal

- 6.4 Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 gives local authorities the powers to make, vary or renew a PSPO. The procedure is set out in section 72 of the 2014 Act and in the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 made under that Act.

Equalities

- 6.5 Assistance dogs are exempt from the dogs on leads policy and any associated enforcement.

7 Background Papers

[Petition "Keep your dog on a lead in Tilgate Park" HCS/30](#)

Report author and contact officer:
Kate Wilson, Head of Community Services

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Appendix A

Further Complaints received since report HCS/30 published

18/12/2021

Please describe the problem in as much detail as possible: Dog walker with 10 dogs none on a lead. When 1 dog a Dobermann made an attack run for me from around 30 meters away and hit my knee with its teeth, it didn't draw blood. The dog walker blamed me as I was on my bike. When I rode off it again chased after me.