



Please ask for Rachel Lenthall  
Direct Line: 01246 345277  
Email [committee.services@chesterfield.gov.uk](mailto:committee.services@chesterfield.gov.uk)

The Chair and Members of Cabinet

3 July 2017

Dear Councillor,

Please attend a meeting of the CABINET to be held on TUESDAY, 11 JULY 2017 at 10.30 am in Committee Room 1, Town Hall, Rose Hill, Chesterfield, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to items on the Agenda
2. Apologies for Absence
3. Minutes (Pages 3 - 10)

To approve as a correct record the Minutes of the Cabinet meeting held on 27 June, 2017.

4. Forward Plan

Please follow the link below to view the latest Forward Plan.

[Forward Plan](#)

5. Minutes of the Sheffield City Region Combined Authority (Pages 11 - 14)

To note the Minutes of the meeting of the Sheffield City Region Combined Authority Meeting held on 24 April, 2017.

Items Recommended to Cabinet via Cabinet Members

Cabinet Member for Health and Wellbeing

6. The Anti-Social Behaviour Crime and Policing Act 2014, Designation of the Public Space Protection Order (PSPO) (Dog Control) (Pages 15 - 60)

Leader

7. HS2 East Midlands Growth Strategy (Pages 61 - 68)
8. Exclusion of the Public

To move "That under Regulation 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972."

**Part 2 (Non Public Information)**

Deputy Leader and Cabinet Member for Economic Growth

9. Northern Gateway Saltergate Multi-Storey Car Park (Pages 69 - 106)

Yours sincerely,



Local Government and Regulatory Law Manager and Monitoring Officer

## CABINET

Tuesday, 27th June, 2017

Present:-

Councillor P Gilby (Chair)

Councillors T Gilby  
Blank  
A Diouf  
Huckle

Councillors Brunt  
Ludlow  
Serjeant

Non Voting Catt  
Members Dickinson

J Innes

\*Matters dealt with under the Delegation Scheme

15 **DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS  
RELATING TO ITEMS ON THE AGENDA**

No declarations of interest were received.

16 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Bagley.

17 **MINUTES**

**RESOLVED –**

That the minutes of the meeting of Cabinet held on 13 June, 2017 be approved as a correct record and signed by the Chair.

18 **FORWARD PLAN**

The Forward Plan for the four month period 1 July to 31 October 2017 was reported for information.

**\*RESOLVED –**

That the Forward Plan be noted.

**19 DELEGATION REPORT**

Decisions taken by Cabinet Members during May 2017 were reported.

**\*RESOLVED –**

That the Delegation Report be noted.

**20 GENERAL FUND BUDGET OUTTURN 2016/17**

The Director of Finance and Resources submitted a report on the General Fund Revenue and Capital Outturns for 2016/17. The report provided details of significant variations from the Revised Estimates previously approved by Cabinet and also sought approval for carry forward requests.

**\*RESOLVED –**

1. That the General Fund Revenue and Capital Outturn reports for 2016/17 be noted.
2. That the £100k revenue account surplus be transferred to the Budget Risk Reserve.
3. That the General Fund carry forward request for the Tidy Streets service, as set out at paragraph 4.6 of the officers' report, be approved.
4. That the requests for retention of direct labour organisation surpluses of £90k, as set out at paragraph 5.2 of the officers' report, be approved.
5. That the level of General Fund Reserves and Balances as set out at Section 6 and Appendix D of the officers' report, be approved.
6. That the capital financing arrangements as set out in Appendix E of the officers' report, be approved.

**REASON FOR DECISIONS**

In the interests of sound financial management.

**21 PROGRESS ON COUNCIL PLAN - YEAR 2 2016/17**

The Policy and Communications Manager submitted a report to enable the progress made during the second year of delivery on the Council plan 2017 – 2019 to be reviewed, and to highlight the key activities and commitments to be delivered during the remaining two years of the plan.

In 2015/16 the Council had moved from the production of a one year plan to a four year strategic Council Plan in response to a recommendation from the Local Government Association's peer challenge in late 2013. The four year Council Plan, along with a revised medium term financial plan and strengthened transformation programme, enables the council to plan effectively for the financial and policy challenges it faces.

The Policy and Communications Officer noted that during 2016/17 there had been 56 key activities scheduled for delivery; of these 43 had been fully delivered and a further nine were expected to be completed in the first half of 2017/18. The report also highlighted the key outputs and outcomes achieved during 2016/17, which included:

- Working with Sheffield City Region to facilitate business access to apprenticeships and workforce training. This activity has benefited 210 learners and brought in funding contributions of £161,345 so far;
- Increased commercial trading with a view to securing surpluses to reinvest in council services; this included achieving £84k from commercial building works;
- Over 2,400 improvements carried out to tenants homes;
- Over 90 events delivered or supported by Chesterfield Borough Council in parks and open spaces across the Borough.

The report also provided information on the 38 key activities to be taken forward in 2017/18. Progress on these activities would be monitored and challenged via the performance management framework.

**\*RESOLVED –**

That the progress made towards delivering the Council Plan 2015 – 2019 be noted.

## REASON FOR DECISION

To raise awareness of key outcomes and outputs against the Council Plan commitments and to enable Cabinet Members to challenge performance.

### 22 **SKILLS ACTION PLAN 2017 - 2020**

The Economic Growth Manager submitted a report to recommend adoption of the Chesterfield Borough Council Skills Action Plan 2017 - 2020.

The report noted that £700m plus of key developments were due to enter the delivery phase in 2017. Along with the estimated 4000 new jobs which could be created in the next five years as a result of these developments, a highly skilled work force would be required to deliver the greatest economic benefits to the area. The Skills Action Plan would provide the platform from which the activity required to improve Chesterfield's skills profile and maximise the benefits of newly created jobs for local people could be delivered.

The report noted that, compared to other leading industrialised nations, the UK was falling behind in productivity levels, with around 20% of the UK's productivity gap being attributable to low skill levels amongst the workforce. In addition, there were local issues relevant to Chesterfield:

- Chesterfield has fewer people with higher level qualifications and more people with no qualifications than the national average;
- Rates of youth unemployment and residents in receipt of out of work benefits were notably higher than regional and national averages.

The report advised that improving the skills and work readiness of individuals in Chesterfield was vital to ensure that local people could fully benefit from the jobs and economic growth opportunities that would result from the multi-million pound investments being made in Chesterfield. It was noted that having a skilled workforce was crucial to the future economic success of the Borough. The main objectives of the Skills Action Plan were to:

- Work with partners to ensure local people and businesses have the right skills to access current and future employment opportunities;
- Work with Local Enterprise Partnerships and education partners to ensure that skills provision is aligned to future jobs growth and economic opportunities from emerging sectors;
- Provide clear advice and support to local people and businesses about the range of skills programmes available.

The report noted the benefits the Skills Action Plan would bring to Chesterfield which included:

- Ensuring that Chesterfield continued to perform well in attracting funding from Local Enterprise Partnership funded programmes;
- Ensuring that local people benefit from investment within the borough;
- Enabling activity that seeks to address emerging skills gaps across priority sectors.

The report outlined the role of partners in delivering the objectives set out in the Skills Action Plan. The financial implications of delivering the outputs of the Skills Action Plan were also detailed in the report.

#### **\*RESOLVED –**

1. That the Skills Action Plan, as detailed in Appendix A to the officer's report, be approved.
2. That the budget request of £5,000 for the year 2017/18 be approved and taken from the council's reserves to support the activities outlined in the Skills Action Plan 2017 - 2020 be approved.

#### **REASON FOR DECISIONS**

A Skills Action Plan will provide a platform from which to deliver activity to improve the skills profile of Chesterfield and to maximise the impact of skills related programmes. The operating budget requested will enable the activity detailed in the report to be delivered.

**23 HOUSING REVENUE FINAL ACCOUNTS 2016/17**

The Director of Finance and Resources and the Housing Manager submitted a report on the Housing Revenue Final Accounts for 2016/17. The report provided explanations for significant variations from the Revised Estimates previously approved by Cabinet.

**\*RESOLVED –**

1. That the report be noted.
2. That the revenue carry forward requests, as detailed in paragraph 3.5 of the officer's report, and the capital carry forward requests, as detailed in paragraph 4.1 of the officer's report, be approved.

**REASONS FOR DECISIONS**

1. To enable the HRA revenue outturn to be included in the Council's overall Statement of Accounts.
2. To consider the carry forward requests to allow for the completion of the revenue and capital schemes which were not finalised during the financial year.

**24 EXCLUSION OF THE PUBLIC****RESOLVED –**

That under Regulation 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1, 3 and 4 of Part I of Schedule 12A to the Local Government Act 1972.

**25 BUILDING CLEANING DSO BUSINESS PLAN 2017/18**

The Director of Finance and Resources and the Commercial Services Manager submitted the Business Plan for 2017/18 in respect of the Building Cleaning D.S.O.

**\*RESOLVED –**



That the Business Plan forecast for 2017/18 be approved.

### **REASON FOR DECISION**

To update the Council's Medium Term Financial Plan.

## **26 LANDSCAPE AND STREETSCENE SERVICES BUSINESS PLAN 2017/18**

The Director of Finance and Resources and the Commercial Services Manager submitted the Business Plan for 2017/18 in respect of the Landscape and Streetscene Services "Spirepride" D.S.O.

### **\*RESOLVED –**

That the Business Plan forecast for 2017/18 be approved.

### **REASON FOR DECISION**

To update the Council's Medium Term Financial Plan.

## **27 OPERATIONAL SERVICES BUSINESS PLAN 2017/18**

The Director of Finance and Resources and the Commercial Services Manager submitted the Business Plan for 2017/18 in respect of the Operational Services Internal Service Provider (ISP).

### **\*RESOLVED –**

That the Business Plan forecast for 2017/18 be approved.

### **REASON FOR DECISION**

To enable the estimated outturn financial position of the Operational Services Division in 2017/18 to be included in the Council's Medium Term Forecast.

## **28 MIDDLECROFT ROAD GARAGE SITE**

The Housing Manager submitted a report to seek approval for the disposal of the Middlecroft Road Garage Site for a capital receipt.

The report detailed the poor condition of both the site and the four garages, which had resulted in a lack of demand for the garages. The site would require substantial investment to improve the quality of the garages, the forecourt and to provide adequate security. A site assessment had been carried out which recommended the demolition of the garages due to their condition.

The report outlined the financial implications including the cost of refurbishment or replacement of the garages and the options for selling the site as a cleared site or with the garages in situ. The report also noted the legal implications of the disposal including the notice period for tenants of garage plots and access rights.

**\*RESOLVED –**

That the disposal of the Middlecroft Road garage site be approved.

**REASON FOR DECISION**

To meet the council's priority 'to improve the quality of life for local people' and objective 5 'to increase the supply and quality of housing in Chesterfield Borough to meet current and future needs'.

**29 SECURITY SERVICES BUSINESS PLAN 2017/18**

The Director of Finance and Resources and the Commercial Services Manager submitted the Business Plan for 2017/18 in respect of the Security Services D.S.O.

**\*RESOLVED –**

That the Business Plan forecast for 2017/18 be approved.

**REASON FOR DECISION**

To enable the estimated outturn financial position of the Security Services direct service organisation in 2017/18 to be included in the Council's Medium Term Financial Plan.



## **SHEFFIELD CITY REGION COMBINED AUTHORITY**

### **AMP TECHNOLOGY CENTRE, WAVERLEY, ROTHERHAM, S60 5WG**

#### **MINUTES OF THE MEETING HELD ON 24 APRIL 2017**

##### PRESENT:

Councillor Sir Steve Houghton CBE, Barnsley MBC (Chair)  
Councillor John Burrows, Chesterfield BC (Vice Chair)

Councillor Graham Baxter MBE, North East Derbyshire DC  
Councillor Julie Dore, Sheffield CC  
Councillor Tricia Gilby, Chesterfield BC  
Councillor Simon Greaves, Bassetlaw DC  
Mayor Ros Jones, Doncaster MBC  
Councillor Chris Read, Rotherham MBC  
Councillor Lewis Rose OBE, Derbyshire Dales DC  
Sir Nigel Knowles, Global Co-Chairman DLA Piper & SCR LEP Chair

Ruth Adams, SCR Exec Team  
Fiona Boden, SCR Exec Team  
Huw Bowen, Chesterfield BC  
Sharon Kemp, Rotherham MBC  
Mark Lynam, SCR Exec Team  
Martin McCarthy, South Yorkshire Joint Authorities  
Jo Miller, Doncaster MBC  
Dave Smith, SCR Exec Team  
Daniel Swaine, Bolsover DC / NE Derbyshire DC  
Neil Taylor, Bassetlaw DC  
Craig Tyler, Joint Authorities Governance Unit  
Eugene Walker, S.151 Officer

Apologies for absence were received from Councillor A Syrett, D Bunton, A Frosdick, J Kenny, J Mothersole and D Terris

1 VOTING RIGHTS FOR NON-CONSTITUENT MEMBERS

It was confirmed that voting rights could not be conferred in respect of agenda item 11 – Appointment of SYPTE Non-Executive Director as this matter regards the South Yorkshire Local Authorities only.

It was agreed that there were no further items where non-Constituent Members should not have voting rights.

2 APOLOGIES

Members' apologies were noted as above.

3 ANNOUNCEMENTS

None.

4 URGENT ITEMS

None.

5 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

None.

6 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO ANY ITEM OF BUSINESS ON THE AGENDA

None.

7 REPORTS FROM AND QUESTIONS BY MEMBERS

None,

8 RECEIPT OF PETITIONS

None.

9 PUBLIC QUESTIONS

None received.

10 MINUTES OF THE MEETING HELD ON 22 MARCH 2017

RESOLVED, that the minutes of the meeting of the Combined Authority held on 22<sup>nd</sup> March are agreed to be an accurate record of the meeting.

11 APPOINTMENT OF SYPTE NON-EXECUTIVE DIRECTOR

A report was received advising Members that the South Yorkshire Passenger Transport Executive is required by law to have between 2 and 8 Directors

appointed by the Combined Authority. Presently there are 8 Directors (3 PTE employed directors and 5 non-executive positions) with each South Yorkshire District having one senior transport officer appointed and the Chief Executive of Barnsley MBC chairing the Board.

It was report that formal notification has been received from Sheffield City Council that they wish to formally propose that Tom Finnegan-Smith be appointed a Non-Executive Director of the South Yorkshire Passenger Transport Executive. Mr Finnegan-Smith will fill the vacancy created by the departure of the previous representative.

RESOLVED, that Tom Finnegan-Smith, Head of Strategic Transport and Infrastructure – SCC be appointed as a Non-Executive Director of the South Yorkshire Passenger Transport Executive.

## 12 DEVOLUTION

A verbal update was provided to inform Members that the public consultation exercise in respect of the SCR devolution ambition is still scheduled to take place as per previous reports to the Authority.

Members were advised the situation regarding any potential effect of the General Election would be monitored closely.

## 13 A SHEFFIELD CITY REGION BID TO THE NATIONAL SHARED OWNERSHIP AND AFFORDABLE HOMES PROGRAMME: 'MORE NEW HOMES'

A report was received to inform Members of the core principles of the More New Homes approach, identifying what could be achieved if local partners (including Local Authorities) work more collaboratively and engage with the Homes and Communities Agency's (HCA) Shared Ownership and Affordable Homes Programme (SOAHP) in a different way.

Mayor Jones noted the importance of ensuring the collective 'More New Homes' approach doesn't detract from what the individual districts are doing to address homelessness i.e. through locally derived s.106 agreements.

It was noted a close watch will be kept on General Election manifestos to provide an early indication of any political policy change.

RESOLVED, that the Combined Authority:

1. Confirms that subject to the flexibilities on offer from the HCA, there is in principle agreement to developing a SCR-level programme of activity focussed on increasing the supply of affordable housing across the SCR.
2. Approves continued dialogue with the HCA focussed on obtaining a range of flexibilities and ultimately a ring fenced/ devolved fund which supports and complements a SCR-level activity to increase housing supply through the national Shared Ownership and Affordable Homes Programme.

14 GRANTS MADE UNDER DELEGATED AUTHORITY

A report was received to provide the Combined Authority Members with confirmation of grants made from the Business Investment Fund under delegated authority via the Business Investment Board.

RESOLVED, that the Combined Authority notes the investments made under delegated authority.

15 SUMMARY REPORT - HOUSING EXECUTIVE BOARD

RESOLVED, that the matters addressed in the summary report be noted and the recommendations of the Housing Executive Board be endorsed.

16 SUMMARY REPORT - TRANSPORT EXECUTIVE BOARD

RESOLVED, that the matters addressed in the summary report be noted and the recommendations of the Transport Executive Board be endorsed.

17 SUMMARY REPORT - SKILLS, EMPLOYMENT AND EDUCATION EXECUTIVE BOARD

RESOLVED, that the matters addressed in the summary report be noted and the recommendations of the Skills Executive Board be endorsed.

18 SUMMARY REPORT - BUSINESS GROWTH EXECUTIVE BOARD

RESOLVED, that the matters addressed in the summary report be noted and the recommendations of the Business Growth Executive Board be endorsed.

19 SUMMARY REPORT - INFRASTRUCTURE EXECUTIVE BOARD

RESOLVED, that the matters addressed in the summary report be noted and the recommendations of the Infrastructure Executive Board be endorsed.

20 CLLR JOHN BURROWS

The Chair noted this would be Cllr Burrows last SCR Combined Authority meeting, ahead of his retirement as Leader of Chesterfield BC.

The Chair and all Members requested that their thanks to Cllr Burrows for everything he has done in support of the City Region be placed on record.

It was agreed Cllr Burrows and his vast experience would be much missed and all present wished him a long, healthy and happy retirement.

CHAIR

## **For publication**

### **The Anti-social Behaviour Crime and Policing Act 2014 Designation of the Public Spaces Protection Order (PSPO) (Dog control) (HW1220)**

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Meeting:	Cabinet
Date:	11 <sup>th</sup> July 2017
Cabinet portfolio:	Health and Wellbeing
Report by:	Esther Thelwell, Senior Environmental Health Officer

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## **For publication**

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### **1.0 Purpose of report**

- 1.1 To inform Members of the legislation driving the Public Spaces Protection Order for dog control.
- 1.2 To evidence the need for the implementation of the Public Spaces Protection Order for dog control.
- 1.3 To evidence the results of the public consultation that took place between September and November 2016.
- 1.4 To inform of the offences listed under the Public Spaces Protection Order for dog control.

### **2.0 Recommendations**

- 2.1 To ask Members to approve the Public Spaces Protection Order for dog control, as outlined in Appendix 1.

2.2 To ask Members to authorise the revocation of the Dog Control Orders to coincide with introduction of the Public Spaces Protection Order for dog control.

### 3.0 **Report details**

#### **Legislative Background**

3.1 The Public Spaces Protection Order (PSPO) is a new power under the Anti-Social Behaviour, Crime and Policing Act 2014 and came into force in October 2014.

3.2 PSPO's are intended to deal with a particular nuisance or problem in a particular geographical area that is detrimental to the local communities quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

3.3 A PSPO can be made by the local authority if they are satisfied on reasonable grounds that the activities carried out or likely to be carried out, in a public place:

- Have had, or is likely to have a detrimental effect on the quality of life of those in the locality.
- Is, or likely to be of a persistent or continuing in nature.
- Is, or is likely to be unreasonable.
- Justifies the restrictions imposed.

3.4 Local Authorities can make a PSPO on any public space within its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access. A PSPO can contain both restrictions and requirements which will be determined by the Council after consultation with key stakeholders. These can be targeted against particular behaviours, by particular groups at specific times with more than one restriction being included within the PSPO. This means the Order can deal with a wider range of behaviours that the orders and by-laws it replaces.

3.5 Breaching a PSPO is a criminal offence and enforcement officers can issue a Fixed Penalty Notice if appropriate to do so or recommend commencement of legal proceedings.



- 3.6 The PSPO can be in place for a maximum of three years and is designed to be flexible and responsive to need. There is no limit on the number of times that Orders can be renewed, as long as the need is still present. Variation of a PSPO can be done at any time to respond to the changing needs of public spaces.

### **Background – dog control**

- 3.7 In June 2012 the Council received a petition with over 800 signatures seeking dogs on leads in the borough parks and footpaths. The petition was considered at an Overview and Performance Scrutiny meeting on 9<sup>th</sup> October 2012. It was recognised that restricting the ability to exercise a dog off lead, particularly at larger parks was contrary to the Animal Welfare Act and the spirit of providing public open spaces for all to enjoy. But it was also accepted that some dogs are not kept under control and cause worry to other people, including other dog walkers.
- 3.8 There is a range of civil and legal remedies to control dogs in public areas including the Dogs Act 1871 and the Dangerous Dogs Act 1991 (enforced by the Police for 'dangerous dogs' and 'banned breeds'). Housing Services can also control dogs within and around their properties through enforcing the tenancy agreement.
- 3.9 Under the Clean Neighbourhoods and Environment Act 2005, the Council adopted several Dog Control Orders (DCO's), these are: -
- DC01 – dog fouling is not permitted in cemeteries (Boythorpe, Brimington, Spital and Staveley).
  - DC02 – dogs must be kept on a lead at cemeteries (Boythorpe, Brimington, Spital and Staveley).
  - DC03 - requiring the removal of faeces on all public open spaces.
  - DC04 – dog exclusion zone at Eastwood Park, Hasland (specified on a map).
  - DC05 – dogs must be on a lead at Eastwood Park, Hasland (specified on a map).
  - DC06 – dogs on leads by direction at Eastwood Park, Hasland (when requested by an authorised officer).

3.10 As part of the review of the anticipated extent and controls of the new PSPO for dog control analysis of the number of complaints were reviewed and the following table summarises the current data.

### **Evidence to support the PSPO for dog control**

**Table 1 - number of complaints per year for dog fouling and nuisance dogs**

<b>Year (April to March)</b>	<b>Number of dog fouling complaints</b>	<b>Number of Fixed Penalty Notices served for dog fouling offences</b>	<b>Number of complaints about dogs (off lead, causing alarm or distress)</b>
2013 - 2014	308	36	43
2014 - 2015	332	22	50
2015 - 2016	357	17	35
2016 - 2017	306	9	59

3.11 Table 1 shows the information collated by Environmental Health only. The Housing Rangers and Park Rangers also receive complaints about dog fouling and nuisance dogs on housing/park land; however, they do not have any systems to record the specific details and/or numbers of complaints. Complaints have also been made to the parks team regarding nuisance dogs at nature reserves within the Borough and from the angling teams using the lakes at Holmebrook Valley Park and Poolsbrook Country Park.

### **Consultation Phase**

3.12 The Anti-Social Behaviour Crime & Policing Act 2014 requires all local authorities to carry out public consultation if they propose to amend their existing 'dog control orders' (i.e. those listed in 3.9).

3.13 Public consultation took place between Monday 26<sup>th</sup> September and Friday 4<sup>th</sup> November 2016. The following stakeholders were consulted:

- Kennel Club (statutory consultee)

- RSPCA
- Chesterfield Borough Council employees
- Chesterfield Borough Council Members
- Derbyshire County Council Members
- Staveley Town Council
- Brimington Parish Council
- Derbyshire Police
- Friends of the Parks
- Other groups that use the parks (e.g. football clubs, running clubs, angling groups etc.)

3.14 The consultation document was made available on the Council's website and was advertised on social media. Paper copies were made available at local libraries, veterinary surgeries and on the reception desks at the customer contact centre, town hall and sports centres.

3.15 The questionnaire was separated into two sections; Section A asked about the existing DCO's and Section B asked questions about whether new offences should be added to the PSPO requiring dogs owners to carry a 'means to pick up after a dog (i.e. a poop bag), whether dogs should be prohibited from children's play area and whether dogs should be on leads in designated areas.

3.16 A copy of the consultation report is available in Appendix 2 and a copy of the questionnaire is available in Appendix 3.

### **Consultation Phase – the results**

3.17 There were 309 respondents to the consultation and a copy of the headline report is available in Appendix 4.

3.18 Question 1 – the Council has existing powers which makes it an offence if a person in charge of a dog fails to clean up its faeces. Do you think we should continue to enforce this? Of the 309 responses, 307 agreed with this proposal.

3.19 Recommendation that the PSPO will require all owners to pick up after their dogs; therefore, it will be an offence if a person in charge of a dog fails to clean up its faeces.

- 3.20 Question 2 – at Boythorpe Cemetery, Brimington Cemetery, Spital Cemetery, Staveley Cemetery and within the Crematorium grounds it is a requirement for dogs to be under control and on a lead. Do you think we should continue to enforce this? Of the 309 responses, 297 agreed with this proposal.
- 3.21 Recommendation that the PSPO will require all dogs to be on a lead at Boythorpe Cemetery, Brimington Cemetery, Spital Cemetery, Staveley Cemetery and within the Crematorium grounds.
- 3.22 Question 3, in relation to Eastwood Park (Hasland) it is an offence to allow dogs in the play area. Dogs must also be kept on a lead at all times around the lodge, wildlife garden and tennis courts area, and dogs must be put on a lead in the remainder of the park if asked to do so by an authorised officer. Of the 309 respondents, 274 agreed with this.
- 3.23 Recommendation that the PSPO will require all dogs to be kept on leads at all times around the lodge, carpark, wildlife garden and tennis court areas and in all other areas of the park, dogs must be put on a lead if asked to do so by an authorised officer. The PSPO will also exclude dogs from the play area.
- 3.24 Question 4, do you think we should introduce a new offence under the PSPO requiring dog walkers to carry a 'poop bag' or other means for picking up after their dog? Of the 309 responses, 267 agreed with this proposal.
- 3.25 It was decided not to include an offence in the PSPO for 'failure to carry a bag or other means to pick up after a dog'. The Council does not have powers to 'stop and search' residents (only the Police has this power) and therefore, officers would only be able to identify this offence if another offence had already been committed (i.e. 'failure to pick up after their dog'). The Kennel Club is a statutory consultee and provided a detailed response this to particular issue. A copy of their response is contained in Appendix 5. In summary, the Kennel Club supports proactive efforts that local authorities implement to encourage responsible dog ownership, however, the requirement to be in possession of means to pick up has to be fair and proportionate and that responsible dog owners would be penalised unfairly. The also

raise the point that responsible dog owners, who know their pet well, might only carry one bag, use it and then bin it but not thereafter have a bag in their possession. The Kennel Club also highlight that other local authorities have subsequently decided against this offence as it was deemed 'disproportionate and concluded that the requirement would be toothless'; someone might carry a bag but have no intention of using it.

- 3.26 Question 5, do you think we should introduce a new offence under the PSPO to prohibit dogs in children's play areas? Of the 309 responses, 238 agreed with this proposal.
- 3.27 Recommendation that the PSPO will exclude dogs from some children's play areas but not all. Details are contained within the full PSPO in Appendix 1. There are 80 play areas within the Borough, if dogs were excluded from every play area (fenced or unfenced) there would have to be a significant number of signs erected at every entry to that park/play area and maintained. The number of enforcement patrols would also increase. There has to be a balance for families that use the play areas and also bring their dogs with them. As such, it is recommended that dogs be excluded from the children's play areas at the 'destination parks' and 'community parks'. It is also recommended that dogs are excluded from named football pitches between the months of September to May (inclusive) and named cricket pitches between the months of April to September (inclusive).
- 3.28 Question 6, do you think we should introduce a new offence under the PSPO requiring dogs to be kept on a lead in additional designated areas? Of the 309 responses, 172 agreed with this proposal.
- 3.29 Recommendation that the PSPO includes designated areas where dogs must be kept on a lead. This is based on collated evidence and anecdotal evidence. The Kennel Club recommend that signage needs to be erected in prominent locations to inform residents and visitors to the area of the requirements of the PSPO, particularly if there are designated areas requiring dogs to be on a lead. The Kennel Club don't normally oppose designated areas for dogs to be on leads provided the local authority makes alternative provisions for dog walking and exercising dogs off lead. The Kennel Club supports reasonable "dogs on leads" when

proportionate such as picnic areas, cemeteries or sites where livestock and sensitive wildlife may be present, or on pavements in proximity to cars and other road traffic. The Kennel Club will oppose PSPOs which introduce blanket restrictions on dog walkers accessing public open spaces without specific and reasonable justification.

#### **4.0 Human resources/people management implications**

- 4.1 The officers within the Environmental Health team (specifically Environmental Protection) already lead on enforcement for environmental issues and have delegated powers to serve Fixed Penalty Notices for dog fouling, litter, anti-social behaviour etc.
- 4.2 As well as carrying out enforcement duties, officers from the Environmental Protection team also deliver educational presentations (specifically for responsible dog ownership, safety around dogs, etc.) in schools and to children/youth organisations (such as Brownies, Beavers etc.).
- 4.3 The team works closely with the Housing Team and attend local tenancy meetings/ward events to promote responsible dog ownership.
- 4.4 The team regularly attend community events and roadshows throughout the Borough. It is expected that the enforcement officers will continue to promote the responsible dog ownership message as well as carrying out enforcement duties.
- 4.5 There is evidence to show that many of the complaints about dog fouling and irresponsible dog ownership are made 'out of hours' (i.e. during the evening and at the weekend). Currently, the enforcement officers work Monday to Friday. Patrols carried out during the evening and at the weekend relies on officers being available/voluntary basis.
- 4.6 There is currently a review of enforcement across the health and well-being service (including Licensing and Community Safety teams) with a view to redesign to provide additional resource for this function and this will be reported to cabinet later in the year.

#### **5.0 Financial implications**

- 5.1 Should the Order be approved, the PSPO must be published in accordance with the regulations made by the Secretary of State. Furthermore, appropriate signage must be placed at all entrances to areas where there are restrictions in place.
- 5.2 There are 44 areas where restrictions are recommended and at each of these locations there will need to be appropriate signage that is visible and prominent. All old signage will need to be removed.
- 5.3 Preliminary research suggests that each sign (size A4, colour) would cost £7. For some locations (such as Queens Park), signage would need to be displayed at each entry into the park. The Kennel Club recommend that signs mark "you are now entering a dog on lead area" as well as "you are now leaving a dog on lead area".
- 5.4 For other locations with existing prominent information boards (i.e. Eastwood Park), these too will need to be updated.
- 5.5 The cost of signage will be met from existing budgets for 2017/2018 period.
- 5.6 It is anticipated that there will be a full media campaign including a dedicated web page, updates on social media and officers handing out information at forthcoming events.

## 6.0 **Legal and data protection implications**

- 6.1 Should the PSPO not receive approval, this would mean that the existing 'Dog Control Orders' would automatically transfer to a new PSPO and there would be no additional locations for 'dogs on leads' or 'dog exclusion areas'.

## 7.0 **Risk management**

- 7.1 It is necessary to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 7.2 The following risks associated with this report have been identified as:

**Table 2 – risk factors**

Description of the Risk	Impact	Likelihood	Mitigating Action
Challenge of the PSPO at High Court by an interested party.	High	Low	Statutory consultees have been contacted during the consultation phase.
Complaints from dog owners who feel that there are too many restrictions.	High	Low	Full media campaign. Advertise where the restrictions are. Advertise locations where dogs can be fully exercised.
Description of the risk	Impact	Likelihood	Mitigating Action
Increase in complaints about dog owners not complying with the PSPO	High	Low	Full media campaign. Draw upon enforcement staff across the Council. Ensure enforcement officers are available at the weekend.

**8.0 Equalities Impact Assessment (EIA)**

8.1 A copy of the EIA is available in Appendix 6.

8.2 No negative impacts are anticipated on protected groups.

8.3 The PSPO for dog control includes the three following exemptions to mitigate against potential indirect discrimination:



## Exemptions

This Order shall not apply to a person who: -

- (a) is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948;
- (b) has a disability which affects his/her 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/she relies on for assistance;
- (c) has received written permission/exemption from Chesterfield Borough Council.

## 9.0 **Alternative options and reasons for rejection**

- 9.1 Should the PSPO not receive approval, this would mean that the existing 'Dog Control Orders' would automatically transfer to a new PSPO and there would be no additional locations for 'dogs on leads' or 'dog exclusion areas'.

## 10.0 **Recommendations**

- 10.1 To ask Members to approve the proposed Public Spaces Protection Order for dog control, as outlined in Appendix 1.
- 10.2 To ask Members to authorise the revocation of the Dog Control Orders to coincide with introduction of the Public Spaces Protection Order for dog control.

## 11.0 **Reasons for recommendations**

- 11.1 PSPO's are intended to deal with a particular nuisance or problem in a particular geographical area that is detrimental to the local communities quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.
- 11.2 To ensure visitors and users of our parks and open spaces (dog owners and non-dog owners) can use these spaces in harmony.

<b>Glossary of Terms</b> <i>(delete table if not relevant)</i>	
<i>DCO</i>	<i>Dog Control Order</i>

<i>PSPO</i>	<i>Public Spaces Protection Order</i>
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### **Decision information**

<b>Key decision number</b>	734
<b>Wards affected</b>	<b>All</b>
<b>Links to Council Plan priorities</b>	To improve the quality of life for local people.

### **Document information**

<b>Report author</b>	<b>Contact number/email</b>
<b>Esther Thelwell</b>	<b>01246 345767 esther.thelwell@chesterfield.gov.uk</b>
<b>Background documents</b>	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
N/A	
<b>Appendices to the report</b>	
Appendix 1	PSPO (dog control) - Order, schedules 1, 2 and 3
Appendix 2	PSPO (dog control) – consultation document.
Appendix 3	Consultation questionnaire.
Appendix 4	Consultation – headline report.
Appendix 5	Consultation – response from The Kennel Club.
Appendix 6	Equalities Impact Assessment



**Chesterfield Borough Council  
Anti-Social Behaviour, Crime and Policing Act 2014  
Part 4 Section 59**

**PUBLIC SPACES PROTECTION ORDER (DOG CONTROL) 2017**

Chesterfield Borough Council being satisfied on reasonable grounds that:

(a) Activities (namely dog fouling or inadequately controlled dogs) carried on in a public place within its area have had a detrimental effect on the quality of life of those in the locality, or

(b) It is likely that such activities will be carried on in a public place within that area and that they will have such an effect:

**AND THAT** the effect or likely effect of the activities

(a) Is, or is likely to be, of a persistent or continuing nature

(b) Is, or is likely to be, such as to make the activities unreasonable; and

(c) Justifies the restrictions imposed by the notice

**AND** pursuant to the requirements of s.72 of the Anti-Social Behaviour Crime & Policing Act 2014 (“the Act”) the Council:

(a) having had particular regard to the rights of freedom of expression and freedom of human assembly set out in Articles 10 and 11 of the European Convention on Human Rights; and

(b) having carried out the necessary consultation, notification and publicity

**HAS DECIDED TO MAKE the following Public Spaces Protection Order under s.59 of the Act.**

**This order shall come into effect on \_\_\_\_\_ 2017 and shall have effect for 3 years.**



## 1.0 Definitions

**The Authority** means Chesterfield Borough Council.

**Authorised Officer of the Authority** means an employee of Chesterfield Borough Council who is authorised in writing by the Authority for the purposes of this Public Spaces Protection Order.

**Offence** means an offence made by this Order.

**Order** means this Public Spaces Protection Order (Dog Control) 2017.

**Person in charge means** the person who has the dog in his/her possession, care or company at the time the offence is committed, or, the owner or person who habitually has the dog in his/her possession.

**Prescribed charity** means any of the following: -

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

**Relevant land** means the land described by the maps contained in the Schedules attached to this Order and being within the administrative area of Chesterfield Borough Council.

**Removal of faeces** means removing the faeces from that land by means of a suitable receptacle and disposing in a designated dog bin, a street litter bin or a domestic black wheelie bin.

**Restricted area** means the land designated in the Schedules attached to this Order and being within the administrative area of Chesterfield Borough Council.

## 2.0 Offences

### 1. Fouling

If within the administrative area of the Authority a dog defecates at any time on land to which any member of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission (as detailed in **Schedule 1**) and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless

- (a) he/she has reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.



**2. Leads**

A person in charge of a dog shall be guilty of an offence if, at any time, on land (as detailed in **Schedule 2**) he/she does not keep the dog(s) on a lead unless

- (a) he/she has reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

**3. Leads by direction**

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority (as detailed in **Schedule 1**) he/she does not comply with a direction given to him/her by an Authorised Officer of the Authority to put and keep the dog on a lead unless

- (a) he/she has reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

An authorised officer may only give a direction under this Order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

**4. Exclusion**

A person in charge of a dog shall be guilty of an offence if, at any time, he/she takes the dog into, or permits the dog to enter or to remain on, any land detailed in **Schedule 3** below unless

- (a) he/she has reasonable excuse; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically).

**5. Exemptions**

This Order shall not apply to a person who: -

- (a) is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948;
- (b) has a disability which affects his/her 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/she relies on for assistance;
- (c) has received written permission/exemption from Chesterfield Borough Council.

## **3.0 Penalties for Non-compliance**

A person who is guilty of an offence under this Order may be issued with a Fixed Penalty Notice not exceeding £100 or may be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **4.0 Appeals**

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. "Interested person" means an individual who lives in the restricted area or who regularly works in or visits that area.



An interested person may apply to the High Court to question the validity of—

- (a) a public spaces protection order, or
- (b) a variation of a public spaces protection order.

An interested person may challenge the validity of the order on two grounds:

- (a) that the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
- (b) that one of the requirements of the legislation has not been complied with.

When an application is made the High Court may suspend the operation of the order or any of the prohibitions or requirements imposed by the order, until the final determination of the proceedings.

If the High Court is satisfied that—

- (a) the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied), or
- (b) the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement under the legislation,

the Court may quash the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied).



## **Schedule One**

### **Land within the administrative area of the Authority**

This Order applies to all land described below:

1. Any land which is open to the air and to which any member of the public has access. This includes:
  - (a) Parks and open spaces;
  - (b) Footpaths over which the public have a right of way;
  - (c) Roads;
  - (d) Cycle tracks;
  - (e) Bridleways or any other area which you could reasonably expect to have access;
  - (f) Flower beds, planted or grassed areas maintained by Chesterfield Borough Council which adjoin footpaths, roads and cycle tracks;
  - (g) Communal areas in and around a block of flats/apartments;
  - (h) Any other private land to which the public have a right of way and the written consent of the landowner has been given (such as retail and supermarket car parks).

This Order does not extend to gardens, driveways or yards that form part of private dwellings.

2. Publicly accessible land, forming part of the Council's Housing stock which, for the avoidance of doubt, includes:
  - (a) grassed areas;
  - (b) flower beds,
  - (c) planted areas,
  - (d) verges,
  - (e) the areas around the base of trees,
  - (f) access roads,
  - (g) access paths,
  - (h) car park areas,
  - (i) garage areas,
  - (j) community garden areas (not including shared gardens at rear of bungalows);

This Order does not include enclosed courtyards, washing/drying areas, bin storage areas; although these areas of land are open to air, they are not publicly accessible.



## Schedule Two

### Keeping dogs on leads

This Order applies to all land described below:

<b>Map</b>	<b>Location</b>
<b>1</b>	Boythorpe Cemetery, Hunloke Avenue, Chesterfield, Derbyshire, S41 2PD (all year round)
<b>2</b>	Brimington Cemetery, Chesterfield Road, Chesterfield, Derbyshire, S43 1AU (all year round)
<b>3</b>	Brearley Wetlands Local Nature Reserve, off Burnbridge Road, Old Whittington, Chesterfield, Derbyshire, S41 9LP (March to July inclusive)
<b>4</b>	Chesterfield Crematorium, Chesterfield Road, Chesterfield, Derbyshire, S43 1AU (all year round)
<b>5</b>	Eastwood Park (lodge, wildlife garden, tennis courts), Hasland Road, Chesterfield, Derbyshire, S41 0AY (all year round)
<b>6</b>	Holmebrook Valley Park (path around the lake), Water Meadow Lane, Chesterfield, Derbyshire, S41 8XP (all year round)
<b>7</b>	Holmebrook Valley Park (area around the café/pavilion building and car park), Water Meadow Lane, Chesterfield, Derbyshire, S41 8XP (all year round)
<b>8</b>	McGregors Pond (path around the lake), McGregors Way, Chesterfield, Derbyshire, S40 2WB (all year round)
<b>9</b>	Norbriggs Flash Nature Reserve, Bent Lane, Staveley, Chesterfield, Derbyshire, S43 3UG (March to July inclusive)
<b>10</b>	Poolsbrook Country Park (area around the café/pavilion building and car park), Pavilion Drive, Chesterfield, Derbyshire, S43 3LH (all year round)
<b>11</b>	Poolsbrook Country Park (path around the lake), Pavilion Drive, Chesterfield, Derbyshire, S43 3LH (all year round)





<b>Map</b>	<b>Location</b>
<b>12</b>	Poolsbrook Country Park (path around the lakes and car park), Pavilion Drive, Chesterfield, Derbyshire, S43 3LH (all year round)
<b>13</b>	Ringwood Park (lake), Inkersall Green Road, Chesterfield, Derbyshire, S40 2WB (all year round)
<b>14</b>	Spital Cemetery, Hady Hill, Chesterfield, Derbyshire, S41 0DZ (all year round)
<b>15</b>	Staveley Cemetery, Inkersall Road, Chesterfield, Derbyshire, S43 3JL (all year round)



### Schedule Three

**Dogs are excluded**

This Order applies to all land described below:

<b>Map</b>	<b>Location</b>
<b>16</b>	Badger Recreation Ground, Brockwell Lane, Chesterfield, Derbyshire (children’s play area, all year)
<b>17</b>	Brearley Park, High Street, Old Whittington, Chesterfield, Derbyshire, S41 9LN (children’s play area, all year) (cricket area between the months of April to September inclusive)
<b>18</b>	Eastwood Park, Hasland Road, Chesterfield, Derbyshire, S41 0AY (children’s play area, all year) (football pitches between the months of September to May inclusive)
<b>19</b>	Eastwood Recreation Ground (Thistle Park), Station Road, Brimington, Chesterfield, Derbyshire (children’s play area, all year) (football pitch between the months of September to May inclusive)
<b>20</b>	Hady Playing Field, Hady Lane, Chesterfield, Derbyshire (football pitch between the months of September to May inclusive)
<b>21</b>	Highfield Park, Highfield Lane, Chesterfield, Derbyshire (children’s play area, all year) (football pitches between the months of September to May inclusive)
<b>22</b>	Hilltop Recreation Ground, Hilltop Road, Old Whittington, Chesterfield, Derbyshire (children’s play area, all year)
<b>23</b>	Holmebrook Valley Park, Water Meadow Lane, Newbold, Chesterfield, S41 8XP (children’s play area, all year) (football pitches between the months of September to May inclusive)
<b>24</b>	Inkerman Recreation (Wasps Nest), Ashgate Road, Chesterfield, Derbyshire (children’s play area, all year)
<b>25</b>	Inkersall Green Recreation Ground, Inkersall Green Road, Chesterfield, Derbyshire (children’s play area, all year) (football pitches between the months of September to May inclusive)



<b>Map</b>	<b>Location</b>
<b>26</b>	King George's Field, Inkersall Road, Chesterfield, Derbyshire (children's play area, all year)
<b>27</b>	Kirkstone Road Recreation Ground, Kirkstone Road, Chesterfield, Derbyshire (children's play area, all year)
<b>28</b>	Langer Field, Langer Lane, Chesterfield, Derbyshire (children's play area, all year) (football pitch between the months of September to May inclusive)
<b>29</b>	Loundsley Green Playing Field, Pennine Way, Chesterfield, Derbyshire (children's play areas, all year)
<b>30</b>	Brimington Common, Recreation Road, Chesterfield, Derbyshire (children's play area, all year)
<b>31</b>	Markham Way, (near B&Q) Chesterfield, Derbyshire (skateboard park, all year)
<b>32</b>	Pearson Recreation, Old Hall Road, Chesterfield, Derbyshire (children's play area, all year)
<b>33</b>	Poolsbrook Country Park, Pavilion Drive, Staveley, Chesterfield, S43 3LH (children's play area, all year)
<b>34</b>	Poolsbrook Playing Field, Cottage Close, Poolsbrook, Chesterfield, Derbyshire (children's play areas, all year) (football pitch between the months of September to May inclusive)
<b>35</b>	Poolsbrook Road Recreation Ground, Poolsbrook Road, Duckmanton, Chesterfield, Derbyshire (children's play area, all year)
<b>36</b>	Queen's Park, Park Road, Chesterfield, Derbyshire, S40 2ND (children's play areas, all year) (cricket pitch, all year)
<b>37</b>	Spital Recreation Ground, Spital Lane, Chesterfield, Derbyshire (children's play area, all year)
<b>38</b>	Somersall Park, Somersall Lane, Chesterfield, Derbyshire (children's play area, all year)



<b>Map</b>	<b>Location</b>
<b>39</b>	Stand Road Park, Stand Road, Chesterfield, Derbyshire (children's play area, all year) (skate park, all year) (football pitches between the months of September to May inclusive)
<b>40</b>	Station Road Recreation Ground, Station Road, Barrow Hill, Chesterfield, Derbyshire (children's play area, all year)
<b>41</b>	Stone Lane 'kick about', Stone Lane, New Whittington, Chesterfield, Derbyshire (children's play area, all year)
<b>42</b>	Tapton Park, Brimington Road, Chesterfield, Derbyshire (children's play area, all year)
<b>43</b>	Wain Avenue, Chesterfield, Derbyshire (games court, all year)
<b>44</b>	Valley Road Recreation, Valley Road, Chesterfield, Derbyshire (children's play area, all year)

# Consultation on proposed Public Space Protection Orders (dog control)

2016



**CHESTERFIELD**  
BOROUGH COUNCIL



## 1. Introduction

Chesterfield Borough Council wants to know your views on the proposed changes to dog control powers, particularly on the introduction of new dog control offences.

We believe these proposed changes will benefit local communities, neighbourhoods and the local economy, as they will help in the creation and maintenance of clean, safe and healthy neighbourhoods, town centres and visitor destinations.

## 2. Legislation

The Public Space Protection Order (PSPO) is a new power granted under the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act). PSPOs are intended to deal with a particular nuisance or problem in a geographical area that is of concern. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

All local authorities can make a PSPO on any public space within its own area. The definition of a public space is wide and includes any place to which the public has access to.

A PSPO will replace the existing Dog Control Orders in October 2017. Any amendments to existing Dog Control Orders requires consultation with key stakeholders.

## 3. What are the existing Dog Control Orders?

Chesterfield Borough Council has adopted several Dog Control Orders (DCO).

The first DCO relates to dog fouling. It is an offence for any person in charge of a dog, which defecates on land not to remove the faeces immediately.

The second DCO relates to keeping a dog under control on a lead. It is an offence for a person in charge of a dog to not keep it on a lead in Boythorpe Cemetery, Brimington Cemetery, Spital Cemetery, Staveley Cemetery and Crematorium grounds.

The third DCO makes it an offence to not remove dog faeces from publicly accessible areas throughout the borough, except for that already covered by the cemeteries order.

From August 2013, three dog control orders came into force at Eastwood Park. One order excludes dogs from the play area; another requires dogs on leads at all times around the lodge, wildlife garden and tennis courts area and the third order requires dogs to be put on a lead in the rest of the park if asked to do so by an authorised officer.

## 4. Why are we proposing the changes?

We are keen to welcome dog walkers and dogs to the Borough and also want to encourage responsible dog ownership. There are increasing public concerns over irresponsible dog ownership, including complaints of dog attacks on people and their pets, dog fouling and urinating on grassed areas as well as graves, and dogs out of control.

From 1 April 2015 to 31 March 2016 we received and investigated 357 complaints about dog fouling and 302 complaints about dogs (214 of which were reported as stray dogs).

Direct exposure to dog faeces can cause toxocariasis, an infection of the roundworm *toxocara canis*, potentially leading to respiratory and vision problems. Treading in dog faeces can also potentially lead to slips, trips and falls, and subsequent injuries.

The council is already promoting messages asking people to be a responsible dog owner, pick up after your dog and report those that don't pick up after their dog. We are also investing in signs across a number of identified hot spot locations. Nevertheless, a small minority of dog walkers continue to fail to pick up.

Dog fouling is a very difficult offence to detect. Our environmental protection team, in spite of the targeted enforcement efforts made, only issued 17 fixed penalty notices between 1 April 2015 and 31 March 2016.

## 5. What are the proposed changes?

We are proposing to continue with the existing dog control orders, consolidating them within a new single Public Space Protection Order; and to introduce three new dog control offences for inclusion in the new PSPO, as follows:

### Existing offences:

- Failure to pick up after their dog.
- Failure to keep a dog under control and on a lead Boythorpe Cemetery, Brimington Cemetery, Spital Cemetery, Staveley Cemetery and Crematorium grounds.
- Eastwood Park (One order excludes dogs from the play area; another requires dogs on leads at all times around the lodge, wildlife garden and tennis courts area and the third order requires dogs to be put on a lead in the remainder of the park if asked to do so by an authorised officer.

### Proposed new offences:

- Failure to have means to pick up after a dog
- Excluding dogs from children's play areas (to be determined)
- Requiring dogs to be kept on leads in designated areas (to be determined)



## 6. What these proposals would mean

There are a number of existing powers which we would like to continue enforcing and we would like to introduce a set of new enforcement proposals which will enable us to strengthen our approach of dealing with dog fouling and problematic dog behaviour.

As the offences would be breaches of a PSPO, we may issue a fixed penalty notice offering the person concerned the opportunity of discharging any liability to conviction for the offence by paying a fixed penalty. This fixed penalty must not be more than £100. We intend to set the fine at £100, in order to maximise the deterrent risk for offenders. The offences are outlined in more detail here:

### Failure to pick up after their dog

Our enforcement officers will continue to be able to require any one other than a registered blind person in charge of a dog to remove their dog's faeces from the land at the time of fouling. The Council's enforcement officers would be able to enforce this anywhere the public has access. We will not be able to enforce this where the landowner, occupier or other person in charge of a public space has given permission for dog walkers not to pick up faeces.

### Keeping a dog on a lead (at named cemeteries and grave yards)

Our enforcement officers will require a person in charge of a dog to keep the dog on a lead at all times at Boythorpe Cemetery, Brimington Cemetery, Spital Cemetery, Staveley Cemetery and Crematorium grounds.

### Eastwood Park

The existing orders will remain the same (dogs are excluded from the play area; dogs shall be on leads at all times around the lodge, wildlife garden and tennis courts area and dogs must be put on a lead in the remainder of the park if asked to do so by an authorised officer).

### Failure to have means to pick up after a dog

Our enforcement officers will be able to ask dog walkers to demonstrate and produce the means by which they intend to pick up faeces (e.g. a bag). Those refusing or unable to do so will be committing an offence. An exemption will apply to those who are registered blind.

### Excluding dogs from children's play areas (to be determined)

Our enforcement officers will be able to require a person in charge of a dog which has entered a children's play area to remove it from the play area.

**We welcome suggestions for children's play areas where dogs should be excluded.**

### Requiring dogs to be kept in leads in designated areas (to be determined)

Our enforcement officers will be able to direct a person in charge of a dog to put and keep it on a lead.

**We welcome suggestions for designated areas where dogs should be kept on leads.**

## 7. When might the proposed changes happen?

Our cabinet will receive a report on the findings from this consultation exercise and be asked to consider these new and enhanced powers to tackle dog fouling and other forms of irresponsible dog ownership. This meeting is likely to take place during December 2016 or January 2017.

If approved, we will then carry out a four week formal notification including locations on or next to designated areas, about the Public Space Protection Orders starting between mid to late April 2017.

We will then publish the new Public Space Protection Order on our website, launch a publicity campaign and raise awareness of the PSPO, particularly concerning new dog control offences mid to late May or in June 2017.

**Our enforcement officers will fully exercise these enhanced powers from July 2017 onwards.**

## 8. Where can I get more information?

During the course of this consultation we will be collating all the views and comments we receive. Please contact the Environmental Protection Team via the main switchboard on 01246 345345 or send an email to [pollution@chesterfield.gov.uk](mailto:pollution@chesterfield.gov.uk)

## 9. Who are we consulting?

The consultation involves all stakeholders who may be affected, including dog walkers, the general public, Derbyshire Police, local parish and town councils, schools, veterinary surgeries, kennels and housing associations (this list is not exhaustive, a full list of consultees is available upon request). This document will also be sent to elected members and other teams within Chesterfield Borough Council.

Anyone can give their views during the consultation period which runs from Monday 26 September for six weeks until Friday 4 November.

## 10. How can I comment on these proposals?

We welcome your responses and suggestions about ways we could introduce the new PSPO. We want to hear any comments you may have on any aspect of these proposals. Please respond using our on-line survey: <https://www.snapsurveys.com/wh/s.asp?k=146980371568>

Paper copies will be available at:

- Customer service centre
- Queen's Park Sports Centre
- Healthy Living Centre, Staveley
- Chesterfield Town Library
- Newbold Library
- Brimington Library
- Old Whittington Library
- Staveley Library





**CHESTERFIELD**  
BOROUGH COUNCIL



# Public Space Protection Order (PSPO)

## Consultation on enhanced dog control powers

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In October 2017, Dog Control Orders will be replaced by Public Space Protection Orders (PSPOs). Chesterfield Borough Council has a number of existing Dog Control Orders which we would like to continue to enforce, by including them in the PSPO. In addition, we would like to introduce some new requirements which will help us to deal with dog fouling and problematic dog behaviour.

Please spend a few minutes to complete this questionnaire about the proposed changes. We recommend that you read the attached background information before completing the questionnaire.

### Section A - About our existing dog control orders

**Q1 The Council has existing powers which makes it an offence if a person in charge of a dog fails to clean up its faeces.**

Do you think we should continue to enforce this?

Yes

No

Don't know

---

**Q2 At Boythorpe Cemetery, Brimington Cemetery, Spital Cemetery, Staveley Cemetery and within the Crematorium grounds it is a requirement for dogs to be under control and on a lead.**

Do you think we should continue to enforce this?

Yes

No

Don't know

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**Q3 In relation to Eastwood Park (Hasland) it is an offence to allow dogs in the play area. Dogs must also be kept on leads at all times around the lodge, wildlife garden and tennis courts area, and dogs must be put on a lead in the remainder of the park if asked to do so by an authorised officer.**

Do you think we should continue to enforce these requirements?

Yes

No

Don't know

### Section B - About the proposed additional powers

**Q4 Do you think we should introduce a new offence under the PSPO requiring dog walkers to carry a 'poop bag' or other means for picking up after their dog?**

Yes

No

Don't know

**Q5 Do you think we should introduce a new offence under the PSPO prohibiting dogs in children's play areas?**

Yes  No  Don't know

If yes, please tell us any specific play areas you think this should apply to and why.

**Q6 Do you think we should introduce a new offence under the PSPO requiring dogs to be kept on a lead in additional designated areas?**

Yes  No  Don't know

If yes, please tell us any specific areas you think this should apply to and why.

**Q7 If you have any other comments or suggestions please write them here**

### About You

**Q8 Your gender:**

Male  Female  Transgender  Prefer not to say

**Q9 Your age:**

Under 16 years  25 to 34 years  55 to 64 years  Prefer not to say  
 16 to 17 years  35 to 44 years  65 to 74 years  
 18 to 24 years  45 to 54 years  75 years and over


**Q10 Do you consider yourself to have a disability?**

No  Yes  Prefer not to say

**Q11 Your ethnicity:**

White British  Asian or Asian British  Other ethnic group  
 Black or Black British  Mixed ethnic group  Prefer not to say

**Thank you for completing this questionnaire.**

 **All information provided will be treated in accordance with the Data Protection Act 1998. All of the information you provide will remain confidential.**

**PLEASE RETURN TO: Environmental Health (support services), Town Hall, Rose Hill, Chesterfield, Derbyshire, S40 1LP by 4th November 2016.**

Consultation on Public Space Protection Orders  
Headline Report

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## 1. Summary

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Date range:	26/09/2016 to 4/11/2016	
Type:	Web questionnaire	
Responses:	308	
Audience:	General Public and stakeholders	

## 2. Introduction

---

In October 2017, Dog Control Orders will be replaced by Public Space Protection Orders (PSPOs). Chesterfield Borough Council has a number of existing Dog Control Orders which we would like to continue to enforce, by including them in the PSPO. In addition, we would like to introduce some new requirements which will help us to deal with dog fouling and problematic dog behaviour.

This report present the findings of a public consultation questionnaire which was open from 26/09/2016 to 4/11/16.

### 3. Questionnaire results

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#### About our existing dog control orders

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Q1. The Council has existing powers which makes it an offence if a person in charge of a dog fails to clean up its faeces.

Do you think we should continue to enforce this?

	Number	%
Yes	306	99.7%
No	1	0.3 %
Don't know	0	0.0%

Q2. At Boythorpe Cemetery, Brimington Cemetery, Spital Cemetery, Staveley Cemetery and within the Crematorium grounds it is a requirement for dogs to be under control and on a lead.

Do you think we should continue to enforce this?

	Number	%
Yes	296	96.1%
No	10	3.2 %
Don't know	2	0.6%

Q3. In relation to Eastwood Park (Hasland) it is an offence to allow dogs in the play area. Dogs must also be kept on leads at all times around the lodge, wildlife garden and tennis courts area, and dogs must be put on a lead in the remainder of the park if asked to do so by an authorised officer.

Do you think we should continue to enforce these requirements?

	Number	%
Yes	273	88.9%
No	23	7.5 %
Don't know	11	3.6%



## About the proposed additional powers

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Q4. Do you think we should introduce a new offence under the PSPO requiring dog walkers to carry a 'poop bag' or other means for picking up after their dog?

	Number	%
Yes	266	86.4%
No	35	11.4%
Don't know	7	2.3%

Q5. Do you think we should introduce a new offence under the PSPO prohibiting dogs in children's play areas?

	Number	%
Yes	237	76.9%
No	48	15.6%
Don't know	23	7.5%

If yes, please tell us any specific play areas you think this should apply to and why. 146 people chose to comment. The comments are summarised here:

Typical areas given	Number of comments
All play areas	53
All fenced in areas	10
Holmebrook Valley Park	14
Queens Park	4
Inkerman Park	6
Eastwood Park	9
Poolsbrook Country Park	2
Somersall Park	3
Stand Road Park	4

Q6. Do you think we should introduce a new offence under the PSPO requiring dogs to be kept on a lead in additional designated areas?

	Number	%
Yes	172	57.5%
No	70	23.4%
Don't know	57	19.1%

If yes, please tell us any specific areas you think this should apply to and why.

97 people gave comments for this question. The comments are summarised here:

Typical areas given	Number of comments
All play areas	45
Areas near wildlife / nature reserves	5
Outdoor sports pitches	4
Holmebrook Valley Park	3
Eastwood Park	2
Poolsbrook Country Park	2
Somersall Park	2
Graveyards and cemeteries	2
Shentall gardens	2
Town centre	2
Stand Road Park	1
Other areas / comments	27

Q7. Do you have any other comments or suggestions?

133 comments were made in response to this question. The comments are summarised here:

Typical areas given	Number of comments
Questioning enforcement / visibility of enforcement	36
In favour of designated dog exercise areas	20
General comments in support of proposals	19
In favour of dogs being kept on leads	8
Practicalities regarding poo bags and bins	7
Safety concerns	5
Concerns about criminalising dogs/owners	2
Regarding signage	2
Other comments	34

## 4. Profile of respondents

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Gender of respondents	
Male	42.5%
Female	54.8%
Transgender	1.0%
Prefer not to say	1.7%

Age of respondents	
Under 16 years	0%
16 to 17 years	0%
18 to 24 years	3.3%
25 to 34 years	6.6%
35 to 44 years	11.9%
45 to 54 years	19.1%
55 to 64 years	31.4%
65 to 74 years	21.8%
75 years and over	3.0%

Disability of respondents	
No	79.3%
Yes	14.3%
Prefer not to say	6.3%

Ethnicity of respondents	
White British	92.3%
Black or Black British	0.3%
Asian or Asian British	0.3%
Mixed ethnic group	0.7%
Other ethnic group	1.0%
Prefer not to say	5.3%

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# THE KENNEL CLUB

## *Making a difference for dogs*

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

Submitted on 4<sup>th</sup> November 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.

#### **Response to proposed measures**

From conversations with council officials we understand that if areas are suggested within this consultation for dogs to be excluded from or kept on lead then they will be re-consulted on, the Kennel Club welcomes this approach.

#### **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 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 fouling - requirement to be in possession of means to pick up**

Whilst the Kennel Club supports proactive efforts on behalf of local authorities to encourage responsible dog ownership and to ensure that those who are not picking up after their dogs are brought to book, this has to be fair and proportionate and we would not like to see responsible dog owners penalised unfairly.

The Kennel Club has concerns over proposals to introduce an offence of not having the means to pick up. Responsible owners will usually have dog waste bags or other means to clear up after their pets but we do have some concerns, for example if dog owners are approached at the end of a walk and have already used the bags that they have taken out for their own dog, or given a spare bag to someone who has run out, a behaviour that is encouraged by Green Dog Walker schemes.

Furthermore it is perfectly plausible that these proposals in certain circumstances would perversely incentivise dog walkers not to pick up after their dog. Should a dog walker on witnessing their dog fouling realise they are down to their final one or two poo bags (or other receptacle), they will be forced into a decision of whether to use the bag and risk being caught without means to pick up, or risk not picking up in order to retain a “means to pick up” should they be stopped later on their walk. It is perfectly reasonable to assume that a proportion of dog walkers would choose the second option if they thought this was the least likely route to being caught. Especially if the penalty for not picking up was the same as not having means to pick up. Local authorities may wish to consider introducing a clause which provides an exemption for dog walkers who have run out of bags, but can prove that they were in possession of and made use of bags (or other suitable receptacle) during their walk.

If such a measure is introduced it is essential that an effective communication campaign is launched in the local area to ensure that people are aware of the plans and have an excess supply of dog waste bags with them, so that it is the right people who are getting caught. Additionally, appropriate signage should be erected to inform those who are not familiar with the local rules are not unfairly caught out.

We are also concerned how easily local authorities could enforce this law when trying to define whether or not dog owners have ‘a means’ of picking up after the dogs, without risking the expense of legal challenge. In the absence of poo bags owners trying to flout the law could theoretically point to any number of items on their person that they intend to use, so we think that the most effective spot checks you can carry out are those that catch offenders in the act of not picking up, rather than second guessing behaviours on the basis of what they are or are not carrying with them.

Alternatively, to avoid a fine an irresponsible owner could simply tie one bag to his or her dog’s lead or collar but never actually use it.

Recently Cornwall council considered introducing a ‘means to pick up’ order but subsequently decided against it as they deemed it to be disproportionate and concluded that the requirement would be ‘toothless’, as it would be highly unlikely to be enforceable in a magistrates court. Please see the attached Cornwall Council report for more details.

### **Dog access**

The Kennel Club does not normally oppose Orders to exclude dogs from playgrounds, or enclosed recreational facilities such as tennis courts or skate parks, as long as alternative provisions are made for dog walkers in the vicinity. We would also point out that children and dogs should be able to socialise together quite safely under adult supervision, and that having a child in the home is the biggest predictor for a family owning a dog.

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 or sensitive wildlife may be present, or on pavements in proximity to cars and other road traffic.

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.

With regards to playing fields, we ask local authorities to consider whether or not access restrictions are absolutely necessary. If they are deemed to be needed, whether time/season limited restrictions would be more appropriate than an outright ban. We are aware in many areas, dog walkers do allow their dogs to exercise on playing fields when they are not in use. If of course they are in use we understand the safety reasons behind restrictions. It is also worth noting that compliance with such an order can be difficult for a dog walker if there are no boundaries around the playing field as when exercising their dogs off lead, dogs will not recognise the difference between playing fields and other grassed areas.

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.

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.

### **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.assistancedogs.org.uk](http://www.assistancedogs.org.uk).

### **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” require 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 Exclusion Order” or “Dog on Lead 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.

With specific regard to the proposed “means to clear up measure” this type of law will be unfamiliar to dog walkers and prominent signage explaining the exact requirements expected of dog walkers, not all of whom will be local residents, should be erected in any area where the measure is to be enacted.



## Chesterfield Borough Council

### Equality Impact Assessment - Preliminary Assessment Form

The preliminary impact assessment is a quick and easy screening process. It should identify those policies, projects, services, functions or strategies which require a full EIA by looking at negative, positive or no impact on any of the equality groups.

Service Area: Health & Well-being  
Section: Environmental Health/Environmental Protection Team  
Lead Officer: Esther Thelwell

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for:

**The Anti-social Behaviour Crime and Policing Act 2014 - Designation of the Public Spaces Protection Order (PSPO) (Dog control)**

Is the policy, project, service, function or strategy:

~~Existing~~

~~Changed~~

**New/Proposed**

Q1 - What is the aim of your policy or new service?

The Public Space Protection Order (PSPO) is a new power under the Anti-Social Behaviour, Crime and Policing Act 2014 and came into force in October 2014.

PSPO's are intended to deal with a particular nuisance or problem in a particular geographical area that is detrimental to the local communities quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

Under the Clean Neighbourhoods and Environment Act 2005, the Council adopted several Dog Control Orders (DCO's), these are: -

DC01 – dog fouling is not permitted in cemeteries (Boythorpe, Brimington, Spital and Staveley).

DC02 – dogs must be kept in a lead at cemeteries (Boythorpe, Brimington, Spital and Staveley).

DC03 - requiring the removal of faeces on all public open spaces.

DC04 – dog exclusion zone at Eastwood Park, Hasland (specified on a map).

DC05 – dogs must be on a lead at Eastwood Park, Hasland (specified on a map).

DC06 – dogs on leads by direction at Eastwood Park, Hasland (when requested by an authorised officer).

The PSPO will replace the 'dog control orders' listed above and will list several additional geographical locations where dogs will need to be on a lead (all year round), need to be on a lead (for part of the year, such as during bird nesting season) or be excluded (i.e. certain play areas).

## Q2 - Who is the policy or service going to benefit?

The PSPO for dog control will be of benefit to all residents and visitors to our parks and other publicly accessible land.

We are keen to welcome dog walkers and dogs to the Borough and also want to encourage responsible dog ownership. There are increasing public concerns over irresponsible dog ownership, including complaints of dog attacks on people and their pets, dog fouling on grassed areas as well as graves, and dogs out of control.

From 1 April 2015 to 31 March 2016 the Environmental Protection Team received and investigated 357 complaints about dog fouling and 302 complaints about dogs (214 of which were reported as stray dogs).

Direct exposure to dog faeces can cause toxocariasis, an infection of the roundworm *toxocara canis*, potentially leading to respiratory and vision problems. Treading in dog faeces can also potentially lead to slips, trips and falls, and subsequent injuries.

Q3 - Thinking about each group below, does, or could the policy, project, service, function or strategy have an impact on protected characteristics below? You may also need to think about sub groups within each characteristic e.g. older women, younger men, disabled women etc.

Please tick the appropriate columns for each group.

<b>Group or Protected Characteristics</b>	<b>Potentially positive impact</b>	<b>Potentially negative impact</b>	<b>No impact</b>
Age – including older people and younger people.			✓
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.			✓
Gender – men, women and transgender.			✓
Marital status including civil partnership.			✓
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.			✓
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.			✓
Ethnic Groups			✓
Religions and Beliefs including those			✓

with no religion and/or beliefs.			
Other groups e.g. those experiencing deprivation and/or health inequalities.			✓

If you have answered that the policy, project, service, function or strategy could potentially have a negative impact on any of the above characteristics then a full EIA will be required.

Q4 - Should a full EIA be completed for this policy, project, service, function or strategy?

Yes   
 No

Q5 - Reasons for this decision:

No negative impacts are anticipated on protected groups. The PSPO order includes the three following exemptions to mitigate against potential indirect discrimination:

Exemptions

This Order shall not apply to a person who: -

- (a) is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948;
- (b) has a disability which affects his/her 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/she relies on for assistance;
- (c) has received written permission/exemption from Chesterfield Borough Council.

Please e-mail this form to the Policy Service before moving this work forward so that we can confirm that either a full EIA is not needed or offer you further advice and support should a full EIA be necessary.

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## **For publication**

### **East Midlands HS2 Growth Strategy (R000)**

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Meeting:	Cabinet
Date:	11 <sup>th</sup> July 2017
Cabinet portfolios:	Leader, Economic Growth, Town centres and Visitor Economy
Report by:	Michael Rich, Executive Director

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## **For publication**

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### **1.0 Purpose of report**

- 1.1 An East Midlands HS2 Growth Strategy is due to be submitted to government at the end of July. This report provides an update to Cabinet on the work that has been done by the council and its partners to contribute to that strategy. It seeks delegation to the Leader to sign-off the final strategy.

### **2.0 Recommendations**

- 2.1 That Cabinet note and endorse the work undertaken by the council and its partners to support the production of an East Midlands HS2 Growth Strategy.
- 2.2 That Cabinet delegate to the Leader of the Council sign-off of the final strategy on behalf of the council.

### **3.0 Report details**

#### **Background**

- 3.1 Cabinet received a report on 7<sup>th</sup> March 2017 that included an update on the latest route proposals for HS2. That report also set out the partnership approach being taken by the council and the transformational opportunities for the borough and beyond that flow from the proposals for a station at Chesterfield and depot at Staveley.
- 3.2 As endorsed by Cabinet, work has continued with partners to develop a full contribution to the East Midlands strategy. This is aimed at showing how benefits for our residents, businesses and visitors can be maximised.
- 3.3 The work has been overseen by the HS2 Chesterfield and Staveley Delivery Board, chaired by the Leader of the council. At the Board meeting on 18<sup>th</sup> May, the following were endorsed as key components of the growth story that needs to set the context for the specific development proposals:
- The transformational, once-in-a-generation, impact that HS2 could have, for our places, our people, our businesses and our workforce.
  - The potential for a world-class offer and destination, building on the assets, sectors and places we already have
  - How our geography in relation to the line(s) and our connectivity give us a unique opportunity and how partners are committed to ambitious plans that maximise that opportunity to benefit both the local area and wider economy
  - The wide scope of where benefits will be realised, driving growth across the whole of the 'northern growth zone'
  - At the same time, how the specific changes directly linked to HS2 will change the nature of some of our places, in particular allowing Chesterfield to fulfil its potential as a gateway (through connectivity to a wide and diverse visitor offer) and destination in its own right, by bringing the station 'into' the town.
  - The inclusive nature of growth desired by partners, so that local communities benefit from the new jobs created, directly at key sites and indirectly through the wider sub-regional supply chain
- 3.4 To support the work required for Chesterfield's contribution to the growth strategy, D2N2 Local Enterprise Partnership funding of £60k has been allocated by the East Midlands HS2 Strategic

Board (from a total of £933k). Three particular studies have been commissioned through Derbyshire County Council to develop (a) an outline masterplan for the area around Chesterfield Station; (b) options for improving the accessibility of the station; and (c) proposals for maximising the value of the depot site in Staveley, in particular its use as a construction base prior to a maintenance depot.

- 3.5 These areas were identified as current 'gaps' where additional work was needed in order to support the East Midlands strategy in July. Other areas, such as funding mechanisms and skills, are being covered through work underway for the whole of the East Midlands.

### **Emerging work**

- 3.6 The outputs from the studies listed above are now largely complete having been reviewed by officers. The outline masterplan was also presented to the HS2 Chesterfield and Staveley Board in May.
- 3.7 A short presentation will be provided to Cabinet that summarises the key outputs from the studies and initial proposals for development at the station and depot sites. Feedback from Cabinet will shape how this material is then used to form part of the East Midlands strategy.
- 3.8 A Scrutiny Special Project Group has also been formed to support the work underway on HS2. It has already made some site visits and will receive further briefing, ahead of looking in more detail at the proposals once the East Midlands Strategy is finalised.

### **Next steps**

- 3.9 The East Midlands Strategic Board is due to meet again on 28<sup>th</sup> July. It is likely that the final strategy will be close to completion at this point and that subsequent to that meeting the council will be required to agree the final version.
- 3.10 In order to provide a timely sign-off, it is proposed that the Leader is able to sign-off the final strategy on behalf of the council.

#### 4.0 **Human resources/people management implications**

- 4.1 There are no direct implications of the proposals at this stage. The strategy will make no firm commitments to developments or services that might give rise to human resources impacts.

#### 5.0 **Financial implications**

- 5.1 The strategy will include some high level costs and some asks of government by way of funding. It may propose some options for funding mechanisms, recognising there is likely to be a gap between what HS2 itself will fund in developing the depot or station, and the infrastructure that is needed to maximise development. The strategy will not commit the council or any of its partners to any funding commitments, nor to any funding mechanisms. It will be for each individual council to consider these at a later stage once more detailed plans are developed.
- 5.2 As noted above, there has been funding allocated by D2N2 Local Enterprise Partnership to support consultancy work commissioned through Derbyshire County Council. It is anticipated that further studies will be required after July and funding is available for these from Sheffield City Region (c. £100k) and may also be available from D2N2.
- 5.3 As covered in the Cabinet report in March, the council has approved the use of up to £100k from reserves in order to fund a dedicated HS2 Programme Manager post to support this work. The postholder began on 3<sup>rd</sup> July.

#### 6.0 **Legal and data protection implications**

- 6.1 There are not considered to be any specific implications at this point in time. However, depending on the delivery approach taken, particular legal powers held by the council may be required in order to successfully assemble, fund and deliver development at the station and/or depot site.

#### 7.0 **Consultation**



7.1 There are no plans for a consultation exercise on the East Midlands strategy. A draft strategy was published in September 2016 and since then local stakeholders have been engaged through the HS2 Chesterfield and Staveley Delivery Board. The HS2 route proposals have themselves been subject to widespread public consultation.

## 8.0 **Communication**

8.1 Following publication of the East Midlands strategy there will be significant stakeholder engagement undertaken. This should increase the support for the work to maximise the benefits of the proposals and also shape the next phase of work required.

8.2 An announcement from government regarding the HS2 route is expected before recess. If the announcement confirms the proposals made by HS2 Ltd, then it is planned to use this as an opportunity to welcome the benefits those proposals will bring for Chesterfield and Staveley. More detail regarding the potential development linked to the station and depot will then be set out in the East Midlands strategy, around which further communications will be planned.

## 9.0 **Risk management**

9.1 As noted in the March Cabinet report, the key risk has been that Chesterfield is not able to contribute fully to the work required to develop plans for a station and depot, leading to significant reputational damage and potentially undermining the overall case for the proposed route and wider Eastern leg and damaging the future economic prospects of the borough and beyond.

9.2 This has been mitigated through officer time spent on this project over the last few months and close working with a number of partners, in particular Derbyshire County Council. It will be further mitigated by capacity added through the new Programme Manager.

## 10.0 **Equalities Impact Assessment (EIA)**

10.1 An assessment of the proposals and potential impact on Chesterfield has not been completed at this stage. As specific

proposals are developed to deliver the growth strategies, it is likely that impact assessments will be required.

#### 11.0 **Alternative options and reasons for rejection**

11.1 The main alternative is that the council no longer supports work to maximise the benefits from HS2. This is not recommended given the transformational nature of the opportunity.

11.2 More specifically, there are a number of alternatives to the current proposals in the studies commissioned to date. Given that no decisions are being taken at this stage regarding those development proposals – they are there to outline the potential that HS2 could bring –there are still opportunities to consider a wide range of alternatives before decisions are taken.

#### 12.0 **Recommendations**

12.1 That Cabinet note and endorse the work undertaken by the council and its partners to support the production of an East Midlands HS2 Growth Strategy.

12.2 That Cabinet delegate to the Leader of the Council sign-off of the final strategy on behalf of the council.

#### 13.0 **Reasons for recommendations**

13.1 The recommendations are made in order to ensure that the plans for HS2 bring maximum benefits for the borough and beyond.

#### **Decision information**

<b>Key decision number</b>	732
<b>Wards affected</b>	<b>All</b>
<b>Links to Council Plan priorities</b>	Thriving Borough

#### **Document information**

<b>Report author</b>	<b>Contact number/email</b>
<b>Michael Rich</b>	Michael.rich@chesterfield.gov.uk

**Background documents**

These are unpublished works which have been relied on to a material extent when the report was prepared.

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