



Simon W. Baker B.Ed MBA MISPAL
Chief Executive

COMMUNITY OVERVIEW & SCRUTINY PANEL AGENDA

Date: Monday, 3 February 2020

Time: 2.00 pm

Venue: The Council Chamber, Moorlands House, Stockwell Street, Leek

24 January 2020

PART 1

1. Apologies.
2. To Approve the Minutes of the Previous Meeting. **(Pages 3 - 6)**
3. Notification of Substitute Members, if any.
4. Declaration of Interests:
 - Disclosable Pecuniary Interests
 - Other Interests
5. Questions to Portfolio Holders, if any.
(At least two clear days notice required, in writing, to the Proper Officer in accordance with Procedure Rule 15).
6. Local Policing Team Annual Update. **(Pages 7 - 10)**
7. Children's Meals in Holidays. (Verbal Update)
8. Flyposting, banners and advertisements. (Presentation/Verbal Update)
9. Dog Fouling Order **(Pages 11 - 20)**
10. Work Programme **(Pages 21 - 22)**
Any additional items to be added to the Work Programme:
 - Chair's Items
 - Members' Items

SIMON BAKER
CHIEF EXECUTIVE

Membership of Community Overview & Scrutiny Panel

Councillor D Shaw (Chair)

Councillor J Aberley

Councillor G Heath

Councillor K Hoptroff

Councillor B Johnson

Councillor K Martin

Councillor P Roberts

Councillor P Taylor

Councillor P Wood

Councillor T McNicol (Vice-Chair)

Councillor G Bentley

Councillor I Herdman

Councillor B A Hughes

Councillor J T Jones

Councillor T Riley

Councillor L Swindlehurst

Councillor R Ward

Councillor N Yates

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

**COMMUNITY OVERVIEW & SCRUTINY PANEL
MEETING**

Minutes

MONDAY, 2 DECEMBER 2019

PRESENT: Councillor D Shaw (Chair)

Councillors J Aberley, G Bentley, I Herdman, K Hoptroff, J T Jones, K Martin, T McNicol, T Riley, L Swindlehurst, P Taylor, P Wood and N Yates

ALSO PRESENT: Councillor M Bowen, L A Malyon, H Plimley and J Redfern

APOLOGIES: Councillors G Heath, B A Hughes and P Roberts

161 **TO APPROVE THE MINUTES OF THE PREVIOUS MEETING.**

DECIDED: That the Minutes of the Meeting of the Panel held on the 30th September 2019 be approved as a correct record and signed by the Chair.

162 **MINUTES FROM THE LAST MEETING OF THE POLICE, FIRE AND CRIME PANEL.**

DECIDED: That the minutes from the meeting of the Police, Fire and Crime Panel held on 28th October 2019 be noted.

163 **NOTIFICATION OF SUBSTITUTE MEMBERS, IF ANY.**

There were none.

164 **DECLARATION OF INTERESTS:**

Agenda No.	Member Declaring Interest	Nature of Interest
Agenda Item 7 – Annual CAB Update	Cllr K. Hoptroff and Cllr L. Swindlehurst	Other – Trustees of Leek CAB.

165 **QUESTIONS TO PORTFOLIO HOLDERS, IF ANY.**

There were none.

166 **CITIZENS ADVICE BUREAU (LEEK, CHEADLE & STAFFORDSHIRE NORTH AND STOKE ON TRENT)- ANNUAL UPDATE.**

Community Overview & Scrutiny Panel - 2 December 2019

Individual presentations for Biddulph, Cheadle and Leek Citizens Advice Bureaux (CAB) were considered by the Panel. Each presentation contained statistical information and case studies.

Sam Hubbard, Generalist Services Manager, introduced the presentation on behalf of the Biddulph CAB, Dawn Keates represented the Cheadle CAB and Lindon Parr gave the presentation for the Leek CAB.

The Chair of the Panel had offered the CAB in Cheadle free use of a room at the Werrington Wellbeing Library and asked for this to be reconsidered. Dawn Keates was aware that this had been suggested would look into this matter.

Discussion took place around the calculation used for the financial time given by volunteers of the Bureaux and members felt that this figure should be much higher, due to the demands of the job. The staffing structures, opening times, response to requests for appointments and funding streams were explained to the Panel. If a member wished to receive more detailed figures then they were welcome to attend a meeting of the Trustees.

A query in relation to rent paid by the CABs was raised and it was confirmed that the CAB in Leek paid a discounted service charge for the use of Moorlands House but the others did have rental responsibilities at their locations.

In response to a question around the figure for the number of client issues dealt with, officers explained that although clients asked advice in relation to one problem, it was often the case that multiple and complex issues were identified.

Members complimented the staff/volunteers of the CABs for their hard work and professionalism and felt that the service offered to clients was very good value for money. The extensive level of training which staff completed was also noted.

The contact telephone numbers for the CAB would be circulated to the Panel after the meeting.

DECIDED: That the update be received

167 WORK PROGRAMME

At this point of the meeting, Councillor Yates asked for the queries for Your Housing Group raised at the previous meeting to be followed up.

Councillor Bentley raised his concerns in relation to the availability of fire engines and retained firefighters. The Panel agreed to email any queries or questions for Matthew Ellis – Staffordshire Commissioner to the Democratic Services Team, in advance of the meeting due to be held on 23rd March 2020.

DECIDED: That the Panel's Work Programme for 2019/20 be agreed.

Community Overview & Scrutiny Panel - 2 December 2019

_____Chairman _____Date

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Community Overview & Scrutiny Panel

3rd February 2020

Local Policing Team Update, Ch. Insp. Mark Thorley - Neighbourhood Policing Team Commander

This 12 months compared to the last Year to Date December 2019.

All crime

Moorlands - down 15 %

Force – down 10 %

Last year, following the challenge of moving to a new Policing model I reported a 4% increase in recorded crime, the first rise in crime since I came to the Moorlands policing team.

This year I am pleased to report that I am able to again report crime reductions.

Policing in the wake of austerity continues to be challenging, however the Moorlands Policing team continue to work hard, finding new and innovative ways of reducing crime and ASB, working ever closer with our partners for the benefit of the community, with some notable successes but also the occasional spike in acquisitive crime.

Good news

Less serious violent crime with injury, 40% reduction (290 less crimes)

More serious violent crime with injury, 34% reduction (21 less crimes)

Burglary residential Last year I reported had a reduction of 15%, this year sees further reductions of 12%, (19 less offences).

Criminal damage, 21% reduction, (160 less offences).

Bad news

Theft from motor vehicles, a 40% increase (45 more crimes)

Theft of motor vehicles, a 9% increase which has been increasing since October (6 more crimes)

Crime summary

The past year has again seen travelling criminals target the Moorlands, the nature of the geography will always mean that this as a vulnerability, but the recently created force road policing unit will now support my team by patrolling and targeting our road networks to identify and apprehend those travelling criminals, using intelligence led tactics to provide a tailored and effective response.

As well as the challenge to deter travelling criminals we have seen the actions of a small number of local criminals impact heavily on vehicle crime offences.

Most notably in the Cheddleton and Leek areas where two separate offenders during the summer months targeted insecure vehicles parked overnight.

Both were identified, one recalled to prison the other after a number of court appearance was remanded in custody.

Prior to and upon release from prison we continue to work with prolific offenders to ensure the motivation to commit crime is removed or reduced.

To date neither has yet re offended.

Visibility

Moorlands –73%.

Force –63%

Public Space Violence.

Working with the force and council licensing to target problematic premises and provide effective licensing enforcement, as well as visible policing during peak night time economy periods, significant reductions have again been achieved in all three Moorlands towns.

Moorlands PSV -13%

Force PSV -15%

ASB

Moorlands – 6% reduction (115 less incidents), currently sitting just above the lower exception levels and about to show further reductions having come through the winter period with notably fewer incidents.

Force – 10% reduction.

There have in previous years been issues in locations such as Werrington, Biddulph and Blythe Bridge, my team have worked closely in those areas with schools and our community safety partnership team to both educate and divert those who otherwise may have fallen into ASB

On those occasions when despite this youth related incidents occur, positive action is taken by means of a tiered response.

This would start with advice and support including the parents and school, with arrest and prosecution at the higher level.

Road traffic collisions

As a result of education and enforcement there continue to be reductions in those killed or seriously injured on the roads of the Staffordshire Moorlands with consistent reductions over the past two years.

Currently there is a 2% reduction in collisions classed as Killed or seriously injured, with two less fatal collisions than the previous year.

Resources.

Neighbourhood Police Constables remain at 22.

PCSO's remain at 22.

I have four NPT Sgts

In the coming months I am due to get a civilian Vulnerability coordinator who will work within the harm reduction hub at Leek.

The NPT is led by myself.

Due to a backlog in crime recording the data provided above is extracted from both incident and recorded crime data, recorded crime data being accurate up until Oct 2019.

Ch. Insp Mark Thorley.

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STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Community Overview & Scrutiny Panel

3 February 2020

TITLE:	Dog Fouling Order
PORTFOLIO HOLDER:	Councillor Scalise- Portfolio Holder for Environment
CONTACT OFFICER:	David Smith - Principal Officer Communities & Partnerships
WARDS INVOLVED:	(All Wards)

Appendices Attached – Draft Public Spaces Protection Order

1. Reason for the Report

- 1.1 Staffordshire Moorlands is currently covered by four Orders which make it an offence if a person in charge of a dog at the relevant time does not:
- i. remove dog faeces forthwith if the dog defecates;
 - ii. put and keep a dog on a lead if required to do so by a Council Officer to prevent the dog causing annoyance or disturbance to any other person or the worrying or disturbance of any animal or bird;
 - iii. keep a dog on a lead in specified areas;
 - iv. stop a dog from entering specified areas.
- 1.2 The Orders will cease to have effect on 20th October 2020 and thus need to be extended or replaced if the Council wishes to continue to have the power to take action in respect of dog fouling and nuisance behaviour.

2. Recommendation

- 2.1 The Panel recommends Cabinet:
1. Agrees to carry out public consultation on the draft Order appended to this report;
 2. Subsequently approves the draft Order by Delegated Decision unless the responses from the consultation necessitate material changes to the draft Order;

3. In the event of a new order being approved prior to 20th October 2020, formal notice of discharge of the existing Orders should be published simultaneously with the introduction of the replacement Order.

3. **Executive Summary**

- 3.1 There are currently four Orders covering the District which make it an offence if a person in charge of a dog at the relevant time does not:
 - i. remove dog faeces forthwith if the dog defecates;
 - ii. put and keep a dog on a lead if required to do so by a Council Officer to prevent the dog causing annoyance or disturbance to any other person or the worrying or disturbance of any animal or bird;
 - iii. keep a dog on a lead in specified areas;
 - iv. stop a dog from entering specified areas.
- 3.2 The latter two orders (Dogs on a Lead Order and Dog Exclusion Order) have not been used since their introduction in 2011. It is proposed that these Orders be allowed to expire in October 2017.
- 3.3 No formal action has been taken under the Order which requires a dog owner to put their dog on a lead when required to do so by an officer. However, this Order has proved to be useful in certain circumstances and provides Enforcement Officers and Horticultural Officers with the formal power to require dogs to be put and kept on a lead. It is, therefore, suggested that this power be retained.
- 3.4 If the Order prohibiting dog fouling is not replaced then the Council could not take any formal action to prevent dog fouling in the District. It is, therefore, recommended that this power also be retained.
- 3.5 A revised Order is presented as an Appendix to this report. The draft Order addresses two issues that have been identified with the current Orders by:
 - Making it a further breach of the Order if an offender does not provide their details; and
 - Specifying that the responsibility for the breach rests with the parent/carer where the person in actual control of the dog at the time of the breach is under 16.
- 3.6 The Council must carry out consultation before making or extending an Order. Where an order is discharged, a notice identifying the order and stating the date when it ceases to have effect must be published in accordance with regulations made by the Secretary of State.

4. **How this report links to Corporate Priorities**

- 4.1 The report supports the corporate priority of 'Supporting our communities to create a healthier, safer, cleaner Staffordshire Moorlands'.

5. **Alternative Options**

- 5.1 The Council could choose to extend the current Orders in the current format. However, this would not provide an opportunity to (i) address the issue of failure of those under the age of 16 to remove faeces, or (ii) make it an offence for a suspected offender to fail to provide an Authorised Officer with their correct name and address.
- 5.2 The Council could choose to extend/replace the Dog Exclusion and Dogs on a Lead Orders but it would be difficult to demonstrate the need to do so given that the powers have not been used.
- 5.3 Alternatively, the Council could choose to not replace the current Orders when they expire and no longer take enforcement action in respect of dog fouling.

6. **Implications**

6.1 Community Safety - (Crime and Disorder Act 1998)

The introduction of the Order would assist in preventing nuisance and environmental crime (dog fouling).

6.2 Workforce

None – the current officers already enforce under the existing Orders.

6.3 Equality and Diversity/Equality Impact Assessment

It is recognised that some groups may find it difficult to comply with the Order and hence exemptions are provided for people who are (i) registered blind or (ii) have a disability that affects their 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 they rely for assistance.

6.4 Financial Considerations

None, enforcement of the Orders would be delivered within current budgets.

6.5 Legal

The draft Order has been reviewed by Legal Services.

6.6 Sustainability

None.

6.7 Consultation

Under section 72 of the Anti-social Behaviour, Crime and Policing

Act 2014, the Council is required to carry out “necessary” consultation, publicity and notification prior to introducing (or extending) an Order.

Necessary consultation means consulting with:

- (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- (b) whatever community representatives the local authority thinks it appropriate to consult; and
- (c) the owner or occupier of land within the restricted area.

Necessary publicity means publishing the text of the proposed Order.

Necessary notification means notifying any parish or community councils, and the County Council.

The requirement to consult with the owner or occupier of land within the restricted area does not apply to land that is owned and occupied by the local authority; and applies only to the extent that it is reasonably practicable to consult the owner or occupier of the land.

6.8 Risk Assessment

None.

Mark Trillo

Cabinet Director (People) and Monitoring Officer

Web Links and Background Papers

www.staffsmoorlands.gov.uk/pspo

Contact details

David Smith
Principal Officer Communities & Partnerships
David.smith@staffsmoorlands.gov.uk

7. **Detail**

7.1 Dog fouling is an issue that is often a concern for the public. Unlike littering, which is an offence under the Environmental Protection Act 1990, there is no specific offence of failing to remove dog faeces. Instead, local authorities are required to introduce specific Orders to address the problem.

7.2 The Council introduced four Dog Control Orders in October 2011 utilising powers available in the Clean Neighbourhoods and Environment Act (CNEA) 2005:

- The Fouling of Land by Dogs (Staffordshire Moorlands District Council) Order 2011;
- The Dogs on Leads by Direction (Staffordshire Moorlands District Council) Order 2011.
- The Dogs on a Lead (Staffordshire Moorlands District Council) Order

- 2011; and
- The Dog Exclusion (Staffordshire Moorlands District Council) Order 2011.
- 7.3 The latter two Orders were subsequently amended in 2014 to alter their geographic coverage.
- 7.4 The first of these Orders makes it an offence if the person in charge of a dog at the relevant time does not remove faeces forthwith if the dog defecates. The second makes it an offence if a person in charge of a dog does not comply with a direction from an authorised officer of the Council to put and keep the dog on a lead of not more than six feet in length. An officer can only give such a direction if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog is likely to cause annoyance or disturbance to any other person or the worrying or disturbance of any animal or bird.
- 7.5 The Dogs on a Lead Order requires dogs to be kept on leads in specified areas, whilst the Dog Exclusion Order prevents dogs from entering specified areas.
- 7.6 Under the CNEA, it was an offence if someone did not provide their name and address when requested to do so by an officer.
- 7.7 The power to introduce Dog Control Orders was subsequently repealed by the Anti-social Behaviour, Crime and Policing Act (“ASB Act”) 2014. The ASB Act introduced Public Space Protection Orders (PSPOs), which could be used to introduce the same requirements and prohibitions as available through Dog Control Orders but which also had a broader application. The ASB Act does not, however, make failure to provide a name and address when asked to do so by an officer in relation to a breach of an Order an offence. PSPOs last for three years but can be renewed.
- 7.8 Under the ASB Act, any pre-existing Dog Control Order continued to have effect for a further three years before automatically converting by operation of law to a PSPO. PSPOs have effect for a period of three years, which means that Staffordshire Moorlands District Council’s current Orders continue to apply until 20th October 2020.
- 7.9 The Dogs on a Lead Order and The Dog Exclusion Order have not been used since their introduction in 2011. It is proposed that these Orders be allowed to expire in October 2017.
- 7.10 No formal action has been taken under the Order which requires a dog owner to put their dog on a lead when required to do so by an officer. However, this Order has proved to be useful in certain circumstances and provides Enforcement Officers and Horticultural Officers with the formal power to require dogs to be put and kept on a lead. It is, therefore, suggested that this power be retained.
- 7.11 If the Order prohibiting dog fouling is not replaced then the Council could not take any formal action to prevent dog fouling in the District. It is, therefore, recommended that this power also be retained.

7.12 Two issues have been identified in relation to the current Orders:

- The loss of the specific offence of ‘failing to provide details’ has removed the ability for Enforcement Officers to encourage offenders to provide details by reminding them that they are committing a further offence if they do not provide the requested information.
- In a small number of cases, the individual in actual control of the dog has been under the age of 16. This proves problematical since the young person may well not have the financial means to pay a fixed penalty notice and it is questionable whether pursuing them through the courts is in the public interest. Where the young person is below the age of 10 then they are below the age of criminal responsibility and the Council cannot take enforcement action.

7.13 A revised PSPO has been drafted (Appendix A) that reflects the provisions of the current PSPO but also addresses the two issues identified above by:

- Making it a further breach of the Order if an offender does not provide their details; and
- Specifying that the responsibility for the breach rests with the parent/carer where the person in actual control of the dog at the time of the breach is under 16.

7.14 The Council proposes to consult with the Chief Constable of Staffordshire Police, the Office of the Police, Fire and Rescue and Crime Commissioner; and with community representatives and land owners/occupiers by issuing a press release, placing details of the consultation on the Council’s website, and promoting on social media.

7.15 The Council will publish the text of the draft Order on its website.

7.16 The Council will also notify each Parish and Town Council within the District, and the County Council.

7.17 If the new Order is brought into force prior to 20th October 2020, then the existing Orders will be simultaneously discharged. A notice stating the date on which the Orders will cease to have effect will be published in accordance with regulations made by the Secretary of State.

PUBLIC SPACES PROTECTION ORDER (Dog Fouling and Nuisance) 2020

The Staffordshire Moorlands District Council (the Council) in exercise of the power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), being satisfied that the conditions set out in section 59 of the Act have been met, makes the following order:

1. This Order comes into force on **[INSERT DATE]** and will last for a period of three years.
2. This Order applies to the land specified in the Schedule.

Purpose

3. This order is intended to help stop or reduce the detrimental effect on the quality of life of those in the locality caused by (i) failure to remove dog faeces from land and (ii) nuisance behaviour caused by dogs in public areas.

Prohibitions

4. A person shall be in breach of this Order if:
 - 4.1 A dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith.
 - 4.2 A person who is in charge of a dog at that time does not comply with a direction given him by an Authorised Officer of the Authority to put and keep the dog on a lead of not more than six feet in length.
 - 4.3 An Authorised Officer of the Authority has reason to believe that a person has committed an offence under this Order and the person:
 - (a) fails to give his name and address when asked to do so, or
 - (b) gives a false or inaccurate name or address.

Offence of Failing to Comply with Order

- 5.1 Under section 67 of the Anti-social Behaviour, Crime and Policing Act 2014, it is an offence for a person without reasonable excuse to:

- (a) do anything that the person is prohibited from doing by this Order, or
- (b) fail to comply with a requirement to which the person is subject under this Order.

5.2 A person does not commit an offence under this Order by failing to comply with a prohibition or requirement if:

- (a) he is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948;
- (b) he has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance;
- (c) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so; or
- (d) the local authority did not have power to include the prohibition or requirement in this Order.

5.3 A person guilty of an offence of failing to comply with this Order is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Challenging the Validity of the Order

6. An Interested Person may apply to the High Court to question the validity of the Order on the grounds that the Council has no power to make the Order, include the particular prohibitions or requirements imposed by the Order, or that a requirement of the Act has not been complied with within six weeks beginning with the date on which the order is made.

Interpretation

7. For the purpose of this Order:

- (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless:
 - (i) at that time some other person is in charge of the dog; or
 - (ii) the person is under the age of 16, in which case the Parent of that person shall be treated as being in charge of the dog at the relevant time;
- (b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
- (c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
- (d) each of the following is a "prescribed charity":-
 - (i) Dogs for the Disabled (registered charity number 700454);
 - (ii) Support Dogs (registered charity number 1088281);
 - (iii) Canine Partners for Independence (registered charity number 803680);
- (e) an Authorised Officer of the Authority may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog is likely to cause

- annoyance or disturbance to any other person or the worrying or disturbance of any animal or bird.
- (f) an Authorised Officer of the Authority means an employee, partner agency or contractor of Staffordshire Moorlands District Council who is authorised in writing by Staffordshire Moorlands District Council for the purposes of administering the requirements of this Order.
 - (g) Parent, in relation to a person under the age of 16, includes any person:
 - (i) who is not a parent of his but who has parental responsibility for him, or
 - (ii) who has care of him.
 - (h) Interested Person means an individual who lives in the restricted area or who regularly works in or visits that area.

IN WITNESS whereof the COMMON SEAL
STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL was hereunto affixed this
day of two thousand and twenty in
the presence of

Chairman

Chief Executive

SCHEDULE

This Order applies to all land within the area of Staffordshire Moorlands District Council that is open to the air and to which the public are entitled or permitted to have access (with or without payment) including access land as defined in section 1 of the Countryside and Rights of Way Act 2000. This includes, but is not limited to all footpaths, the footways and carriageways of every highway (including tree bases and grass verges) and every cemetery, park, public garden and open space including land owned by parish and town councils.

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Community Overview & Scrutiny Panel - Work Programme 2019/20

Date	Items for Agenda
3 June 2019	
	Overview & Scrutiny Briefing/Councillor Community Leadership Programme Councillor Community Initiative Scheme
15 July 2019	Meeting Cancelled
30 September 2019	
	Air Quality Management Order Your Housing Group – 6 Monthly Update
2 December 2019	Cheadle CAB – Annual Update
3 February 2020	
	Local Policing Team Annual Update – Chief Inspector Mark Thorley Flyposting, banners and advertisements – David Smith & Ben Haywood Dog Control Orders Children’s Meals in School Holidays
23 March 2020	Matthew Ellis, Staffordshire Commissioner – Police, Fire and Rescue Annual Update Your Housing – 6 Monthly Update

Key Organisations to Invite/ Schedule Annually

Staffordshire Commissioner Annual Update - confirmed
Local Policing Team Annual Update - confirmed
Your Housing – 6 Monthly Update
Fire & Rescue Service Annual Update - invited
Citizens Advice Bureau Annual Update –confirmed
Rural Bus Service – Update from Cllr Ralphs
State of Staffordshire Wildlife Report – Staffordshire Wildlife TBC
Childrens Homes – Gail Edwards, Mark Thorley & Ben Haywood TBC

Regular Updates and an Annual Status Report on the Levels of Pollution and the Air Quality Action Plan
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Assets of Community Value
