



Please ask for Joel Hammond-Gant  
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The Chair and Members of Cabinet

16 April 2018

Dear Councillor,

Please attend a meeting of the CABINET to be held on TUESDAY, 24 APRIL 2018 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 5 - 10)

To approve as a correct record the Minutes of the Cabinet meeting held on 13 March, 2018.

4. Forward Plan

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

[Forward Plan](#)

5. Delegation Report (Pages 11 - 16)

6. Minutes of the Sheffield City Region Combined Authority (Pages 17 - 22)

To note the Minutes of the meeting of the Sheffield City Region Combined Authority held on 29 January, 2018.

#### Items Recommended to Cabinet via Cabinet Members

##### Cabinet Member for Town Centres and Visitor Economy

7. Consideration of the Overview and Performance Scrutiny Forum Report on the Town Centre (Pages 23 - 82)

##### Cabinet Member for Business Transformation and Cabinet Member for Homes and Customers

8. Information and Communication Technology Review

##### Cabinet Member for Health and Wellbeing

9. Public Spaces Protection Order for Dog Control (Pages 83 - 190)
10. 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 Paragraphs 1 and 3 of Part I of Schedule 12A to the Local Government Act 1972.”

#### **Part 2 (Non Public Information)**

11. Dog Law and Stray Dog Policy (Pages 191 - 230)
12. Building Cleaning DSO Business Plan 2018/19 (Pages 231 - 234)
13. Landscape and Streetscene Services Business Plan 2018/19 (Pages 235 - 238)

##### Cabinet Member for Town Centre and Visitor Economy

14. Security Services Business Plan 2018/19 (Pages 239 - 244)

Cabinet Member for Homes and Customers

15. Disabled Adaptation - 1 Peak View Road, Loundsley Green (Pages 245 - 254)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Randy', written in a cursive style.

Local Government and Regulatory Law Manager and Monitoring Officer

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## CABINET

Tuesday, 13th March, 2018

Present:-

Councillor P Gilby (Chair)

Councillors	T Gilby Bagley Blank	Councillors	Huckle Ludlow Serjeant
Non Voting Members	Catt Dickinson		J Innes

\*Matters dealt with under the Delegation Scheme

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

No declarations of interest were received.

**147    APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Brunt and A Diouf.

**148    MINUTES**

**RESOLVED –**

That the minutes of the meeting of Cabinet held on 20 February, 2018 be approved as a correct record and signed by the Chair.

**149    FORWARD PLAN**

The Forward Plan for the four month period 1 April 2018 to 31 July 2018 was reported for information.

**\*RESOLVED –**

That the Forward Plan be noted.

**150**     **CORPORATE ENFORCEMENT POLICY**

The Senior Environmental Health Officer submitted a report seeking approval for a Corporate Enforcement Policy and supplementary guidance on the issuing of Fixed Penalty Notices.

The report noted that the policy, as attached at Appendix A to the officer's report, applied to all Council services and set out the broad approach that the Council would take to enforcement.

The policy covered the varying levels of enforcement action available to the Council, how the Council would determine appropriate action(s) in the event of non-compliance, and how investigations would be conducted.

**\*RESOLVED –**

1. That the Corporate Enforcement Policy, as attached at Appendix A to the officer's report, be approved and adopted.
2. That the Fixed Penalty Notice Supplementary Guidance, as attached at Appendix B to the officer's report, be approved and adopted.
3. That delegated authority be granted to the Senior Environmental Health Officer in consultation with the Cabinet Member for Governance, to approve minor amendments to the Corporate Enforcement Policy and Fixed Penalty Notice Supplementary Guidance.

**REASON FOR DECISIONS**

To have a corporate approach to enforcement across all services that carry out regulatory roles.

**151**     **ASBESTOS MANAGEMENT COMPLIANCE**

The Assistant Director – Housing and Assistant Director – Health and Wellbeing submitted a report seeking approval for the Council's new Asbestos Policy 2018-2021.

The report noted that the Asbestos Management Compliance Sub-Group, in conjunction with Savills Consulting, had developed a new Asbestos

Policy for 2018-2021, which was attached at Appendix 4 to the officer's report.

The Assistant Director – Housing advised that the Council has improved its position in relation to asbestos management compliance, and is currently progressing further actions, as set out in paragraph 4.4.1 of the officer's report.

**\*RESOLVED –**

1. That the Council's improved position in respect of Asbestos Management compliance, and the outstanding work remaining on the Asbestos Compliance Action Plan, be noted.
2. That the Asbestos Management Compliance Sub-Group continues to oversee the implementation of the outstanding actions set out in the Asbestos Compliance Action Plan, and reports progress to the Council Health and Safety Committee on a quarterly basis.
3. That the Asbestos Policy 2018-2021, as attached at Appendix 4 to the officer's report, be approved and adopted.
4. That further update reports be submitted to Cabinet as and when plans, policies, procedures and strategies are prepared, reviewed and updated.

**REASON FOR DECISIONS**

To ensure legislative and statutory obligations in relation to the management of asbestos risk are met.

**152 COMMERCIAL SERVICES FEES AND CHARGES FOR CEMETERIES IN 2018/19**

The Assistant Director – Commercial Services submitted a report recommending for approval the proposed fees and charges for the Council's cemeteries to take effect from 1 April, 2018.

The proposed fees and charges for 2018/19, as attached at Appendix A to the officer's report, would ensure that the service continued to recover its costs whilst remaining competitive and affordable.

**\*RESOLVED –**

That the proposed fees and charges for cemeteries in 2018/19, as attached at Appendix A to the officer's report, be approved and adopted.

**REASONS FOR DECISION**

1. There has been a decline in burial numbers in recent years which has coincided with above average fee increases. It is expected that by applying an average increase, burial numbers will be consolidated.
2. To generate income to contribute to the costs of providing and maintaining a burial service

**153 TENANT SATISFACTION STAR SURVEY RESULTS**

The Assistant Director – Housing submitted a report to inform members of the results of the Survey of Tenants and Residents that was carried out in October 2017.

The report noted the positive results shown in the survey results, with improvements in satisfaction rates against 7 of the 8 core question indicators.

The full results of the survey were attached at Appendix 1 to the officer's report.

**\*RESOLVED –**

That the results of the 2017 STAR survey and the improvement in tenant satisfaction be noted.

**REASON FOR DECISION**

To recognise the contribution of the Housing Service in meeting the Council's Value of being 'Customer focused – delivering great customer service, meeting customer needs'.

**154 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 3 and 5 of Part I of Schedule 12A to the Local Government Act 1972 – as they contained information relating to information relating to:

3. information relating to the financial or business affairs of any particular person (including the authority that holds that information).
5. information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

**155**     **COMMERCIAL SERVICES FEES AND CHARGES FOR TRADE WASTE AND OUTDOOR SPORTS AND LEISURE IN 2018/19**

The Assistant Director – Commercial Services submitted a report recommending for approval proposed fees and charges for trade waste and outdoor recreation services for 2018/19, to take effect from 1 April, 2018.

The report noted that the fees and charges proposals had taken into account the Council's Budget Strategy in that provision should be made for a minimum inflammatory increase of 3 per cent each year.

The proposed fees and charges for outdoor recreation services for 2018/19 were attached at Appendix A to the officer's report.

The proposed fees and charges for waste services for 2018/19 were attached at Appendix B to the officer's report.

**\*RESOLVED –**

1. That the proposed fees and charges for outdoor sports and leisure services in 2018/19, as attached at Appendix A to the officer's report, be approved and adopted.
2. That the proposed fees and charges for waste services in 2018/19, as attached at Appendix B to the officer's report, be approved and adopted.

**REASON FOR DECISIONS**

To comply with the Council's Budget Strategy.

**156 BARROW HILL CONTRACTOR APPOINTMENT**

The Assistant Director – Housing submitted a report to inform members that a contractor had been appointed to deliver the first phase of the environmental improvement works at Barrow Hill.

The report provided details of the received tender offers and tender evaluation process, as well as the anticipated timescales for the delivery of the first phase of work.

**\*RESOLVED –**

That the contract details agreed for the delivery of the first phase of works on the Barrow Hill Environmental Improvements project be noted.

**REASON FOR DECISION**

To meet the Council's priority 'to improve the quality of life for local people'.

**157 ROBINSONS PLC BUSINESS RATES APPEAL**

The Director of Finance and Resources submitted a report recommending for approval an offer of settlement of a business rates refund claim.

The report noted that Counsel's advice had been taken on the matter. The letter from Counsel was attached at Appendix A to the officer's report.

**\*RESOLVED –**

That the proposed offer of settlement be approved and made in the financial year 2017/18.

**REASON FOR DECISION**

To settle a business rates refund claim on the best possible terms for the Council in the current financial year 2017/18.

## CABINET MEETING

24 April 2018

## DELEGATION REPORT

### DECISIONS TAKEN BY LEAD MEMBERS

#### Leader (Joint Board with NEDDC and Bolsover DC)

Decision Record No.	Subject	Delegation Reference	Date of Decision
<b>33/17/18</b>	<b>Minutes</b>	<b>R080L</b>	<b>8 March 2018</b>
<p>Decision</p> <p>That the notes and the Record of Decisions of the Joint Board meeting held on 12 September 2017 be noted.</p>			
<p>Reason for Decision</p> <p>To note progress on joint working.</p>			
<b>34/17/18</b>	<b>Chesterfield and North East Derbyshire Credit Union - Business Plan 2017 to 2020</b>	<b>R080L</b>	<b>8 March 2018</b>
<p>Decision</p> <p>That the Chesterfield and North East Derbyshire Credit Union Business Plan 2017-2020 be received.</p>			
<p>Reason for Decision</p> <p>To note the progress of the Chesterfield and North East Derbyshire Credit Union.</p>			

Decision Record No.	Subject	Delegation Reference	Date of Decision
<b>35/17/18</b>	<b>Update on Building Control Consortium Transition</b>	<b>R080L</b>	<b>8 March 2018</b>
<p>Decision</p> <p>(1) That the final financial position of BCN as at the end of May 2017 be noted.</p> <p>(2) That the work undertaken so far in implementing the unified Derbyshire-wide building control service be noted.</p>			
<p>Reason for Decision</p> <p>To effectively provide the building control service for Bolsover, Chesterfield and North East Derbyshire in accordance with legislation and the legal agreement for the joint working consortium.</p>			
<b>36/17/18</b>	<b>Internal Audit Consortium Progress Report 2017/18 and Business Plan 2018/19</b>	<b>R080L</b>	<b>8 March 2018</b>
<p>Decision</p> <p>(1) That the final financial position of BCN as at the end of May 2017 be noted.</p> <p>(2) That the work undertaken so far in implementing the unified Derbyshire-wide building control service be noted.</p>			
<p>Reason for Decision</p> <p>To effectively provide the building control service for Bolsover, Chesterfield and North East Derbyshire in accordance with legislation and the legal agreement for the joint working consortium.</p>			



### Cabinet Member for Economic Growth

Decision Record No.	Subject	Delegation Reference	Date of Decision
<b>37/17/18</b>	<b>Sale of land and premises at 6 Ashgate Road, Chesterfield</b>	<b>G260L</b>	<b>15 February 2018</b>
<p>Decision</p> <p>(1) That the disposal of land and premises at 6 Ashgate Road, Chesterfield be granted on the terms set out in the officer's report.</p> <p>(2) That the Property, Procurement and Contracts Law Manager be granted delegated authority to agree late amendments to the terms of the sale and to revert to underbidders in the event the applicant withdraws.</p>			
<p>Reasons for Decision</p> <ol style="list-style-type: none"> <li>1. To secure new homes for Chesterfield and regeneration of vacant property.</li> <li>2. To secure a one off capital receipt for the Council.</li> <li>3. To enable the conclusion of the sale contract in a timely and efficient manner.</li> </ol>			
<b>38/17/18</b>	<b>Sale of land and premises at Poolsbrook, Chesterfield</b>	<b>G260L</b>	<b>15 February 2018</b>
<p>Decision</p> <p>(1) That the disposal of land and premises at Poolsbrook, Chesterfield be granted on the terms set out in the officer's report.</p> <p>(2) That the Property, Procurement and Contracts Law Manager be granted delegated authority to agree late amendments to the terms of the sale.</p>			

Decision Record No.	Subject	Delegation Reference	Date of Decision
<p>Reasons for Decision</p> <ol style="list-style-type: none"> <li>1. To support the Council to meet the housing needs of its residents and deliver housing growth in line with the targets set in the Local Plan.</li> <li>2. To secure a one off capital receipt for the Council.</li> <li>3. To enable the conclusion of the sale contract in a timely and efficient manner.</li> </ol>			
<b>39/17/18</b>	<b>Transfer of Rammed Earth Building and adjoining site from General Fund to Housing Revenue Account</b>	<b>G260L</b>	<b>22 March 2018</b>
<p>Decision</p> <p>That the land comprising the Rammed Earth Building be transferred from the General Fund to the Housing Revenue Account on the terms set out in the officer's report.</p>			
<p>Reason for Decision</p> <p>To facilitate the development of up to 4 dwellings to increase the supply and quality of housing in Chesterfield borough.</p>			
<b>40/17/18</b>	<b>Proposed 10 year lease of Unit 1, The Pavements, Chesterfield</b>	<b>EG550L</b>	<b>4 April 2018</b>
<p>Decision</p> <p>(1) That the 10 year lease for Unit 1 The Pavements be granted on the terms outlined in the officer's report.</p>			

Decision Record No.	Subject	Delegation Reference	Date of Decision
<p>(2) That the Property, Procurement and Contracts Law Manager be granted delegated authority to agree late amendments to the terms of the lease.</p>			
<p>Reason for Decision</p> <p>The new lease will secure an income stream and improve the retail offer at The Pavements Shopping Centre.</p>			
<b>41/17/18</b>	<b>S52 Agreement of Town and Country Planning Act - Sainsbury's Supermarket Site, Rother Way, Chesterfield</b>	<b>EG350L</b>	<b>10 April 2018</b>
<p>Decision</p> <p>(1) That the progression of regularisation of the current position be agreed.</p> <p>(2) That it be confirmed that the restrictions in the s52 agreement will to not enforced.</p>			
<p>Reason for Decision</p> <p>To resolve an outstanding legal situation arising as a result of the existing s52 agreement being obsolete.</p>			

**Cabinet Member for Governance**

Decision Record No.	Subject	Delegation Reference	Date of Decision
<b>42/17/18</b>	<b>Member-level Meetings 2018/19</b>	<b>GV000L</b>	<b>28 March 2018</b>
<p>Decision</p> <p>That the schedule of member-level meetings for 2018/19 be approved.</p>			
<p>Reason for Decision</p> <p>To allow member-level meetings for 2018/19 to be scheduled.</p>			

**SHEFFIELD CITY REGION COMBINED AUTHORITY**

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

**MINUTES OF THE MEETING HELD ON 29 JANUARY 2018**

PRESENT:

Councillor Chris Read, Rotherham MBC (Chair)  
Councillor Tricia Gilby, Chesterfield BC (Vice Chair)

Councillor Graham Baxter MBE, North East Derbyshire DC  
Councillor Julie Dore, Sheffield CC  
Councillor Simon Greaves, Bassetlaw DC  
Councillor Sir Steve Houghton CBE, Barnsley MBC  
Mayor Ros Jones CBE, Doncaster MBC  
Councillor Ann Syrett, Bolsover DC  
Nigel Brewster, SCR LEP

Councillor Chris Furness, Derbyshire Dales  
Ruth Adams, SCR Exec Team  
Fiona Boden, SCR Exec Team  
David Budd, SCR Exec Team  
Peter Dale, Doncaster MBC  
Steve Davenport, SYPTE  
Steve Edwards, SYPTE  
Andrew Frosdick, Monitoring Officer  
Andrew Gates, SCR Exec Team  
Jeni Harvey, SCR Exec Team  
Lee Hickin, Bolsover DC  
Sharon Kemp, Rotherham MBC  
Mark Lynam, SCR Exec Team  
John Mothersole, Sheffield CC  
Keith Noyland, SYPTE  
Dave Smith, SCR Exec Team  
Neil Taylor, Bassetlaw DC  
Diana Terris, Clerk / Barnsley MBC  
Mike Thomas, SCC / SCR Exec Team  
Craig Tyler, Joint Authorities Governance Unit

Apologies for absence were received from Councillor L Rose OBE, H Bowen, D Bunton, J Miller, D Swaine, E Walker and N Knowles



1 APOLOGIES

Members' apologies were noted as above.

2 ANNOUNCEMENTS

None.

3 URGENT ITEMS

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

None.

5 VOTING RIGHTS FOR NON-CONSTITUENT MEMBERS

It was confirmed that voting rights could not be conferred on non-Constituent Members in respect of agenda item 12 – 'Draft SY Transport Revenue Budget' as this matter regards the Constituent Local Authorities only.

It was agreed that there were no additional agenda items for which the non-Constituent Members should not have full voting rights.

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

As Leaders of the relevant sponsoring authorities, Mayor Jones and Cllr Houghton declared interests in the Doncaster and Barnsley schemes to be discussed at item 13.

7 REPORTS FROM AND QUESTIONS BY MEMBERS

On behalf of a member of the Public, Cllr Dore referenced the collapse of Carillion plc and asked whether the SCR has looked at the impact of the collapse on any of our own capital projects.

D Smith confirmed this matter has been appropriately investigated and actions taken where required and there are no lasting implications to the SCR.

8 RECEIPT OF PETITIONS

None.

9 PUBLIC QUESTIONS

None received.

10 MINUTES OF THE MEETING HELD ON 11TH DECEMBER 2017

RESOLVED, that the minutes of the previous meeting held on 11<sup>th</sup> December are agreed to be an accurate record.

## 11 REVENUE AND CAPITAL BUDGET MONITORING

A report of the Chief Finance Officer was received detailing the position of the revenue budgets and capital programme as at the end of Quarter 3 2017/18.

Regarding works being scoped to ensure the compliance, safety, security and efficiency and effectiveness of the Broad Street West asset (including addressing current issues surrounding non-compliance with the Equality Act 2010), following the transfer of Prop Co assets (and associated reserves) and in line with the full review of all CA assets, Members agreed there should be no spend against the proposed budget of up to £485k until details of the scheme have been provided and approval has been sought from and approved by the Combined Authority.

RESOLVED, that the Combined Authority:

1. Notes the contents of the paper
2. Notes the forecast drawdown on unallocated reserves of £477k to support CA/LEP activity
3. Notes the forecast revenue budget underspend of £1.2m on SYPTE activity which would reduce the call on General Fund reserves from £3m to £1.8m;
4. Notes the forecast CA/LEP capital programme underspend of between £7.1m and £17.8m against approved budget;
5. Notes the forecast underspend of £5.2m on the local transport capital programme.
6. Agrees the budget variation recommendations summarised in section 2 of the report; subject to the provision of additional information and the Combined Authority's subsequent further approval of spend in relation to the Broad Street West scheme

## 12 DRAFT SY TRANSPORT REVENUE BUDGET

A report was presented to provide Members with the final proposals for the South Yorkshire Transport Revenue Budget for financial year 2018/19.

It was noted the revenue budget provides the resources for the South Yorkshire Passenger Transport Executive to deliver the South Yorkshire Transport Plan, and is resourced itself through a levy on the South Yorkshire partners.

Members were advised that to meet statutory deadlines, a transport levy must be set at this meeting, however, approval of the South Yorkshire Transport capital programme has been deferred to 9th March meeting. It is proposed that the CA/LEP revenue budget and capital programme also be approved at the March meeting.



It was noted the revenue budget proposals within this paper have been developed to achieve three key objectives: 1. Support revenue budget pressures in the four South Yorkshire partner authorities by reducing the transport levy; 2. Efficiently resource SYPTE to be an effective delivery partner; and 3. Achieve South Yorkshire transport budget sustainability once the transport levy reduction reserve is exhausted.

Members were provided with details of the 4 year levy reduction plan (5% this year and 2.5% for the next 3 years).

Members were informed the budget has taken account of a number of uncertainties, including some aspects that will impact on concessionary spend (e.g. age equalisation and societal changes).

It was confirmed there are no substantial changes proposed to policy or the services delivered by SYPTE.

RESOLVED, that the Combined Authority:

1. Approves a transport levy for financial year 2018/19 of £55,759k noting that this represents a 3.0% reduction on the financial year 2017/18.
2. Notes that no immediate change in the CA's Minimum Revenue Provision policy is proposed in this report, but it may be necessary to revisit this policy later in the year due to proposed changes to the Prudential Code.
3. Notes that a refreshed medium term financial strategy for South Yorkshire transport activity will be brought back for approval in early summer.
4. Notes that the South Yorkshire transport capital programme will be presented as part of the CA group's overall capital programme on 9th March, and notes this will include the proposed details for the creation of a £3.5m capital pot (as referred to in paragraph 1.9 of the report).

### 13 LGF CAPITAL PROGRAMME

A paper was presented to provide Members with the CA Financial Approvals which have progressed through the Appraisal Framework.

RESOLVED. That the Combined Authority:

1. Approves an award of £1,171,371 of LGF for phase 1 of the M1 Junction 37 Economic Growth Corridor scheme, noting the conditions of award contained within the report
2. Approves the Skills Capital projects for Sheffield College, Sheffield Hallam University, the RNN Group, Chesterfield College and the National Fluid Power Centre, noting the total costs of these projects is £1,215,000 and noting the request for funding may result in a small acceleration of Skills Funding from 18/19 to 17/18.

3. Notes the projects seeking outcome based contract with drawdown of funds in 2017/2018 and approves the three projects (Doncaster Urban Centre – Enterprise Market Place, Doncaster Urban Centre - Civil and Cultural Quarter and Sepulchre Gate West Phase 2) draw down of LGF allocation in 2017/2018.
4. Approves the project changes requested for: Chesterfield Waterside, Claywheels Lane Phase 1, Harworth and Bircotes Phase 2, Strategic Testing Tools, DN7, BIF, G2G Phase 1, M1 Junction 36 Hoyland Phase 1, Upper Don Valley Flood Alleviation, St Sepulchre Gate Phase 3 and the Sustainable Transport Exemplar Programme.
5. Notes the projects in development reducing / de-committing their call on the LGF allocation: Westmoor Link Road, Waterfront East, Claywheels Lane Phase 2, Parkwood Springs and Waverley Link Road
6. Approves delegated authority to Head of Paid Service and Section 73 Officer to authorise in year spend variations specifically where a project is able to accelerate expenditure from a future financial year into the current year and where that project already has full approval and is in contract, noting the CA will be informed when these delegated approvals take place.
7. Approves delegated Authority to the Head of Paid of Service, in conjunction with the Section 73 Officer, to enter into the contractual arrangements required as a result of the above approvals.

14 DELEGATED AUTHORITY REPORT

Provided for information

15 RESOLUTION RECORD - INFRASTRUCTURE HOUSING EXECUTIVE BOARD

RESOLVED, that the decisions and recommendations contained within the report are duly endorsed.

16 RESOLUTION RECORD - SKILLS EXECUTIVE BOARD

RESOLVED, that the decisions and recommendations contained within the report are duly endorsed.

CHAIR

## For publication

### **Consideration of the Overview and Performance Scrutiny Forum report on the Town Centre**

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Meeting: Cabinet

Date: 24 April, 2018

Cabinet portfolio: Town Centres and Visitor Economy

Report by: Senior Democratic and Scrutiny Officer

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## **For publication**

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### **1.0 Purpose of report**

1.1 To present for consideration by Cabinet the report and recommendations of the Overview and Performance Scrutiny Forum on how the council ensures a thriving town centre offer for current and future users.

1.2 The report also provides the statutory written notice that must be given by the Overview and Performance Scrutiny Forum to Cabinet to take required action as at Section 3.4 below.

### **2.0 Recommendations**

**That Cabinet consider the recommendations of the Overview and Performance Scrutiny Forum as set out below.**

- 2.1 Signage, cleanliness, general appeal (which includes the challenges currently being faced where rough sleepers are deterring locals and visitors alike) and connectivity between areas needs to be improved as does the transport infrastructure in order that visitors gain an immediate positive first impression to enable them to speak positively about Chesterfield and encourage others to visit.
- 2.2 To consider re-branding with a new more generic tag-line for the town with the intention of bringing a clear focus to potential international and wider-UK visitors.
- 2.3 That measures, such as Purple Flag status, are considered to bring more life to the town during the currently quiet periods – 3pm onward.
- 2.4 A review (frequency, location, size, type) of the market is required to provide an offering that meets the changing wishes of the modern-day customer.
- 2.5 That ways to open up the town for a major event and cultural space are explored to broaden the appeal with a wider offering of activities focusing on areas as diverse as film, art, literature, food, jazz, busking and cheese, to name just a few, with a particular focus on enhancing the evening activities with night markets and live entertainment.

### 3.0 **Background information**

- 3.1 During the 2017/18 scrutiny work programming sessions, the Overview and Performance Scrutiny Forum appointed a Scrutiny Project Group to look into the way that the council is preparing for the future developments that will impact on the town centre by having an overview of the regeneration projects and evaluating how they support the revitalisation of the town centre.

- 3.2 The Overview and Performance Scrutiny Forum approved the scope for the project in June, 2017. This set out how the group would evaluate the council's fulfilment of its Council Plan priorities of developing our great town centre and making sure that local people benefit from growth in Chesterfield Borough by ensuring that the town centre broadened its offer, appeal and connectivity, and that developments with linkage to the town centre considered their impact and had a joined up approach.
- 3.3 Further information and background detail are contained within the Scrutiny Project Group's report attached at Appendix 1 which provides the purpose of the review and its findings.
- 3.4 Statutory Scrutiny Committees are also required to provide written statutory notice to Cabinet requiring action in response to its scrutiny report and recommendations. These actions require Cabinet to:
- i. Consider the attached report and recommendations;
  - ii. Indicate the actions it proposes to take if any; and
  - iii. Publish its response within 2 months of the receipt of the report.

With regard to i and ii above, the Council's Constitution provides for Cabinet to consider the report at the earliest practicable opportunity.

#### 4.0 **Scrutiny Project Group report**

- 4.1 The report of the Scrutiny Project Group was considered and its recommendations approved by the Overview and Performance Scrutiny Forum on 13 March, 2018.

#### 5.0 **Risk considerations**

5.1 Risks relating to the review and its recommendations, as well as mitigating actions are shown below:

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
The town centre could lose out on vital footfall and economic growth through not being prepared for the influx of visitors from nearby developments if the recommendations in the report are not supported.	H	M	<p>The report has brought together views from members of the public, local businesses and key stakeholders, and combined this with research into national trends and statistics in order to form recommendations that are based on well examined evidence and contribute positively to a vision for the town centre.</p> <p>Throughout the report the scrutiny project group has highlighted the positive steps already being taken in some areas and seeks to ensure this same approach is seen through all projects impacting on the town centre.</p> <p>The recommendations do not need to be implemented to a specific timeline and can be supported through increased partnership working and aligning of future projects and service plans to achieve the vision of the report.</p>	M	L
Some of the recommendations place additional financial and resource implications on the Council that are not provided for in current service plans and budgets.	H	H	No implementation schedule has been built into the recommendations to allow them to be actioned as and when funding becomes available. They can be viewed as an aspirational achievement that can be built into service plans to enable services to contribute towards the delivery	M	M

			<p>when resources allow.</p> <p>Working with partners and local businesses is emphasized throughout the report as a way to work collaboratively with the council and encouraging partners to contribute towards a shared vision. There are several regular events in the town centre that are not organised by the council; the council can continue to develop new relationships with event providers to attract more events into the town centre.</p> <p>Creating a Business Improvement District would require buy-in from local businesses and still incur some cost to the council as a landowner in the town but would help to deliver the recommendations and ensure a collaborative approach.</p>		
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## 6.0 Considerations

- 6.1 A preliminary equality impact assessment (EIA) has been carried out to understand any positive or negative impacts of implementing the recommendations. No negative impacts were identified and it is expected that the review will have a positive impact due to the broadened offer of cultural events and improved accessibility and safety of the town centre. More details can be found in the EIA attached at Appendix 4.
- 6.2 Throughout the review, the project group have considered the financial and resource implications of the recommendations and recognise the difficulty in dealing with the on-going funding cuts from central government. Officers from across the council have been consulted on the proposals and the

recommendations have been aligned where possible to plans or strategies that are in their development stages.

- 6.3 In addition, no timescale has been built into the recommendations so that they could be introduced on a phased basis, as and when funding or resources become available. The group has also been mindful to suggest ways of achieving the recommendations rather than specifying how they should be achieved so that they can be used as a means for future consideration.

## 7.0 **Recommendations**

**That Cabinet consider the recommendations of the Overview and Performance Scrutiny Forum as set out below.**

- 7.1 Signage, cleanliness, general appeal (which includes the challenges currently being faced where rough sleepers are deterring locals and visitors alike) and connectivity between areas needs to be improved as does the transport infrastructure in order that visitors gain an immediate positive first impression to enable them to speak positively about Chesterfield and encourage others to visit.
- 7.2 To consider re-branding with a new more generic tag-line for the town with the intention of bringing a clear focus to potential international and wider-UK visitors.
- 7.3 That measures, such as Purple Flag status, are considered to bring more life to the town during the currently quiet periods – 3pm onward.
- 7.4 A review (frequency, location, size, type) of the market is required to provide an offering that meets the changing wishes of the modern-day customer.



7.5 That ways to open up the town for a major event and cultural space are explored to broaden the appeal with a wider offering of activities focusing on areas as diverse as film, art, literature, food, jazz, busking and cheese, to name just a few, with a particular focus on enhancing the evening activities with night markets and live entertainment.

## 8.0 **Reasons for recommendations**

8.1 To demonstrate the areas where change is most needed and provide proposals for how this could be achieved.

8.2 The contribute towards the delivery of the Council Plan objectives under the priority "To make Chesterfield a thriving borough."

### **Decision information**

<b>Key decision number</b>	Non-key 79
<b>Wards affected</b>	<b>All</b>
<b>Links to Council Plan priorities</b>	To make Chesterfield a thriving borough, to develop our great town centre and to make sure that local people benefit from growth in Chesterfield Borough.

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<b>Background documents</b>	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
<i>This must be made available to the public for up to 4 years.</i>	

<b>Appendices to the report</b>	
Appendix 1	Scrutiny Project Report on the Town Centre
Appendix 2	Notes from public and Chesterfield Champions focus groups
Appendix 3	The Value of Arts and Culture to People and Society, Arts Council England
Appendix 4	Preliminary Equalities Impact Assessment



**CHESTERFIELD**  
BOROUGH COUNCIL

*Overview and Performance Scrutiny  
Forum*

**Scrutiny Project Group**

report on the

*Town Centre*

Date agreed by O&PSF: 13.03.2018

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## Project group members:

Councillors:

Lead	Howard Borrell
Group Members	Kate Caulfield Vickey-Anne Diouf Shirley Niblock Nick Redihough Kate Sarvent
Project group officer support was provided by Rachel Appleyard, Senior Democratic and Scrutiny Officer	

### 1.0 Introduction and review aims

- 1.1 This report aims to examine how the Town Centre can be enhanced to make it an area that is more reflective of modern-day trends, habits and preferences.
- 1.2 Forty years ago the majority of local people shopped in the town centre, at the shops and the market, and made the occasional visit to Sheffield when looking for a day out and some bigger stores. People reminisce about those days and regularly voice comments like "Chesterfield isn't what it used to be!" They're right - it isn't, nor is anywhere. The world has changed and will continue to evolve. Retail and leisure habits bear no relation to those of years ago.
- 1.3 The first web site went on-line in 1991 and the rate at which technology has since influenced our lives has expanded exponentially. Meadowhall opened a few months earlier and started to immediately make a huge impact on the way we shop. Going shopping used to be something done out of necessity; since Meadowhall and other out-of-town shopping arenas arrived it's become a leisure activity.

1.4 In 2016 The Guardian explained how there had been a huge shift in consumer behaviour, called the “experience economy”, from buying things to doing things. Later last year a senior Ikea executive

*“The older generation are looking for new experiences because they have already bought enough stuff. The young can’t afford houses to fill so don’t waste time looking for lamps and rugs. They want more old-fashioned, communal experiences from their town centres: skating, bowling, literary and food festivals...”*

warned that the appetite of western consumers to own ever more goods and chattels was probably waning. “In the west”, he warned, “we have probably hit peak stuff.”<sup>1</sup> Now retailers ranging from fashion to food chains are making similar observations, because official data shows that households are spending less on clothes and food but

more on holidays, cars, entertainment and eating out. Spending on gadgets that keep people connected to the internet is also on the rise.

1.5 “We increasingly see a trend for consumers to spend more on experiences rather than on products,” said Kevin Jenkins, the UK and Ireland managing director of payment card group Visa Europe.<sup>2</sup>

*“...the most successful towns are now those like Cheltenham, which had the fastest growth in house prices last year. It has four major festivals, junior rugby and football clubs and endless coffee shops where self-employed residents set up their offices for the day. Blackburn has street fairs, art installations and a lantern parade. Dulverton on Exmoor has starlight festivals and fireworks as well as a thriving library and the only chain store is a Co-op. Success is all about creating a close community again, as well as fast broadband for the new stay-at-home workers...”*

1.6 One experience that seems to have fallen out of fashion is the shopping trip. Once a very British pastime, family shopping trips are being replaced by online shopping and trips to retail parks, and face-to-face shopping is increasingly just as a result of the collection of “click and

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<sup>1</sup> Steve Howard, Chief Sustainability Officer at IKEA, <https://www.theguardian.com/business/2016/jan/18/weve-hit-peak-home-furnishings-says-ikea-boss-consumerism>

<sup>2</sup> Kevin Jenkins, UK and Ireland managing director of Visa Europe, <https://www.theguardian.com/business/2016/may/06/the-way-we-shop-now-the-revolution-in-british-spending-habits>

collect” items ordered online. On-line shopping continues to grow by several percentage points each year and is here to stay.

- 1.7 It's not possible to turn the clock back to before Meadowhall and before the internet was developed sufficiently to allow shopping from your armchair. Of course many people have not and will not adopt shopping via technology but they may have to travel further and further to get the shopping experience that they prefer. Town centres will continue to host retail but, in future, the mix will need to evolve to include more food, entertainment, culture, living accommodation and experiential opportunities if Chesterfield is to secure a vibrant future.

*“...towns do need transport links but they should be used to entice [people] in from the villages. Market squares need people. Councils should change more of their retail space into residential use, helping to ease housing problems by providing flats and homes on the high street and in redesigned former shopping centres.*

*The elderly should be encouraged to downsize to accommodation in town centres along with the young. Both groups want what a bustling market town should offer: cafés, parks, hairdressers, markets selling local produce and leisure activities at reasonable prices in proximity to their homes...”*

- 1.8 There are several major new initiatives, close to Chesterfield Town Centre, that are either currently underway or due to start imminently. There is a need to ensure that those projects progress taking into account the impact they may have on the town centre. It's vital that the town centre changes to meet present day needs; it's also crucial that the on-going developments are managed in a way that recognises that they must complement rather than negatively impact on the town centre. Project managers have been asked to provide assurance and those thoughts are documented in Section 4.

*“...there has been a lot of talk about building new towns for the future in recent years, but we should reinvigorate the old towns first.”*

*“More fun and fewer shops can save our towns” by Alice Thompson, 12 January, 2018, The Times*

## 2.0 Reasons for the review and link to Council priorities

2.1 Several large developments are planned for Chesterfield which will provide a boost to the economy and visitor numbers and enhance our retail, leisure and cultural offering. These developments will bring a mixture of improvements including:

- better access and transport arrangements within the town centre and to the town from other locations;
- new hotel accommodation in the town centre and nearby;
- more office and retail units;
- a new major leisure resort, visitor attraction and university campus within easy reach of the town centre;
- new restaurants and bars;
- more houses and apartments close to the town centre;
- modernised parking spaces in the town centre.

2.2 The common aim in all these developments is to drive regeneration and economic growth in Chesterfield. This scrutiny project seeks to ensure that there is a joined up approach by the Council when it considers, supports and enables these developments and plans to be carried out.

2.3 Chesterfield is historically a market town and this is used as its unique selling point on entrances to the town and visitor information. However, due to the shift to online sales and increase in out of town shopping areas, footfall into the town centre has dropped.



2.4 Using data gathered from residents, visitors and businesses; the group seeks to identify the areas where improvements are needed and suggest changes that will broaden and enhance the town centre mix with a new emphasis on finding ways to increase the length of stay and encourage activities from mid-afternoon to evening.



- 2.5 This project aims to support the Council Plan priority “to make Chesterfield a thriving borough.” To achieve this, the project’s aim is to ensure that all developments that may have linkage to the town centre consider their impact, eliminate unwanted surprises and have a joined up approach to support the vision for the town centre.
- 2.6 Within this priority, the project will focus on the objectives “to develop our great town centre” and “to make sure that local people benefit from growth in Chesterfield Borough.” The town centre is the focal point for the area and the project will seek to ensure it broadens its offer, appeal, and its connectivity.

### **3.0 Research undertaken through focus groups**

- 3.1 It became clear early on in project group discussions that the key to unlocking the potential of Chesterfield and understanding what needed to change, it was vital we spoke with the public and businesses to get their views. Two focus groups representing the public and business community met separately and the following points summarised their thoughts on the areas where improvement was needed and suggestions for making those improvements. Please see Appendix 3 full notes from the focus groups.
- 3.2 It is worth noting that both groups felt that Chesterfield was in a good position and, as shown below, most areas of concern require relatively small improvements or a re-imagined vision to enhance the town centre offering and make Chesterfield more attractive to residents, businesses and visitors:

Key areas for consideration and/or development:

### **3.3 Town Centre Experience**

- Signage showing how to get from one area of the town to another needs improving as does car parking (including provision of well-lit overnight parking) and ease of navigating public transport;
- Street scene – Chesterfield contains some historic and beautiful buildings and they need to be looked after better and more noticeable. Enhanced cleanliness throughout the town could make it more attractive, particularly the route from the train station;
- Though the town centre feels generally safe, the ASB issues particularly around New Square made visiting the town centre not an enjoyable experience particularly at night; there was also a need to resolve the “rough sleeping” problem;
- Experiential spend now exceeds retail – this needs to be taken into account. Increase the leisure offer in the town centre so that people need to come into the town for it;
- The role of volunteer resource could be maximised e.g. town centre ambassadors, guides, museum support to enhance the visitor experience;
- Wifi access is becoming standard, online walking apps, card payment options for traders, needs to be a priority;
- Purple Flag status enhances the evening economy; current perception is that the town is very quiet after 3/4pm;
- Encourage food providers to offer a financial incentive to holders of CBC leisure tickets (e.g. film/play ticket);
- In order to encourage greater numbers to visit the town centre, public transport must improve to ensure inward and outward journeys are viable. Real time travel information on electronic signs;
- Need to recognise the shifting focus of retail – now from lower Knivesmithgate to Ravenside; vital we improve the ease of access within the entire area to encourage Ravenside shoppers to come up into the town centre and vice versa.



- Look at softening town centre parking costs to increase footfall. Late afternoon/early evening visits would greatly increase if charges after 3pm could be removed or reduced.

### 3.4 **Re-branding and public perception**

- Current perception was that the town needed to rediscover its identity and there has been a loss of focus on what's in Chesterfield. "Historic Market Town" does it still apply? Realism is needed and the current description raises expectation;
- The business representatives felt that the Council needed to be more adventurous in order to transform the town centre, they felt the Council was holding back to avoid taking a financial hit.
- Public consultation required when considering changes to the offer e.g. market re-configuration;
- Need to recognise and accept the reality of the modern day Market Place – online retail and out of town shopping will continue to impact and the current situation with the lack of stalls creates a centre for ASB;
- Emphasis on creating new initiatives – pop-up shops, restaurants and art galleries in vacant shops, new events e.g. film festival, literature festival, folk festival, food festival, beer festival using New Square;
- The growth of independent, niche traders will prove attractive and should be actively encouraged;
- Vital to broaden footfall in currently quiet periods, 3-7pm. Incentives for parking off peak, not just for CBC residents and increasing the amount of residential accommodation in the town centre;
- Examine possibilities of working towards Purple Flag status with the intention of the town being better prepared for Peak Resort visitors who are likely to arrive in the currently quiet period;
- Work with partner companies (e.g. outside the Chesterfield Borough to draw people in) to make sure information and leaflets about Chesterfield are displayed in the right places;
- Great opportunity to market Chesterfield to reflect its position with regard to the Peak District. The town's proximity should be

used promotionally to encourage overnight stays.

### 3.5 Focal point

- The need for an adaptable space in town centre for large events. New Square is one of the most attractive parts of the town and would be ideal for an outdoor event space or eating area.
- Simple low key water feature would provide a much needed attraction that could be the focal point for seating and experiential spend.
- Static display space required in the town in order to enhance visitor experience.
- Identify an area of the town as a “quarter” e.g. cultural quarter where the Museum, Theatre and Parish Church are.



*Water feature in Rotherham*

### 3.6 Developments in progress

- Northern Gateway – will revitalise a quiet area of the town. New public realm work will lead people past the old co-op building into a town that needs to complement the vibrant new area. Concerns from businesses that the impact won't be as great after the project was downsized.
- Peak Resort gives the town an opportunity to showcase itself to international visitors. We need to be ready.
- Waterside – perception of focus groups was that it has potential to add to the town's offering but was also a possible threat to existing businesses and businesses looking to invest in the central area. Must offer something different to the town centre and this needs to be made clear.
- Consideration needs to be given to the threat of other "in-the-pipeline" developments such as "The Glass Yard" which will aim to offer a food and drink mix on Whittington Moor, all under one

roof with parking provided.<sup>3</sup>

### 3.7 Market

- Attraction to visitors to the town and to prospective businesses who prefer to be near the market.
- The market is used as a key selling point for Chesterfield but either the market needs to improve or the key selling point needs to be reconsidered.
- Frequency and offer – give consideration to reviewing the number of market days and types of goods on offer.
- New Square currently has few regular traders, focus group attendees suggested merging these with the main market and freeing up New Square for other leisure use.
- A decision many years ago to create fixed market stalls now creates a problem when, on quiet market days, few are in use and the empty stalls create a negative perception.
- The recent review highlighted a need for reconfiguration and the focus groups felt there was also a need to examine the viability of using stalls that could be cleared away to reveal our wonderful historic square that would provide many new leisure opportunities.



## 4.0 New major development projects and their impacts

### 4.1 HS2

It is anticipated that the arrival of HS2 will bring many economic benefits to Chesterfield and the Council is already looking to maximise the opportunities on offer by recruiting a Project Manager to work specifically on the HS2 project.

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<sup>3</sup> "The Glass Yard" by Blue Deer Ltd, <https://www.bluedeerltd.com/single-post/2017/05/24/An-exciting-new-development-for-Chesterfield>



Master planning work has been undertaken for the train station and improvements have been incorporated into a station masterplan which will make the access between the station and the town centre easier and more welcoming to visitors.

Following the consultation on the revised route proposals published in November 2016, the Council’s response highlighted how HS2 will be “transformational for the borough”<sup>4</sup> and in particular how new highways infrastructure will create clearer routes to the centre of Chesterfield and improvements made to the train station as a result of HS2 will improve accessibility through all forms of transport.

The Town Centre Masterplan also identifies the area surrounding the station as having the potential to be developed and the Local Plan highlights the important role the station plays in linking the town centre with developments at Waterside, Chesterfield College and Northern Gateway.

A separate Scrutiny Project Group has been set up to ensure that the Council has a joined-up approach to maximise the opportunities that HS2 will bring to the borough.

## 4.2 Northern Gateway

The Northern Gateway scheme plans to regenerate 4 areas which form part of the vision for the scheme, these are Elder Way and Knivesmithgate, Holywell Cross, Newbold Road and the Station Approach. As with HS2, the Council has already shown

<sup>4</sup> “Response of Chesterfield Borough Council to High Speed Rail revised line of route consultation”, Cabinet, 7 March 2017  
<https://chesterfieldintranet.moderngov.co.uk/ieListDocuments.aspx?CId=134&MID=4835#AI7876>



commitment to delivering the scheme by recruiting a Project Manager to lead on the delivery of the Northern Gateway.



A vision document was produced by Whittam Cox Architects which provides strategic objectives to ensure there is alignment with other plans and developments in the town centre. The Gateway is viewed as a means to bridge the gap between key connections, in particular linking the arrival of HS2 and Waterside with the town centre. “The Holywell Cross Car Park currently creates a void in the townscape; this vision will seek to reimagine this area and connected spaces around the site.”<sup>5</sup>

The Project Manager provided the project group with and insight into the progress on the initial stage of the scheme. The group heard how consideration had been given to the positioning of the



Enterprise Centre to create a better alignment with the new multi-storey car park and public realm works on Elder Way, achieving a clear flow of footfall into the town centre. The addition of new restaurants and an increased pedestrianised area on Elder Way would also encourage greater dwell time.

The conversion of the former Co-op department store into a Premier Inn will increase the number of visitors staying in the town centre and using the retail and leisure offer. In addition, there will be an increased use of the multi-storey car park and

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<sup>5</sup> “Northern Gateway Vision” by Whittam Cox Architects, <https://www.chesterfield.gov.uk/media/482317/northern-gateway-vision.pdf>

uplift in retail expenditure providing a boost to the economy of the town centre.

On the street level at Elder Way and Knifsmithgate, there are already plans to expand the town's restaurant provision which will complement the increase in visitors staying at the hotel, bring new businesses into the town and improve the street scene.

### 4.3 **Peak Resort**



The delivery of Peak Resort will bring a major resort and visitor attraction to our borough offering integrated health, sport, education and leisure activities. Included in the first phase of the project are varying types of accommodation from a sports hostel to a five-star hotel, university campus providing courses to local and international students, medical and clinical spa facilities and 300 acres of park and woodland incorporating wildlife and activity trails.

The developer is in regular dialogue with the Council and has already identified Chesterfield as a destination for visitors seeking evening entertainment or a day off from their activities in the Peak District. However, due to the amount of activities and leisure offer available within the complex, the town will need to work hard in order to draw visitors into the town centre and encourage the resort to offer regular trips for visitors to come into the town centre.

The Council is already looking at what developments are taking place on the north side of the town to make sure they do not detract from the appeal of the town centre. A cycle route is also



being explored to link the resort with the town centre whilst the resort will provide its own shuttle buses to bring visitors into the town.

The expected visitor to Peak Resort will most likely be international and we will need to consider what this customer will be looking for in our town centre. There will need to be ample restaurants and a vibrant night life to encourage visitors to not just visit once, but want to come back another night. For those wishing to spend a day recovering from their activities in the Peak District, the town centre needs to provide a full day's worth of activities, whether it be through increasing the opening hours of the museum, creating a diverse events calendar, visiting speciality shops and market, exploring the Queen's Park or a combination of all of these.

#### 4.4 **Waterside**

Waterside is a £320million scheme to create a new vibrant, sustainable community in the heart of Chesterfield. The first phase of the development, the Basin Square, is already underway following the award of £2.7million funding from Sheffield City Region Infrastructure Fund. This phase will see the delivery of:

- 310 private rented sector apartments – 1/2 bed apartments with ground floor retail space, circa 1500sqm
- Multi-storey car park – 442 spaces
- Office buildings – 2,500sqm of B1 and 525sqm of shops and drinking establishments
- 84-bed hotel, plus ground floor restaurants, cafés and drinking establishments.

The second phase of the development will form a residential scheme comprising of 150 new homes.

The scheme is being delivered by a public-private partnership of which the Council is a member and the developer is working closely with the Council's Economic Growth team.

Consideration has been given to the impact of Waterside on the town centre and the scheme has been designed to offer a different style of living that will complement the town centre rather detract from it. The new residential and visitor accommodation will bring an influx of people to live in the town centre that will increase the footfall to enable both Waterside and the town centre to thrive. Apartments will be above commercial developments and provide serviced accommodation geared towards people working in Chesterfield or nearby. The apartments and new hotel will be directly opposite the train station and provide a vibrant welcome to visitors arriving by train.

The close proximity of the development to the town centre will enable a flow of footfall between the two locations. Improvements to the highways infrastructure and additional public transport will also ensure that the town centre benefits from the additional people now living and working at Waterside.

#### 4.5 **Other developments and opportunities**

In addition to these large developments, there are also a significant number of smaller scale developments which have the potential to have both positive and negative impacts on the town centre. Recent planning permissions have been granted for ***The Glass Yard***, a mixed use leisure development on Sheffield Road, and for the redevelopment of the former NEDDC council offices into extra care accommodation for older people.

*The Glass Yard* is not the first development by Blue Deer Ltd

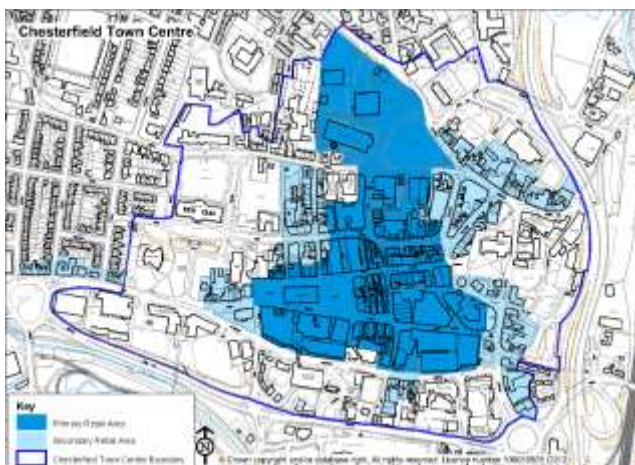


in Chesterfield, 131 Chatsworth Road forms part of the Blue Deer portfolio along with The Hanger, also on Chatsworth Road. This recurring investment puts Chesterfield in a strong position to encourage further investors and increase the economic development of the town centre. Whilst *The Glass Yard* will enhance the leisure offer in the area surrounding Sheffield Road, it could have a negative impact on the town centre by drawing people away; these concerns need to be addressed by ensuring delivery of the developments in the town centre.



The building of **new accommodation for older people on Saltergate** will provide much needed residential space in the town centre and increase the number of people living in easy reach of the town centre shops and leisure offer. Revised Northern Gateway implementation still

provides sufficient space to develop our educational offering along with potential halls of residence provision which would attract a wider range of people who would be looking for different retail and leisure experiences. Greater student numbers not only provide a positive financial input into the town but also add that much needed buzz that provides the ambience that visitors would enjoy.



Within **the Local Plan: Core Strategy 2011-2031**, the Council sets out proposals for the development and use of land.

Chesterfield Town Centre  
Boundary inside the blue line

*“A key aim of the Core Strategy is to promote the vitality and viability of the borough’s town, district and local centres.”<sup>6</sup>*

To ensure each development is contributing positively towards a thriving town centre, the strategy includes what considerations will be taken into account when planning and approving developments including:

- ensuring tourism development enhances the offer of existing centres;
- controlling uses to ensure vibrancy, inclusiveness and economic activity;
- prioritising town centre locations when additional retail development is needed;
- restricting use of out of centre locations to retail that requires large premises, e.g. showrooms, – conditions applied to define permissible changes of use.

A feasibility study was carried out on **Chesterfield’s outdoor market** in 2015 to provide options for the redesign and upgrade of the Market Place. The Community, Customers and Organisational Scrutiny Committee was consulted on the options from the study and in 2016 resolved that improving the open-air market remained a priority for the Council but noted that the open-air reconfiguration project was to be deferred until funding became available. Since then some low level improvements have been made to the market such as removing stall rows to open up the inside of the Market Square. In addition, at their last meeting in January, 2018, the Markets Consultative Committee discussed options for the New Square market to offer a space that is flexible, multi-use and complimentary to the surrounding town centre offer.

## **5.0 Introduction to recommendations**

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<sup>6</sup> Chesterfield Borough Council Local Plan: Core Strategy 2011 - 2031  
<https://www.chesterfield.gov.uk/media/148999/adopted-local-plan-core-strategy.pdf>

- 5.1 Taking into consideration feedback from the public and local businesses, and existing plans and developments, the project group considered the list of points which came from the focus groups and categorised them into a series of themes which reflected the recurring issues. The group put together a series of recommendations that demonstrate the areas where change is most needed and provide proposals for how this could be achieved.
- 5.2 The project group recommends that the proposals are viewed as a statement of visionary intent rather than a list that must be tackled in any particular order. Change was considered vital but when and in what sequence is not part of this group's remit.
- 5.4 There will be areas examined where initiatives are already in the early stages of development or progress is dependent on linked developments or something as basic as finding the funding is a stumbling block.
- 5.5 How to achieve the change is for others to determine – first there has to be the will to make the transition.

## **6.0 Recommendations**

### **The Project Group recommends:**

- 6.1 Signage, cleanliness, general appeal (which includes the challenges currently being faced where rough sleepers are deterring locals and visitors alike) and connectivity between areas needs to be improved as does the transport infrastructure in order that visitors gain an immediate positive first impression to enable them to speak positively about Chesterfield and encourage others to visit.
- 6.2 To consider re-branding with a new more generic tag-line for the town with the intention of bringing a clear focus to potential international and wider-UK visitors.

- 6.3 That measures, such as Purple Flag status, are considered to bring more life to the town during the currently quiet periods – 3pm onward.
- 6.4 A review (frequency, location, size, type) of the market is required to provide an offering that meets the changing wishes of the modern-day customer.
- 6.5 That ways to open up the town for a major event and cultural space are explored to broaden the appeal with a wider offering of activities focusing on areas as diverse as film, art, literature, food, jazz, busking and cheese, to name just a few, with a particular focus on enhancing the evening activities with night markets and live entertainment.

## **7.0 Review approach**

- 7.1 The review began with a meeting between the Lead Member and the Senior Democratic and Scrutiny Officer to discuss initial ideas for the review and consider project group membership and consultees. Following this, the Lead Member and officer met with the Cabinet Member for Town Centres and Visitor Economy and the Economic Growth Manager to consult on the ideas for the review and gather some initial information.
- 7.2 The project group started to meet in June to agree the scope and decide on the approach that would be taken which included:
  - a) Meeting with Dominic Stevens at Destination Chesterfield;
  - b) Holding two focus groups, one with local businesses, one with members of the public, to gather opinions and views on a series of questions;
  - c) Reviewing all the major developments taking place in Chesterfield;
  - d) Project group meetings to review findings;
  - e) Meetings and discussions with Cabinet Members and officers including:

- Councillor Steve Brunt, cabinet member for town centres and visitor economy;
- Councillor Tricia Gilby, leader;
- Neil Johnson, assistant director – economic growth;
- Martin Key, assistant director – health and wellbeing;
- Patrick Middleton, Northern Gateway project manager;
- Officers from the planning team
- Officers from the economic growth team
- Officers from the policy team

## 8.0 Review findings and analysis

- 8.1 In order to be fully informed of all the developments impacting on the town centre, the Lead member and Support officer met with the Assistant director – economic growth and Cabinet member for town centres and visitor economy who were able to provide an overview of the developments and the various stages that they were at. They also provided information on the masterplan for the town centre and HS2. The Assistant director and Project manager for Northern Gateway also attended meetings of the project group to provide further information on specific developments.
- 8.2 Further information on the planning process in relation to considerations on the impact to the town centre was sought along with information on the relationship with the developers of the Waterside and Peak Resort developments.
- 8.3 **Recommendation 1 - Signage, cleanliness, general appeal (which includes the challenges currently being faced where rough sleepers are deterring locals and visitors alike) and connectivity between areas needs to be improved as does the transport infrastructure in order that visitors gain an immediate positive first impression to enable them to speak positively about Chesterfield and encourage others to visit.**

During the initial project group meetings the group began to draw a long list of potential areas for further investigation. It was right

at the beginning of the project that concerns with signage, cleanliness and general attractiveness to visitors began to emerge. The group considered what impression a visitor to the town would have on arriving at the railway station or coach station. Ideas arose including signposting a clearer route to different areas of the town, for example Queen's Park, and improving access between Ravenside Retail Park and the town centre to encourage two way footfall.

As discussions progressed, it was agreed that a consultation with members of the public was needed to understand the views of users, and potentially non-users, of the town centre.

The focus group was positive about the potential for Chesterfield but felt that there was a general neglect for the town centre, in particular its historic buildings, and that areas of the town were disconnected from each other. This was echoed in the Chesterfield Champions focus group who commented that New Square was one of the most attractive parts of the town however it was also the most run down part.



The level of homeless people in Chesterfield was a concern stressed by both groups. The project group were encouraged by Cabinet's decision in October 2017 to introduce new Public Space Protection Orders giving greater control over on street drinking and other anti-social behaviour which would have a positive impact on the appeal and cleanliness of the town centre and increase the likelihood of a homeless person engaging with support services. However, the project group note that to ensure the PSPOs are being enforced, extra resourcing was required and the restructure within environmental protection and anti-social behaviour enforcement needs to be prioritised. The project group discussed the standard of cleanliness of the town centre and felt



that a simple solution of improving the quality of street cleaning and maintenance in the town centre would help lift the town's appearance and welcome. The areas of most concern were around the market squares where cobbles are often loose and rubbish is left from market days or from overnight, and also the route up Corporation Street from the station which often looked neglected and deterring to visitors arriving by train.

The HS2 and Northern Gateway developments provide reassuring plans for improving the transport infrastructure between the railway station and the town centre. The concerns the focus group had with the approach from the railway station will be addressed by future plans to improve the pedestrian bridge over the A61 and the busy road crossings at St Mary's Gate/Holywell Street. Conversations are already taking place with Derbyshire County Council to provide better vehicular access to the station by creating a new link road which will reduce the number of cars in the town centre.

In addition, the Northern Gateway will positively enhance one area of the town, with the Saltergate Multi-Storey Car Park, Innovation Centre, new Premier Inn and public realm works expected to be completed within the next 1-2 years. The public realm work's link into the existing pedestrian routes in the town centre and we need to make sure they are also brought up to the same standard.



When discussing accessibility with the focus groups, one of the improvements suggested was new signage for navigating the transport system. Though the project group discussed the benefits of having a central hub for transport, the group

recognises that this does not form part of current plans for the town centre and at this stage would not propose the option due to the transport infrastructure and costs involved. However, by improving signage around the town centre, visitors could be given a more accessible welcome to Chesterfield.

An example of the signage at Retford, shown above, provides the location of car parks, transport links and also speciality shops, another suggestion from the focus group as many people were unaware of the location of shops in areas not on the main shopping streets, i.e. the Yards, the Shambles. The use of real time information boards for buses could be considered to provide a



better quality of service and improve satisfaction by informing passengers of accurate bus arrival times. It also reduces the reliance and costs involved with paper bus timetables which need to be reproduced following any change.

The key consideration that is needed when considering this recommendation is the initial impression visitors to the town have. Destination Chesterfield offered a Chesterfield Ambassador scheme a few years ago which targeted everyone with a public role in the town, including taxi drivers and volunteers, and provided a short training session enabling them to be a positive guide to visitors to Chesterfield. In our collaborative work with Destination Chesterfield, we could revisit and revitalise this scheme to ensure visitors have a warm welcome to Chesterfield.

#### 8.4 **Recommendation 2 - To consider re-branding with a new more generic tag-line for the town with the intention of bringing a clear focus to potential international and wider-UK visitors.**

There is a great opportunity to market the town in a new and positive light. Already there has been talk of re-naming the railway station to ensure a clear connection with our history and ensure visitors have a positive perception before they even arrive. The new Peak Resort development will bring a whole new market into play and, here again, if we can promote the historic and countryside connection in advance we're on the right track to winning new business. It may be worth considering a new strap-line that similarly resonates.

Both focus groups felt that the "Historic Market Town" tagline did not paint an accurate picture to visitors to the town for two reasons: the diminishing market and the neglect of "historic" buildings. Though the project group agree that a new tagline for the town needs to be created, we feel it still needs to recognise the "historic" and "market" elements but also provide a more aspirational name that echoes the £1 billion regeneration currently taking place in the borough.



When considering the re-marketing of the town, we should consider who our future visitor will be. Peak Resort is likely to attract more international visitors who will be looking for vibrant nightlife and quality restaurants but also a piece of Chesterfield culture and unique shopping experience. Likewise, HS2 will bring new visitors but the more likely customer will be individuals or families looking to make their home in Chesterfield so we need to market a thriving town centre.

Finally, we also need to recognise that Chesterfield is a town of education, hosting the University of Derby, Chesterfield College,



Newcastle University at Barrow Hill Roundhouse and soon to be welcoming the University of Colorado at Peak Resort. We need to consider what attracts students to live and study in Chesterfield, or to visit for the day from their placement at Peak Resort. It is estimated that the new University of Derby campus will “be used by over 1,400 students in the centre’s first five years.”<sup>7</sup> According to *Experian*, an average estimated individual student

spend is over £11,000<sup>8</sup> each year. Attracting new students and education establishments would provide a vital boost to the town centre economy and comparisons need to be made with other university towns to understand what students are looking for in terms of retail and experiential offer.

Work has begun to develop a Visitor Economy Strategy and the re-branding of the town centre should form part of the priorities for the strategy. Destination Chesterfield has had success in marketing the town as “a place that is ‘on the up’, looking forward, looking outwards with boundless ambition, energy, movement and aspiration.” In order to create a new brand for Chesterfield, we need to be careful to take into account the positive steps Destination Chesterfield has made and involve them in the development of the Visitor Economy Strategy.

**8.5 Recommendation 3 - That measures, such as Purple Flag status, are considered to bring more life to the town during the currently quiet periods – 3pm onward.**

<sup>7</sup> “£3.48million D2N2 funding helps create Chesterfield skills centre”, <http://www.d2n2growthhub.co.uk/news/971/3-48million-d2n2-funding-helps-create-chesterfield-skills-centre>

<sup>8</sup> “How much are students worth to local economies?” <http://www.experian.co.uk/blogs/latest-thinking/students-local-economies/>



Currently the town centre experiences a low point from 3pm onwards. It is anticipated that the majority of visitors from Peak Resort will be arriving in the town centre from late afternoon and we need to be prepared to ensure that there is a buzz about the town when they arrive. The visitors need to be made to feel welcome and at ease, aware of what is on offer and how to find it and, most importantly, want to come back again. There needs to be an atmosphere in the town centre that encourages people to stay past 3pm and into the evening, but to achieve this change is needed.



*“The Purple Flag standard, launched in 2012, is an accreditation process similar to the Green Flag award for parks*

*and the Blue Flag for beaches. It allows members of the public to quickly identify town & city centres that offer an entertaining, diverse, safe and enjoyable night out.”<sup>9</sup>*

Working to the standard will contribute to delivering all the recommendations in this report, from raising the profile and improving public image to lowering crime and anti-social behaviour. The five core standards of Purple Flag accreditation are:

- **The Policy Envelope:** An after-hours policy that shows a clear strategy based on sound research, integrated public policy and a successful multi-sector partnership.
- **Wellbeing:** Successful destinations are all safe and welcoming with all sectors playing their part in delivering high standards of customer care.
- **Movement:** Getting home safely after an evening out is crucial, as is the ability to move around the centre on foot with ease.

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<sup>9</sup> “Purple Flag Status: How it fits place management police” <https://www.atcm.org/purple-flag>

- **Appeal:** Successful destinations offer a vibrant choice of leisure and entertainment for a diversity of ages, groups, lifestyles and cultures.
- **Place:** Successful areas are alive during the day, as well as in the evening. They contain a blend of overlapping activities that encourage people to mingle and enjoy the place. They reinforce the character and identity of the area as well as flair and imagination in urban design for the night.<sup>10</sup>

Purple Flag also encourages businesses and organisations to work together to create a strategy for the transition period and night time economy. In Chesterfield, there is already a significant level of the ground work already in place such as the Destination Chesterfield board and Chesterfield Champions, street pastors and the new PSPO.

There are costs associated with the accreditation with the initial application fee estimated at £2,500 + VAT followed by renewal fees estimated at £1000 + VAT each year. However, the Purple Flag accreditation does not need to be Council led but it can be Council enabled.

Mansfield town centre has been awarded the Purple Flag standard which was achieved through the work of a Business Improvement District (BID). There is interest in setting up a BID as this was proposed by the Chesterfield Champions in their focus group and the Council's Plan also commits to carrying out a feasibility study of developing a BID. It must be noted however that the Council also owns a lot of commercial property in the town centre therefore if a BID was proposed, the Council would be required to pay the levy, along with the other businesses, that would enable the BID.

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<sup>10</sup> Ibid.

**8.6 Recommendation 4 - A review (frequency, location, size, type) of the market is required to provide an offering that meets the changing wishes of the modern-day customer.**

In today's evolving retail habits, the market has made Chesterfield unique, being one of the largest open air markets in England and attracting traders and customers for over 800 years. Chesterfield's market days are listed on the entrances to the town and people are attracted from outside the local area to shop on the market. The project group felt that, though there had been a decline in the number of stalls and users of the market, it should still be maintained as a valued asset that was iconic of the town. However, consideration should be given to renewing its offer, layout and focus.

Over the past three years, Chesterfield has recorded a significant decline in occupancy on the general market days, with the Flea Market still faring well. In 2015, the Council commissioned a consultant to undertake a feasibility study and provide options with estimated costs for a design and upgrade of the Market Place. However, within the General Fund Capital Strategy and Programme, approved by Council in February, 2016, it was decided that there would be no surplus resources available to fund the scheme but the Council remained committed to the reconfiguration project and would defer a decision to allow time for finances to be put in place.

Scrutiny Members have always been keen to see improvements to the Outdoor Market as a priority for improving the town centre for local people and the reconfiguration regular appears on the work programme as members continue to offer new options. Of course reconfiguration is not the answer on its own. The products on offer have to be what people need on a daily basis and want on an infrequent basis.

The successful markets around the UK and Europe tend to specialise more in order to meet the niche demand. A greater local

and regional food offering would prove attractive as would introducing markets that offered (probably on no more frequently than a monthly basis) new products such as arts and crafts, fashion, farmer's markets, street food, evening events and many more. This format has already shown its success through the introduction of Artisan Markets.

In addition, the provision for wifi connectivity in the town centre needs to be explored. A wifi hotspot in the market would enable market traders to accept card payments, encourage visitors into the market and increase their dwell time, and assist visitors to navigate the town centre more easily.

The image below is a statement displayed at Altrincham Market, billed as one of Greater Manchester's most exciting foodie destinations<sup>11</sup> and winner of the 'Best Market' Award by Observer Food Monthly in 2015. This demonstrates that there is still a place for markets to thrive today's town centres but they need to find their own niche and speciality that turns them into a destination.



It's vital that the council recognises the need to change in-line with modern shopping habits in order to ensure our much loved market area flourishes in this ever-changing commercial environment.

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<sup>11</sup> Altrincham Market House: Our guide to one of Greater Manchester's most exciting foodie destinations, <https://www.manchestereveningnews.co.uk/whats-on/food-drink-news/altrincham-market-guide-food-drink-10809197>



**8.7 Recommendation 5 – That ways to open up the town for a major event and cultural space are explored to broaden the appeal with a wider offering of activities focusing on areas as diverse as film, art, literature, food, jazz, busking and cheese, to name just a few, with a particular focus on enhancing the evening activities with night markets and live entertainment.**

Chesterfield has the potential to become a cultural hub for attracting audiences to events and festivals. It's convenient position on the door step to the Peak District and Sheffield, and a stone's through from the M1 gives us a large catchment area for attracting visitors. A recent study by the Arts Council found that culture enriches society, improves health and wellbeing and benefits the economy. According to the Indices of Multiple Deprivation (IMD) data, 6 areas within Chesterfield fall within the top 10% most deprived areas in England and a further 14 areas fall within the top 20% most deprived, both figures had increased since 2010.<sup>12</sup>

The Arts Council's review provides statistics that demonstrate the value an increased arts and culture offering can contribute:

*Participation in arts contributes to community cohesion, reduces social exclusion and isolation, and/or makes communities feel safer and stronger.*

*Those who had attended a cultural place or event in the previous 12 months were almost 60% more likely to report good health compared to those who had not, and theatre-goers were almost 25% more likely to report good health.*

*For every £1 of salary paid by the arts and culture industry, an additional £2.01 is generated in the wider economy.*

*In 2011, 10 million inbound visits to the UK involved engagement with the arts and culture, representing 32% of all visits to the UK and 42% of all inbound tourism-related expenditure.*

*There are five key ways that arts and culture can boost local economies: attracting visitors, creating jobs and developing skills, attracting and retaining businesses, revitalising places, and developing talent.*

<sup>12</sup> "English indices of deprivation 2015" <https://www.gov.uk/government/statistics/english-indices-of-deprivation-2015>

The focus groups also identified the need for more events, festivals, themed markets and exhibition spaces as a key draw for new visitors to the town and also to bridge the gap between evening and night time economy.

Though there is currently no cultural space for exhibitions or town centre festivals and events, there are many locations and opportunities that can be considered as future event spaces. New Square was suggested during the focus groups and discussed in project group meetings. Due to the decline of the market, the project group proposes that all stalls be moved onto the main market square which will not only free up New Square for a flexible event space but also concentrate the number of stalls on the main market improving its appearance.

The project group is aware of the current financial position of the council and considered this when forming the recommendations. One concern discussed by the project group and raised in the focus groups was the opening times and offer in the museum. Following on from the success of the Council's commercial catering team, the offer of in the museum could be increased to include a café and meeting place to create a more sustainable space and increase footfall and dwell time. This would bring more income into the museum and enable it to be open more frequently.



Beach in Lincoln last year

The event calendar needs to be increased with more regular and more diverse events such as film festivals, food markets and live music events. These events also do not need to be Council led; as in previous years there have been events held in the town organised by private businesses, for example the Food and Drink Fair held in Queen's Park last year, we just need to make sure the Council is creating

the right environment and enabling these new events to take place and be successful.

Finally, taking inspiration from another local authority, Rotherham are currently in the process of re-developing their town centre and what they are looking to achieve resonates with our vision for Chesterfield:

*The following list summarises the ongoing strategy for the Town Centre, which can influence management of the Town Centre and delivery of projects and proposals:*

- *Confidence in the Town Centre environment: Address anything including social incivilities that damage confidence in people's experience. Focus on the family experience and young people*
- *The arrival-to-departure experience: As far as is practically possible create the conditions for a safe and attractive end to end experience within the Town Centre. How you arrive and leave linked to the attractions used.*
- *Convenience of use - reducing barriers: Make it as easy as possible for people to use and enjoy their Town Centre*
- *More to do and see in a quality setting: This is at the heart of the implementation masterplan.*
- *The 'WOW - that really makes a difference' moment: Rotherham needs this at the present time. The town needs a big project to transform people's perceptions.*
- *More people and more life: With more people comes more footfall and more spend.*
- *Capture latent spending power: Many Rotherham Residents do have money to spend and would spend in the town if there was more of what they wanted.*
- *A better place attracts spend: Invest in the place and its distinctive and focused offer and the economy will improve.<sup>13</sup>*

## **9.0 Review conclusions**

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<sup>13</sup> "Rotherham Town Centre Masterplan" <https://www.wyg.com/rotherham-town-centre>

- 9.1 Chesterfield has been a market town for over 800 years, in order to succeed for another 800 years we need to evolve with the times and find new ways to deliver the town centre experience that continues to attract residents and visitors. However, success must be based on much more than retail and the changes in shopping habits need to be recognised.
- 9.2 The project group accepts that the proposals in the report may not be the complete solution however, following this in-depth review, they are what we believe will help to ensure Chesterfield continues to make an impact in attracting developers, visitors and residents. The town centre will continue to evolve and these proposals are a starting point to move in the direction that is being carved by HS2, Waterside and Peak Resort.
- 9.3 The recommendations above are offered as improvements that would complement each other and can be progressed independently. All would enhance the Town Centre mix but many are likely to be introduced as part of broader change.
- 9.4 For the town to become busier and more vibrant it needs increased footfall; that will come about by improving the retail, cultural, entertainment and evening offering but also by encouraging the growth of town centre living.
- 9.5 The proposed Saltergate conversion of the old NEDDC offices into apartments for the over-50s is a hugely positive initiative that will guarantee daily revenue comes into the central area. The University of Derby has shown real commitment to increasing their local educational offering but there is huge potential to grow the education sector further and, in turn, the town centre economy. Lincoln, a city with a population very similar to Chesterfield, has flourished since the Queen opened its new campus in 1996. Since then £270m has been invested in the facilities which hosts 13,000 students (with a large percentage living in the city during term time) who have all helped to create a

lively buzz in the city that has seen visitor numbers grow accordingly.

9.6 Rotherham's new town centre plans are visionary and match closely the type of changes proposed in this document. Retail will continue to be encouraged and will feature prominently in the town centre but it's vital that the changes in people's free time habits are recognised. Almost every major retail chain has been hit hard by the increase in on-line shopping and many are struggling to maintain their town centre presence. It's important that we look to broaden our retail mix by strongly encouraging an increase in independent and innovative traders who will add to the town's appeal.

9.7 Young and old will continue to shop but they are looking more to enjoy experiences with their hard earned cash ranging from eating out to festival entertainment to bringing the family to enjoy a ride on the Chesterfield Wheel. Let's make sure we work tirelessly to give them what they want!



## 10.0 Considerations

10.1 A preliminary equality impact assessment (EIA) has been carried out to understand any positive or negative impacts of implementing the recommendations. No negative impacts were identified and it is expected that the review will have a positive impact due to the broadened offer of cultural events and improved accessibility and safety of the town centre. More details can be found in the EIA attached at Appendix 4.

10.2 During the review the project group considered the financial impacts that will need addressing if the recommendations are

accepted. The project group decided to propose recommendations that demonstrated the change that was needed however, though suggestions are included, due to the current financial position of the Council and limits on resources, there is no specific demand on when and how the changes should be realised.

- 10.3 Though some of the recommendations may require a level of investment from the Council, the project group stresses that all the changes do not need to be delivered and funded by the Council and we should be encouraging partners to work collaboratively to achieve a shared vision. Private companies have already shown an interest in hosting events in Chesterfield, the Artisan Market for example, and towns nearby have achieved the Purple Flag standard though the work of Business Improvement Districts.

## **Appendices**

Data from “Are you being served?” survey of residents

<https://www.chesterfield.gov.uk/media/547239/are-you-being-served-full-report-2017.pdf>

Notes from public and Chesterfield Champions focus groups

Extract from *The Value of Arts and Culture to People and Society*, Arts Council England

Preliminary Equalities Impact Assessment

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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## Economy

Businesses in the UK arts and culture industry generated an aggregate turnover of £12.4 billion in 2011.

The subsets of the arts and culture industry's productive activities of book publishing, performing arts and artistic creation are the largest contributors to the industry's aggregate turnover performance – an estimated £5.9 billion of gross value added (GVA) to the UK economy.

The arts and culture industry employed, on average, 110,600 full-time equivalent employees in the UK and 99,500 in England during the period 2008–11. This represents about 0.45 per cent of total employment in the UK and 0.48 per cent of all employment in England.

For every £1 of salary paid by the arts and culture industry, an additional £2.01 is generated in the wider economy through indirect and induced multiplier impacts.

In 2011, 10 million inbound visits to the UK involved engagement with the arts and culture, representing 32 per cent of all visits to the UK and 42 per cent of all inbound tourism-related expenditure.

Overall in terms of culture, the UK is perceived to be the fourth best nation out of 50. This is as a result of Britain being seen as the fourth best nation in terms of having an exciting contemporary culture (eg music, films, art and literature).

There are five key ways that arts and culture can boost local economies: attracting visitors; creating jobs and developing skills; attracting and retaining businesses revitalising places; and developing talent.

Looking at the spillover effects between the commercial and publicly funded arts and culture sectors found that there was high labour mobility between the two. The flow of work is often not one way, with individuals moving between publicly funded and commercial sectors in both directions, potentially more than once, as well as working concurrently in both.

## Health and wellbeing

Those who had attended a cultural place or event in the previous 12 months were almost 60 per cent more likely to report good health compared to those who had not, and theatre-goers were almost 25 per cent more likely to report good health.

People value being in the audience to the arts at about £2,000 per person per year and participating at £1,500 per person. The value of participating in sports is about £1,500 per person per year.

Research has evidenced that a higher frequency of engagement with arts and culture is generally associated with a higher level of subjective wellbeing.

Engagement in structured arts and culture improves the cognitive abilities of children and young people.

A number of studies have reported findings of applied arts and cultural interventions and measured their positive impact on specific health conditions which include dementia, depression and Parkinson's disease.

The use of art, when delivered effectively, has the power to facilitate social interaction as well as enabling those in receipt of social care to pursue creative interests. The review highlights the benefits of dance for reducing loneliness and alleviating depression and anxiety among people in social care environments.

## Society

High-school students who engage in the arts at school are twice as likely to volunteer than those who don't engage in the arts and are 20 per cent more likely to vote as young adults.

Employability of students who study arts subjects is higher and they are more likely to stay in employment.

Culture and sport volunteers are more likely than average to be involved and influential in their local communities.

There is strong evidence that participation in the arts can contribute to community cohesion, reduce social exclusion and isolation, and/or make communities feel safer and stronger.

## Education

Taking part in drama and library activities improves attainment in literacy.

Taking part in structured music activities improves attainment in maths, early language acquisition and early literacy.

Schools that integrate arts across the curriculum in the US have shown consistently higher average reading and mathematics scores compared to similar schools that do not.

Participation in structured arts activities increases cognitive abilities.

Students from low income families who take part in arts activities at school are three times more likely to get a degree than children from low income families who do not engage in arts activities at school.

## Evidence gaps

Most of the studies reviewed cannot establish causality between arts and culture and the wider societal impacts.

The need for larger sample sizes, longitudinal studies and experimental methods is referred to in many of these studies.

There is no up-to-date information on the economic impact of museums and libraries and how they contribute to the wider economy.

There is little research that quantifies the savings to the public purse that are achieved through preventative arts and culture interventions, or other contributions to public services.

The use of digital technologies and how arts and cultural organisations are using this technology to become more resilient.

Equality and diversity: those who are most actively involved with the arts and culture that we invest in tend to be from the most privileged parts of society; engagement is heavily influenced by levels of education, by socio-economic background, and by where people live.

## 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: Policy and Communications

Section: Democratic Services

Lead Officer: Rachel Appleyard

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for: Scrutiny Project Group report on the Town Centre

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

Existing

Changed

New/Proposed

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

An in depth review of the town centre to ensure that there is a joined up approach by the Council when it considers, supports and enables developments and plans to be carried out. To identify areas where improvements are needed in the town centre and suggest changes that will broaden and enhance the town centre mix with a new emphasis on finding ways to increase the length of stay particularly in the mid-afternoon to evening period.

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

This review will benefit residents of the borough, visitors and people who work in Chesterfield. The main focus of the review is to improve the offer and experience of visiting the town centre so that residents and visitors have a more varied event calendar and improved accessibility around the town centre including cleanliness and ASB.

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:

There will be no negative impact on any group with protected characteristics and there will potentially be positive impacts on three groups due to an increased cultural event offer and improved cleanliness, safety and accessibility in the town centre.

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

### **The Anti-social Behaviour Crime and Policing Act 2014 Designation of the Public Spaces Protection Order (Dog control) (HW1140)**

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Meeting:	Cabinet
Date:	24 <sup>th</sup> April 2018
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 offences listed under the proposed Public Spaces Protection Order (Dog Control).
- 1.2 To inform Members how the Public Spaces Protection Order (Dog Control) will be enforced.
- 1.3 To ask Members to approve the Public Spaces Protection Order (Dog Control) as attached in Appendix 2 and to ask Members to authorise the revocation of the Public Spaces Protection Orders that converted from existing Dog Control Orders to Public Spaces Protection Orders on 20<sup>th</sup> October 2017 by operation of law.

- 1.4 To ask Members to delegate authority to the Local Government and Regulatory Law Manager in consultation with the Cabinet Member for Health and Wellbeing, to determine the implementation of the Public Spaces Protection Order (Dog Control) and the revocation of the Public Spaces Protection Orders which converted by operation of law on 20<sup>th</sup> October 2017 from Dog Control Orders to Public Spaces Protection Orders.
- 1.5 To ask Members to approve the level of Fixed Penalty Notice for all dog related offences under the Public Spaces Protection Order (Dog Control) and to delegate authority to administer and enforce Fixed Penalty Notices.

## 2.0 **Recommendations**

- 2.1 That Members to agree to the implementation of the Public Spaces Protection Order (Dog Control), as attached in Appendix 2.
- 2.2 That Members authorise the revocation of the Public Spaces Protection Orders that arose by operation of law from existing Dog Control Orders on 20<sup>th</sup> October 2017.
- 2.3 That Members agree that the implementation of the Public Spaces Protection Order (Dog Control) and the revocation of the existing Public Spaces Protection Orders (which arose from the old Dog Control Orders) will be undertaken once the necessary preliminary steps have been completed and agree to delegate this decision to the Local Government and Regulatory Law Manager in consultation with the Portfolio Holder for Health and Wellbeing.
- 2.4 That Members approve the level of Fixed Penalty Notice to be set at £80 for all dog related offences under the Public Spaces Protection Order (Dog Control).

2.5 That Members request a further report to consider the impact and effectiveness of the Public Spaces Protection Order (Dog Control) once it has been in effect for 12 months.

### 3.0 **Background – a summary of dog control legislation**

3.1 There is a range of civil duties 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') as well as the Environmental Protection Act 1990, the Control of Dogs Order 1992 and the Environmental Protection (Stray Dogs) Regulations 1992 (enforced by local authorities).

3.2 Under the Clean Neighbourhoods and Environment Act 2005, the Council adopted several Dog Control Orders (DCO's), these were cited as:

- 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).

3.3 In October 2014, the Anti-Social Behaviour, Crime and Policing Act 2014 came into force and made provisions for local authorities to introduce Public Spaces Protection Orders (PSPO's).

3.4 PSPOs 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.

3.5 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.

3.6 Breaching a PSPO is a criminal offence. A PSPO can be enforced by an officer authorised by the local authority (including police community support officers) and a police constable. A breach of the PSPO may be dealt with either through the issuing of a Fixed Penalty Notice (FPN) of up to a statutory maximum of £100 or by prosecution. A fixed penalty notice is not a fine but an alternative to prosecution whereby an individual accepts payment of a sum of money to discharge their liability for conviction. Failure to pay a FPN may result in the case being progressed to a prosecution.

3.7 In cases where an individual is convicted the maximum fine is a level 3 fine (currently £1000).

3.8 A PSPO can be challenged by anyone who lives in, or regularly works in or visits the area within six weeks of the date it comes into force or of the date a variation takes effect.

3.9 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, subject to the appropriate consultation taking place.

### **Background – 11<sup>th</sup> July onwards**

- 3.10 On 11<sup>th</sup> July 2017, the previous report was presented to Cabinet with the following recommendations:
- To ask Members to approve the Public Spaces Protection Order for dog control; and
  - To ask Members to authorise revocation of the Dog Control Orders to coincide with the introduction of the Public Spaces Protection Order (Dog Control).

A copy of the previous Cabinet report dated 11<sup>th</sup> July 2017 is available in Appendix 1.

- 3.11 Members agreed to approve the Public Spaces Protection Order (Dog Control) and to revoke the then Dog Control Orders, to coincide with the introduction of the Public Spaces Protection Order (Dog Control).

- 3.12 On 20<sup>th</sup> October 2017 the DCOs converted by operation of law to PSPOs (for those areas listed in section 3.2 above) without revision.

- 3.13 The proposed Public Spaces Protection Order (Dog Control) (including schedules and maps) is attached in Appendix 2.

### **Background – evidence to support the revocation of existing PSPOs relating to Dogs and the introduction of the Public Spaces Protection Order (Dog Control)**

- 3.14 The following table shows the number of dog related complaints and current data.

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 complaints about dogs (off lead, causing alarm or distress)</b>
2013 - 2014	308	43
2014 - 2015	332	50
2015 - 2016	357	35
2016 - 2017	306	59
2017 - 2018	169	67

3.15 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. Officers in Environmental Health work closely with Housing Rangers and Park Rangers to investigate complaints about dog fouling and nuisance dogs in public spaces.

### **Background – consultation phase**

3.16 Public consultation took place between Monday 26<sup>th</sup> September and Friday 4<sup>th</sup> November 2016. A copy of the consultation report is available in Appendix 3 and a copy of the questionnaire is available in Appendix 4. The headline report is available in Appendix 5 and a copy of the response from the Kennel Club is available in Appendix 6.

### **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 Park 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 rely 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.
- 4.7 In Autumn 2017 'Keep Britain Tidy' delivered training to the Housing Rangers and Tenancy Management Officers on issuing Fixed Penalty Notices.

## 5.0 **Financial implications**

- 5.1 Should the Order (in Appendix 2) 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 2018/2019 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.
- 5.7 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. The Anti-Social Behaviour Crime and Policing Act 2014 specifies that the Fixed Penalty Notice can be a maximum of £100. It is proposed to set the Fixed Penalty Notice penalty for all breaches under the Public Spaces Protection Order (Dog Control) at £80.

## 6.0 **Legal implications**



- 6.1 On 20<sup>th</sup> October 2017, the existing DCO's converted to PSPOs. The PSPOs imposes the following:
- dog fouling is not permitted in cemeteries (Boythorpe, Brimington, Spital and Staveley);
  - dogs must be kept on a lead at cemeteries (Boythorpe, Brimington, Spital and Staveley);
  - immediate removal of faeces on all public open spaces;
  - dog exclusion zone at Eastwood Park, Hasland (specified on a map);
  - dogs must be on a lead at Eastwood Park, Hasland (specified on a map); and
  - dogs on leads by direction at Eastwood Park, Hasland (when requested to do so by an authorised officer).
- 6.2 The proposed Public Spaces Protection Order (Dog Control) including schedules and maps is attached in Appendix 2.
- 6.3 Should Members not approve the revocation of the existing PSPOs (i.e. start date of 20<sup>th</sup> October 2017) and the implementation of the proposed Public Spaces Protection Order (Dog Control) (attached as Appendix 2), the existing PSPOs would remain in force 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
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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.
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 7.

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 Members not approve the revocation of the existing PSPOs (i.e. start date of 20<sup>th</sup> October 2017) and the implementation of the proposed Public Spaces Protection Order (Dog Control) (attached at Appendix 2), the existing PSPOs would remain in force and there would be no additional locations for 'dogs on leads' or 'dog exclusion areas'.

10.0 **Recommendations**

- 10.1 That Members to agree to the implementation of the Public Spaces Protection Order (Dog Control), as attached in Appendix 2.
- 10.2 That Members authorise the revocation of the Public Spaces Protection Orders that arose by operation of law from existing Dog Control Orders on 20<sup>th</sup> October 2017.
- 10.3 That Members agree that the implementation of the Public Spaces Protection Order (Dog Control) and the revocation of the existing Public Spaces Protection Orders (which arose

from the old Dog Control Orders) will be undertaken once the necessary preliminary steps have been completed and agree to delegate this decision to the Local Government and Regulatory Law Manager in consultation with the Portfolio Holder for Health and Wellbeing.

10.4 That Members approve the level of Fixed Penalty Notice to be set at £80 for all dog related offences under the Public Spaces Protection Order (Dog Control).

10.5 That Members request a further report to consider the impact and effectiveness of the Public Spaces Protection Order (Dog Control) once it has been in effect for 12 months.

#### 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>

#### **Decision information**

<b>Key decision number</b>	813
<b>Wards affected</b>	All
<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>
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<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	Previous cabinet report dated 11 <sup>th</sup> July 2017.
Appendix 2	Proposed PSPO (dog control) - Order, schedules 1, 2 and 3 and corresponding maps.
Appendix 3	PSPO (dog control) – consultation document.
Appendix 4	Consultation questionnaire.
Appendix 5	Consultation – headline report.
Appendix 6	Consultation – response from The Kennel Club.
Appendix 7	Equalities Impact Assessment

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For publication  
The Anti-social Behaviour Crime and Policing Act 2014  
Designation of the Public Spaces Protection Order (PSPO) (Dog  
control) ([Delegation Reference](#))

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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**

Year (April to March)	Number of dog fouling complaints	Number of Fixed Penalty Notices served for dog fouling offences	Number of complaints about dogs (off lead, causing alarm or distress)
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 to this 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. They 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>

## Decision information

<b>Key decision number</b>	<i>All key decisions must be in the Forward Plan at least 28 days in advance. There are constitutional consequences if an item is not in the Forward Plan when it should have been. Contact Democratic Services if in doubt.</i>
<b>Wards affected</b>	
<b>Links to Council Plan priorities</b>	

## Document information

<b>Report author</b>	<b>Contact number/email</b>
Esther Thelwell	01246 345767 esther.thelwell@chesterfield.gov.uk
<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

**Form to return to Democratic Services with report (will be removed before publication)**

Officers/members consulted on the report	
Chief Executive (WBR)	<input type="checkbox"/>
Monitoring officer	<input type="checkbox"/>
Chief finance officer	<input type="checkbox"/>
Policy manager	<input type="checkbox"/>
Human resources manager	<input type="checkbox"/>
Cabinet member portfolio holder (and consultee cabinet member if applicable)	<input type="checkbox"/>
Comments from Cabinet Member (if applicable)	

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

**PUBLIC SPACES PROTECTION ORDER (DOG CONTROL) 2018**

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 \_\_\_\_\_ 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).

**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 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 of the Authority may only give a direction under this Order if in his/her judgement 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 liable on summary conviction to a fine not exceeding level 3 on the standard scale.

An Authorised Officer of the Authority may issue a Fixed Penalty Notice not exceeding £80.00 to any person he or she has reason to believe has committed an Offence under the Order. A Fixed Penalty Notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty within 14 days of the date of the notice.

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

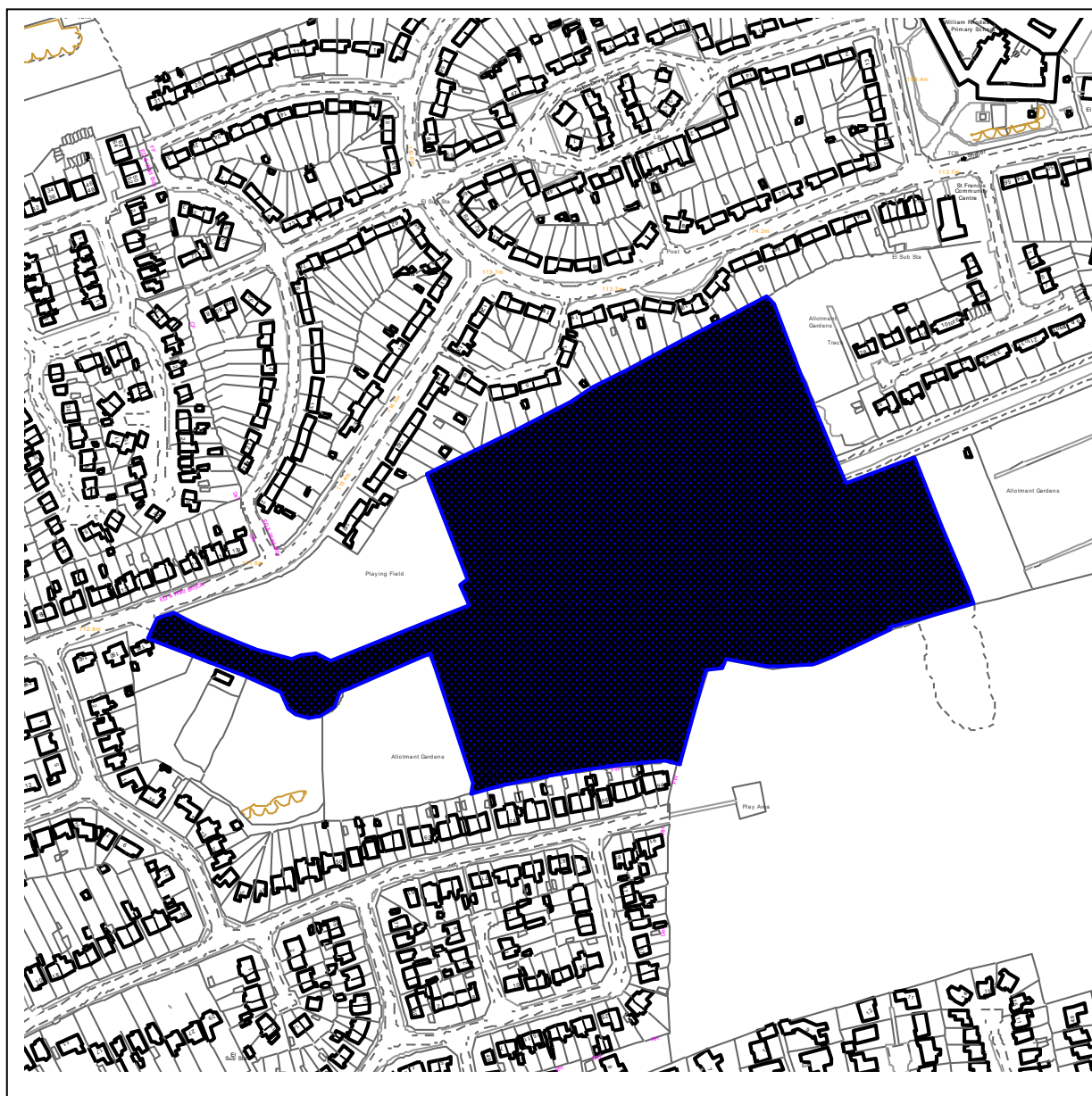
This Order applies to all land described below:

<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 (1 <sup>st</sup> March to 31 <sup>st</sup> July inclusive)
<b>4</b>	Chesterfield Crematorium, Chesterfield Road, Chesterfield, Derbyshire, S43 1AU (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>5</b>	Eastwood Park (lodge, wildlife garden, tennis courts), Hasland Road, Chesterfield, Derbyshire, S41 0AY (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>6</b>	Holmebrook Valley Park (path around the lake), Water Meadow Lane, Chesterfield, Derbyshire, S41 8XP (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>7</b>	Holmebrook Valley Park (area around the café/pavilion building and car park), Water Meadow Lane, Chesterfield, Derbyshire, S41 8XP (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>8</b>	McGregors Pond (path around the lake), McGregors Way, Chesterfield, Derbyshire, S40 2WB (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>9</b>	Norbriggs Flash Nature Reserve, Bent Lane, Staveley, Chesterfield, Derbyshire, S43 3UG (1 <sup>st</sup> March to 31 <sup>st</sup> July inclusive)
<b>10</b>	Poolsbrook Country Park (area around the café/pavilion building and car park), Pavilion Drive, Chesterfield, Derbyshire, S43 3LH (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>11</b>	Poolsbrook Country Park (path around the lake), Pavilion Drive, Chesterfield, Derbyshire, S43 3LH (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>12</b>	Poolsbrook Country Park (path around the lakes and car park), Pavilion Drive, Chesterfield, Derbyshire, S43 3LH (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)

<b>Map</b>	<b>Location</b>
<b>13</b>	Ringwood Park (lake), Inkersall Green Road, Chesterfield, Derbyshire, S40 2WB (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>14</b>	Spital Cemetery, Hady Hill, Chesterfield, Derbyshire, S41 0DZ (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>15</b>	Staveley Cemetery, Inkersall Road, Chesterfield, Derbyshire, S43 3JL (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)

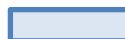
**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 2 – Map 1**



**Key**

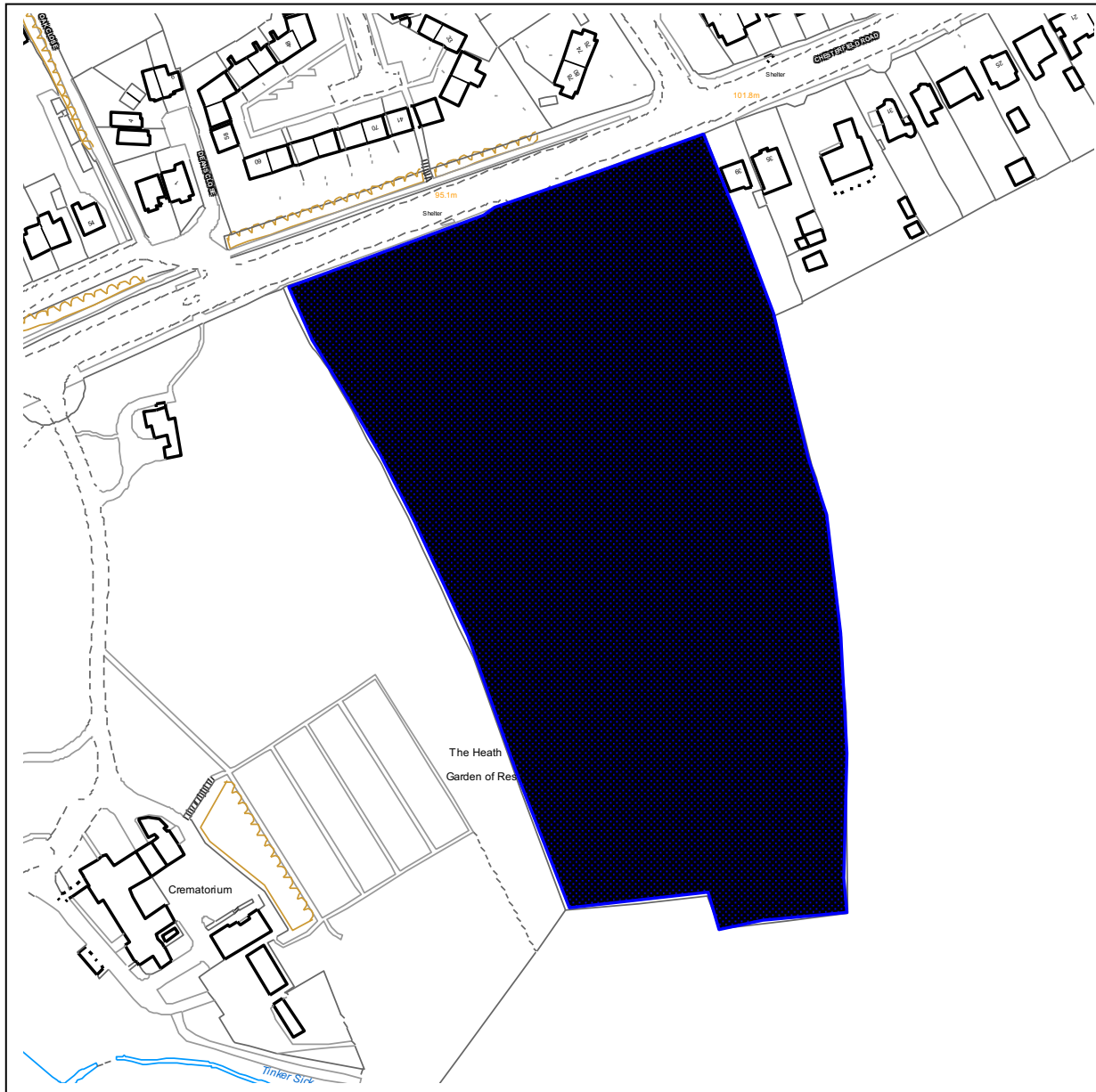
Dogs must be on leads at all times within the highlighted area



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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 2 – Map 2**



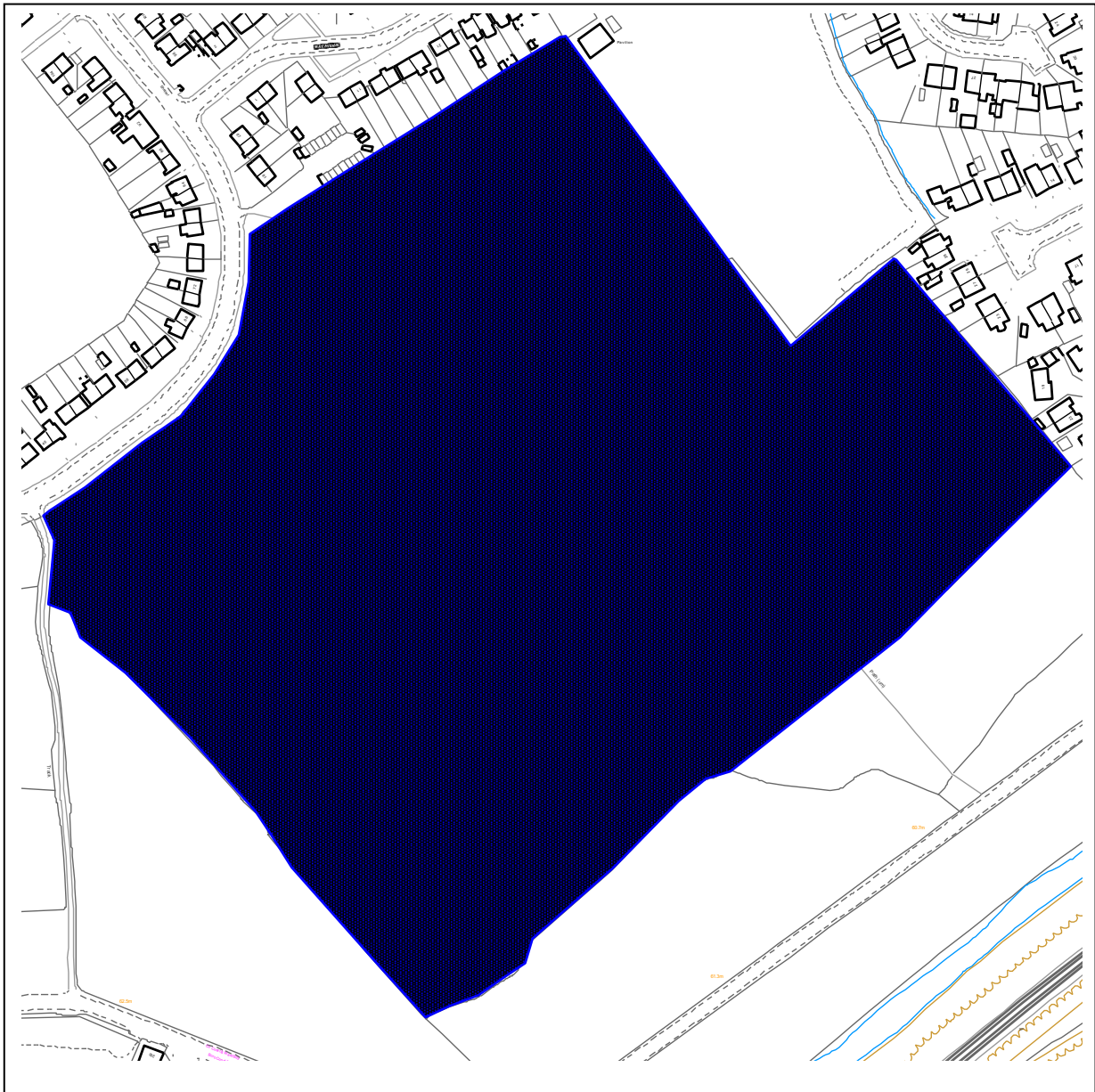
**Key**

Dogs must be on leads at all times within the highlighted area 


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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 2 – Map 3**



**Key**

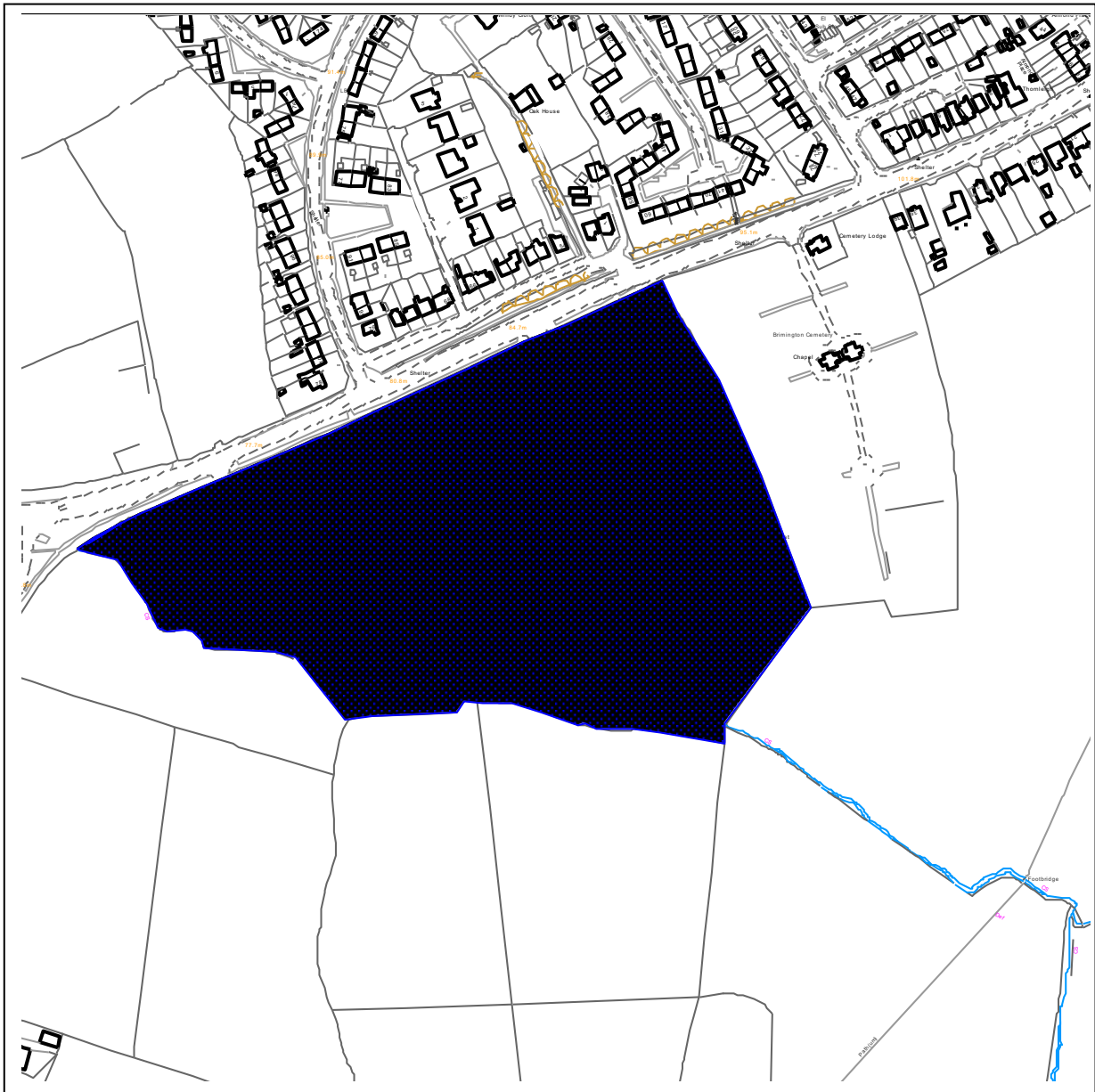
Dogs must be kept on leads at all times within the highlighted area  between March and July (inclusive)

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## Chesterfield Borough Council Public Spaces Protection Order 2018

### Schedule 2 – Map 4



#### Key

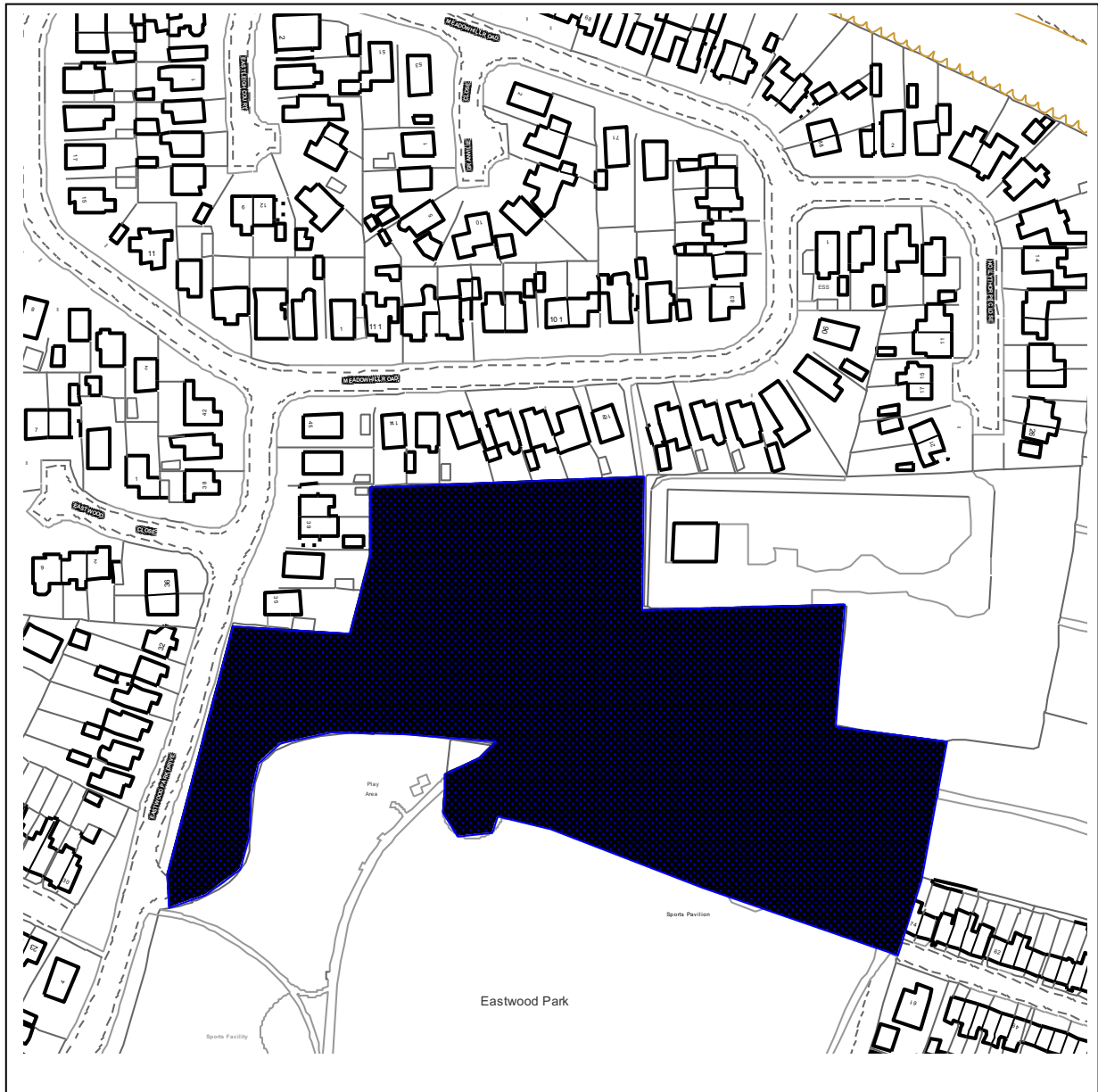
Dogs must be on leads at all times within the highlighted area



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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 2 – Map 5**



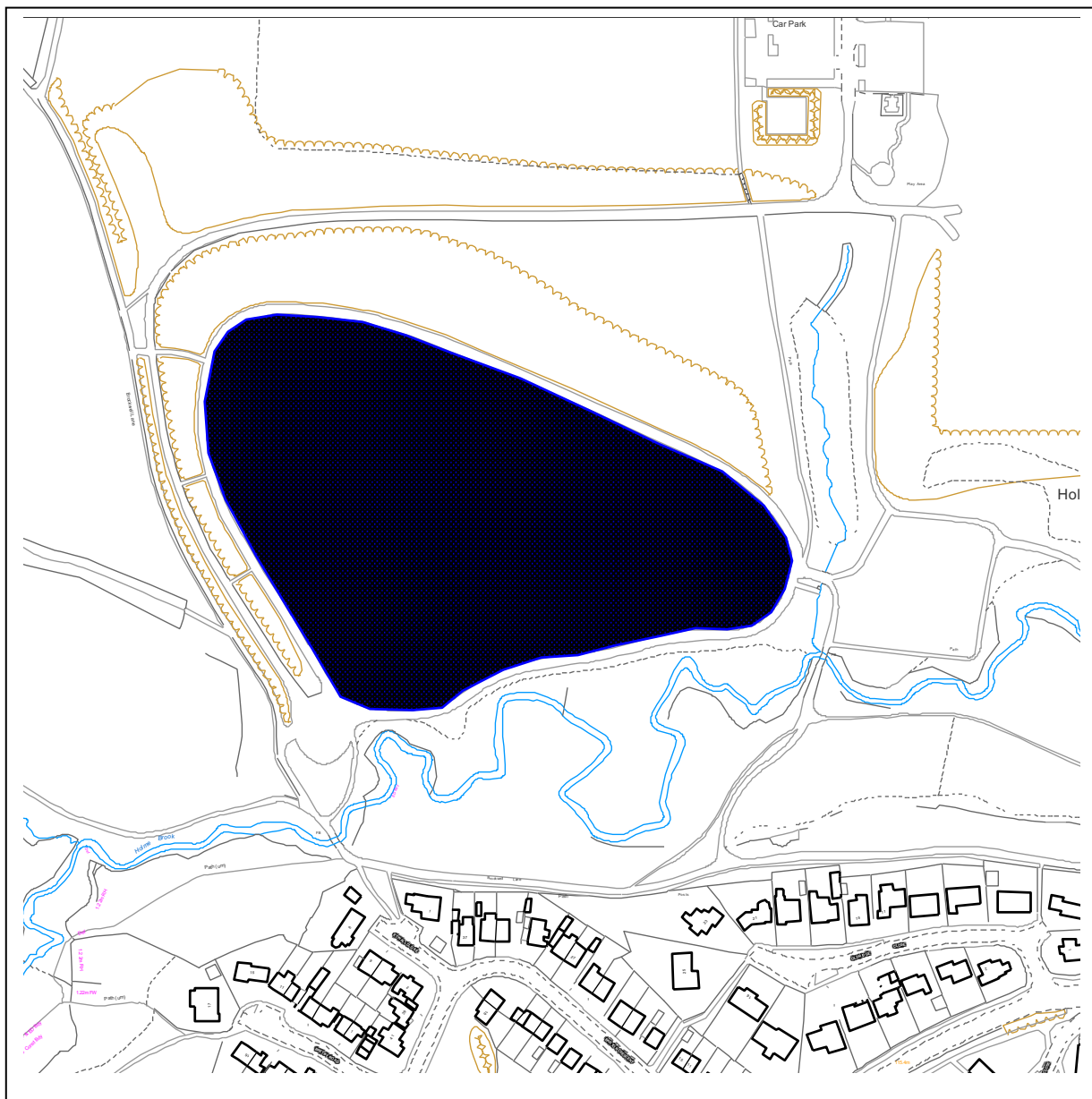
**Key**

Dogs must be on leads at all times within the highlighted area 

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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 2 – Map 6**



**Key**

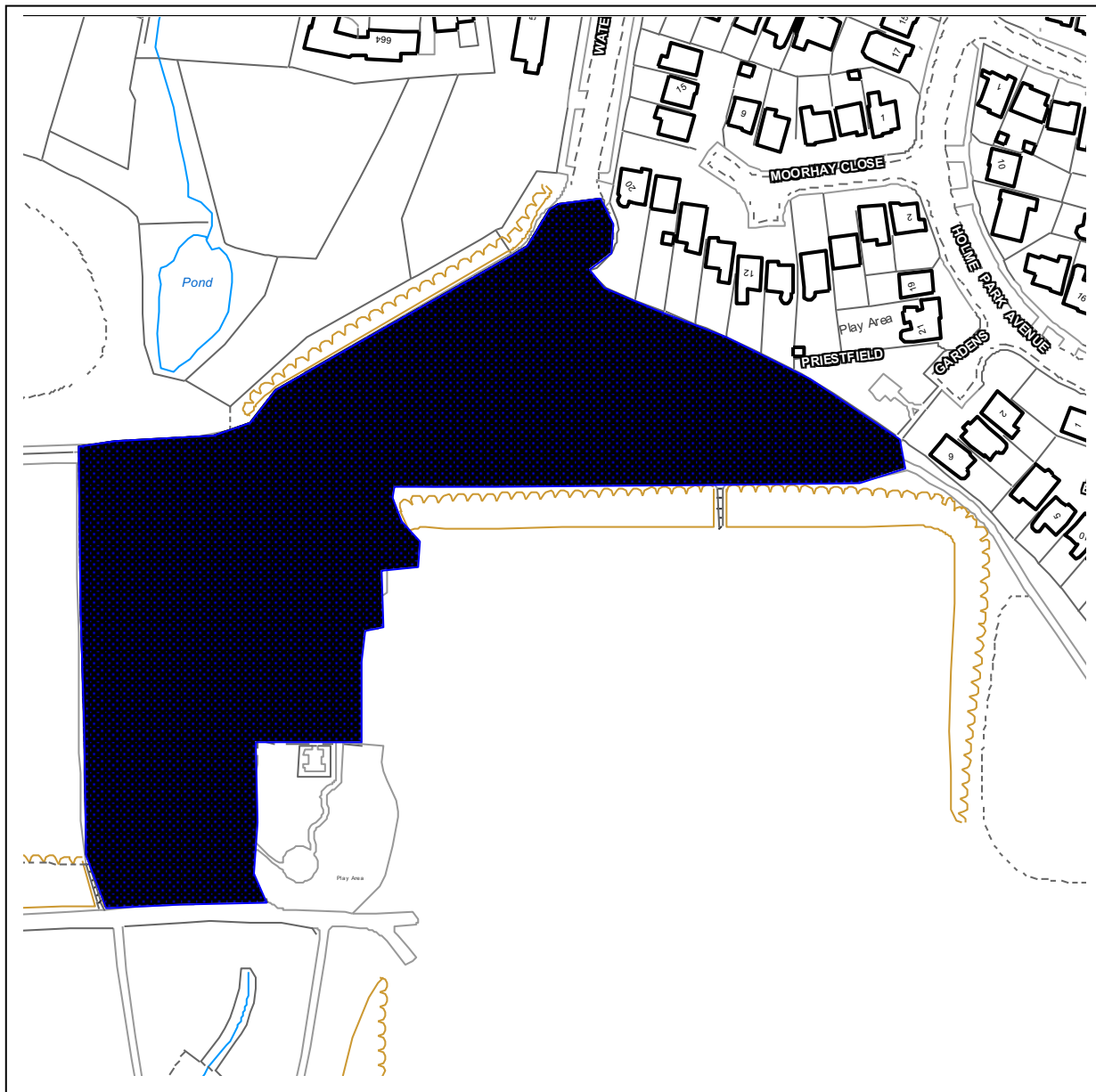
Dogs must be on leads at all times within the highlighted area




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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 2 – Map 7**



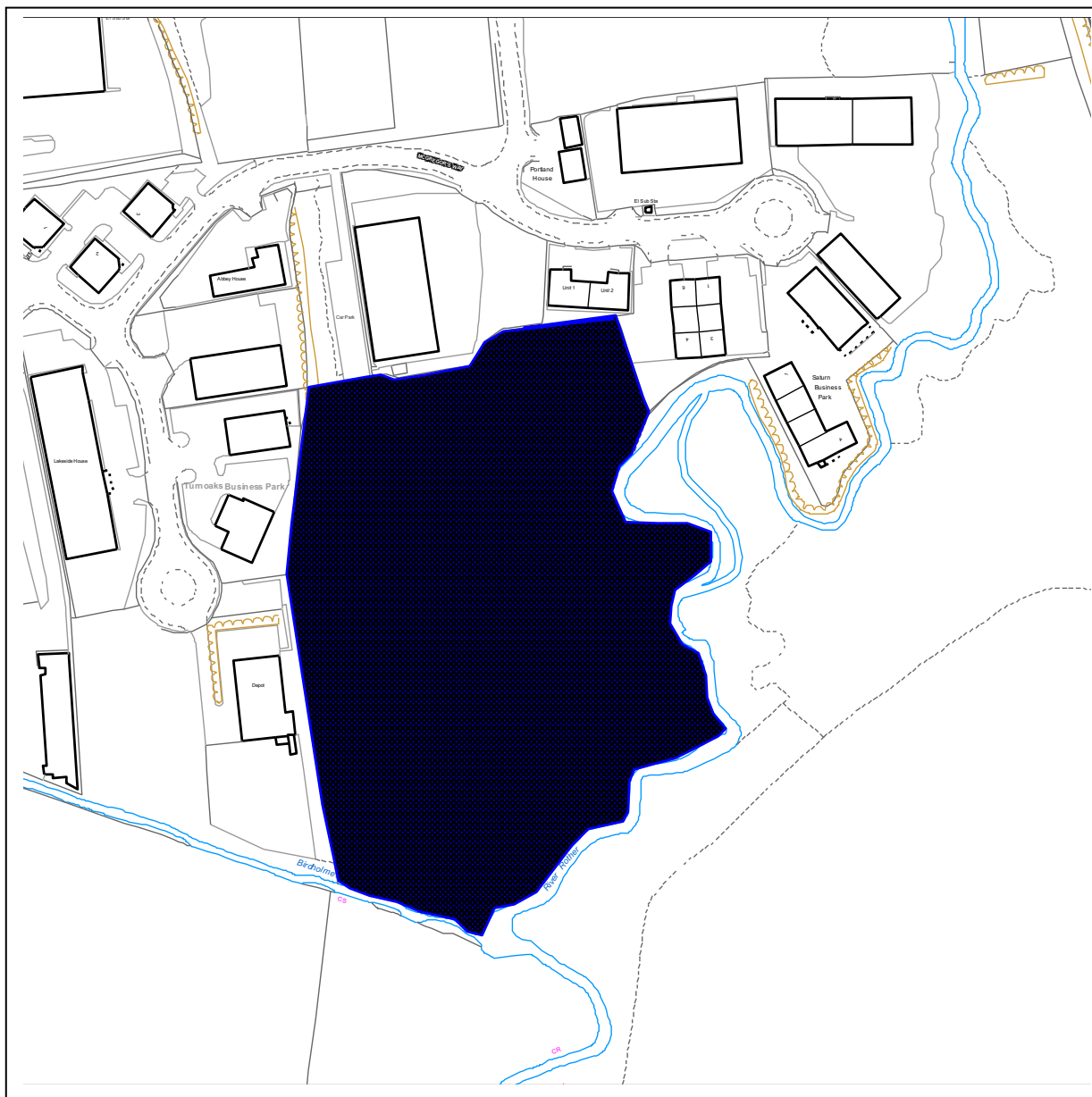
**Key**

Dogs must be on leads at all times within the highlighted area 


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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 2 – Map 8**



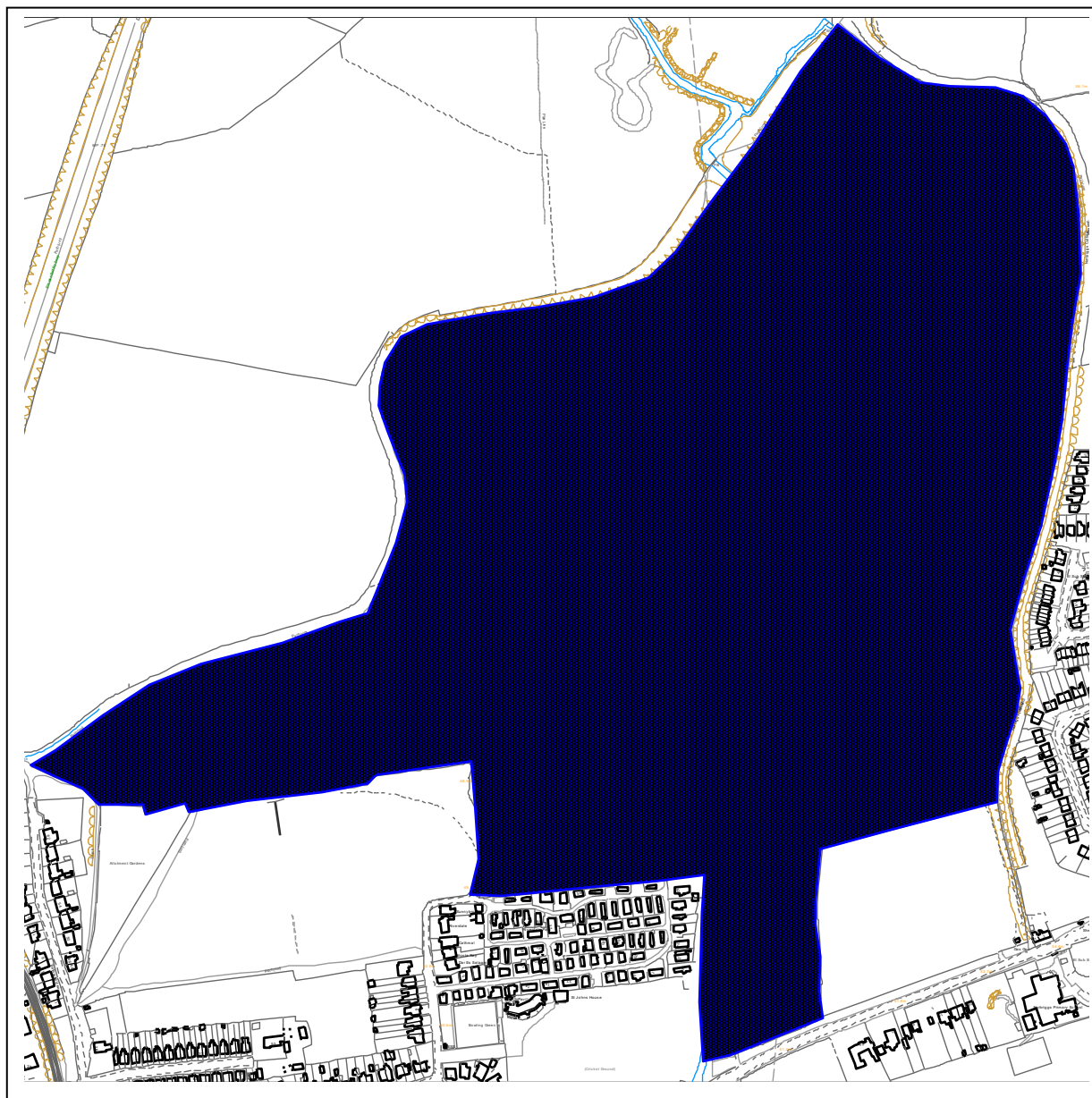
**Key**

Dogs must be on leads at all times within the highlighted area 


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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 2 – Map 9**



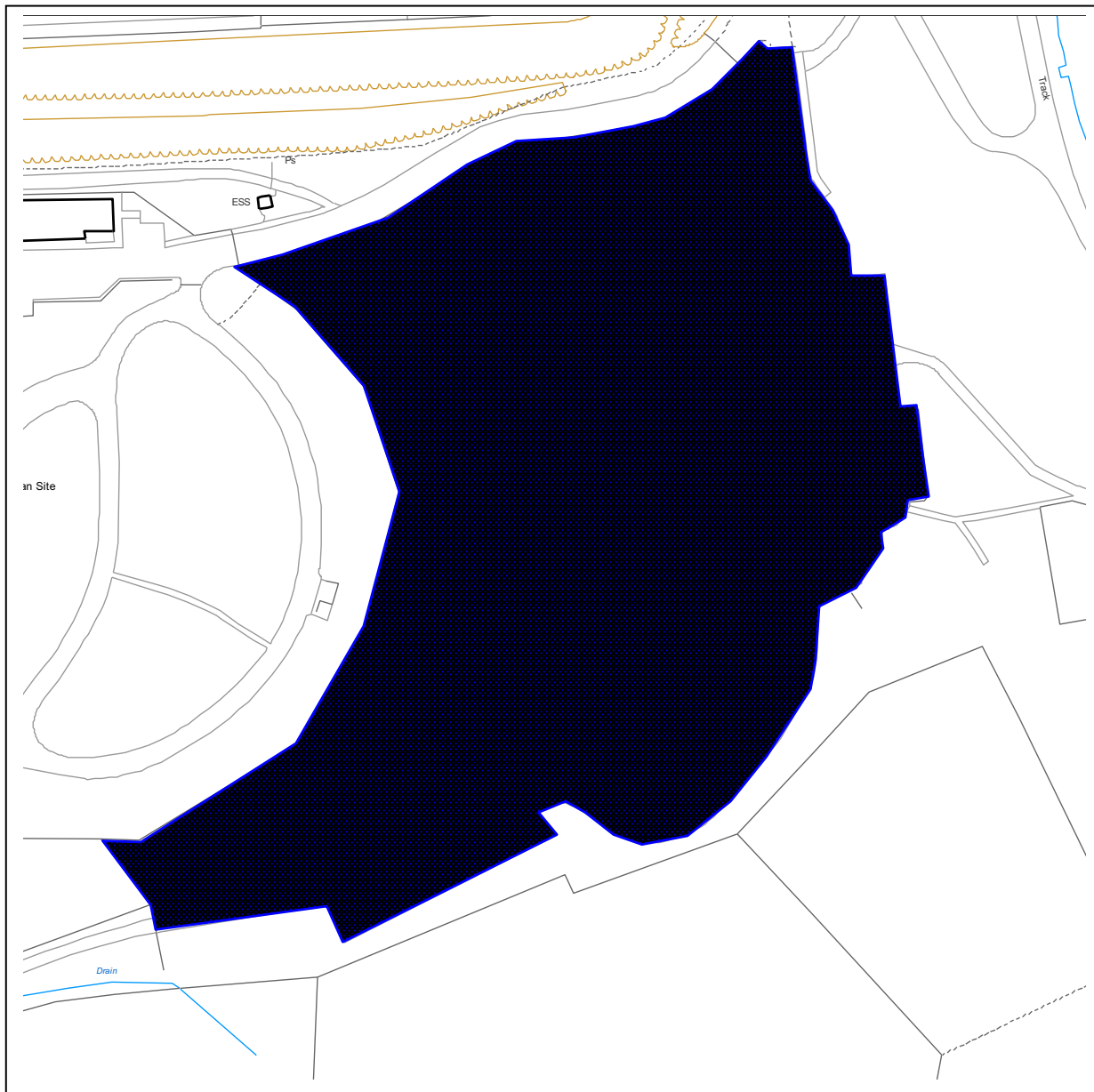
**Key**

Dogs must be on leads at all times within the highlighted area  between March and July (inclusive)

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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 2 – Map 10**



**Key**

Dogs must be on leads at all times within the highlighted area

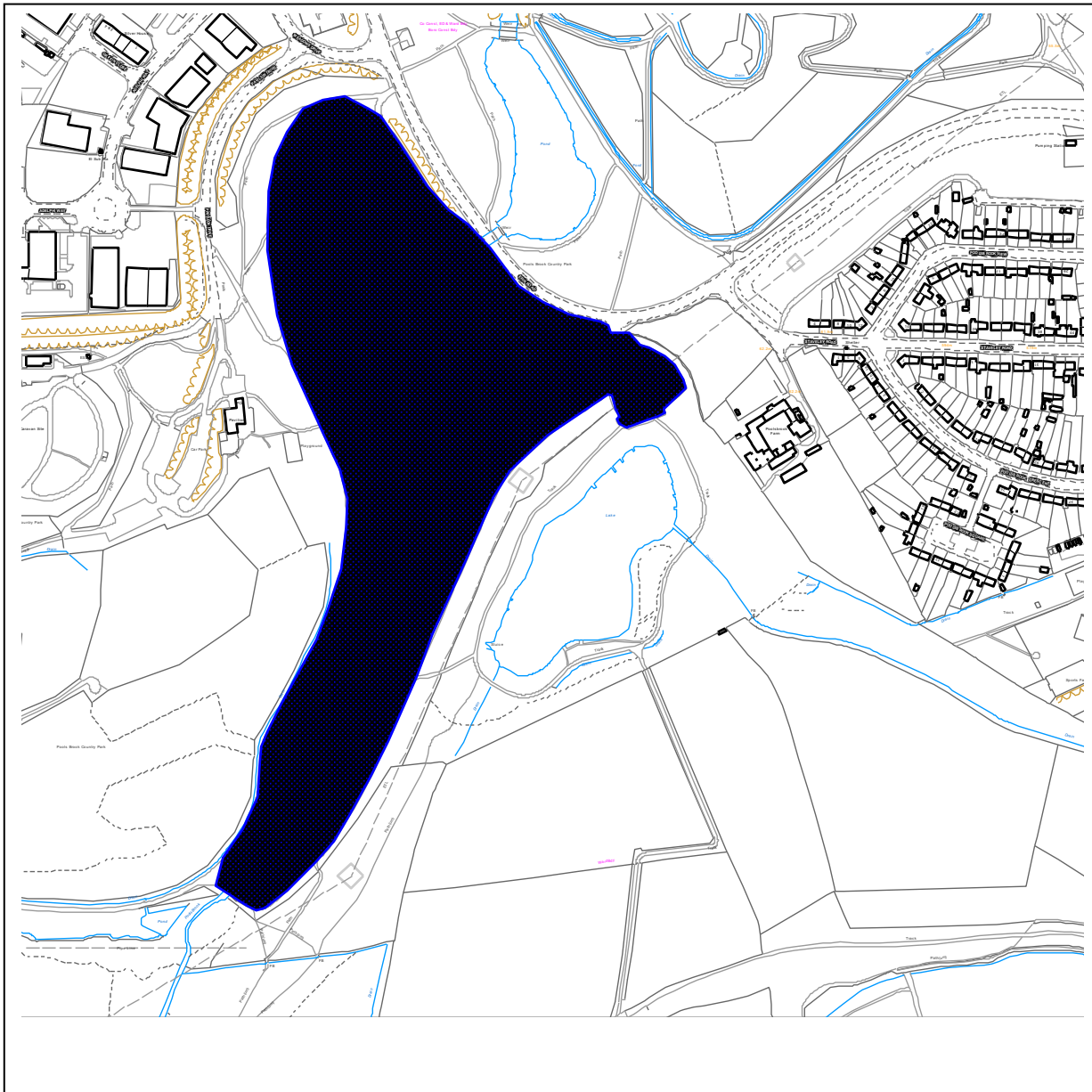


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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 2 – Map 11**



**Key**

Dogs must be on leads at all times within the highlighted area

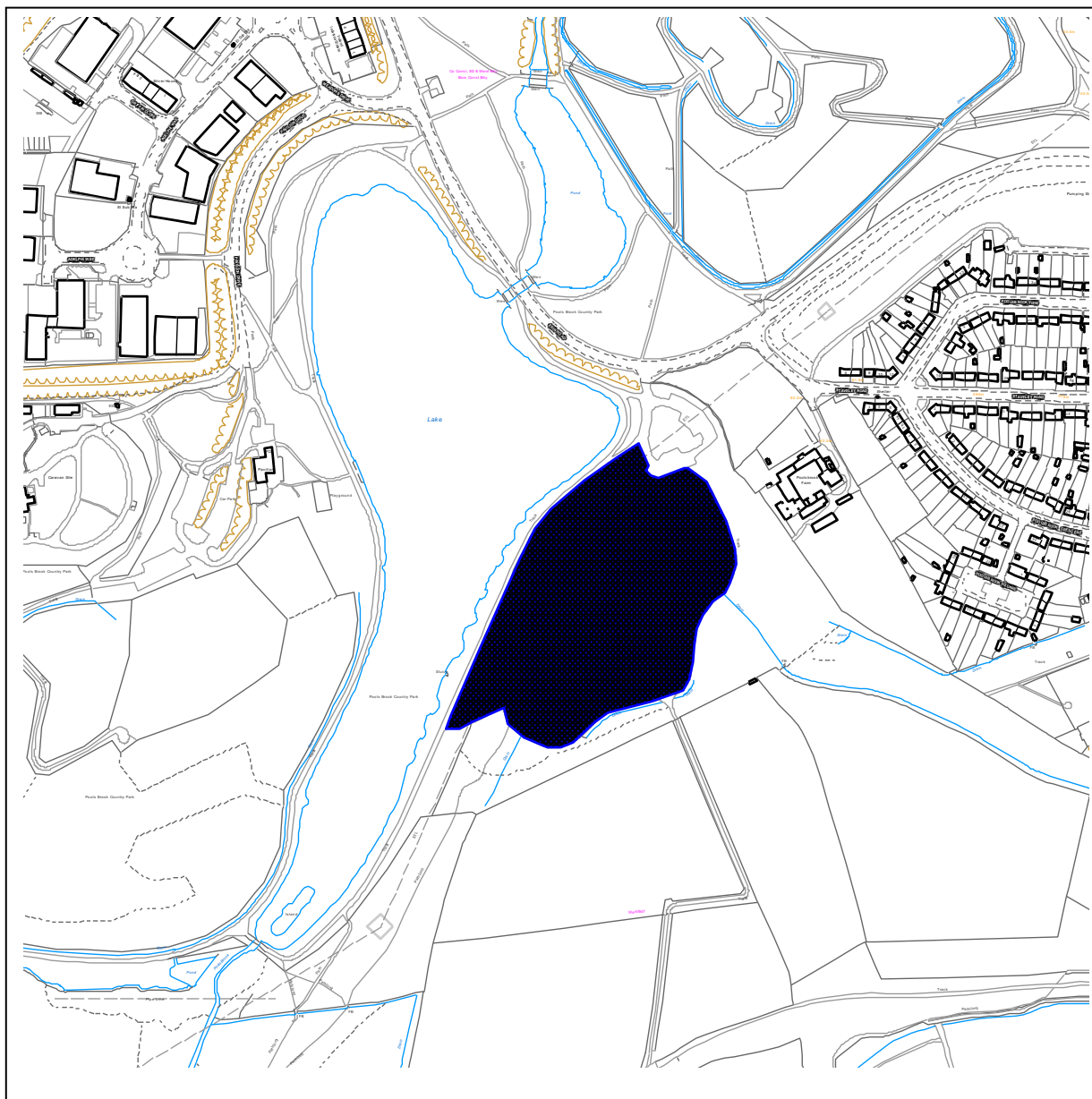


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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 2 – Map 12**



**Key**

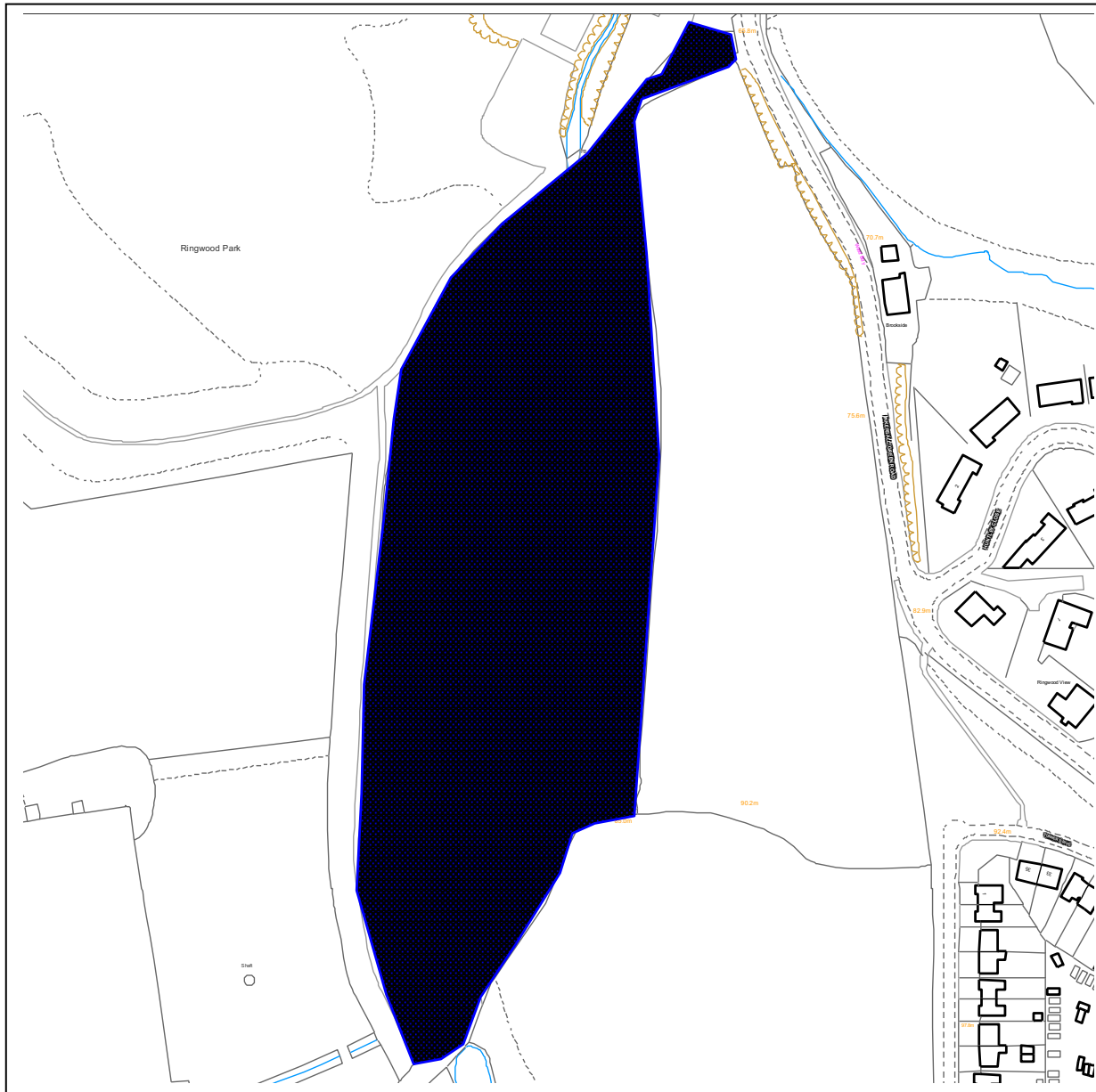
Dogs must be on leads at all times within the highlighted area



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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 2 – Map 13**

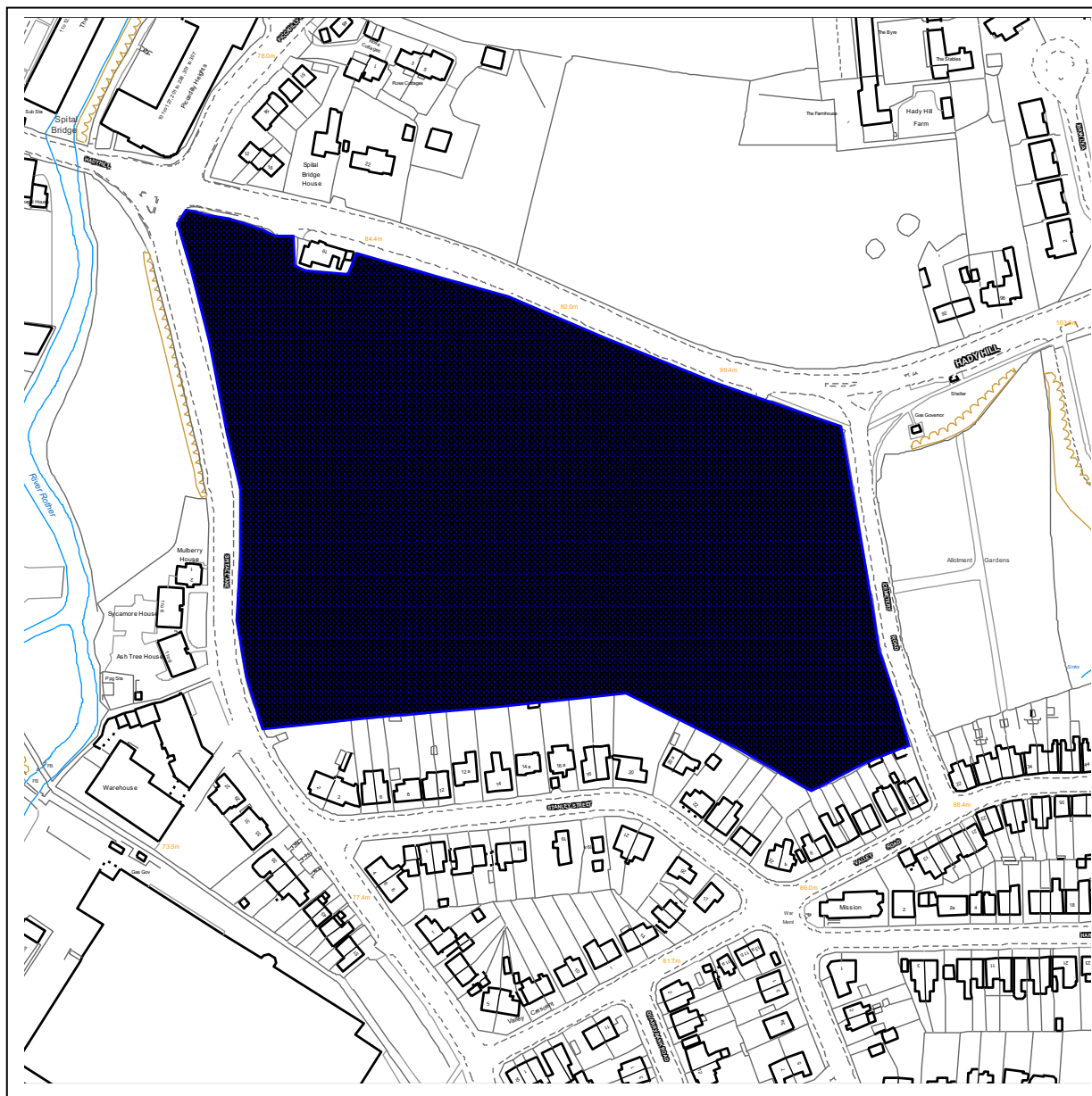


**Key**  
Dogs must be on leads at all times within the highlighted area 

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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 2 – Map 14**



**Key**

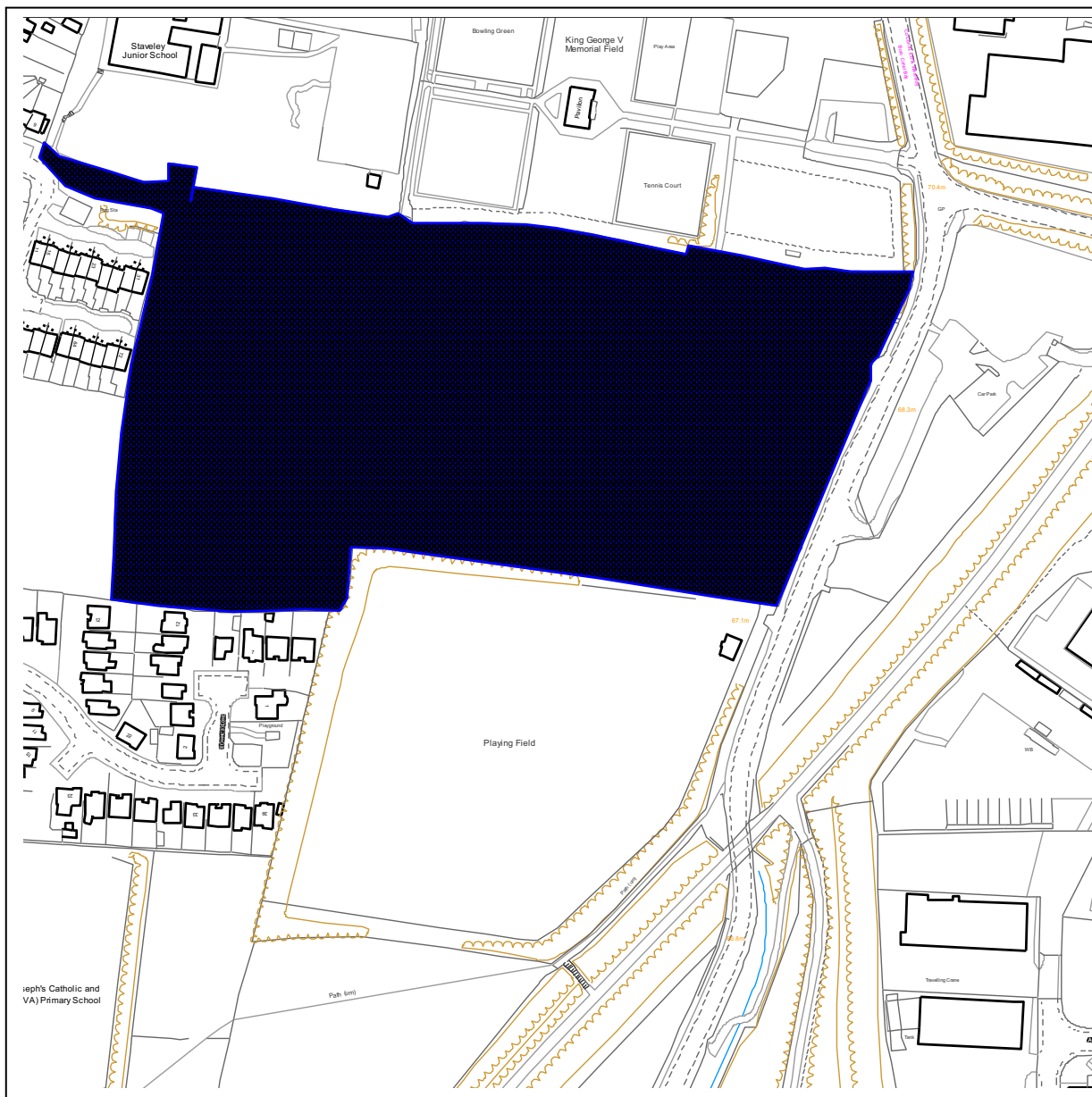
Dogs must be on leads at all times within the highlighted area



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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 2 – Map 15**



**Key**

Dogs must be on leads at all times within the highlighted area



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## Schedule Three

### Dogs are excluded

This Order applies to all land described below:

Map	Location
<b>16</b>	Badger Recreation Ground, Brockwell Lane, Chesterfield, Derbyshire (children's play area) (1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>17</b>	Brearley Park, High Street, Old Whittington, Chesterfield, Derbyshire, S41 9LN (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive) (cricket area, 1 <sup>st</sup> April to 30 <sup>th</sup> September inclusive)
<b>18</b>	Eastwood Park, Hasland Road, Chesterfield, Derbyshire, S41 0AY (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive) (football pitches, 1 <sup>st</sup> September to 31 <sup>st</sup> May inclusive)
<b>19</b>	Eastwood Recreation Ground (Thistle Park), Station Road, Brimington, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive) (football pitch between 1 <sup>st</sup> September to 31 <sup>st</sup> 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, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive) (football pitches, 1 <sup>st</sup> September to 31 <sup>st</sup> May inclusive)
<b>22</b>	Hilltop Recreation Ground, Hilltop Road, Old Whittington, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>23</b>	Holmebrook Valley Park, Water Meadow Lane, Newbold, Chesterfield, S41 8XP (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive) (football pitches 1 <sup>st</sup> September to 31 <sup>st</sup> May inclusive)
<b>24</b>	Inkerman Recreation (Wasps Nest), Ashgate Road, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>25</b>	Inkersall Green Recreation Ground, Inkersall Green Road, Chesterfield, Derbyshire (children's play area, all year) (football pitches 1 <sup>st</sup> September to 31 <sup>st</sup> May inclusive)
<b>26</b>	King George's Field, Inkersall Road, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>27</b>	Kirkstone Road Recreation Ground, Kirkstone Road, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)


<b>Map</b>	<b>Location</b>
<b>28</b>	Langer Field, Langer Lane, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive) (football pitch 1 <sup>st</sup> September to 31 <sup>st</sup> May inclusive)
<b>29</b>	Loundsley Green Playing Field, Pennine Way, Chesterfield, Derbyshire (children's play areas, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>30</b>	Brimington Common, Recreation Road, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>31</b>	Markham Way, (near B&Q) Chesterfield, Derbyshire (skateboard park, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>32</b>	Pearson Recreation, Old Hall Road, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>33</b>	Poolsbrook Country Park, Pavilion Drive, Staveley, Chesterfield, S43 3LH (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>34</b>	Poolsbrook Playing Field, Cottage Close, Poolsbrook, Chesterfield, Derbyshire (children's play areas, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive) (football pitch, 1 <sup>st</sup> September to 31 <sup>st</sup> May inclusive)
<b>35</b>	Poolsbrook Road Recreation Ground, Poolsbrook Road, Duckmanton, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>36</b>	Queen's Park, Park Road, Chesterfield, Derbyshire, S40 2ND (children's play areas, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive) (cricket pitch, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>37</b>	Spital Recreation Ground, Spital Lane, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>38</b>	Somersall Park, Somersall Lane, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>39</b>	Stand Road Park, Stand Road, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive) (skate park, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive) (football pitches, 1 <sup>st</sup> September to 31 <sup>st</sup> May inclusive)
<b>40</b>	Station Road Recreation Ground, Station Road, Barrow Hill, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>41</b>	Stone Lane 'kick about', Stone Lane, New Whittington, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)

<b>Map</b>	<b>Location</b>
<b>42</b>	Tapton Park, Brimington Road, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>43</b>	Wain Avenue, Chesterfield, Derbyshire (games court, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)
<b>44</b>	Valley Road Recreation, Valley Road, Chesterfield, Derbyshire (children's play area, 1 <sup>st</sup> January to 31 <sup>st</sup> December inclusive)

**Chesterfield Borough Council Public Spaces Protection Order 2018**  
**Schedule 3 – Map 16**



**Key**

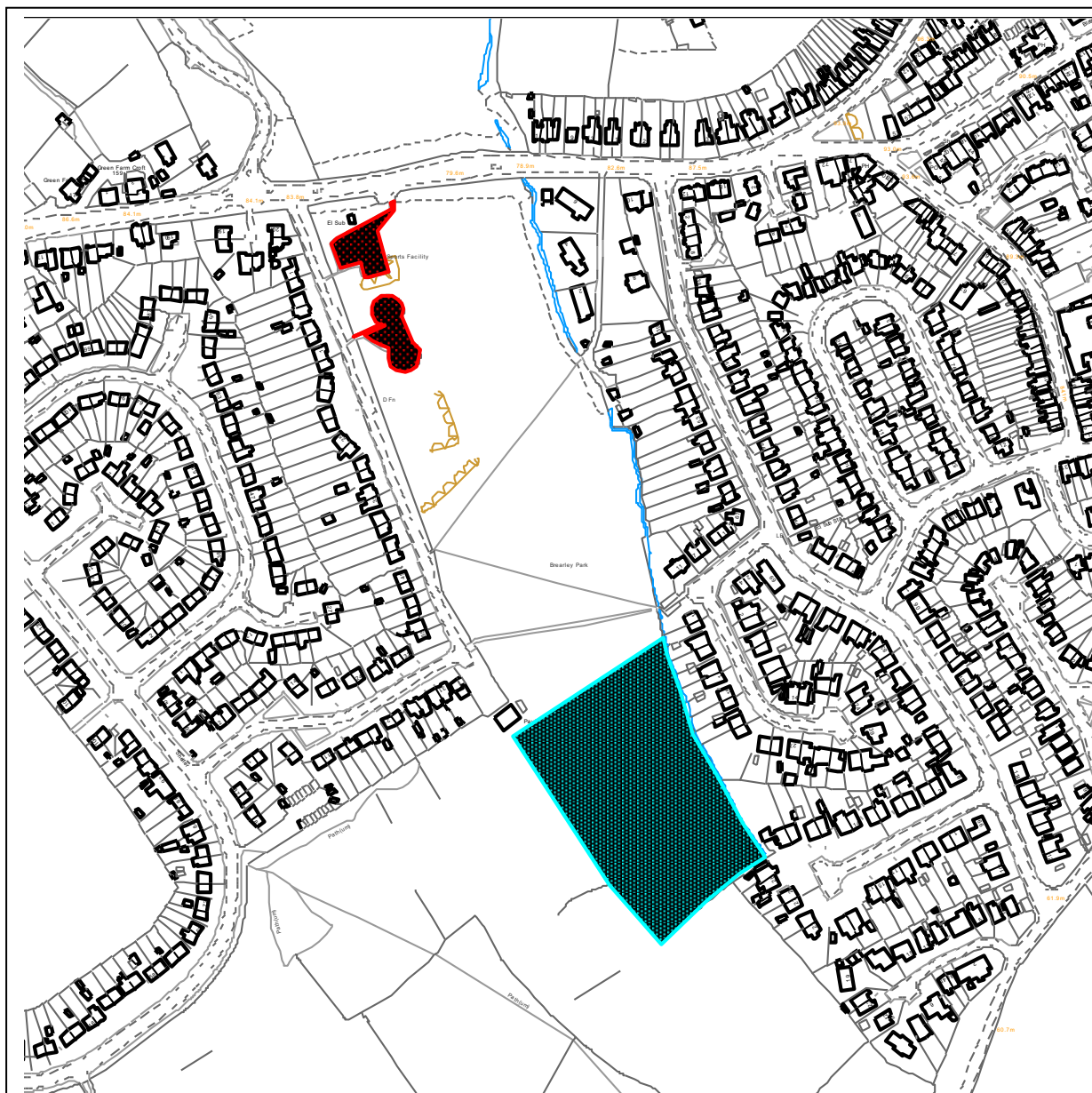
Dogs are excluded all year within the highlighted area 

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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 3 – Map 17**



**Key**

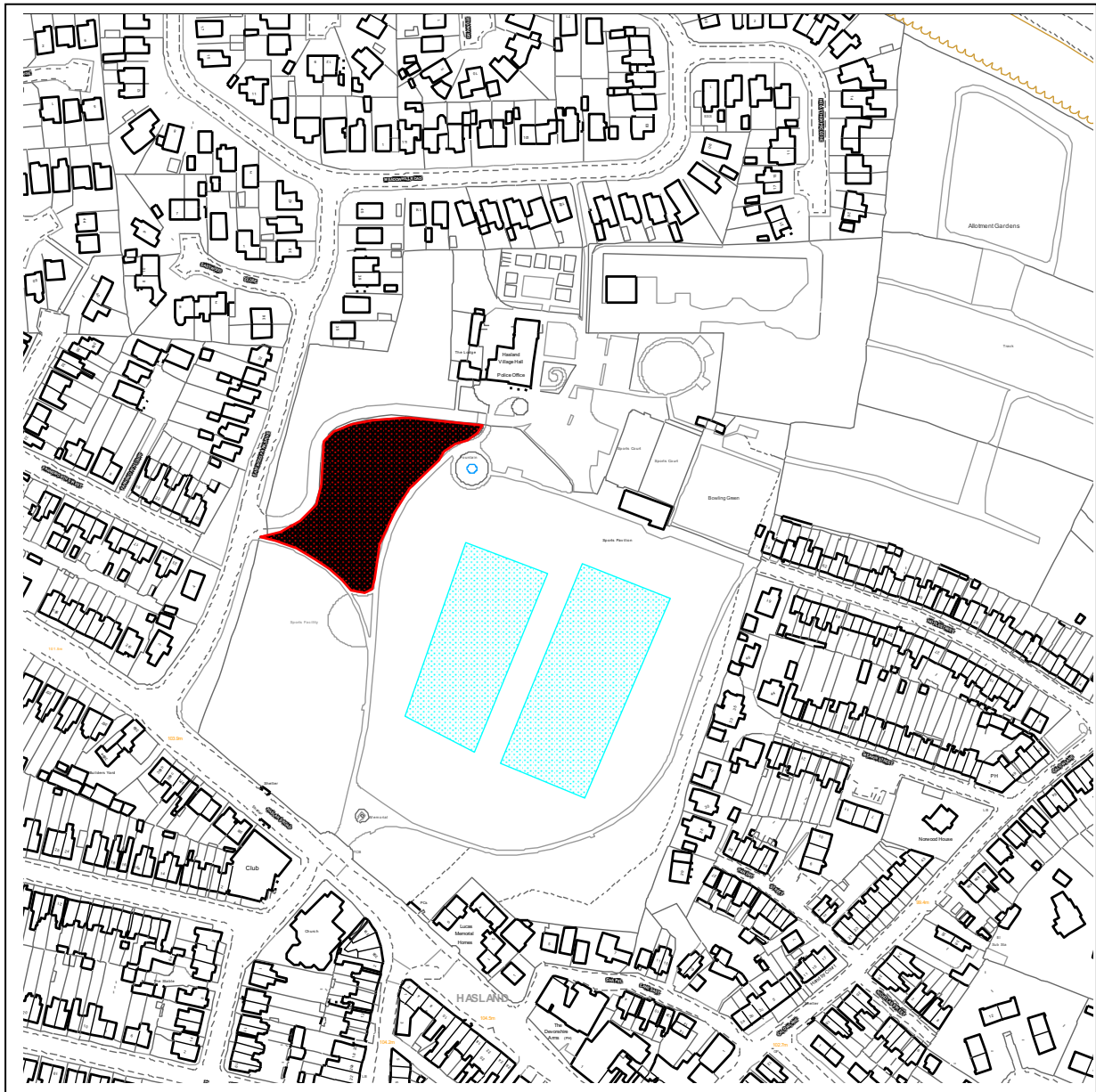
Dogs are excluded all year within the highlighted area 

Dogs are excluded during the months of April to September (inclusive) in the area highlighted 


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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 3 – Map 18**



**Key**

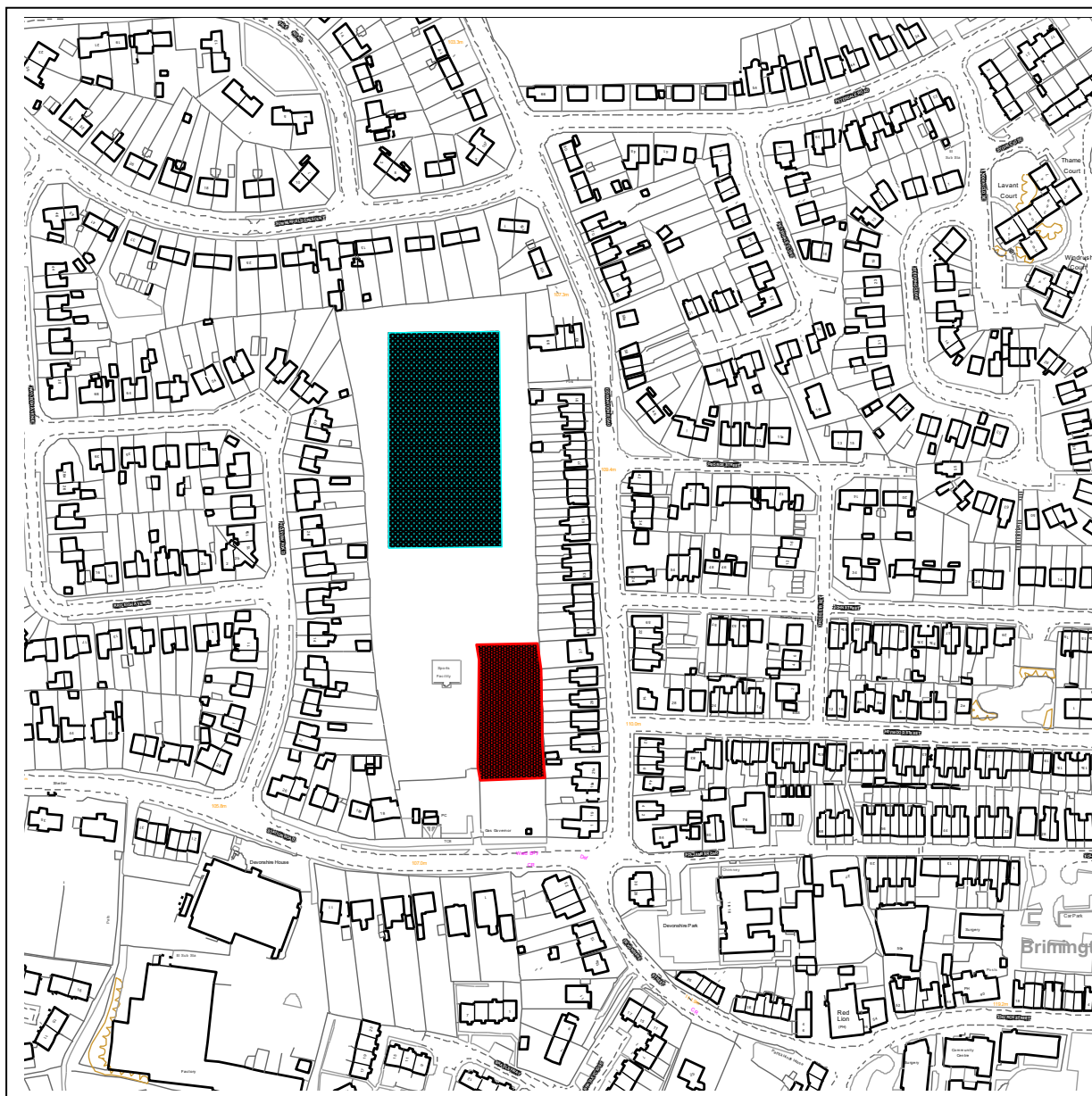
Dogs are excluded all year within the highlighted area 

Dogs are excluded during the months of September to May (inclusive) 


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## Chesterfield Borough Council Public Spaces Protection Order 2018

### Schedule 3 – Map 19



#### Key

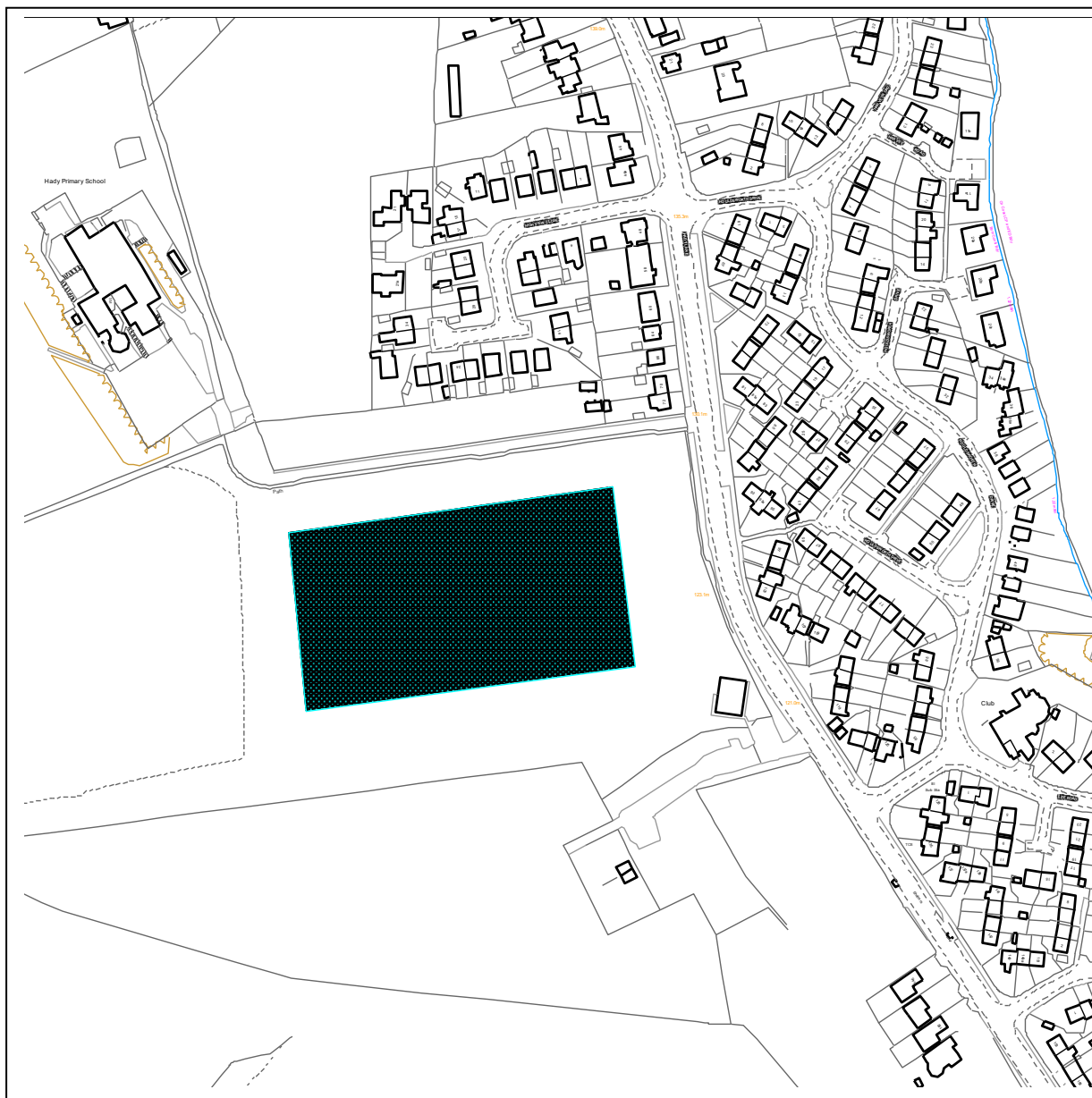
Dogs are excluded all year within the highlighted area 

Dogs are excluded during the months of September to May (inclusive) 


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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 3 – Map 20**



**Key**

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## Chesterfield Borough Council Public Spaces Protection Order 2018

### Schedule 3 – Map 21



#### Key

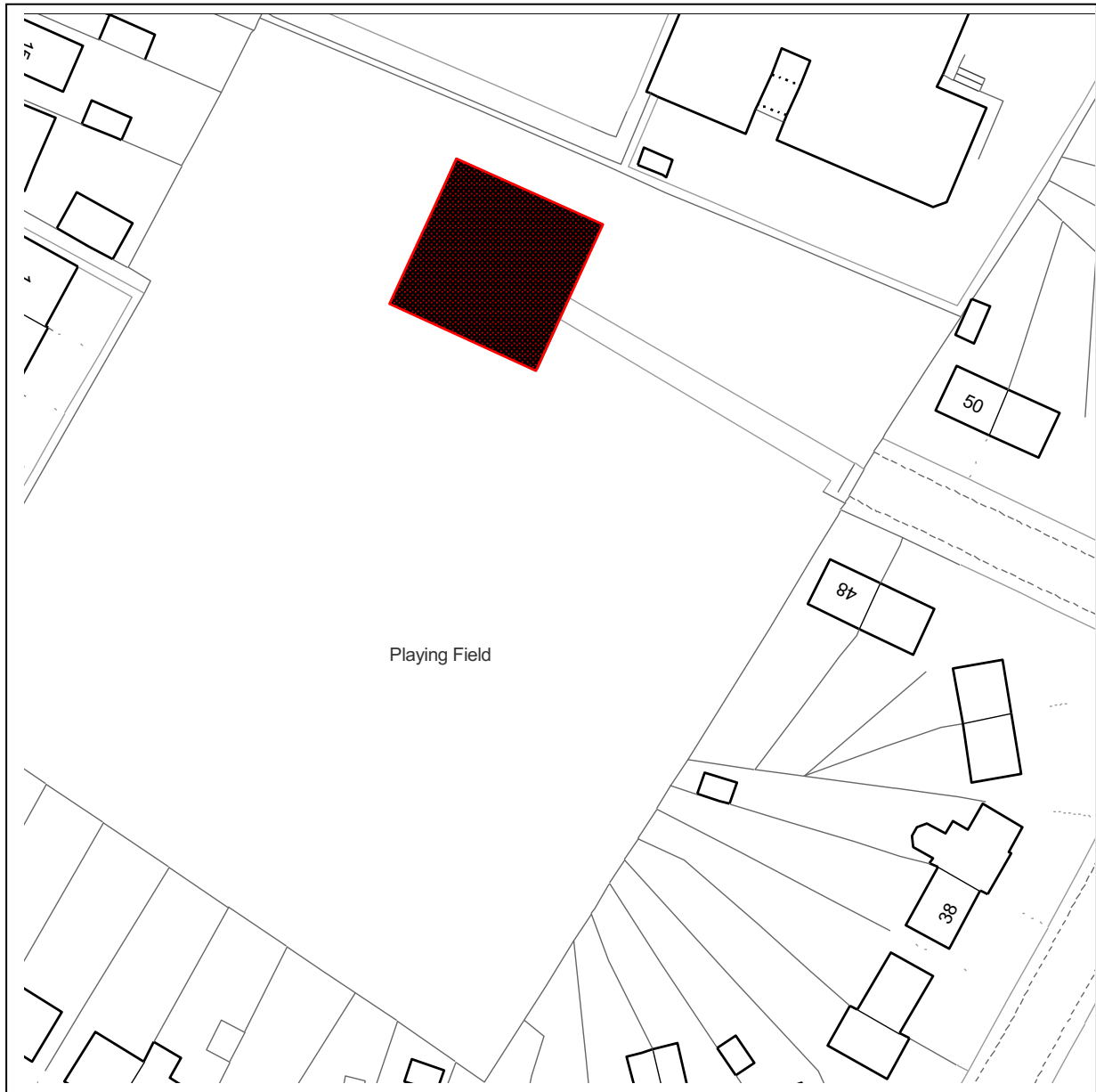
Dogs are excluded all year within the highlighted area 

Dogs are excluded during the months of September to May (inclusive) 


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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 3 – Map 22**



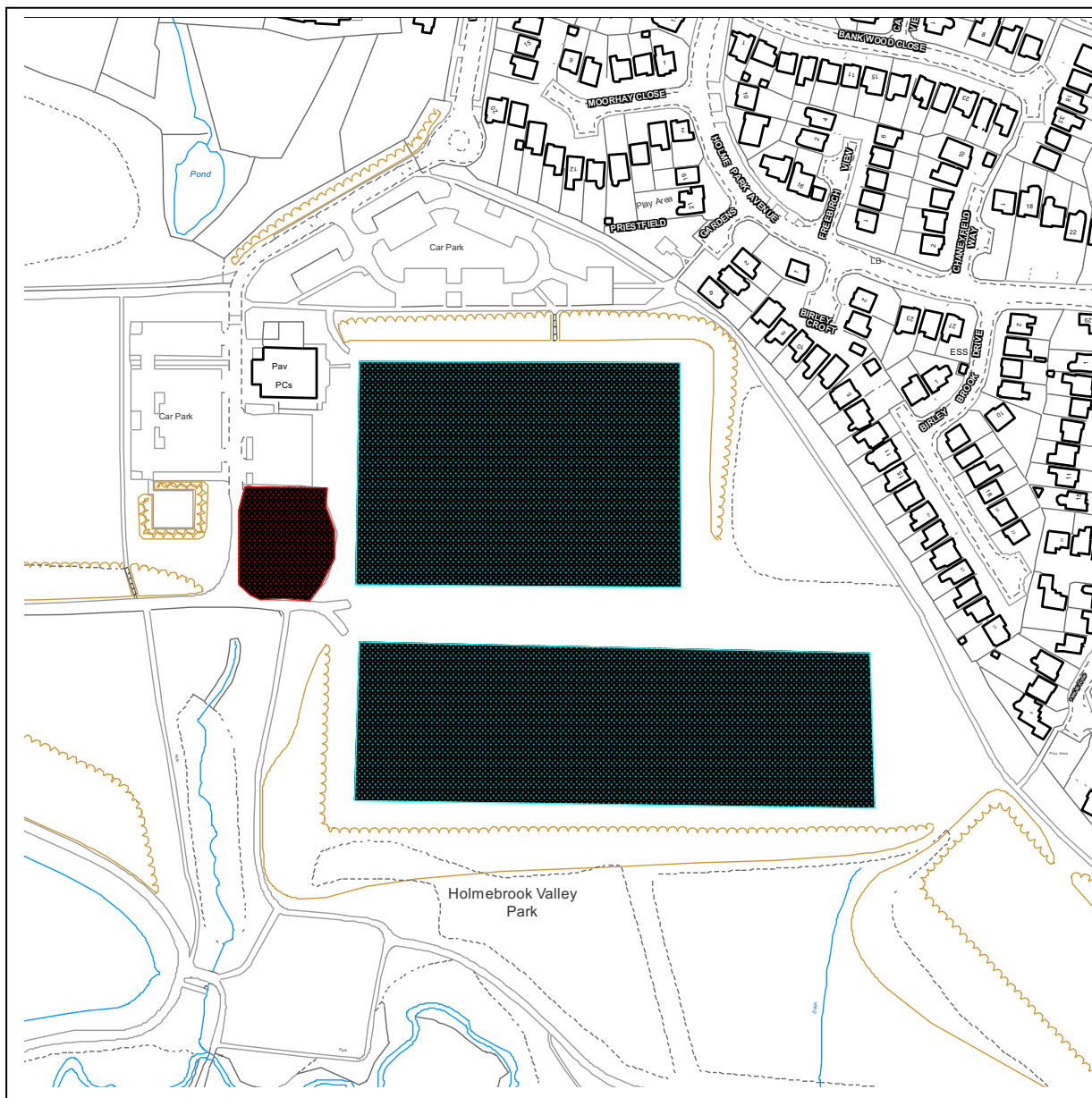
**Key**

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## Chesterfield Borough Council Public Spaces Protection Order 2018

### Schedule 3 – Map 23



#### Key

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Dogs are excluded during the months of September to May (inclusive) 


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## Chesterfield Borough Council Public Spaces Protection Order 2018

### Schedule 3 – Map 24



#### Key

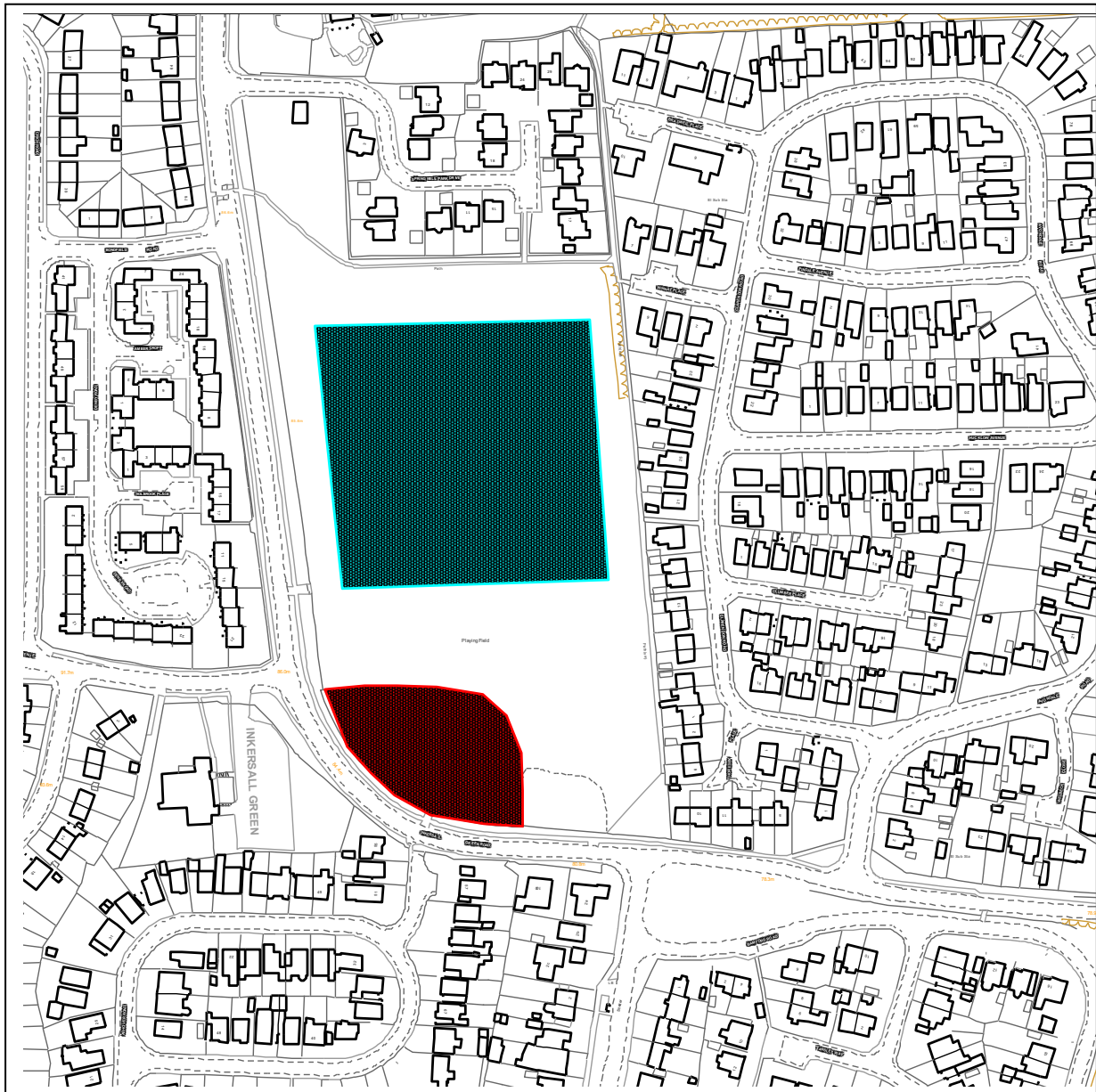
Dogs are excluded all year within the highlighted area 

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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 3 – Map 25**



**Key**

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Dogs are excluded during the months of September to May (inclusive) 


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## Chesterfield Borough Council Public Spaces Protection Order 2018

### Schedule 3 – Map 26



#### Key

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## Chesterfield Borough Council Public Spaces Protection Order 2018

### Schedule 3 – Map 27



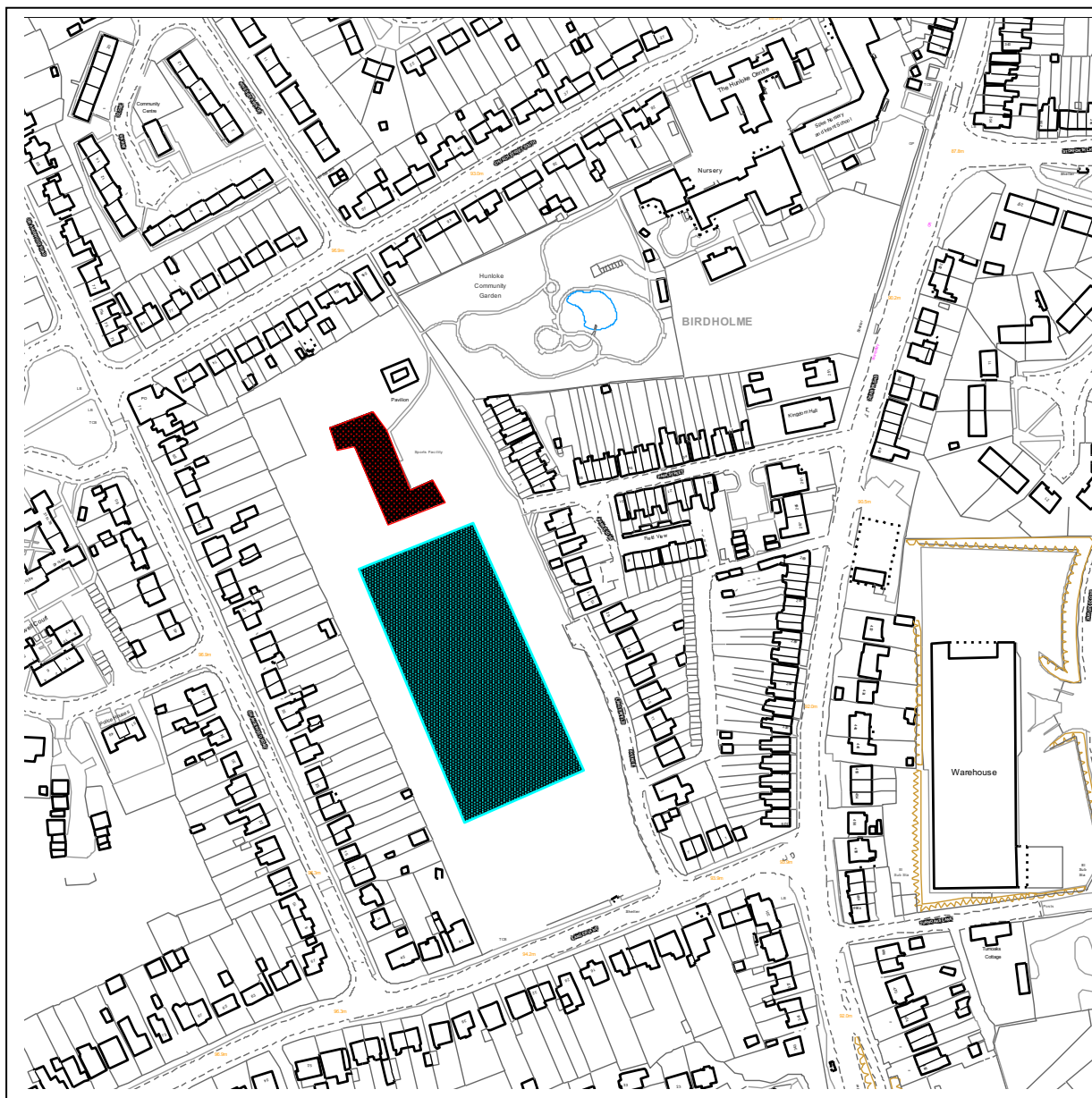
#### Key

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## Chesterfield Borough Council Public Spaces Protection Order 2018

### Schedule 3 – Map 28



#### Key

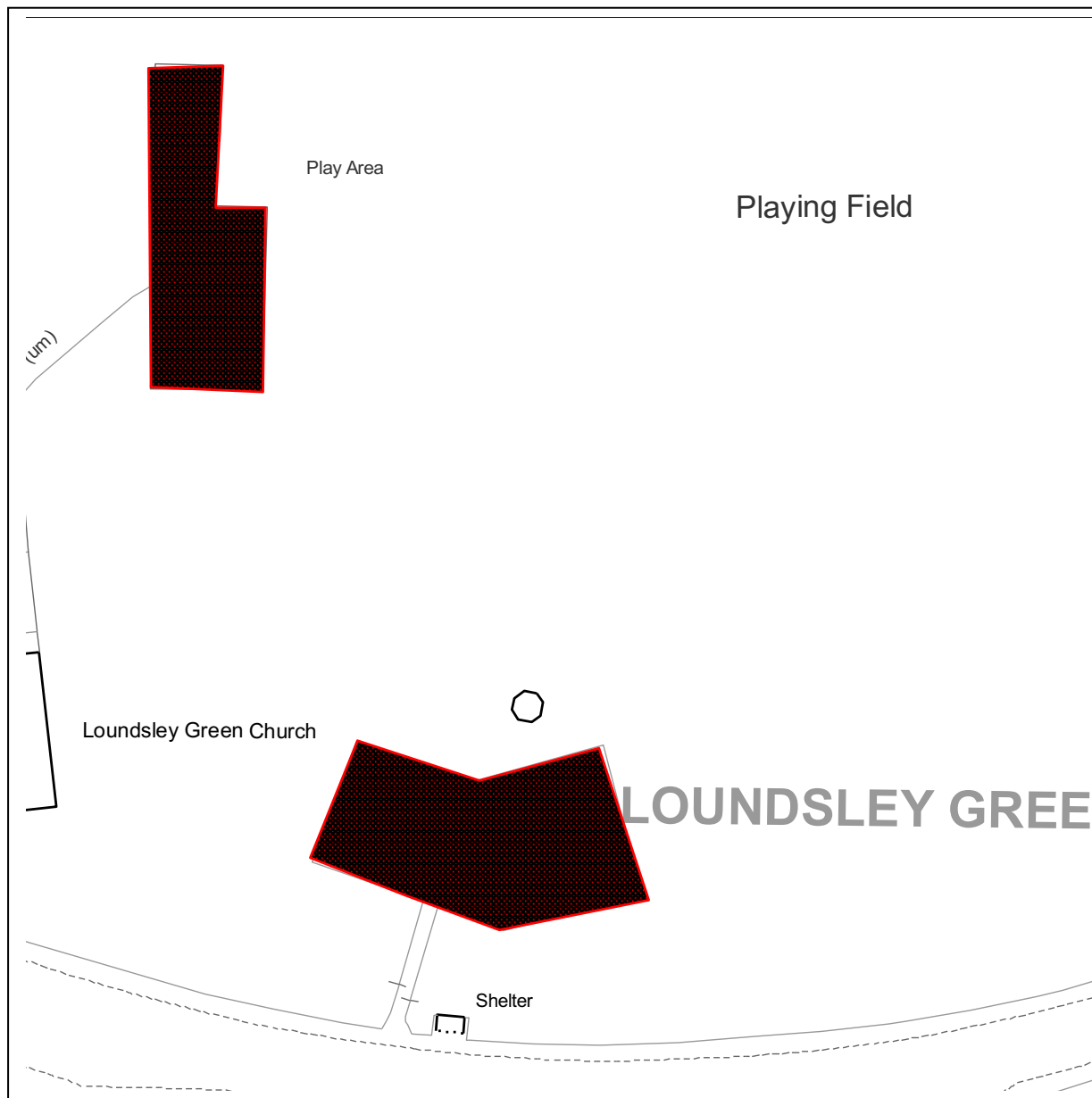
Dogs are excluded all year within the highlighted area 

Dogs are excluded during the months of September to May (inclusive) 


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## Chesterfield Borough Council Public Spaces Protection Order 2018

### Schedule 3 – Map 29



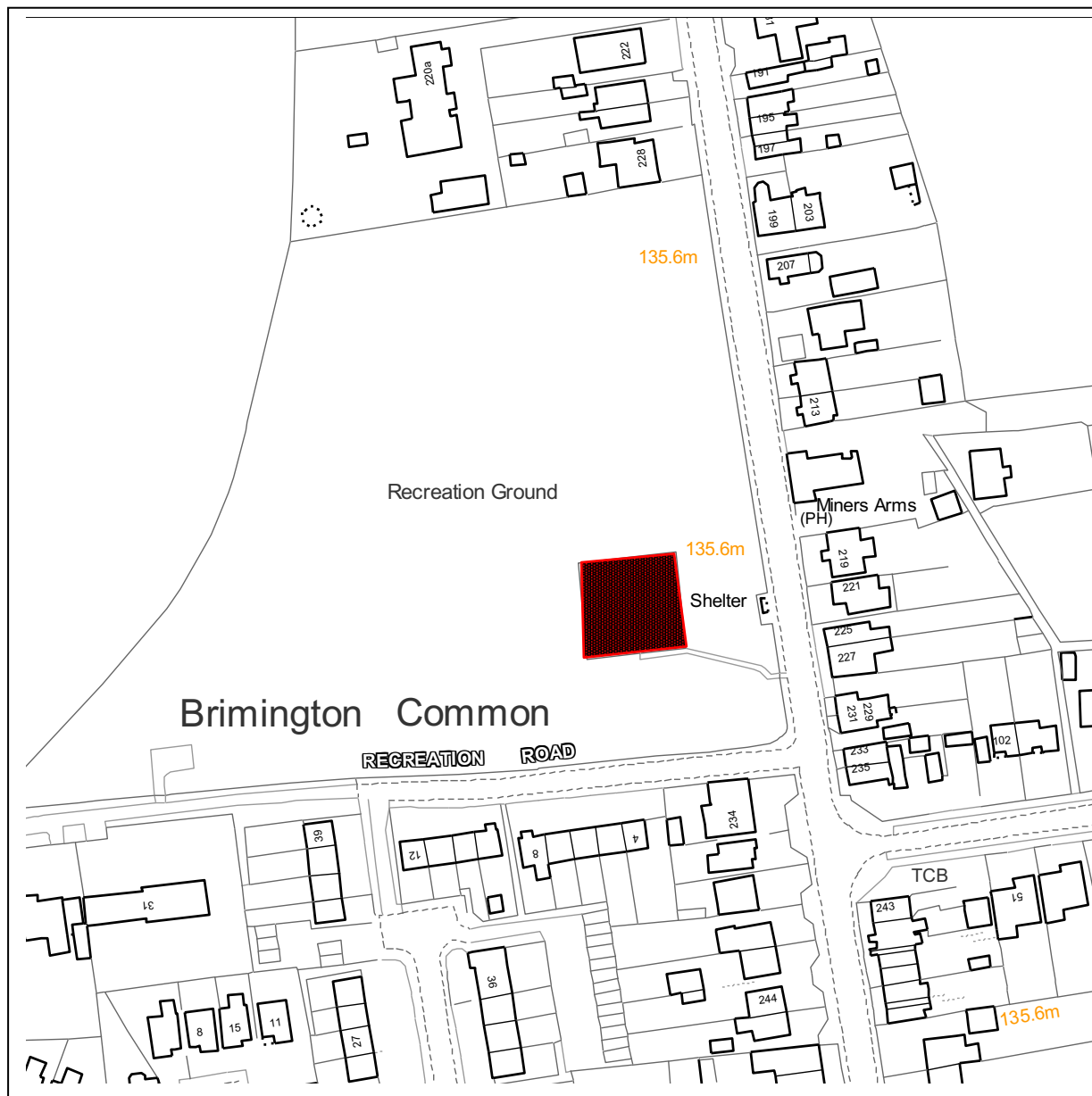
#### Key

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## Chesterfield Borough Council Public Spaces Protection Order 2018

### Schedule 3 – Map 30



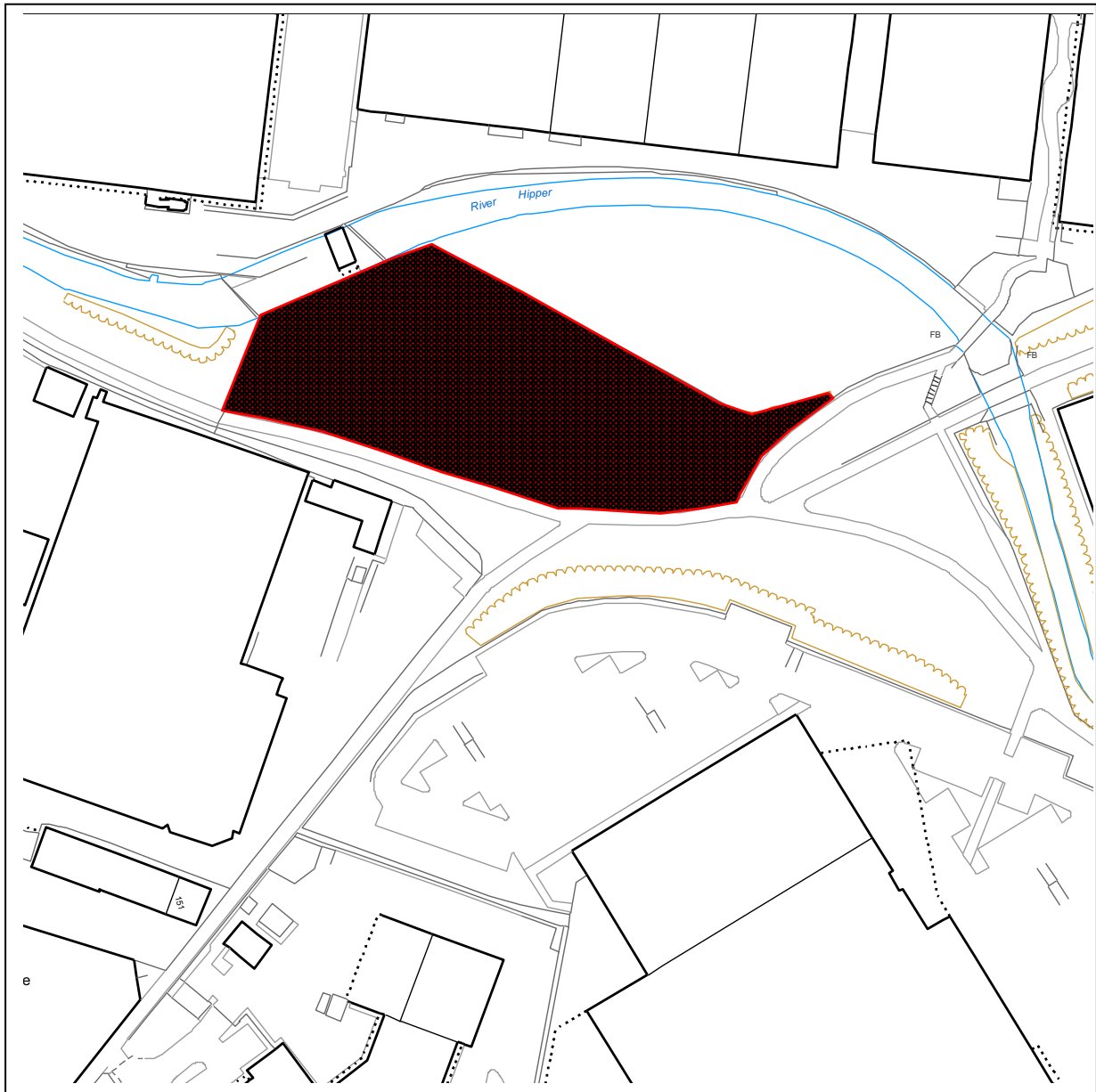
#### Key

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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 3 – Map 31**



**Key**

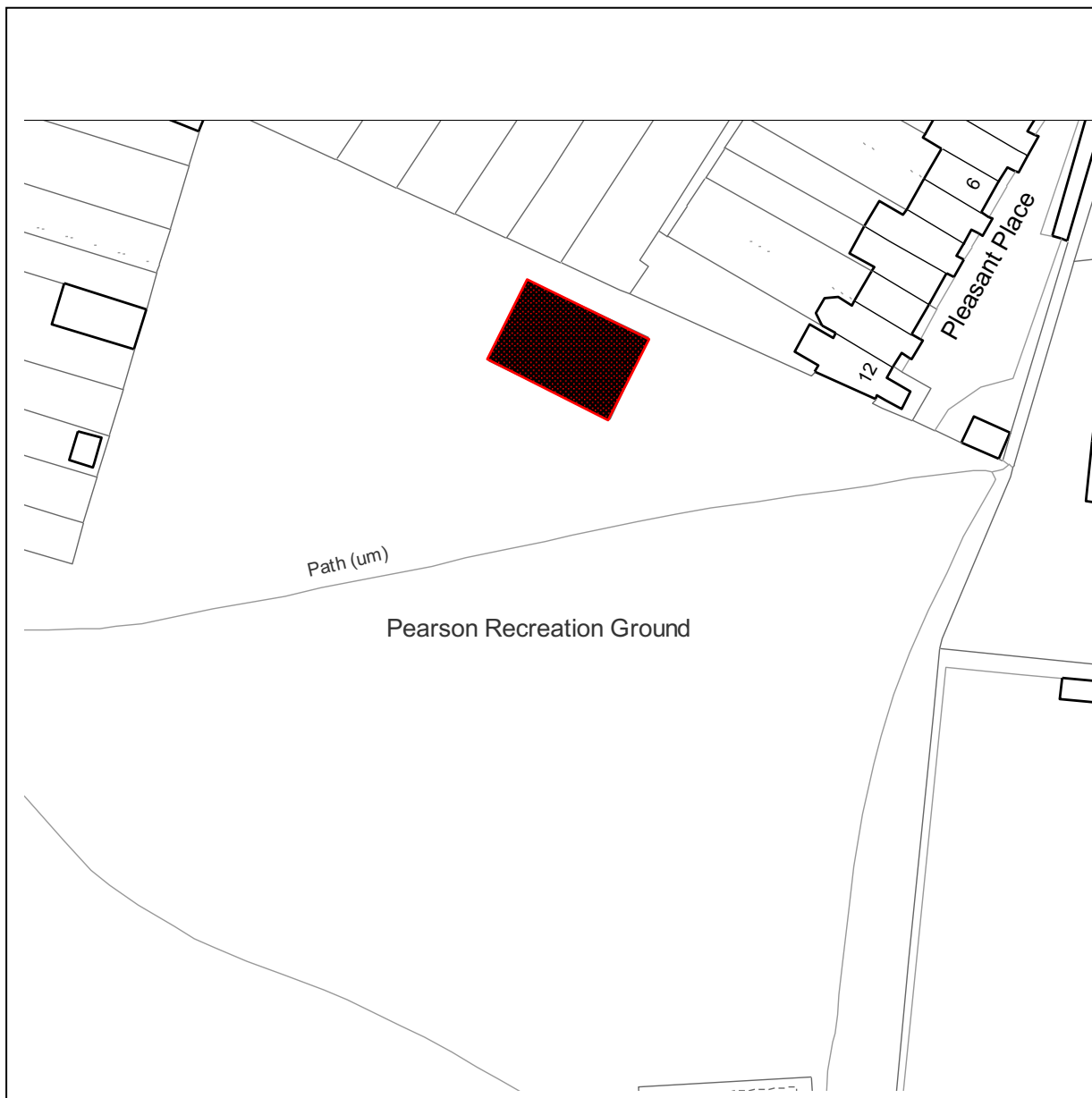
Dogs are excluded all year within the highlighted area 

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## Chesterfield Borough Council Public Spaces Protection Order 2018

### Schedule 3 – Map 32



#### Key

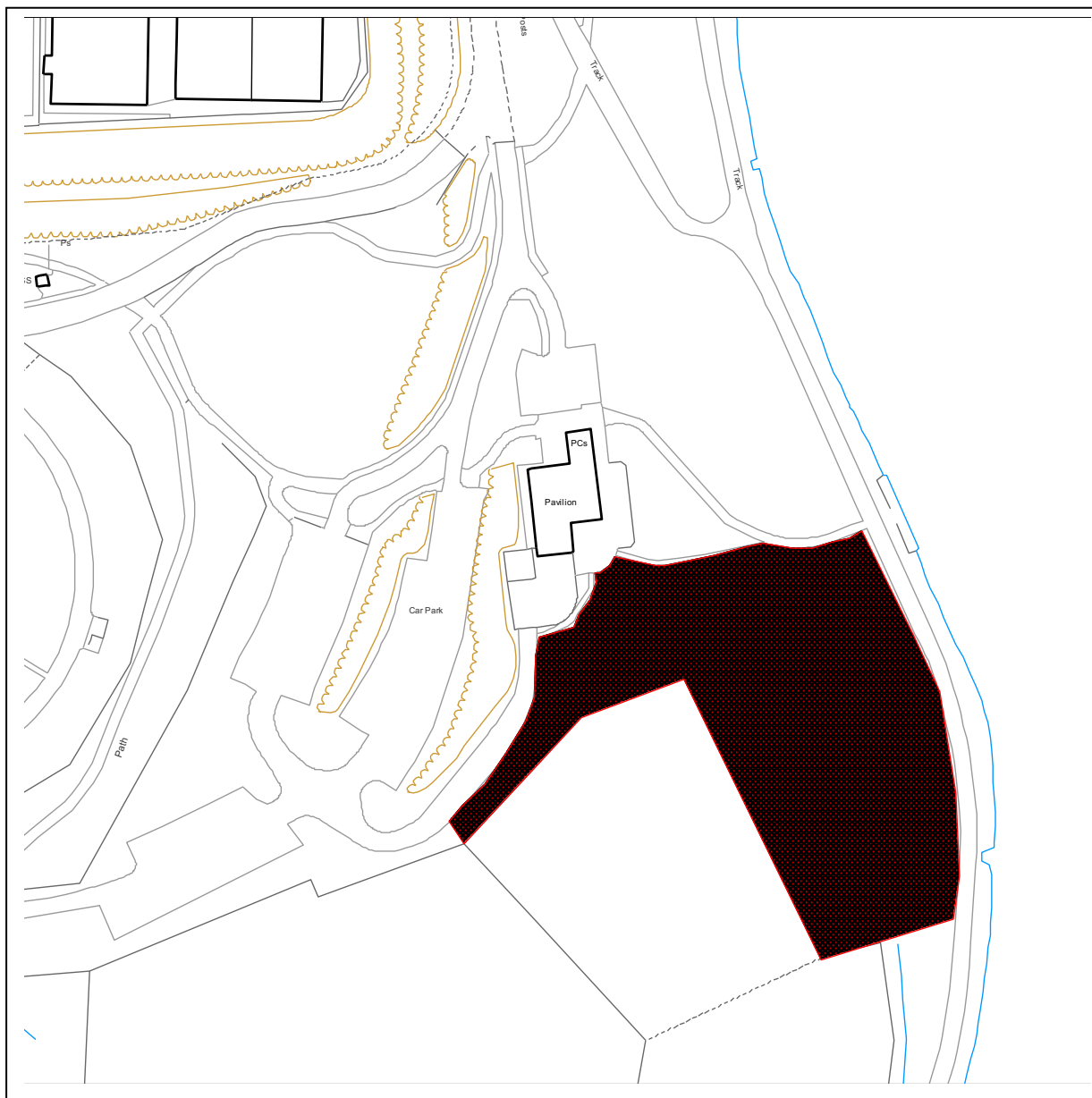
Dogs are excluded all year within the highlighted area 

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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 3 – Map 33**



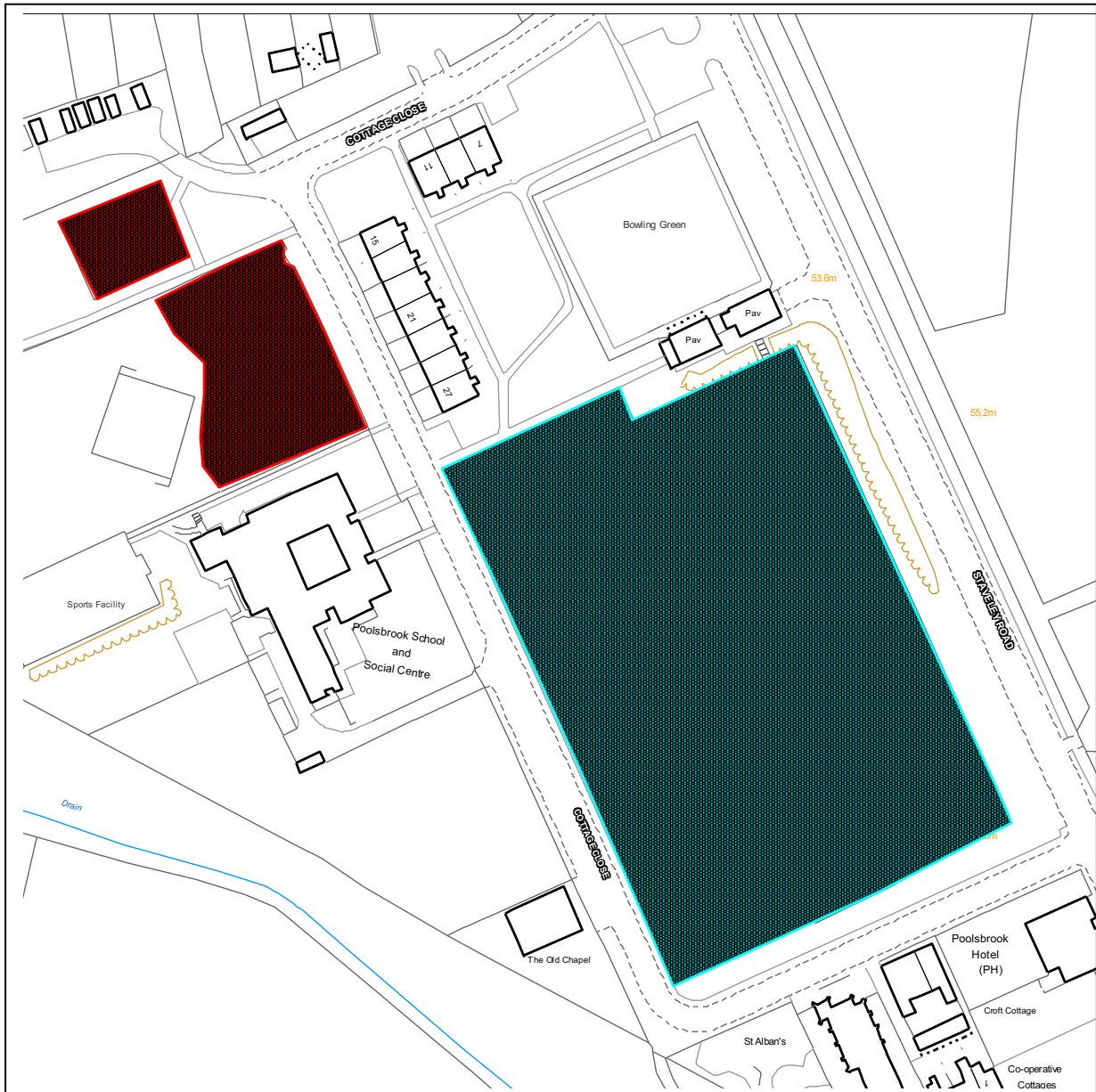
**Key**

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## Chesterfield Borough Council Public Spaces Protection Order 2018

### Schedule 3 – Map 34



#### Key

Dogs are excluded all year within the highlighted area 

Dogs are excluded during the months of September to May (inclusive) 


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## Chesterfield Borough Council Public Spaces Protection Order 2018

### Schedule 3 – Map 35



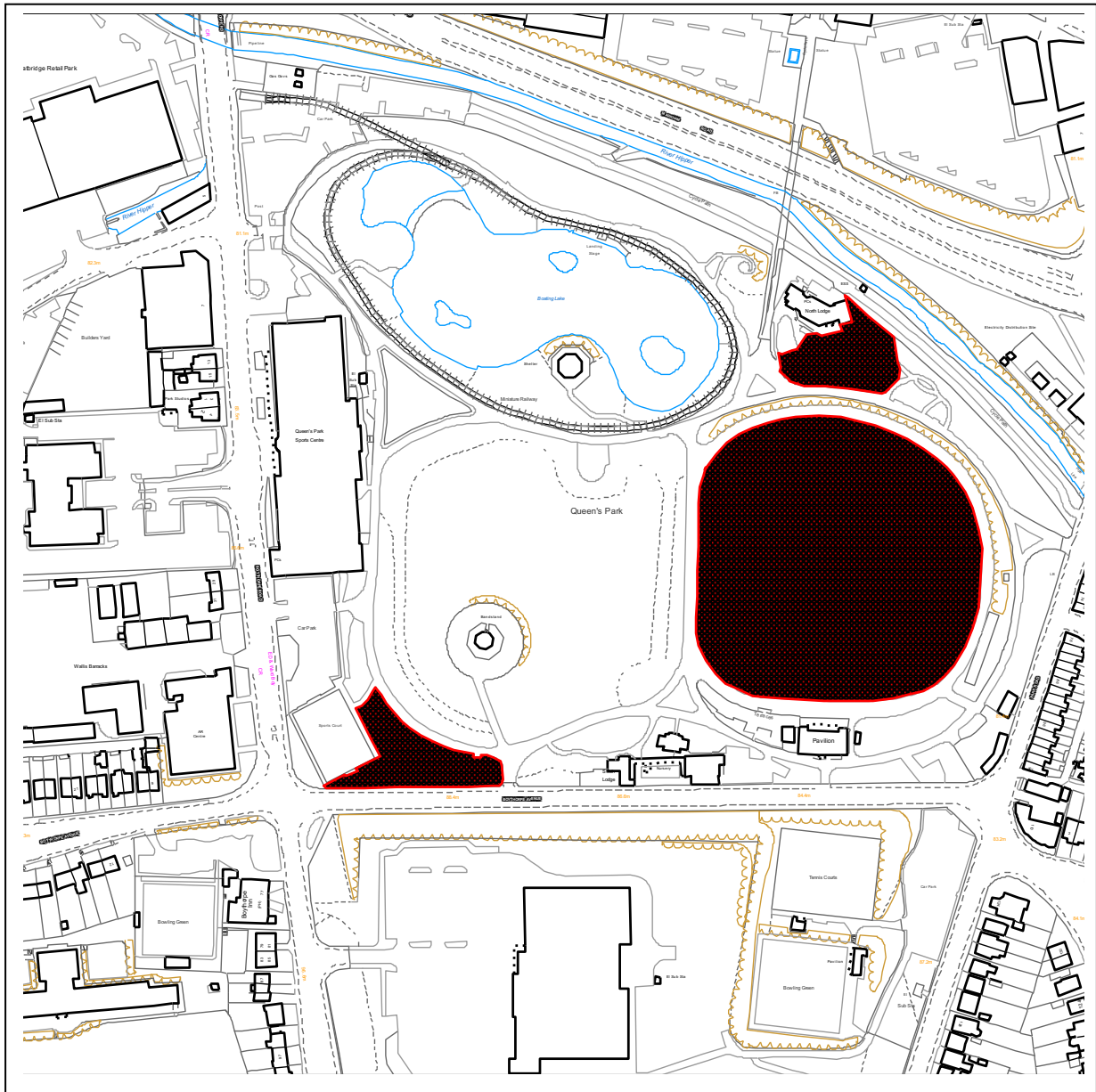
#### Key

Dogs are excluded all year within the highlighted area 


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## Chesterfield Borough Council Public Spaces Protection Order 2018

### Schedule 3 – Map 36



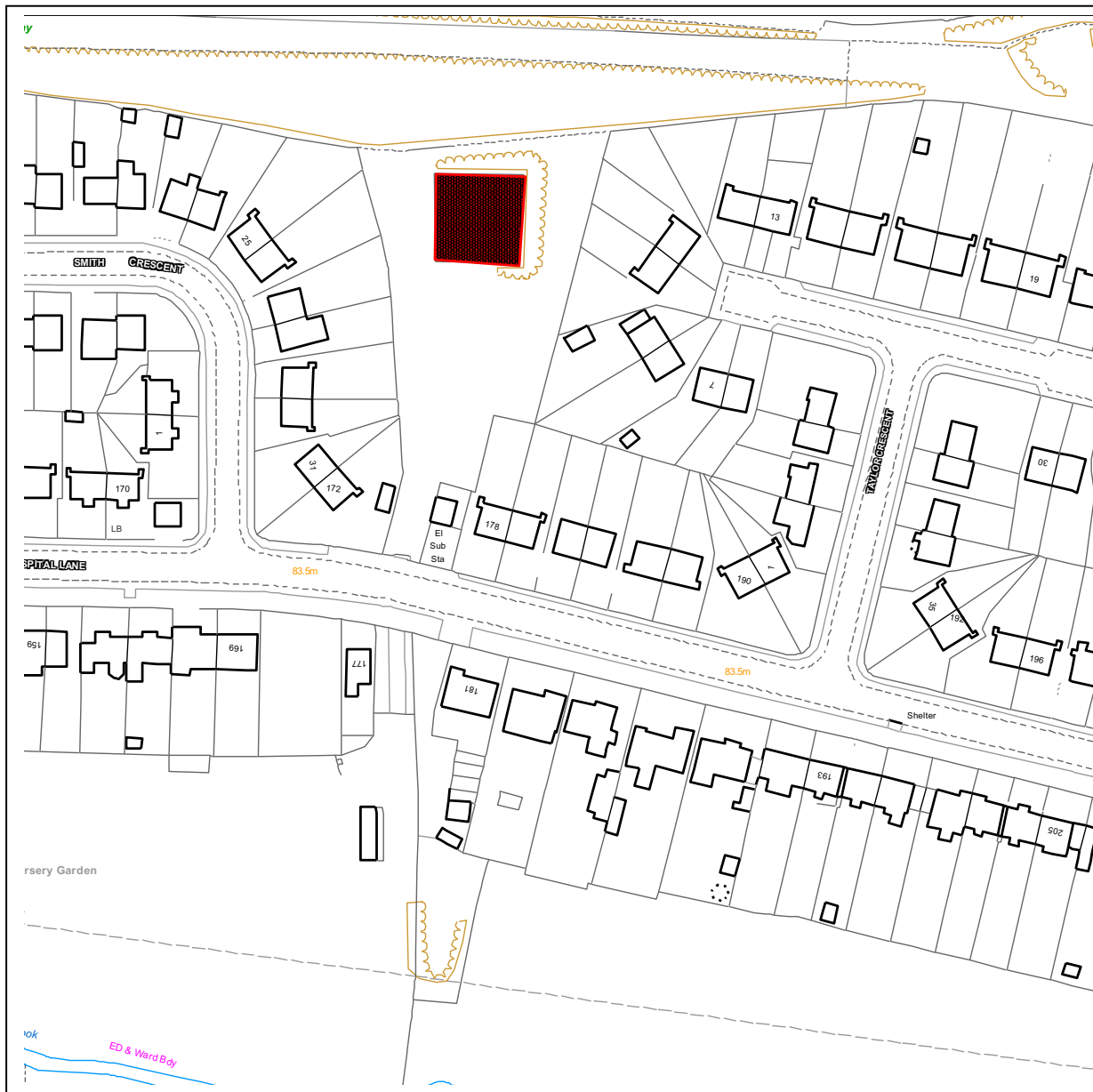
#### Key

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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 3 – Map 37**



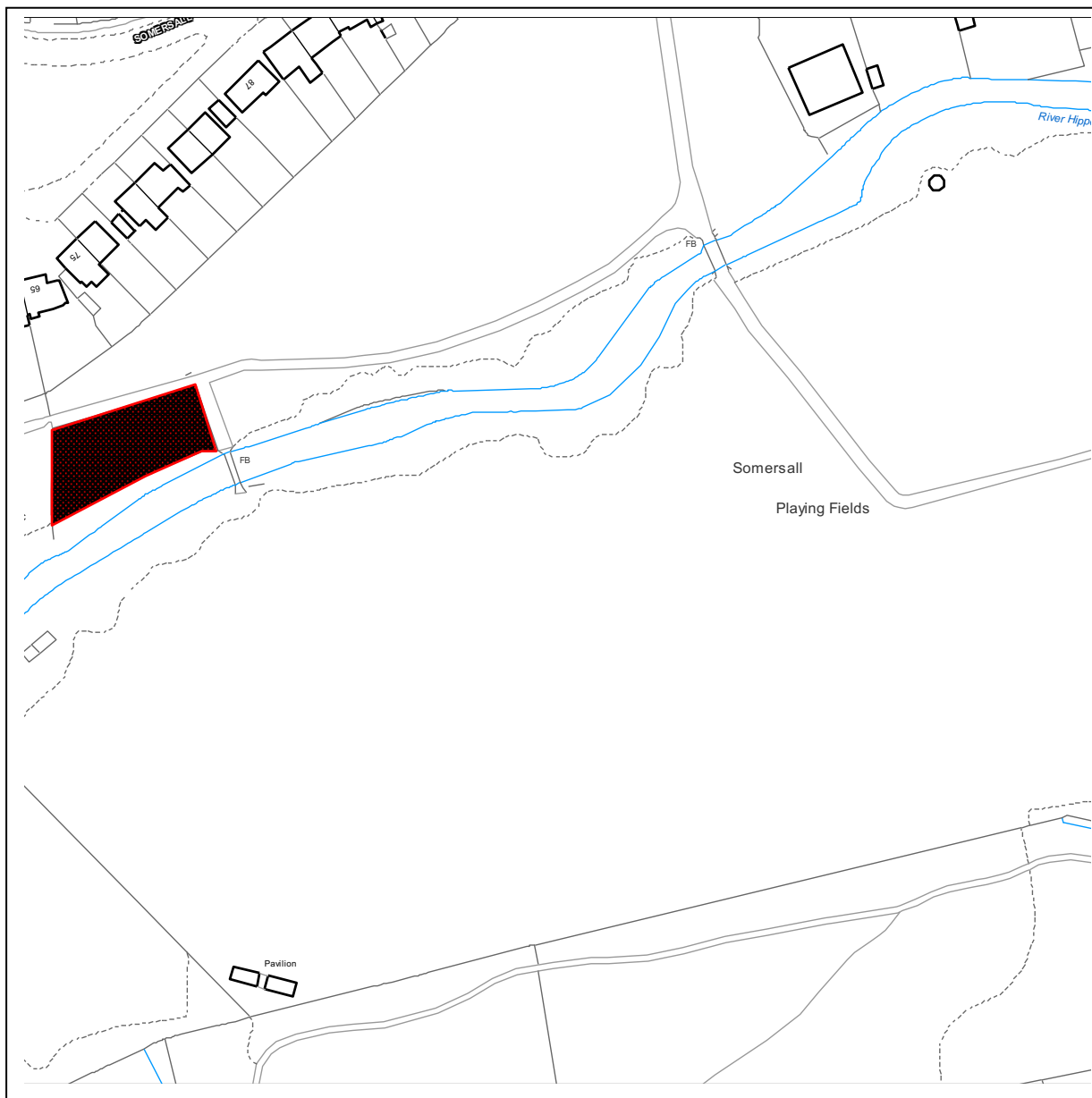
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## Chesterfield Borough Council Public Spaces Protection Order 2018

### Schedule 3 – Map 38



#### Key

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
## Chesterfield Borough Council Public Spaces Protection Order 2018

### Schedule 3 – Map 39



#### Key

Dogs are excluded all year within the highlighted area 

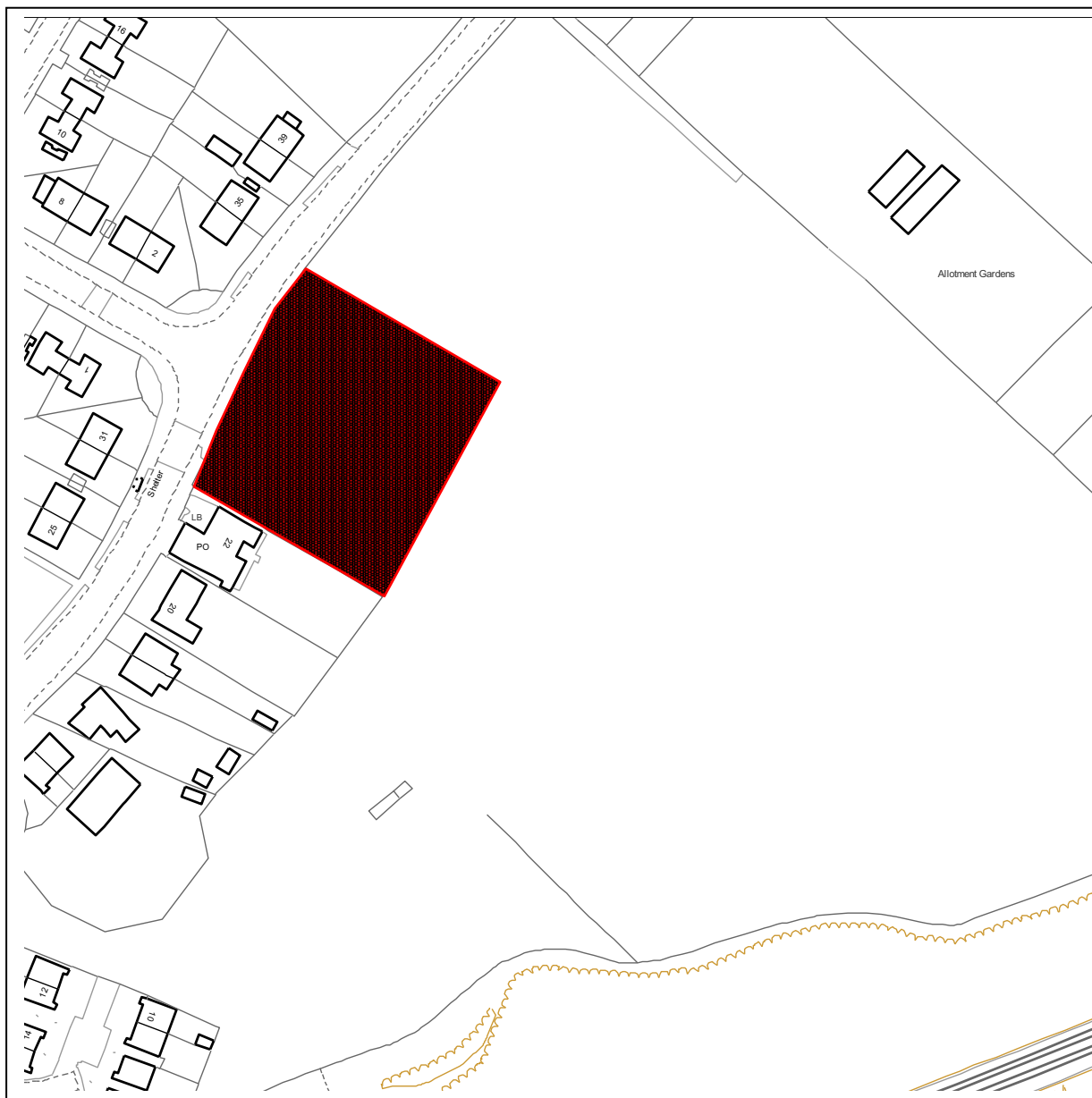
Dogs are excluded during the months of September to May (inclusive) 

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## Chesterfield Borough Council Public Spaces Protection Order 2018

### Schedule 3 – Map 40



#### Key

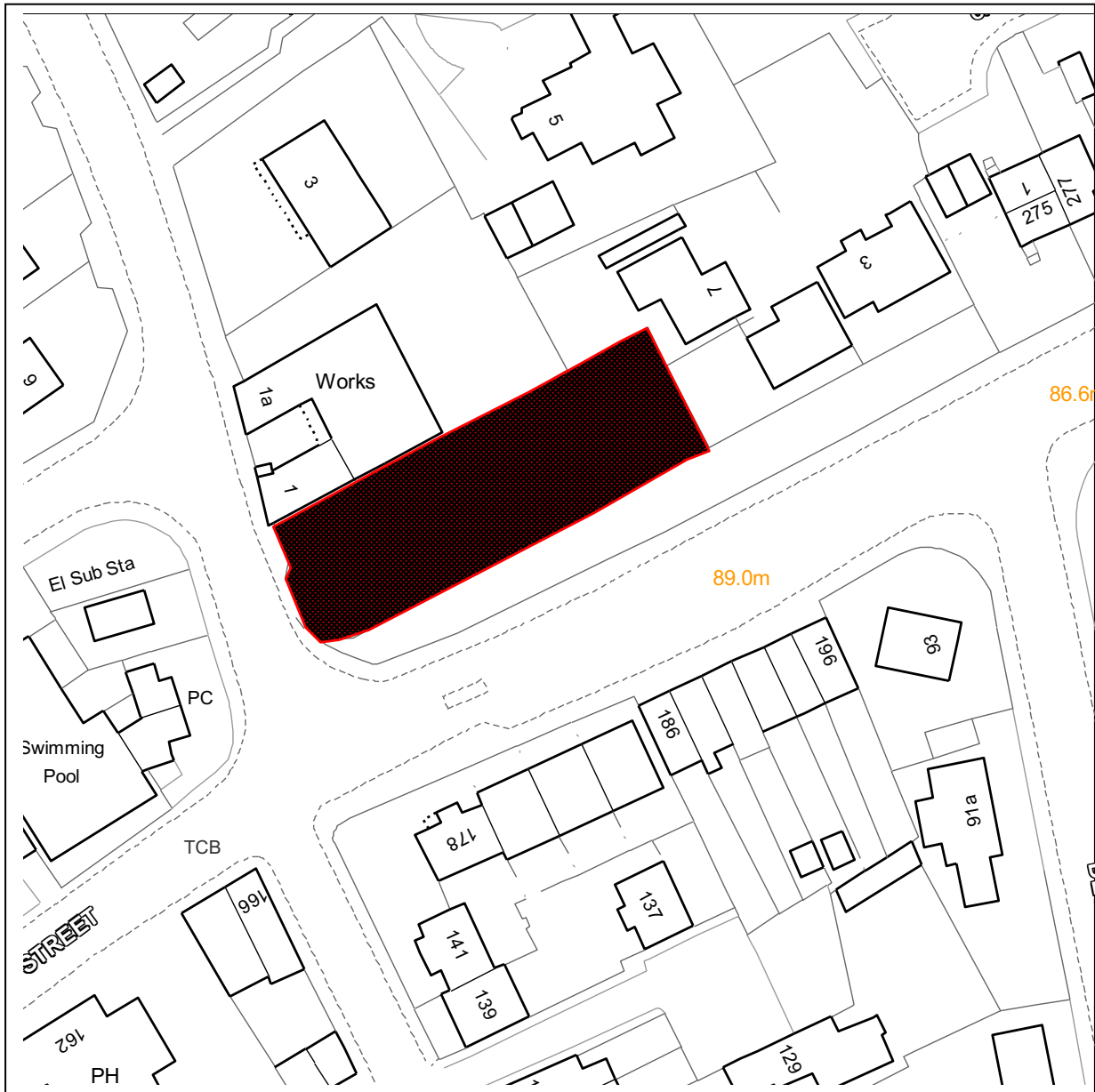
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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 3 – Map 41**



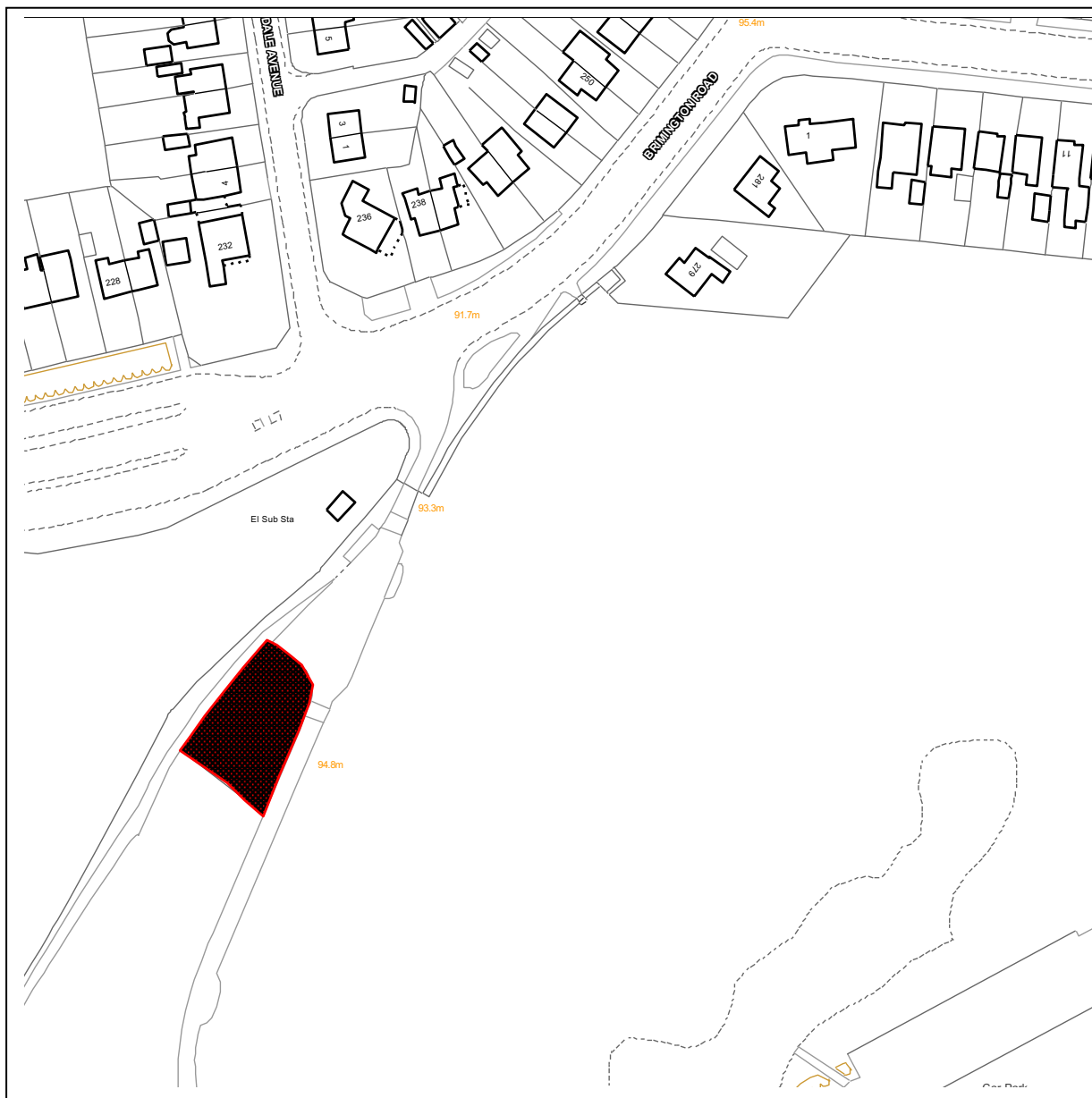
**Key**

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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 3 – Map 42**



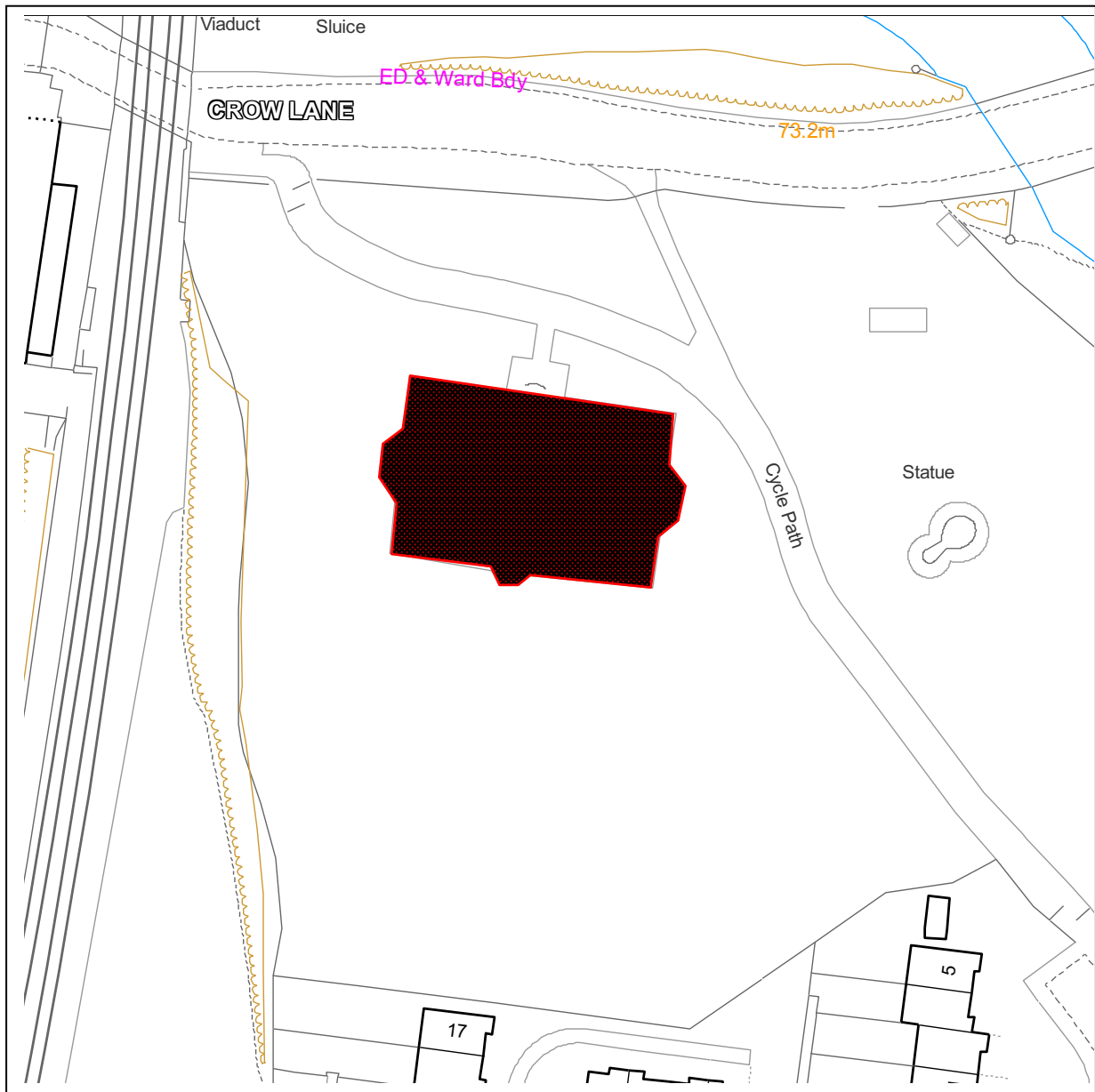
**Key**

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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 3 – Map 43**



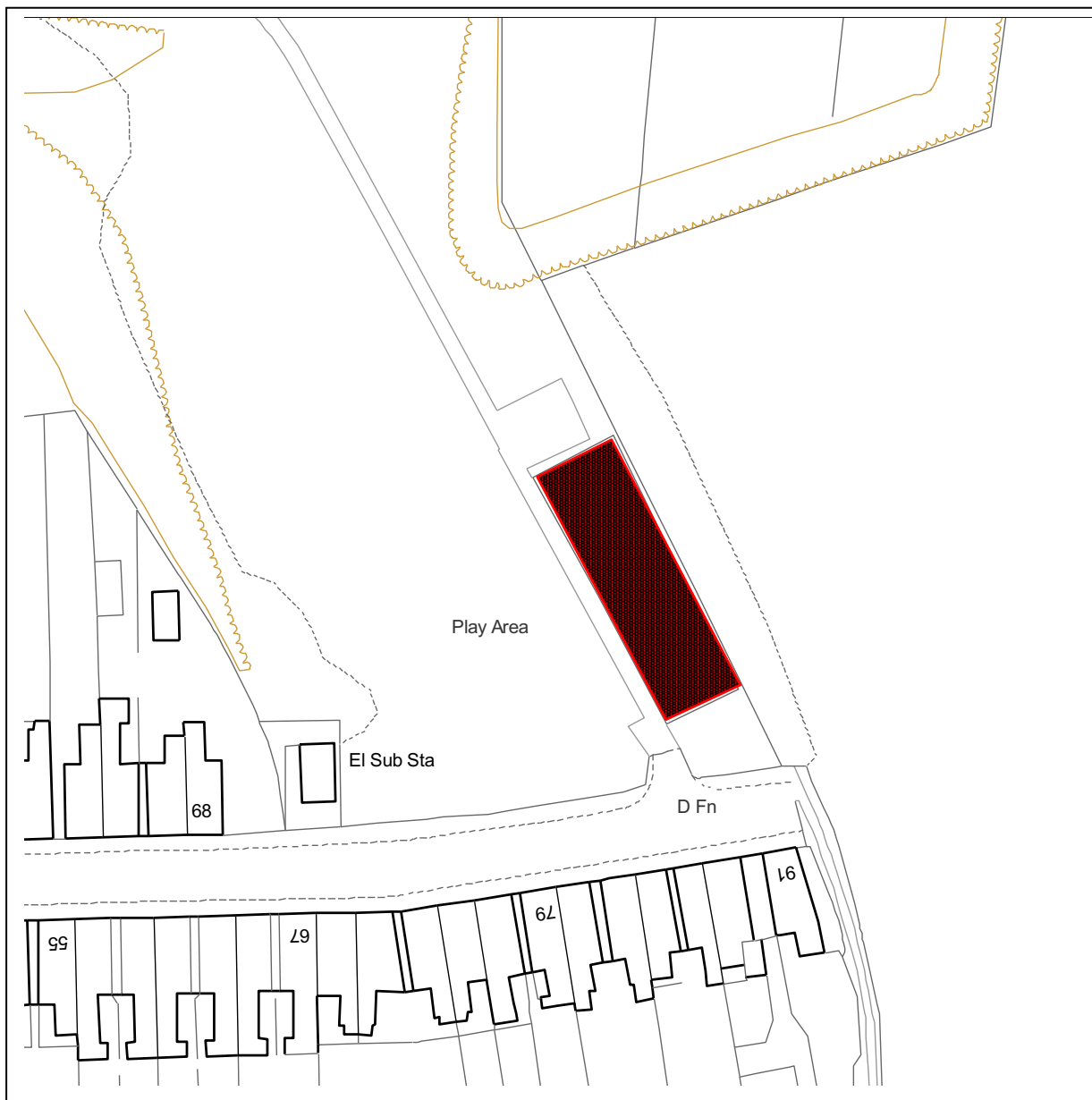
**Key**

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**Chesterfield Borough Council Public Spaces Protection Order 2018**

**Schedule 3 – Map 44**



**Key**

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# 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

---

**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

---

- 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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