

COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE MEETING

Date: Tuesday 25 August 2020

Time: 6.30 pm

Venue: Remote Meeting- The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

Membership:

Councillors M Burton, Joy, Khadka, Mortimer (Chairman), Powell (Vice-Chairman), Purle, D Rose, M Rose and Young

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Urgent Items
4. Notification of Visiting Members
5. Disclosures by Members and Officers
6. Disclosures of Lobbying
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
8. Minutes of the Meeting Held on 30 June 2020 1 - 8
9. Presentation of Petitions (if any)
10. Questions and answer session for members of the public (if any)
11. Questions from Members to the Chairman (if any)
12. Committee Work Programme 9
13. Reports of Outside Bodies

Issued on Monday 17 August 2020

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

14. Resettlement from Temporary Accommodation with a pet	10 - 18
15. Use of Anti-Social Behaviour Powers and the Suppression of Nuisances	19 - 29
16. Tackling Anti-Social Behaviour relating to dogs: Updating our enforcement tools	30 - 78
17. Public Spaces Protection Order – Town Centre Renewal/Revision	79 - 113
18. Reference from the Biodiversity and Climate Change Working Group - England Tree Strategy Consultation Response	114 - 134
19. Request to Reduce the Number of Nominative Trustee Positions from Cutbush and Corral Charity (Incorporating the Quested Almshouse Charity)	135 - 139

INFORMATION FOR THE PUBLIC

In order to ask a question at this remote meeting, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. Friday 21 August 2020). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to submit a written statement in relation to an item on the agenda, please call 01622 602899 or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Friday 21 August 2020). You will need to tell us which agenda item you wish to comment on.

If you require this information in an alternative format please contact us, call **01622 602899** or email committee@maidstone.gov.uk.

To find out more about the work of the Committee, please visit www.maidstone.gov.uk.

Should you wish to refer any decisions contained in these minutes to the **Policy and Resources Committee**, please submit a Decision Referral Form, signed by **three** Councillors, to the **Head of Policy and Communications** by: **6 August 2020**

MAIDSTONE BOROUGH COUNCIL

COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 30 JUNE 2020

Present: Councillors M Burton, Joy, Khadka, Mortimer
(Chairman), Powell, Purle, D Rose, M Rose and Young

Also Present: Councillors Grigg, McKay, Parfitt-Reid and Perry

14. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

15. **NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no Substitute Members.

16. **URGENT ITEMS**

An additional Outside Bodies report had been received after the publication of the agenda and would be taken as an urgent update to Item 13 – Reports of Outside Bodies.

It was agreed that Item 18 – Waste Services Update, be taken before Item 17 – Waste and Street Cleaning – Future Provision.

17. **NOTIFICATION OF VISITING MEMBERS**

It was noted that the following Councillors were present as Visiting Members:

- Councillor Grigg for Item 14 – Member Agenda Item Request from Cllr Jonathan Purle – Anti-Social Behaviour Powers and the Suppression of Nuisances
- Councillor McKay for Item 10 – Question and Answer Session from Members of the Public
- Councillor Parfitt-Reid for Item 14 – Member Agenda Item Request from Cllr Jonathan Purle – Anti-Social Behaviour Powers and the Suppression of Nuisances
- Councillor Perry for Item 14 – Member Agenda Item Request from Cllr Jonathan Purle – Anti-Social Behaviour Powers and the Suppression of Nuisances and Item 21 – Public Spaces Protection Order – Town Centre Renewal/Revision

18. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

19. DISCLOSURES OF LOBBYING

Councillor M Rose stated that she had been lobbied on Item 10 – Question and Answer session from Members of the Public.

20. EXEMPT ITEMS

RESOLVED: That all items be taken in public as proposed.

21. MINUTES OF THE MEETING HELD ON 11 FEBRUARY 2020

RESOLVED: That the minutes of the meeting held on 11 February 2020 be approved as a correct record and signed at a later date.

22. PRESENTATION OF PETITIONS

There were no petitions.

23. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Question from Ms Dee Bonett to the Chairman of the Communities, Housing and Environment Committee

'I asked this Committee in November 2019 and February 2020 to review the current Pet Policy for those presenting as Homeless in Temporary Accommodation, due to the risk of being unable to keep their Pets, when moving on to Permanent Accommodation.

Could you please update me as to what stage Maidstone Borough Council and the CHE Panel have reached since I last attended, and what is stopping you from making those vital changes to your own Pet Policy?'

The Chairman responded to the question.

Ms Dee Bonett asked the following supplementary question:

'Do you not feel that with the clause as it stands, it is not safeguarding those at their most vulnerable under the panel's duty of care. The way it [the policy] is worded is actually placing them at risk of facing sanction, so helping them half-way up the ladder and then this could be taken away from them if a permanent offer is given with a no pet policy.'

The Chairman responded to the question.

Councillor Malcolm McKay, Leader of the Labour Group, responded to the question.

Councillor Eddie Powell, Leader of the Independent Maidstone Group, responded to the question.

The full responses were recorded on the webcast and were made available to view on the Maidstone Borough Council Website.

To access the webcast recording, please use the below link:
<https://www.youtube.com/watch?v=g1dL4tz5qEk>

24. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

25. COMMITTEE WORK PROGRAMME

It was noted that the Access to Services Review would be included in the Committee Work Programme for the next meeting of the Committee. The Equalities and Corporate Policy officer confirmed that the Coronavirus Pandemic would likely have affected the workstreams that were being looked at for the task and finish group created. An update would be given at the next suitable opportunity.

RESOLVED: That the Committee Work Programme be noted.

26. REPORTS OF OUTSIDE BODIES

Councillors Clark, English, Joy, Mortimer, Round and Wilby presented the reports of the respective Outside Bodies for which they act as Council Representatives.

RESOLVED: That

1. The Reports of Outside Bodies be noted; and
2. Councillor Brindle be appointed to Age UK as a Council Representative.

27. MEMBER AGENDA ITEM REQUEST FROM CLLR JONATHAN PURLE - ANTI-SOCIAL BEHAVIOUR POWERS AND THE SUPPRESSION OF NUISANCES

The Democratic and Electoral Services Manager introduced the item noting that as per the Council's Constitution, a Member may submit an item for consideration by the Committee.

Councillor Jonathan Purle introduced his agenda item request with specific reference made to the Council's available statutory powers to address anti-social behaviour, nuisances and other low-level crimes. It was requested that a method through which increased initiation, consideration and decision making from Members in regard to those powers, be achieved.

Councillors Grigg, Parfitt-Reid and Perry spoke as visiting members and highlighted the desire for greater enforcement in tackling the issues mentioned.

The Community Protection Manager informed the Committee that many of the issues highlighted within the debate would be dealt with by the Environmental Health and Community Enforcement Policy, as agreed by the Committee in June 2019. Certain conditions that necessitated enforcement, such as proof beyond reasonable doubt, would need to be fulfilled before addressing any particular issue.

The officer undertook to revisit the offer of a rural working group, and an offer of a Member Briefing at a later date would be explored.

RESOLVED: That the Committee request an officer report on the item.

28. FOURTH QUARTER BUDGET & PERFORMANCE MONITORING

The Director of Finance and Business Improvement introduced the report and highlighted that the information covered the period up until 31 March 2020, so did not include the financial impact of Covid-19.

The Committee were informed that there was a Revenue underspend of £361,000 with Capital slippage at £2.6million. The slippage would be spent in the current or future financial years.

The Equalities and Corporate Policy Officer stated that five of the eight targeted indicators had achieved the quarter four target; with 70% of all indicators having achieved an improvement from the same quarter the previous year and a 60% improvement from the quarter three position.

Under the priority of Safe, Green and Clean, the percentage of household waste sent for reuse, recycling and composting missed the target by more than 10%. It was noted that the Council would continue working with Biffa to improve education concerning contamination.

Under the priority of Homes and Communities, two indicators achieved within 10% of the target and the number of households housed through the housing register missed the quarter four target by three households. This was due to a reduction in vacant properties from providers. It was noted that 55.77% of successful relief duty outcomes were achieved against a target of 60%.

Of the seven annual outturn indicators, five met the annual target, one achieved within 10% of the target and one missed by more than 10% of the target. Of the five targeted indicators for Homes and Communities, three met target and two achieved within 10%.

RESOLVED: That

1. The Revenue position as at the end of Quarter 4 for 2019/20, including the actions being taken or proposed to improve the position, where significant variances have been identified, be noted;
2. The Capital position at the end of Quarter 4 be noted; and
3. The Performance position as at Quarter 4 for 2019/20, including the actions being taken or proposed to improve the position, where significant issues have been identified, be noted.

29. **KEY PERFORMANCE INDICATORS 2020-21**

The Equalities and Corporate Policy Officer introduced the draft Key Performance Indicators (KPIs) for 2020-21. The four new indicators were shown in paragraph 2.4 of the report and had been drafted in consultation with the relevant Heads of Service. A complete list of KPIs were contained within Appendix 1.

RESOLVED: That the draft Key Performance Indicators for 2020-21, attached as Appendix 1, be agreed.

30. **WASTE SERVICES UPDATE**

The Head of Environment and Public Realm introduced the report and highlighted that it focussed on the issues experienced in late 2019. High levels of missed bin collections and repeated service failures were experienced in October 2019 as Biffa endured vehicle breakdowns, staff absence and accessibility issues that had all affected service delivery. As a result, financial deductions were made and Biffa introduced a new management structure, including new operations and business managers, to enable greater oversight of the service.

The Head of Environment and Public Realm informed the Committee that during the Coronavirus pandemic all services were maintained. Kent County Council had loaned the Council a smaller vehicle run by an external provider, which temporarily relieved the accessibility issues, but that there were still six roads where parked vehicles presented an issue to the contractor.

The Committee were informed that the year's recycling rate was lower than expected at 49%, which resulted from a lower volume of garden waste being collected. There had been double the amount of garden waste subscriptions in March and April of this year, which indicated that a higher recycling rate could be achieved for the first quarter.

The Developers Guidance for Waste Services was shown in Appendix 1 and had been drafted as a result of insufficient bin provision and/or location which hampered collections. The Head of Environment and Public Realm notified Members of the aim for the guidance to be adopted as a

formal supplementary planning documents, in order that this issue be avoided in future developments.

In response to questions, the Head of Environment and Public Realm confirmed that alternative methods to prevent services being affected by parked vehicles were being considered.

RESOLVED: That

1. The improvement in performance of the waste collection contract be noted; and
2. The revised waste information for developers be noted.

31. WASTE AND STREET CLEANSING - FUTURE PROVISION

The Head of Environment and Public Realm introduced the report as the current Mid Kent Waste contract would expire in October 2023. Waste Consulting had been commissioned to carry out waste modelling to outline the options available to the Committee. The draft objectives and their respective weighting were outlined in paragraph 1.9 of the report and would need to be considered at each stage of the decision-making process.

Particular attention was drawn to the four key areas and draft timetable for the decisions that needed to be taken within the next 12 months. The four key areas were the future of the Mid Kent Partnership, whether to outsource all services, whether to outsource street cleansing and recycling ambitions with each area explained by the Head of Environment and Public Realm.

The offer of a member briefing was made to the Committee, which would likely take place in September 2020, which aimed to provide members with further information and explanation to the work carried out by Waste Consulting.

RESOLVED: That

1. The draft objectives, as set out in paragraph 1.9 of the report, to form the foundation of the future decision-making process, be agreed;
2. The four key areas for decision be noted; and
3. The draft timetable for decisions and implementation as set out in paragraph 1.27 of the report be noted.

32. WASTE CRIME TEAM UPDATE

The Head of Environment and Public Realm introduced the report as an update following the creation of the Waste Crime Team and in-house operation of litter enforcement. It was noted that litter enforcement was

brought in-house due to reputational damage that the Council had suffered when the service was contracted out.

The Head of Environment and Public Realm informed the Committee that there had been ongoing recruitment and retention issues with only one post filled within the last 12 months. To mitigate this, litter enforcement would focus on the use of vehicle rather than foot patrols to provide greater variance in the role. Further, it was possible that the Waste Crime Team assume the responsibility in carrying out enforcement activity in the future. This would include Section 36 Notices, Community Protection Warnings and the issue of Notices.

Particular attention was drawn to the 364 littering FPNs that had been issued, 75% of which were as a result of littering from vehicles, two fly-tipping prosecutions with additional pending cases, and 25 vehicle seizures. It was noted that the team's second to last social media post concerning the seizures reached 88,000 individuals and generated 5,500 responses, comments or reactions. Monthly joint operations had been conducted with Kent Police's rural task force.

RESOLVED: That the content of the report be noted, and that the Committee express their thanks to the Waste Crime Team for their efforts over the past year.

33. TEMPORARY ACCOMMODATION ACQUISITIONS PHASE 4

The Head of Housing and Community Services introduced the report and referenced a previous decision whereby the Committee agreed an extension to the number of housing units purchased. It was explained that greater scope in regard to property size was needed when such purchases were made.

RESOLVED: That the composition of temporary accommodation units acquired during phase 4 can differ from that as set out in the Mid-Term Financial Capital Programme within the same budget.

34. PUBLIC SPACES PROTECTION ORDER – TOWN CENTRE RENEWAL/REVISION

The Community Protection Manager introduced the report and reminded the Committee that the Public Spaces Protection Order (PSPO) in force had been introduced in 2017. Since then, the PSPO had operated successfully to discourage unwanted behaviour within its boundaries, which was in part due to the presence of enforcement officers. The Committee was reminded that Kent Police use the PSPO to encourage appropriate behaviour prior to the use of enforcement through fixed penalties and that the leverage that the PSPO provides should be noted.

The Community Protection Manager highlighted that a desk-top review of the PSPO had taken place alongside an ongoing public consultation process, of which most of the feedback received had been positive.

Several Members expressed unease with the review that had taken place and felt that as public representatives the Committee should be involved and consulted to a greater degree when any renewal and/or changes to the PSPO were considered.

RESOLVED: That

1. The authority to make, extend, vary or discharge any public spaces protection order (PSPO) should remain with this Committee;
 2. The Proper Officer be requested to move the meeting of this Committee due to be held on 1 September 2020 forward, e.g. by a week, to allow sufficient time for a report to be provided at that meeting summarising and evaluating the consultation responses and allowing this committee to make any decision required before the PSPO expires;
 3. Any proposed text to be brought back to the committee should rectify the technical errors in the existing draft; and
 4. In the report provided, consideration should be given in light of the consultation responses to the statutory recommendations of this Council's Crime and Disorder Committee meeting held on 24 September 2019.
35. DURATION OF MEETING
- 6.56 p.m. to 9.15 p.m.

2020/21 WORK PROGRAMME

	Committee	Month	Origin	CLT to clear	Lead	Report Author
Q1 Budget and Performance Monitoring 2020/21	CHE	06-Oct-20	Officer Update	No	Mark Green	Ellie Dunnet
MBC Provided Gypsy and Traveller Sites	CHE	06-Oct-20	Cllr Request	No	William Cornall	John Littlemore
Heather House Update Report	CHE	06-Oct-20	Officer update		William Cornall	William Cornall
Biodiversity Strategy	CHE	06-Oct-20	Officer Update	No	Jennifer Shepherd	Andrew Williams
Draft Medium Term Financial Strategy 2021/22-2025/26	CHE	03-Nov-20	Governance	No	Mark Green	Ellie Dunnet
Q2 Budget and Performance Monitoring 2020/21	CHE	03-Nov-20	Officer Update	No	Mark Green	Ellie Dunnet
Medium Term Financial Strategy & Budget Proposals 2021/22	CHE	05-Jan-21	Governance	No	Mark Green	Ellie Dunnet
Q3 Budget and Performance Monitoring 2020/21	CHE	02-Feb-21	Officer Update	No	Mark Green	Ellie Dunnet
Access to Services Review	CHE	TBC	Officer Update		Angela Woodhouse	Orla Sweeney
GP Provision - Briefing Note	CHE	TBC	Cllr Request	No	Alison Broom	Alison Broom

Agenda Item 14

Communities, Housing and Environment

25th August 2020

Resettlement from Temporary Accommodation with pets

Final Decision-Maker	CHE
Lead Head of Service	John Littlemore
Lead Officer and Report Author	Hannah Gaston
Classification	Public
Wards affected	All

Executive Summary

To ensure that those who need to access Temporary Accommodation [TA] (for both statutory and discretionary accommodation) with pets are able to seek an appropriate resettlement option for their household. This will mean that the household are able to refuse their first offer of accommodation if they do not feel it is appropriate for their pet, or they cannot take their pet, without the worry of being removed from the housing register or any support withdrawn from the Housing Services team.

Purpose of Report

To request the Committee's approval to adopt a pilot approach assisting households with pets to move into settled accommodation.

This report makes the following recommendations to this Committee:

1. That the CHE Committee adopts the approach set out in Paragraph 3.2 of this report.

Timetable

Meeting	Date
CHE Committee (please state)	25 th August 2020
Council	

Resettlement from Temporary Accommodation with pets

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Homes and Communities • We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council’s overall achievement of its aims as set out in section 3 [preferred alternative]. 	Head of Housing & Community Services
Cross Cutting Objectives	<p>Deprivation and Social Mobility is Improved</p> <p>The report recommendation(s) supports the achievement(s) of the deprivation and social mobility cross cutting objectives by ensuring those who are homeless have access to appropriate accommodation.</p>	Head of Housing & Community Services
Risk Management	<p>The risk of undertaking these recommendations are fairly limited and should not have a significant impact on our move on from temporary accommodation.</p>	Head of Housing & Community Services
Financial	<p>The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.</p>	[Section 151 Officer & Finance Team]
Staffing	<p>We will deliver the recommendations with our current staffing.</p>	Head of Housing & Community Services
Legal	<p>Acting on the recommendations is within the Council’s powers as set out in Homelessness Reduction Act 2017 and associated code of guidance.</p>	[Legal Team]

Privacy and Data Protection	Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with our retention schedules.	Policy and Information Team
Equalities	An Equalities Impact Assessment was undertaken as part of the development of the Pets in Accommodation policy in 2018	Equalities and Corporate Policy Officer
Public Health	We recognise that the recommendations will likely have a positive impact on the mental wellbeing of individuals with pets.	Senior Public Health Officer
Crime and Disorder	The recommendation will have a neutral impact on Crime and Disorder. The Community Protection Team have been consulted and mitigation has been proposed	Head of Housing & Community Services
Procurement	No procurement processes need to be undertaken for this change in practise.	Head of Housing & Community Services

2. INTRODUCTION AND BACKGROUND

- 2.1 MBC has taken an innovative and flexible approach to individuals who find themselves homeless and in need of accommodation, but still have a household pet. We have developed a policy which enables the homeless household to be placed into our own temporary accommodation with their pet whilst waiting for an appropriate move on option to become available.
- 2.2 This policy has been a success and we have accommodated many individuals in our own stock through a statutory or a discretionary duty including many rough sleepers with no priority need. Currently we are accommodating approximately six to seven cats and dogs, across a number of households and we have one former rough sleeper living in shared accommodation with a dog.
- 2.3 Even though we have developed our own pet policy this does still bring challenges in terms of moving households on from TA and finding appropriate accommodation. Many landlords including registered social housing providers and private landlords refuse to take tenants with animals. This can often lead to a household being offered a property which is not suitable for pets or with a landlord who will not accept them.
- 2.4 This approach is often applied to flat and apartment accommodation and as the majority of the accommodation available to single person households is this type of housing, this affects this client group disproportionately. Some

housing providers, such as West Kent Housing are adopting a more flexible approach and it is our aim to encourage more housing providers to review their tenancy conditions to make them more pet friendly.

Whilst we pursue this overarching aim, it is proposed to operate a pilot programme in order to address the concerns that pet owning households may have to separate from existing pets. Our current approach with those households who we owe a duty to secure accommodation under the Homelessness legislation is to make one offer of suitable accommodation. In statutory terms pets are not considered as part of the household, which could mean that accommodation with a 'no pet' rule would be deemed to be suitable for the purpose of ending the duty to secure accommodation.

3. AVAILABLE OPTIONS

- 3.1 The current approach is compliant with the legislation and the Council could decide to continue with our current process of only offering one suitable option for move on from temporary accommodation, thereby, people with pets are not able to decline an offer as unsuitable even if they are not able to take their pet. However, this is not proposed as this approach is not in the spirit of working with individuals who have pets as a support or for therapeutic reasons.
- 3.2 Operate a 12 month pilot for those who move into TA with a pet (so do not obtain a pet whilst in TA) have an option to decline the first offer of accommodation if they feel it is not suitable for a pet or they cannot take the pet with them due to the landlord's condition. We would expect the next offer to be accepted to ensure there is still a throughput of households through our TA stock which can then be offered to other homeless households. Staff would be mindful of the pet situation and try to ensure that an appropriate offer is made.
- 3.3 Allow those with pets to stay within the TA and refuse any number of offers until they find suitable move on property. This could cause a bottleneck of individuals moving out from TA and in turn cause a financial burden to MBC who potentially have to seek private nightly paid providers to accommodate other households as they approach.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is 3.2. as this approach would enable those who move into TA with their pets to be able to refuse their first offer of accommodation as unsuitable but it not affect the homelessness duty to secure housing through the Housing Register or within the private rented market, and it would not lead to a cessation of our support. This options also strikes a fair balance between supporting those households with pets and enabling the Council to manage the use of temporary accommodation, so as to avoid having to use expensive and less desirable accommodation for homeless families.

- 4.2 This recommendation ensures the Council is supportive of an individual's right to have a pet, which can be very emotionally valuable to an individual (especially to rough sleepers). It also enables there to be a continued flow through our TA stock and shouldn't become a burden on our budget given the financial pressures we all face now. A further report will be provided to the CHE Committee after the initial 12 month pilot period.
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5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework and contained within the body of the report. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The issues of pets within our TA has been on-going for some time and we have developed a "Pets in Accommodation" policy in 2018 – which has been in operation since that time.
- 6.2 More recently, the CHE Committee was asked by a member of the public on 20th June 2020 about the ability for households to decline an offer if they felt it wasn't suitable for their pet. This report is a response to those specific questions.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If the recommendations are approved, then we will ensure these new practises will be implemented within our policies and across the housing team.
- 7.2 It will also be important for those who have pets to understand this option and will form part of an up-dated pet policy and contract.
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8. REPORT APPENDICES

- Appendix 1: Pet Policy – 2018
-

Appendix 1.

MBC Pet Policy

Maidstone Borough Council recognises that our homeless applicants may need to keep pets whilst being housed in accommodation under the Homelessness statute. Where possible Maidstone Council will endeavour to accommodate your household where it is suitable and permitted for pets. For the purpose of the homelessness legislation pets are not considered to be part of your household. If no properties are available where a pet is allowed to reside then the pet will not be taken into consideration when making a suitable offer of temporary accommodation. By way of explanation the Homelessness Code of Guidance states:

“Housing authorities will need to be sensitive to importance of pets to some applicant, particularly elderly people, rough sleepers who may rely on pets for companionship. Although it will not always be possible to make provisions for pets, the secretary of state recommends that housing authorities give careful consideration to this aspect when making provision for applicants who wish to retain their pet”

Whilst under this policy you have been permitted to home your pet(s) with you in your temporary accommodation. You may be offered accommodation to end the Council’s housing duty to you where the landlord is a housing association or private landlord. The housing provider is likely to have their own policy as to whether pets are permitted in their accommodation and the Council does not have the authority to overrule their decision. In normal circumstances if you were to be offered accommodation where pets are not permitted, the offer of accommodation would not be considered as an unsuitable offer on the basis that your pet could not join you.

This policy aims to clarify:

- What pets you can or cannot keep at your property
- How we expect them and your home to be looked after; ensuring the well-being of the pet and the community you live in.

Pets that (may be) permitted to stay:

- 1) Dogs
- 2) Cats
- 3) Fish
- 4) Caged Birds
- 5) Small caged animals (e.g hamsters/ rabbits).

Allowing your pet to stay in the temporary accommodation

The following rules apply to allow you to keep your pet in the property with you;

- You must not allow animals kept at a property to cause a nuisance to other people.
 - *Nuisance can be caused, although not exclusively, by noise, odour, fouling or lack of proper supervision and control. The latter may also result in injury to persons as well as damage to property. This can affect neighbours, council employees or contractors and other people in the locality.*

- Sign the MBC pet's contract
- Pay a service charge which will assist Council in ensuring the protection of the condition of the property
 - *Those whose pet is for medical purposes and with confirmation of this will not be charged for this.*
- Any fouling caused by your pet must be cleaned up straight away.
- Pets will not be allowed in accommodation that is classed as shared accommodation. If permission is not given we will offer advice and support on possible rehousing.
- No farm animals (such as Pigs, Chickens) will be allowed to be kept in the accommodation.
- You must take all reasonable measures to ensure that their dog does not escape from your control.
- MBC expects applicants to take responsibility, not only for ensuring that the needs of any pets that are kept at the property are met, but also for making sure that their pets do not cause a hazard, nuisance or annoyance to other people, damage to property or injury to persons.
- Breeding of animals is not permitted.
- We would require cats are neutered and micro-chipped.
- **Dogs**
 - The dog wears a collar and tag with the owner's name and address and ideally a telephone number when in a public place and is micro chipped; (Micro chipping is a legal requirement from 6 April 2016 under The Micro chipping of Dogs (England) Regulations 2015). MBC will provide a new dog tag for your dog under its temporary accommodation address.
 - Vaccinations and treatment for fleas and worms are kept up-to-date.
 - The dog is not left alone for long periods, it is regularly exercised according to its needs and it does not bark continuously or at un-social hours.
 - The property and garden are kept clean and free of the dog's faeces by the frequent and hygienic removal of all animal waste.
 - The dog is kept under proper control in your home, a private place such as a neighbour's house or garden and a public place, so that it does not: stray onto other

people's property and/or more widely in the neighbourhood/locality; and/or cause damage to property or injury to a person, animal or pet.

Number of animals permitted:

We will allow you to have the maximum of:

- 1) One dog** and one cat, or two cats and no dog.
- 2) Two caged animals
- 3) Reasonable amount of caged birds

**No dog must be kept at the property which is of a breed that is banned under the 1991 Dangerous Dogs Act. This includes the Pit Bull Terrier, Japanese Tosa, Dogo Argentino and Fila Brasileiro

Animals we do not allowed to be kept under the policy.

We do not allow applicants to keep wild animals, livestock or farm animals, endangered species or any dogs identified in the Dangerous Dogs Act 1991, or any subsequent legislation. In addition, animals registered under the Dangerous Wild Animals Act 1976, which includes venomous snakes, certain types of spider and various breeds of monkey, are not permitted in Maidstone Council Properties.

Keeping Pets without Permission

If you keep a pet(s) in the emergency accommodation without first requesting permission from the Council it will be a breach of your licence. You will be issued with a warning and you must rehome your pet(s) within 14 days and failure to do so may mean that the Council will ask you to leave the accommodation.

If someone complains about your pet

If we receive complaints of nuisance behaviour about a pet or other animal living at any property, we will treat this as an anti-social behaviour complaint. We will first ask you to resolve any problems yourself. If you don't, we will consider withdrawing permission to keep the pet and take enforcement action to resolve the issue as a breach of licence conditions.

This includes any:

- Fouling staircases, walkways, courtyards, any communal areas or dwellings including your own property.
- Injuring or frightening anyone into thinking they might be injured (by the pet).
- Being out of control or a danger to other residents.
- Making a noise that causes or is likely to cause alarm, distress or harassment to others.
- Failing to comply with the terms of any dog control notice or similar notice issued by the relevant authority.

- Not keeping your home and surrounding areas in good condition.

If MBC withdraw permission for your pet to remain at the property and you do not remove it, your temporary accommodation will be cancelled and no further temporary accommodation will be offered to you.

Leaving your Accommodation

When leaving the temporary accommodation you must leave the accommodation in the condition that it was provided to you. All equipment relating to your animal (cages, kennels, and Litter trays) will need to be removed from the property. All carpets will need to be thoroughly cleaned. Ensure any litter trays, cages, or dog's faeces are disposed of hygienically.

If you are granted permission to keep a cat or dog at the Council emergency accommodation you will be responsible at the end of your stay for ensuring that all the carpets are professionally cleaned. You must give a receipt for this work to the Temporary Accommodation Officer when the keys are returned to the Council. Should this not be done, the Council will arrange a professional carpet clean and charge you for the full cost

Responsible Pet Ownership

A pet owner is responsible for the welfare of their animal by law and must take such steps as are reasonable in all circumstances to ensure that the needs of the animal for which he or she is responsible are met to the extent required by good practice (Section 9, Animal Welfare Act 2006). This includes the provision of a suitable environment for the animal, which maybe with or apart from other animals and ensuring that the animal has the ability to express normal behaviour which may include the provision of regular exercise e.g. dog walking. An appropriate diet must also be provided as well as protection from pain, suffering, injury and disease.

If we believe that a pet at the property has been neglected or abandoned, we will report the case to an appropriate animal welfare organisation.

Communities, Housing and Environment Committee

25 August 2020

Use of Anti-Social Behaviour Powers and the Suppression of Nuisances

Final Decision-Maker	Communities, Housing and Environment Committee
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer and Report Author	John Littlemore
Classification	Public
Wards affected	All

Executive Summary

The Council provides a wide range of services through its Community Protection Team in order to meet its duties to reduce crime and disorder. The report proposes ways for improving engagement with Members by raising Member awareness; increasing Member dialogue; and improving Members' awareness of successes – with the aim of assisting officers in achieving the Council's strategic priorities within the resources available to the Council.

Purpose of Report

This report sets out the background and options following a Member's request to explore opportunities to increase Member-involvement in the prioritizing of tackling anti-social behaviour and suppressing nuisances.

This report makes the following recommendations to this Committee:

1. That the CHE Committee approves the recommendations set out in Paragraphs 3.1 – 3.3 of this report.

Timetable

Meeting	Date
Communities, Housing and Environment Committee	25 August 2020

Use of Anti-Social Behaviour Powers and the Suppression of Nuisances

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>The recommended approach will support all the priorities listed in the Strategic Plan.</p>	John Littlemore, Head of Communities and Housing
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>ASB and nuisance can disproportionately affect areas of deprivation. As noted in the report, a number of clients have complex needs including mental health. Supporting communities and individuals through our approach to ASB can assist in the delivery of the cross cutting objectives.</p>	John Littlemore, Head of Communities and Housing
Risk Management	The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council’s Risk Management Framework.	John Littlemore, Head of Communities and Housing
Financial	The proposals set out in the recommendation are all within already approved budgetary headings.	[Section 151 Officer & Finance Team]
Staffing	The recommendations will be delivered within our current staffing resource.	John Littlemore, Head of

		Communities and Housing
Legal	<p>The Council has duties and powers under the Environmental Protection Act 1990, the Anti-Social Behaviour Crime and Policing Act 2014 and other legislation to tackle noise nuisance and anti-social behaviour.</p> <p>These duties and powers are discharged in accordance with the Council's Constitution. The recommendations in this report are within the powers and duties provided for by legislation and consistent with the scheme of delegations under the Council's Constitution.</p>	Head of Legal Services
Privacy and Data Protection	Accepting the recommendations will not increase the volume of data held by the Council. We will hold that data in line with our retention schedules.	Policy and Information Team
Equalities	<p>The recommendations do not propose a change in service therefore will not require an equalities impact assessment</p> <p>However, we recognise the diversity of our business client group and will ensure that the communication of the revised Policy is reflective of this.</p>	[Policy & Information Manager]
Public Health	We recognise that the recommendations will have a positive impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	The recommendation will have a positive impact on Crime and Disorder.	John Littlemore, Head of Communities and Housing
Procurement	No implications identified	John Littlemore, Head of Communities and Housing

2. INTRODUCTION AND BACKGROUND

- 1.1 In June 2020, this Committee approved a Member's request to explore opportunities to increase Member-involvement in the prioritising of tackling anti-social behaviour and suppressing nuisances. There was also a request for greater Member engagement by undertaking a "call for blights" exercise. This would take the form of requesting Ward Councillors to put forward areas of concern that could then be considered by this Committee and for the Committee to receive a progress report at a future date e.g. annually.
- 1.2 The concerns expressed at the June meeting by Members of the Committee and visiting Ward Members highlighted that Members of the Committee were keen to better understand the powers available to the Council and how these are deployed in order to tackle ASB and Nuisance in particular.
- 1.3 These powers, in the main, are conferred by the Anti-Social Behaviour, Crime and Policing Act 2014. For reference, a report was provided to the Communities, Housing & Environment Committee in July 2015 scoping the range of powers that had been enacted at the time. In essence, the substantive powers within the Act are the Community Protection Notice and the Public Space Protection Order (PSPO).
- 1.4 The Home Office statutory guidance re-issued in December 2017 states that proposed restrictions under a PSPO should focus on specific behaviours and be proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.
- 1.5 The Local Government Association's own guidance on the topic states 'Councils will need to assess how certain behaviours are perceived, and their impact – both on the community broadly, and on its most vulnerable individuals. Some areas have included an additional test locally that the behaviour needs to be severe enough to cause alarm, harassment or distress. Collating evidence that illustrates the detrimental impact of particular activities will be important.'
- 1.6 Community Protection Notices are aimed at preventing unreasonable behaviour that is having a negative impact on the local community's quality of life. Any person aged 16 years or over can be issued with a notice, whether it is an individual or a business, and it will require the behaviour to stop and if necessary reasonable steps to be taken to ensure it is not repeated in the future.
- 1.7 Before issuing a CPN, the issuing body should give a written warning to the perpetrator setting out that if the antisocial behaviour persists a CPN will be issued. The amount of time allowed between the written warning and the issuing of the CPN is to be determined on a case-by-case basis.

- 1.8 The Council's Community Protection Team is authorised to issue Community Protection Warnings and Notices, as well as issuing fixed penalty notices (FPN) in relation to breaches of the PSPO.
- 1.9 The CPT is comprised of a Manager (reporting to the Head of Housing & Community Services), two Senior Community Protection Officers, four Community Protection Officers (CPO), two Assistant CPO and a Safer Communities Officer (which is currently being held vacant).

Strategic and Operational Delivery

- 1.10 The Community Protection Team covers a wide range of activity, from tackling serious organised crime to providing the Council's statutory functions linked to noise, pest control and nuisance. The Team also delivers specialist areas of work such as animal welfare, including the licensing function and tackling domestic abuse.
- 1.11 Having such a wide brief of responsibility and finite resources requires that the team's workload is clearly set out to enable the officers to be directed to where they can be most effective.
- 1.12 Direction is provided through corporate planning, for example the Council's Strategic Plan, and the statutory document – the Safer Maidstone Partnership's Strategic Plan. Members of this Committee are involved in the development of both documents, in particular the SMP's Community Safety Partnership Plan, which is then adopted by Council at its main meeting. These documents set the overarching priorities for the team.
- 1.13 As part of the team's workload is also reactionary, the team needs to have the capacity to be flexible enough to be able to respond to issues as they arise. Examples of this include dealing with unauthorised encampments when they occur; supporting the police when a serious incident happens; and supporting vulnerable individuals who come to the attention of the service through the Community Safety Vulnerabilities Group.
- 1.14 The proposed engagement with ward Members will provide a helpful enhancement to the intelligence gathering that is undertaken by the CPT in partnership with the police and other key agencies. However, this approach will need to align with the strategic priorities that are expressed in the statutory Plans mentioned above, as they are adopted in accordance with our constitution. Equally, operational prioritisation is best undertaken at an officer level, whilst having regard for the emerging issues proposed by Members.

Innovation

- 1.15 Maidstone's CPT is recognised as one of the most progressive and resourceful community safety teams in the County. The innovative and creative use of a range of legislation, particularly in relation to the use of Community Protection Notices, has seen a significant increase in partner engagement and best practice being replicated across the South East and beyond.

- 1.16 In the vast majority of the CPT's investigations, the officer's objective is to seek to modify a person's behaviour or reduce the impact. This requires a more nuanced approach when contrasted with a more process driven requirement. Many of the people who the CPT come into contact with, whether they are the alleged victim or alleged offender, have complex needs that require addressing in order to resolve the situation.
- 1.17 The CPT's approach is framed by the Council's Enforcement Policy and the officers' understanding of the legislation available. In addition, officers utilise the guidance provided by the Home Office and all the relevant case law associated with the 46 different statutes the officers are authorised under. Two recent Local Government Ombudsman Reports and an audit of the Noise Nuisance process found our officers decision making to be excellent in supporting the needs of our customers.
- 1.18 As well as undertaking mainstream nuisance investigations and regulatory compliance work, the CPT is engaged in a variety of activity that requires periods of evidence gathering and patient interjection. These activities cannot always be reported due to their sensitive nature. However, the Home Office has placed great emphasise on the positive opportunity that local authority staff can bring to bear when investigating and disrupting serious criminal activity, e.g. human trafficking; environmental crime; County Lines.
- 1.19 As a result of the above and the staff capacity, the resources do not allow for the deployment of "patrolling officers" from within the service. Officers respond to evidence provided and in most cases act retrospectively, unless they happen to be in an area and witness an offence, such as fouling or excessive noise. We also rely on our more mobile partners, such as Kent Police, BID Ambassadors and KCC Wardens to provide evidence of offences when appropriate.

The impact of Covid-19 on complainant behaviour

- 1.20 The pandemic has led to a substantial increase in service requests. The introduction of the lockdown regulations resulted in a dramatic lifestyle change for many people; with more time spent at home than had been experienced before. Increased financial or emotional pressures, home schooling and more walks in their local area have changed many people's lives and perspectives about where they live; and with change often comes fear and anxiety. A combination of these factors has led to some of our complainants exhibiting unrealistic expectations and/or impatience with our processes that are in place to support their needs.
- 1.21 The experiences expressed by Ward members at June's Committee meeting reflect the increase in service requests from the public, Ward Members and MP enquiries. The reporting function available through the Council's website provides the most efficient way for residents to report incidents. As an example, our online noise process allows customers to record the noise they are experiencing and automatically generates advisory letters when appropriate.

2. AVAILABLE OPTIONS

Proposed options

- 2.1 In order to address the concerns expressed by Members at the June Committee, it is proposed to: **Raise Member's Awareness** - a series of briefings sessions will be made available to all ward members before the end of the financial year. These will cover topics including:
- Noise and Nuisance investigations, including event noise
 - Tackling Anti-social Behaviour and the role of the District Contextual Safeguarding Meeting in protecting young people
 - Domestic Abuse services and the role of Domestic Abuse Champions
- 2.2 **Increase Member's dialogue** – officers will explore the opportunity to conduct frequent engagement sessions with Kent Police and key partners to discuss ASB, nuisance and concerns, giving consideration to:
- Creating "Ward Clusters" containing up to 4 wards, based on geography, urban or rural setting, demographics and concerns
 - Meeting twice a year with the Ward Members and Parish Chairs, as appropriate, for each cluster
 - Creating and agreeing collaborative plans to address local concerns, utilising an evidence-based approach, which could be collated and reported back to the CHE Committee on an annual basis
- 2.3 **Increase Member's awareness of successes** – officers will work to develop an improved communications strategy with our Communications Team to investigate the possibility of developing an online newsletter to share updates and information useful to members.
-

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 The options outlined in 3.1 to 3.3 will provide a more collaborative platform for Ward members to understand and work with officers and partners more readily in tackling local issues.

4. RISK

- 4.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. The author is satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 No consultation is considered necessary at this stage
-

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Officers will work with Democratic services and the Communications Teams to develop the initiatives outlined in section 3.1 to 3.3 and deliver in accordance with the timescales detailed in the report.
-

7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Community Protection Team Areas of Delivery
 - Appendix 2: Community Protection Team Service Requests
-

Appendix 1.

Community Protection Team Range or Responsibilities

- Anti-social behaviour
- Noise nuisance
- Pollution & verminous properties
- Drains
- Public Space Protection Order
- Issuing Fixed Penalty Notices
- Organised crime groups
- Gangs & exploitation
- Supporting the Safer Maidstone Partnership
- Animal welfare licensing
- Safety Advisory Group
- Gypsy/holiday home site licensing
- Unauthorised encampments on MBC land

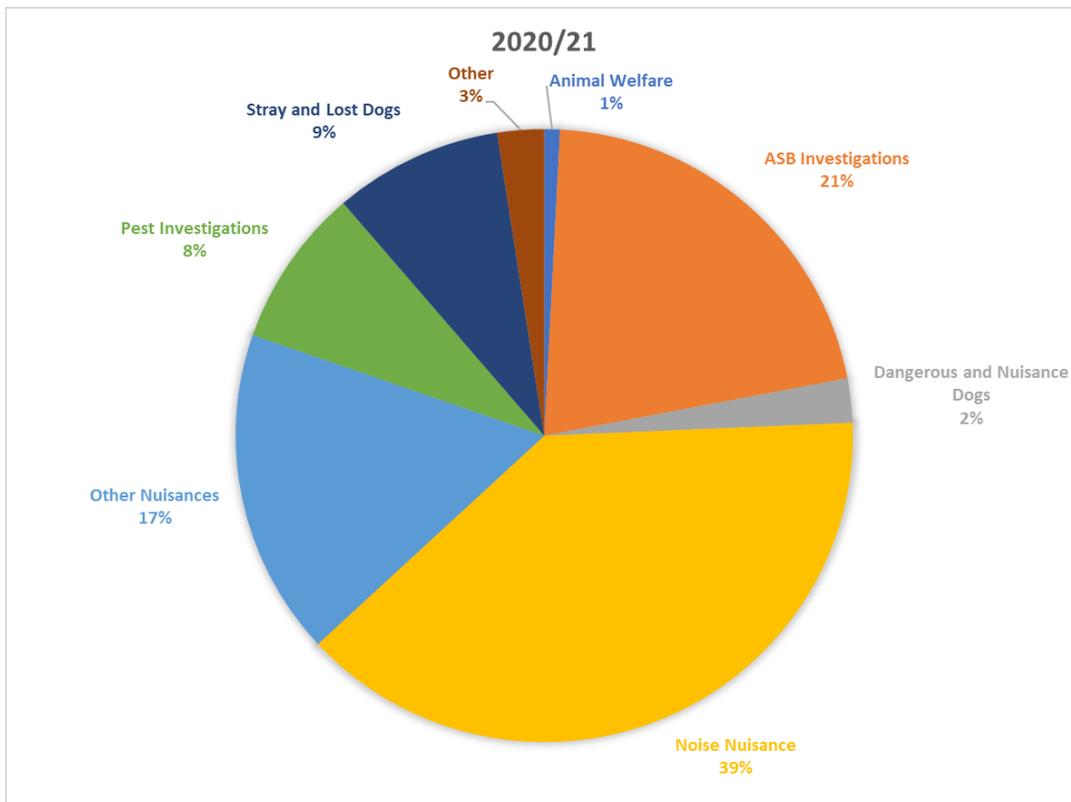
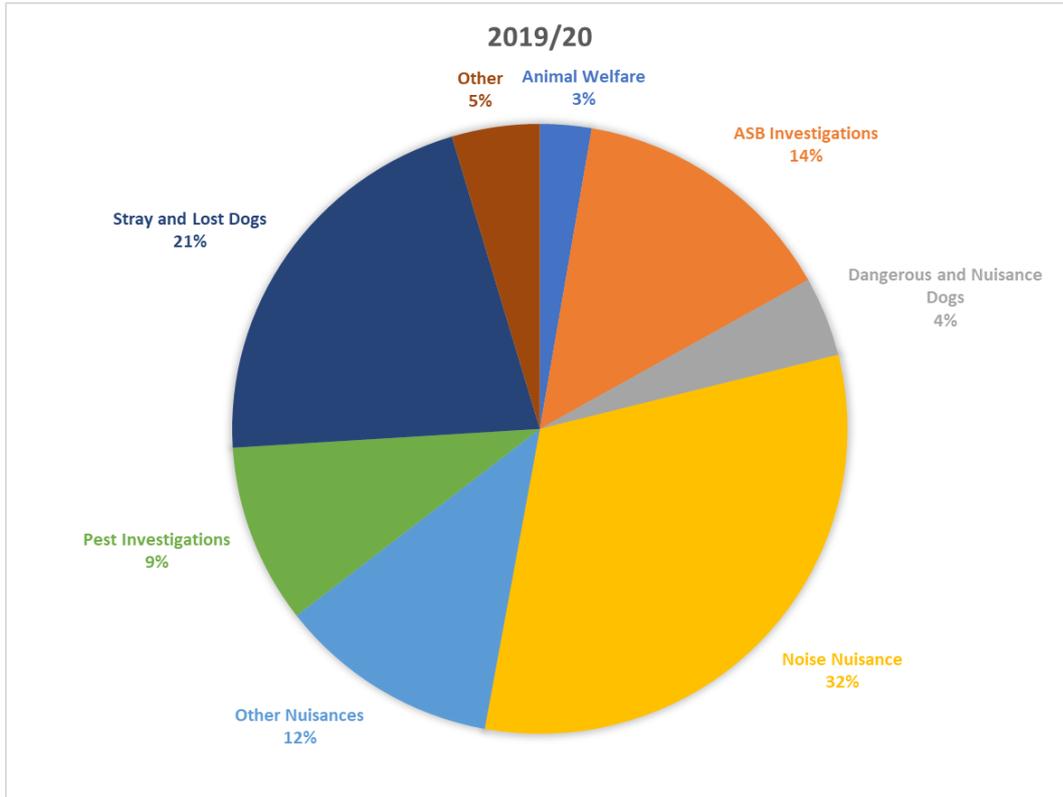
In addition to this reactive work the team also undertakes a significant amount of proactive and preventative work to safeguard the most vulnerable within the borough. This includes, in the last 12 months:

- Implementation and management of the new Public Realm CCTV system
- Improved management of our Mobile CCTV assets and their deployment with Kent Police CSU
- Administration of the Weekly Community Safety Vulnerabilities Group
- Chairing the Maidstone Domestic Abuse Forum and supporting the provision of support services, including the One Stop Shops
- Co-chairing the District Contextual Safeguarding Meeting
- Participating in the Local Children's Partnership Group for Maidstone
- Administration of the Police Crime Commissioner's annual Community Safety fund, making c£15k of funding available to support local projects, including Maidstone Street Pastors and awareness programs for kids around gangs, violence and personal resilience
- Engagement with the Serious Organised Crime Panel to successfully disrupt 3 recognised Organised Crime Groups and to target County Line activity
- Obtained funding from the Kent Violence Reduction Unit for funding projects and initiatives including:
 - Emergency Trauma Packs for key locations around the town
 - A new knife bar and two knife wands
 - 2 new rapid deployment cameras
 - Youth Safety Survey (postponed till October 2020)

- Supported the Outreach Team in dealing with entrenched street population, including the removal of a homeless camp underneath Sainsbury's in the Town Centre.
- Hosting a partnership "sites of interest" meeting for complex sites with criminal, planning and environmental concerns
- Introduced a more efficient Safety Advisory Group process to allow event organisers to seek advice on how to run their events safely and reducing the need for meetings
- introduced new animal welfare legislation in relation to animal activities, including new processes for home boarding, assessing them against new criteria and awarding star ratings as follows
- Played pivotal role in the post lockdown "Town Centre re-opening" task force for both day time and night time economies
- Reviewed both the Town Centre and Dog Control PSPOs

Appendix 2

Community Protection Team Breakdown of service requests:



Agenda Item 16

Communities, Housing & Environment Committee

25 August 2020

Tackling Anti-Social Behaviour relating to dogs: Updating our enforcement tools

Final Decision-Maker	Communities, Housing & Environment Committee
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer and Report Author	Martyn Jeynes, Community Protection Team
Classification	Public
Wards affected	All

Executive Summary

This report requests the Committee to authorise the Head of Housing and Community Services the authority to make a new Public Space Protection Order (PSPO) in relation to dog control that builds upon existing dog control measures.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. That the Committee give authority to the Head of Housing and Community Services to make a new Public Space Protection Order as set out in Appendix 4

Timetable

Meeting	Date
Communities, Housing & Environment	25 August 2020

Tackling Anti-Social Behaviour relating to dogs Updating our enforcement tools

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>Keeping Maidstone Borough an attractive place for all.</p> <p>PSPOs provide Councils with a flexible power to implement local restrictions to address the effect on quality of life caused by a range of anti-social behaviour issues in public places in order to prevent future problems and ensure safe and attractive environment.</p>	John Littlemore, Head of Communities and Housing
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendation supports the achievement of the Health Inequalities and Environmental Sustainability cross cutting objectives by protecting communities from irresponsible dog owners and protecting public spaces for everyone to enjoy.</p>	John Littlemore, Head of Communities and Housing
Risk Management	<p>There is a statutory requirement to review PSPOs every three years. The management of PSPOs will be subject to the current performance management arrangements within the service, with performance benchmarking as part of the process.</p>	John Littlemore, Head of Communities and Housing
Financial	<p>It is anticipated that the continued delivery of the PSPO will be resourced from within existing budgets.</p>	Section 151 Officer & Finance Team
Staffing	<p>Delivery of the PSPO will continue to be overseen by the Community Protection Team in partnership with Kent Police and the Waste Crime Team.</p>	John Littlemore, Head of Communities and Housing

Legal	As contained within the body of the report, any enforcement by way of prosecution, or non-payment of FPN and any other legal process will have resource implications for MKLS. These are not anticipated to be any different than the current PSPO.	Sarah Beasley, Mid Kent Legal Services
Privacy and Data Protection	Private information obtained within the process of delivering the PSPO will be managed in accordance with Environmental Health, Waste Crime & Community Protection Enforcement Policy and the Council's and the Council's Data Protection Policy.	Policy and Information Team
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Policy & Information Manager
Public Health	The Community Protection team is under the reporting line of the Head Housing and Community Services. The focus is strongly on preventative work that is intelligence driven so as to maximise the opportunities to reduce health inequalities in partnership with the police and other community safety related partners.	Community Protection Manager
Crime and Disorder	The continued delivery of the PSPO will contribute to make Maidstone a safer place by promoting the message and enforcement of the appropriate standard of conduct and behaviour.	John Littlemore, Head of Communities and Housing
Procurement	Appropriate procurement methods will be used for publicity and signage as necessary	John Littlemore, Head of Communities and Housing

2. INTRODUCTION AND BACKGROUND

Public Space Protection Orders and their role in Dog Control

- 2.1 Public Spaces Protection Orders (PSPOs) are intended to provide a means of preventing individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or likely to have, a detrimental effect on the quality of life of those in the locality; be persistent or continuing in nature; and be unreasonable.
- 2.2 Powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014, which introduced PSPOs, included transition arrangements whereby any existing Dog Control Orders (DCOs) converted into PSPOs in October 2017. Unlike DCOs, there is a requirement for PSPOs to be reviewed every three years to ensure they remain appropriate.
- 2.3 The existing Dog Control PSPO which transitioned in 2017 has three main prohibitions which were prohibited by the previous DCOs. These are:
 - Dog fouling
 - Exclusion of dogs from fenced play areas
 - Exclusion of dogs from Maidstone Crematorium
- 2.4 Members should note that Dog Control Orders repealed the previous legislation in relation to Dog Fouling, therefore a PSPO is required to ensure this remains an offence in Maidstone.
- 2.5 Home office guidance states that when making PSPOs, Local Authorities should ensure proposed restrictions are focused on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring. PSPOs create criminal offences, which carry the same burden of proof as any other criminal offence and must be proved beyond all reasonable doubt.
- 2.6 Consideration must also be given to the Local Authorities ability to enforce the prohibitions and the public expectation creating such orders might create. This is of particular importance when considering controlling behaviour associated with Dogs. Experience and feedback from institutions such as the Kennel Club and the Dog's Trust have taught us that dog owners are very responsive to measures that are introduced when they are considered justified and proportionate. Where this is not the case the opposite is often prevalent, with deliberate acts of defiance commonplace. This was demonstrated when some areas have tried to introduce large dog's on leads areas.
- 2.7 PSPO can be appealed in the High Court if the council did not have the power to make the order or include particular prohibitions/requirements within them or statutory processes are not followed. Appeals can be made up to six weeks after the date on which the order is made/varied by anyone who lives in, or regularly works or visits the area.

Review and Consultation on proposed measures

- 2.8 Prior to undertaking a public consultation, the council's animal welfare specialist and colleagues from the Community Protection Team reviewed the current transitioned PSPO provision in line with the concerns raised to the team by the public in relation to dog nuisance. Summarised as follows:
- Whilst less reports of dog fouling have been received by the team, it remains an area of public concern.
 - Dogs in play areas are not commonly reported and tend to be addressed relatively easily.
 - 75 complaints about dangerous and nuisance dogs, excluding barking dogs which is dealt with using noise nuisance legislation. The issues relating to dogs vary but often involve owners who have failed to keep their dog under control where they attack other dogs, animals.
 - In addition, the council's appointed specialist contractor deals with around 200 strays or loose dogs a year.
- 2.9 Previous requests for areas to be considered for specific dog control measures were also considered. These generally relate to making specific areas "dog on lead". Two areas of note are the Woodland Trust area in Bearsted and the Mallards Way Pond, Downswood.
- 2.10 The Woodland Trust requested a dog on lead PSPO in 2016 to support their Code of Conduct. Advice was provided in relation to reviewing the large area covered by the dog on lead restriction and the negative response it had received from some dog walkers in the area. It was not deemed necessary or proportionate to introduce a PSPO and the resources necessary to protect the Trust's land.
- 2.11 Mallards Way Pond has been brought to the team's attention by Cllr Newton in relation to a series of dog attacks on wildfowl, in particular around the pond. Whilst there is evidence that attacks have taken place, not all the wild fowl losses can be attributed to irresponsible dog owners. In some cases fisherman, foxes and cats have been linked to the losses. Alternative measures have been recommended including specific enforcement against individuals where identified, a Parish Code of Conduct for dog walkers and/or a fenced area around the pond itself. These should be considered before creating a criminal offence specific to this recreation area. Whilst clearly distressing, it would likely be argued that a PSPO to protect wildfowl is not a proportionate response to protect "quality of life", of human users of the area, particularly given the incidents, whilst unpleasant, are infrequent.
- 2.12 Based on the information collated, officers felt that the most appropriate measures to consider for public consultation were as follows:
1. Dog Fouling
 2. Exclusion from play areas, including Tennis Courts
 3. Exclusion from Vinter's Park Crematorium without permission
 4. Dogs on a lead by direction
 5. Dogs on leads at Sutton Road Cemetery
 6. Allowing a dog to stray
- 2.13 Details on the range of proposals can be found in appendix 1.

2.14 Ahead of the public consultation, Ward Councillors and Parishes were invited to consider the measures proposed by the Community Protection Team. We received 18 responses that indicated support for the measures as follows:

	Measure 1		Measure 2		Measure 3		Measure 4		Measure 5		Measure 6	
Ward Councillors	9	0	7	1	4	4	8	0	7	1	6	2
Parish Councils	9	0	7	2	7	2	8	1	7	2	7	2
	Yes	No										

2.15 Appendix 2 provides details of some of the questions asked by Ward Councillors and Parishes and the response provided by the team. No further evidence or requests were received in relation to the need to amend or add measures ahead of the public consultation.

2.16 A public consultation was undertaken from 12th May 2020 to the 12 July. A total of 1624 survey responses were received, of which 1480 of these were weighted responses, which makes it more representative of the population. The survey found that the majority of the public are in favour of all six measures proposed. An in-depth analysis of the consultation survey responses is available in Appendix 3. In summary the responses were as follows.

	Measure 1	Measure 2	Measure 3	Measure 4	Measure 5	Measure 6
% Public in Favour of measure	90.4%	79.8%	73%	88.4%	88.7%	76.2%

2.17 The consultation and feedback from parishes indicated concerns over how “unfenced play areas” will be made clear to users. This will be developed further with communications, the parks and open spaces and the parishes to ensure suitable signage is agreed and installed at agreed locations.

2.18 Whilst researching the proposed measures it was determined that a measure to require that dogs are kept under control could be utilised to tackle irresponsible dog owners whose dog(s) are found to not be under proper control. This is less prescriptive than a measure just to control strays and would support officers in dealing with broader incidents, such as worrying livestock, causing traffic accidents or attacking other animals, including other dogs, the latter of which often results in significant vet bills for the victim animal’s owner but no action against the individual who allowed their dog to be out of proper control.

2.19 It was also determined that the exclusion of dogs from the crematorium was included in a DCO due to a historical issue involving a particular individual whose behaviour was inappropriate. This issue has since been resolved and with a different emphasis on the use of the crematorium for visitors to visit the memorial gardens means that it would be more appropriate to combine measures 3 and 5 so that dogs are required to be kept on a lead in both our places of rest. This was also raised by those who responded to the consultation.

Enforcement of the proposed measures and exemptions

- 2.20 Whilst the Community Protection Team does not have the capacity to routinely “patrol” the borough, the team remains responsive to the issues raised in relation to dog control. It is felt that a combination of evidence led enforcement and reactive enforcement from the team would support the delivery of the measures 1 through 4, as outlined in 4.1. Officers from the Community Protection Team can already challenge anyone they see failing to clean up after their dog whilst undertaking their wider role. Officers from the Waste Crime Team are also authorised in relation to fouling, in particular as it compliments their litter work.
- 2.21 Enforcement of measure 5 will largely be used retrospectively as it will likely be determined by the evidence provided in relation to how the dog was deemed to not be under control. Consideration will also be given on how to use this to challenge behaviour where a dog has been collected whilst not under its owners control so as to avoid “double jeopardy” in relation to the dog(s) also being collected as a stray. It would not be expected that an owner would pay for both, therefore an “either/or” process will be developed with the appointed pound. An early payment option for the Fixed Penalty Notice in relation to this measure would ensure the sanctions are relatively consistent in that regard.
- 2.22 It is proposed to set the fixed penalty level at £100 for all offences created by the PSPOs. This will be consistent with the existing Town Centre PSPO and is similar to the fine for littering. The maximum fine for prosecution is set out in the legislation at £1000. A lesser amount payment will also be made available for the measure relating to dogs not under proper control.
- 2.23 As with similar offences, any income generated by the use of fixed penalty notices would be reinvested into the service to encourage responsible dog ownership and cover some of the costs associated in delivering dog control in the borough.
- 2.24 For the purpose of enforcing the order, a person who habitually has a dog in their possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.
- 2.25 Unlike DCOs, there are no prescribed exemptions under PSPOs. However, it is necessary to recognise that there will be some dog owners who need to be exempt from some of the controls that we are proposing to implement. Having undertaken an equality assessment and considered the consultation responses it is proposed that nothing in the proposed Public Space Protection Order will 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, or “severely sight impaired”, or “sight impaired” under the Care Act 2014; or
 - b. 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. 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)
 - iv) Hearing dogs for deaf people (registered charity number 293358)
 - v) Any charity created subsequent to this Order, which covers the issues detailed in point b. above.

3. AVAILABLE OPTIONS

- 3.1 **Do Nothing-** If the existing or proposed measures are not renewed they will no longer create any offences in relation to dog control. This would remove a useful tool used to tackle irresponsible dog ownership and supervision, risk considerable reputational damage as it would not be aligned with our strategic plan and may be considered a failure of our duty under the Crime and Disorder Act 1998 to take steps to reduce crime and anti-social behaviour within our borough.
 - 3.2 **Renew existing measures from current PSPO-** whilst this will allow for a useful tool to continue to be used its effectiveness will be slightly diminished due to the limitations of those measures to allow officers to challenge offences. It will also mean the FPN levels remain £75, which would be significantly lower than the current fine for littering or the provisions in the Town Centre PSPO.
 - 3.3 **Implement some of the proposed measures identified in section 4 or additional measures-** Committee may wish to choose to only implement certain aspects of the PSPO or additional measures. This is not recommended as the thorough and detailed process, research and consultation undertaken to date have been considered in bringing the recommendation as set out in section 4. Choosing to implement only some of the recommendations may suggest that the committee are not willing to listen to the public opinion gathered and previous experience of the officers themselves. In addition, new measures would need to be consulted on prior to implementation which would have significant impacts on the proposed measures, which would have to be delayed.
 - 3.4 **Authority given to Head of Housing and Community Services to vary and implement the proposed measures.** This is the preferred option as detailed in section 4.
-

4. **PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

4.1 The preferred and recommended option is 3.5, to authorised Head of Housing and Community Services the make a new PSPO which amalgamates the previous PSPOs/DCOs into one order with the following requirements / prohibitions :

- Measure 1- Remove dog faeces from land forthwith
- Measure 2- Exclusion of Dogs from Play Areas and Tennis Courts
- Measure 3- Keep Dogs on Leads in the Vinters Park Crematorium and Associated Grounds and the Sutton Road Cemetery
- Measure 4- Dogs on Leads by Direction.
- Measure 5 - Keep Dogs Under Proper Control

4.2 Doing anything prohibited by / Failure to comply of measures 1 to 4 could result in a Fixed Penalty Notice of £100. Doing anything prohibited by/ failure to comply with measure 5 could result in a £100 Fixed Penalty Notice, reduced to £80 if paid within 10 days, to bring it into line with the control measures used for strays.

4.3 This order will support officers in dealing with irresponsible dog owners, particularly in high risk and sensitive locations using a range of tools to engage, explain, encourage and enforce the legislation in accordance with their Enforcement Policy.

4.4 The exemptions outlined in 2.24 will also be applied.

4.5 Unlike similar legislation, such as littering, failure to provide details is not a specific PSPO offence. Therefore, for each of the proposed control measures the following additional measure will be made to enable officers to require identification:

A person in charge of the dog at the time of the offence shall provide, when asked by an authorised officer, a name and address

4.6 The measures outlined in 4.1 are proposed as based on the following conclusions found from the review process:

Measure 1- Remove dog faeces from land forthwith

This maintains the offence of dog fouling but increases the FPN amount to £100 so that it is closer to the FPN for littering. Not having this measure would effectively legitimise not picking up dog faeces.

Measure 2- Exclusion of Dogs from Play Areas and Tennis Courts

This measure would extend the existing exclusion of dogs from specified areas where slides, swings and/or other climbing/ play equipment is located whether or not they are enclosed. This measure would also extend to include Council owned tennis courts on request from the Parks and Open Spaces manager to protect them due to ongoing issues with dogs. The designated areas will be clearly mapped and appropriate signage displayed. A definitive list of those areas to be included as "restricted areas" will be agreed with Parish Councils prior to the order being made. This is an expansion on the existing prohibition so that children and users of Maidstone Borough Council's tennis courts can enjoy the facilities without the risk of dog fouling, intimidation of the presence of dogs or nuisance dog behaviour.

Measure 3- Keep Dogs on Leads in the Vinters Park Crematorium and Associated Grounds and the Sutton Road Cemetery

In the existing PSPO there was a full exclusion of dogs from the Crematorium, however, despite the public support for a full exclusion, as detailed in 2.17, an exclusion area is no longer proportionate and dogs on leads at this site would be sufficient and bring it in line with the new proposal for Maidstone Cemetery, whilst still offering support to challenge behaviour in a sensitive location. Introducing this measure to the cemetery provides consistency across the two sites and has been agreed by the Bereavement Services Manager.

Measure 4- Failing to place a dog on a lead when directed to do so by an authorised officer.

This measure seeks to make it an offence to fail to put a dog on a lead when specifically directed to do so by an authorised officer. There is no current provision that officers can use to require this action, but if a dog is off lead and posing a risk of creating nuisance or harm then this equips officers with the means to halt the behaviour on the spot before it escalates to becoming a dangerous dog. This can also be applied retrospectively. This measure received significant public support in the consultation and provides a useful and flexible tool to the officers enforcement toolkit when dealing with the most irresponsible dog owners.

Measure 5 - Failing to keep a dog under proper control

This measure makes it an offence to not properly control a dog, for example it may constitute an offence to allow a dog to wander/roam loose/exercise without a responsible dog owner present or where dogs may create a nuisance off lead as a result of poor training. This provides officers with another tool to tackle dog owners who put the public or livestock at risk and who allow their dogs to behave in an anti-social manner. The measure is amended from that contained in the consultation, as detailed in 2.16. The amendment seeks to encompass a greater variety of situations in which this prohibition could be used to tackle irresponsible dog ownership and supports those affected by the behaviour of their dogs.

4.7 A draft of the proposed order is provided in appendix 4.

5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. That consideration is shown throughout this report. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
 - 5.2 Once the order is made there is a statutory right of appeal to the High Court within 6 weeks if the council did not have the power to make the order or include particular prohibitions/requirements or statutory processes not followed. We are confident that the measures proposed are proportionate and justified, minimising the likelihood of an appeal significantly.
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 As detailed within the report Ward Councillors and Parish Councils were consulted prior to the full public consultation.
 - 6.2 In addition, both the Kent Police and Crime Commissioner and Chief Superintendent of Kent were consulted and expressed support for the proposed measures
 - 6.3 To ensure a full and explorative consultation we also approach charities and public bodies such as The Kennel Club and their responses have been incorporated into the proposals in section 4.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If authorised by the committee, the proposed order will be made by the Head of Housing and Communities and sealed by Legal Services. They will be published on the website and appropriate signage erected in the areas covered by the orders prior to commencement of the Orders. We will also use a communication plan to maximise awareness of the new orders.
 - 7.2 Work will be undertaken with Parks and Open Spaces and Parish Councils to identify play areas that need to be designated for exclusion. The appropriate signage will then be developed and installed to clearly advise customers of any changes, as appropriate.
 - 7.3 A PSPO can be made for a maximum of three years. Following the initial period, the PSPO must be reviewed continually to ensure that it is still necessary and proportionate.
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8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Proposed measures put forward for consultation only.
 - Appendix 2: Responses to Councillors and Parishes for DCPSP0 Proposals
 - Appendix 3: Public Consultation response report
 - Appendix 4: Proposed Dog Control PSPO
-

9. BACKGROUND PAPERS

None

Appendix 1 – Proposed measures put forward for consultation only.

- 1. Allowing a dog to foul without picking it up (Existing Measure).**
 - Increase the FPN for dog fouling to £100
 - Make it an offence to fail to provide, when asked by an authorised officer, a name and address in relation to a fouling incident

- 2. Allowing dogs in designated play areas (i.e. dogs are not allowed in specified areas where slides, swings and/or other climbing/play equipment is located including Council owned tennis courts). (Extension of existing measure)**
 - Expansion on the existing dog control order to include exclusion of dogs from all children's play areas, not just fenced play areas.
 - Increase the Fixed Penalty Notice (FPN) for this offence to £100, in line with other offences
 - Make it an offence to fail to provide, when asked by an authorised officer, a name and address in relation to an incident of not keeping a dog out of an excluded area

- 3. Allowing dogs to enter Vinter's Park Crematorium and grounds without having received permission from the Bereavement Services Manager (Existing Measure).**
 - Prohibit dogs from entering Maidstone Crematorium and grounds unless prior agreement has been sought from the Bereavement Services Manager in special circumstances.
 - Introduce a Fixed Penalty Notice (FPN) for this offence to £100, in line with other offences.
 - Make it an offence to fail to provide, when asked by an authorised officer, a name and address in relation to an incident of not keeping a dog out of an excluded area.

- 4. Failing to put a dog on a lead when asked to do so by an authorised officer (New measure)**
 - Make it a legal requirement for a person in charge of a dog to comply with a request from an authorised officer to put a dog on a lead.
 - Introduce a Fixed Penalty Notice (FPN) for this offence to £100, in line with other offences.
 - Make it an offence to fail to provide, when asked by an authorised officer, a name and address in relation to failing to comply with putting a dog on a lead upon request.

- 5. Failing to keep dog(s) on a lead within the grounds of Sutton Road Cemetery. (New measure)**
 - Make it an requirement that dogs are kept on leads whilst in the grounds of Maidstone Cemetery
 - Introduce a Fixed Penalty Notice (FPN) for this offence of £100, in line with other offences
 - Make it an offence to fail to provide, when asked by an authorised officer, a name and address in relation to an incident of not keeping a dog on lead in Maidstone Cemetery

- 6. Allowing a dog to stray (i.e. it will be an offence to allow a dog to wander/roam loose/exercise without a responsible dog owner present). (New measure)**
- Replace the current "collection fee" with a Fixed Penalty Notice (FPN) for this offence of £100 (£80 if paid within 14 days)
 - Make it an offence to fail to provide, when asked by an authorised officer, a name and address in relation to allowing a dog to stray in the Borough of Maidstone.



Response to Pre-Consultation Queries/ Comments in Relation to the Dog Control PSPO Review.

Measure 1- Dog Fouling

- 1. (a) Dog fouling – especially bagged dog waste has anecdotally increased and £100 is an appropriate ‘deterrent’ sum.**
- (b) This should include people who bag the waste but then leave it hanging in trees or on the floor.**

As soon as dog waste is bagged, this can be classed as litter and the fine for littering exceeds that of dog fouling. The Fixed Penalty for littering is £120.00.

- 2. On the spot fines? There are concerns that fines don’t get paid and an increase may increase the number of people who do not pay.**

Fixed Penalty Notices generate a higher rate of payment compliance as the penalty for non-payment is prosecution for the offence. We have a lot of experience of using FPNs and the payment rate has been very good. People who fail to pay will be prosecuted.

- 3. The existing £75 fine is adequate to get attention and an increase would attract the view that it is a revenue-earning device.
In addition, the fine should only be applicable, as appropriate, where the Parish Council or, in non-parished areas, the representative body of local residents (but where no such local body exists, MBC) has opted into the scheme.**

This measure has been introduced up and down the country under PSPOs which replaced the previous legislation. The default FPN associated with a PSPO breach is defined as £100.00.

We are introducing the measures borough wide to ensure there is a consistent message we believe will be supported by the public.



Measure 2- Exclusion of dogs from play areas

1. No problem with dogs entering play areas as long as they are well behaved and do not mess. Impossible to enforce.

The provision will be used to encourage responsible behaviour and will be used against persistent offenders.

- 2. (a) No to point 1. The exclusion should apply only to fenced play areas**
(b) There should be further clarification that this is for fenced play areas only.

The principal of the measure is the same whether there is a fence or not which is to protect the users of the equipment so that they may use it without fear of interference from dogs or risk of dog fouling. Unfenced play areas face a greater problem in comparison to fenced play areas due to lack of physical barrier and officers would offer advice in the first instance.

3. Gates must be spring loaded to shut. Dogs off lead have an uncanny knack of going through open gates. An appeal process should be in place for these instances.

Noted. Sprung gate hinges would only be applicable to play areas which are fenced off. Dogs under proper control with proper training shouldn't be allowed into those play areas even if gates are open. Dogs not under proper control (i.e. off lead without proper training) should be on a lead anyway.

For any offence representations may be made by the person upon whom a FPN is served. This is not an appeal system but an opportunity for information to be presented to the authority whilst considering whether to proceed to prosecution.

4. We have said yes but are aware that families going to the play park may also take the dog for exercise. Some give and take will be required.

The FAQ on the website will mention this topic in particular, but we advise the following:

"Dogs can be securely tied to fences, provided they do not pose a health and safety risk to other children and members of the public. Any dog foul must be picked up and securely disposed of in a suitable bin. Alternatively, your dog can be exercised at another time when you are not accessing a play site."

Officers would offer advice in the first instance.



5. In principle I am in favour of measure 2. However we must have signage in place as a number of our unfenced play areas are easily accessed and have been so since they were installed.

Thank you for your comment, this has been noted.

6. A number of play areas are unfenced and in open fields which are also used for dog exercise. We would not wish dogs to be excluded from such open spaces.

Dogs would not be expected to be excluded from these open spaces but instead be kept away from children's play areas. An owner with a dog under control should be able to keep their dog away from such areas off the lead. If they are unable to reasonably control their dog off lead then they should be keeping them on a lead anyway.

**7. Yes, but only if it is made subject to opt-in by, if appropriate, a Parish Council or, in non-parished areas, a representative body of local residents, but where no such local body exists, MBC.
£75 fine.**

Thank you for your comment. This has been noted; however this would be a Borough wide measure to maintain consistency for all. An opt-in requirement would make it difficult for residents and visitors of the Borough to understand where would and wouldn't be covered by the PSPO. Work will be undertaken with parishes and our Parks and Open spaces team to ensure areas are clearly marked should the provision be included.



Measure 3- Exclusion of Dogs from Crematorium

1. (a) Whilst guide dogs may be covered by the wording 'unless prior agreement has been sought from the Bereavement Services Manager in special circumstances', we think that they should be detailed as an exception to this rule.

(b) Yes, apart from guide dogs.

Certified working Assistance Dogs cannot be refused entry under the Equalities Act 2010. Assistance Dogs are permitted at the Crematorium and grounds without the need for permission provided they are working.

This will be made clear in both the survey and PSPO if implemented.

2. I would need more info on this. Is there a lot of dog-walking on site?

This measure was implemented previously to address an issue with dogs being walked on site. This was historical, but in consultation with the Bereavement Services Manager we believe it would be sensible to protect the site against future issues.

3. Unless prior agreement has been sought from the Bereavement Services manager.

This Exemption is absolutely necessary in order for it to gain my support.

Thank you for your comment. This has been noted.

4. Dogs should be allowed into Crematorium as companion animals as long as they are kept on lead.

Thank you for your comment. This has been noted.

5. It should be by prior arrangement.

The PSPO states that only certified assistance dogs are permitted on site and permission should be sought from the Bereavement Services Manager if someone wishes to bring any other dog on site.

6. This feels over-the-top, especially for somebody visiting the grounds to pay respects, accompanied by the family pet. Perhaps a requirement to be on a lead. £75 fine, in line with elsewhere.

As explained, prior arrangement can be made with the Bereavement Services Manager, however there are people with loved ones laid to rest at the Crematorium who would not appreciate dogs to walking over the plots/ grounds.

This is an existing restriction which has not generated any concerns to date.



Measure 4- Dogs on Leads by Direction

1. What are the practical measures to be taken by an officer if a person fails to provide their details?

Wouldn't it require the Police to be called? Are officers equipped with suitable communications equipment?

Failure to provide details will also be an offence for all PSPOs. This concern forms part of officers training and how they interact with the customer. Ultimately it might involve support from Kent Police; however the skill of the officer in using their experience can enable an officer to trace the culprit without necessarily needing the Police. All officers are equipped with mobile telephones.

2. Yes, but there must be good, stated reason, mainly that the dog is running around creating a nuisance. Otherwise, too heavy-handed and susceptible to abuse by the officer.

Again, £75, in line with above.

All authorised officers must justify their actions. FPNs would not be issued without good cause to do so because if an FPN fails to be paid then the alleged offender would be prosecuted instead and a court would have to be satisfied that the officers' actions were reasonable and proportionate under the circumstances.

Officers would always look to offer advice in the first instance unless there was an imminent risk of harm.



Measure 5- Dogs on Leads at the Sutton Road Cemetery

1. If they are banned from the crematorium it's inconsistent to allow them in the cemetery apart of course from guide dogs.

Thank you for your comment, this has been noted. The crematorium and the cemetery are actually very different pieces of land and the cemetery is more often used by people visiting with their dogs whilst walking. In consultation with the Bereavement Services Manager, owing to some incidents in the past, it is felt this is the most proportionate response.

2. Measures 4&5 are not outlined correctly; however I presume that the question relates to the paragraph immediately preceding the question.

These questions were outlined in the same way as the others. Potential issue with the way information was displayed on the form when completing.

- 3. (a) This should apply to all cemeteries in the Borough not just Maidstone.**
(b) Can this be extended to all cemeteries in Maidstone Borough that are owned by Parish Councils?

Thank you for your comments, these have been noted. There have been specific incidents involving loose running dogs at the cemetery to help evidence the need for this provision. This provision will enable us to respond to incidents as necessary, but we do not have the resources to actively monitor all cemeteries. If Parishes have a specific issue they can contact us and we can look at what options are available. Parishes can display a dogs on lead sign at their cemeteries to advise visitors.

**4. Again, this feels over-the-top, especially for somebody visiting the grounds to pay respects, accompanied by the family pet. Perhaps a requirement to be on a lead.
£75 fine, in line with elsewhere.**

This measure is in relation to requiring dogs to be kept on a lead at the Cemetery. There is no mention of exclusion within this measure. The measure is in response to reports from staff of dogs running loose in the cemetery over graves and amongst other guests without control.



Measure 6- Stray Dogs

1. A dog may get out of a property by accident, which will require help to catch it. Being given a Fixed Penalty as though you have committed a crime seems harsh. Any dog owner would be happy to pay a collection fee if they get their dog back. It may not necessary be a stray, how will this be determined?

There is no formal definition of a stray dog in law. A dog may reasonably be treated as a stray if it is roaming freely and not under the control of any person, irrespective of whether it has a home. This applies whether or not the dog wears a collar with identification or is microchipped.

Being a responsible dog owner means incidents like this should not happen because an owner would be reasonably expected to keep their property secure to prevent escape. We also actively encourage people to ensure that their dog wears a collar and tag with their address and contact details. This is a requirement of law which has been affected by misconceptions that finding addresses on tags would lead to burglaries because the dog wasn't there. If a dog is wearing a collar the first person to find a dog will know where it is from and will return it, so no fines are issued. Microchips rely on specialist equipment and checks that are undertaken at the kennels. At this point costs have been incurred and an FPN will be issued.

It is also a legal requirement for a dog to wear an ID tag with an address on it, so neighbours can return the straying dog before it ends up in the care of the kennels. However, where a dog is collected as a stray the local authority has already incurred a fee from the contractor which needs to be recovered, whether that is accidental or not. Traditionally it has been very difficult to recover this money which means "accidents" are paid for by the public purse. This provision means that those responsible for the dog cover the costs we occur in a more effective way.

2. Some dogs wander and very difficult to control them and will penalise urban residents rather than rural communities where the problem is most acute.

Dogs should not wander. Allowing a dog to 'wander' or 'explore' is not responsible dog ownership if they are not kept under control with an owner or responsible person present then they may reasonably be treated as a stray. Wandering dogs will naturally defecate, approach/attack other animals and peoples. The law is very clear that dogs must be accompanied by a responsible person at all times when in public.

3. As the owner of a rescue dog who is an 'escapee' this measure should only be used for those who have allowed their dog to stray.

Dog owners should not allow their dogs to 'escape' and if the dog is known to 'escape' then reasonable action should be taken to prevent this from happening. There are too many associated risks both behaviourally and environmentally that



can be detrimental to the locality as a result of dogs straying (damage to livestock, road traffic accidents, dog fouling, risk of injury to humans or other animals). Ultimately the dog's life is at risk when it is not where it should be.

Owners should take all reasonable steps, including a dog collar, so the dog doesn't enter the system. The FPN is simply replacing the collection fee in a more collectable format for the cost the local authority incurs.

4. Yes- Without the reduced fine element.

Thank you for your comment, this has been noted.

5. What is the legal difference between a collection fee and a fixed penalty notice?

A collection fee is the recovery of the cost to the Council for the collection of the dog and taking it to the kennels and a statutory fine of £25. It is created as a debt which have proven difficult to collect.

A Fixed Penalty Notice is a fine for a breach of a PSPO. An FPN can be issued as an opportunity to discharge prosecution by way of a financial penalty rather than being prosecuted and receiving a criminal record for the offence. In this case it will replace the "debt" of a collection fee with a fine, but will mean that failure to pay becomes a court matter and not a debt recovery matter.

6. Is there any way to require full payment before collection?

Unfortunately our contractor does not have the processes or personnel in place to undertake this. There is also an increase risk to their staff in collecting the fee at point of collection when owners have to pay the associated kennel fees. The two phase approach allows us to spread the cost of the collection into two parts, the second part being the FPN and we can provide some flexibility to the terms of payment, including extensions where necessary. But the risk of not recovering the debt is managed.

7. Why reduce the fine to £80 if paid within 14 days when there is no such reduction in the other categories?

Thank you for your comment, this has been noted. The reduction fits with the current collection fee/fine.

8. Definition of "stray" presumably to include no potential owner in sight. If one is, that person should be approached and, if the owner, the dog would not be a stray, but, depending on where and what the dog was doing, other sections of this PSPO may apply.



For a stray with a collar /tag, this may be work-able, but the FPN could only be issued, if that tag gives sufficient tracing details. £75, in line with above.

There is no formal definition of a stray dog in law. A dog may reasonably be treated as a stray if it is roaming freely and not under the control of any person, irrespective of whether it has a home. This applies whether or not the dog wears a collar with identification or is microchipped.

Where a dog is not being kept under control and an owner or responsible person is present, the dog on lead by direction aspect of this PSPO can be applied.

If a stray dog is collected by the Council, it is taken to the Kennels where it is looked after until an owner claims the dog. If an owner comes forward to claim the dog then they receive the FPN at that stage. If a dog is unclaimed, it will be re-homed after 7 days.

General Comments

1. No additional measures. In fact, this already feels heavy-handed, with the added aspect of overly-enthusiastic application of this PSPO due to the prospect of enhanced revenue raising.

Thank you for your comment. Provided dog owners are exercising appropriate responsibility for their canine companion then they will not be affected by the introduction of the proposed measures. These measures are proposed with the intent of challenging the irresponsible dog owners and encourage them to change their behaviour. With the exception of fouling and strays, officers will always look to educate first.

The public consultation opens on Tuesday 12th May 2020 and closes on Wednesday 1st July 2020. Please make sure you have your say and please encourage residents and visitors to have their say too.

Thank you for taking the time to get involved with the PSPO review despite the current circumstances around COVID-19.

Dog Controls PSPO Consultation 2020



Methodology

The survey was open between 12th May and 12th July 2020. It was promoted online through the Council's website and social media channels. Residents who have signed up for consultation reminders were notified and sent an invitation to participate in the consultation.

There was a total of 1624 responses to the survey, there are 1480 weighted responses.

As an online survey is a self-selection methodology, with residents free to choose whether to participate or not, it was anticipated that returned responses would not necessarily be fully representative of the wider adult population. This report discusses the weighted results to overall responses by demographic questions to ensure that it more accurately matches the known profile of Maidstone Borough's population by these characteristics.

The results have been weighted by age and gender based on the population in the ONS mid-year population estimates 2018. However, the under-representation of 18 to 34 year olds means that high weights have been applied to responses in this group, therefore results for this group should be treated with caution. It should also be noted that respondents from BME backgrounds are under-represented at 4.6% compared to 5.9% in the local area. The results for this group should also be treated with caution.

There were a total of 1480 weighted responses to the survey based on Maidstone's population aged 18 years and over. This means overall results are accurate to $\pm 2.53\%$ at the 95% confidence level. This indicates that if we repeated the same survey 100 times, 95 times out of 100 the results would be between $\pm 2.53\%$ of the calculated response, so the 'true' response could be 2.53% above or below the figures reported (i.e. a 50% agreement rate could in reality lie within the range of 52.53% to 47.47%).

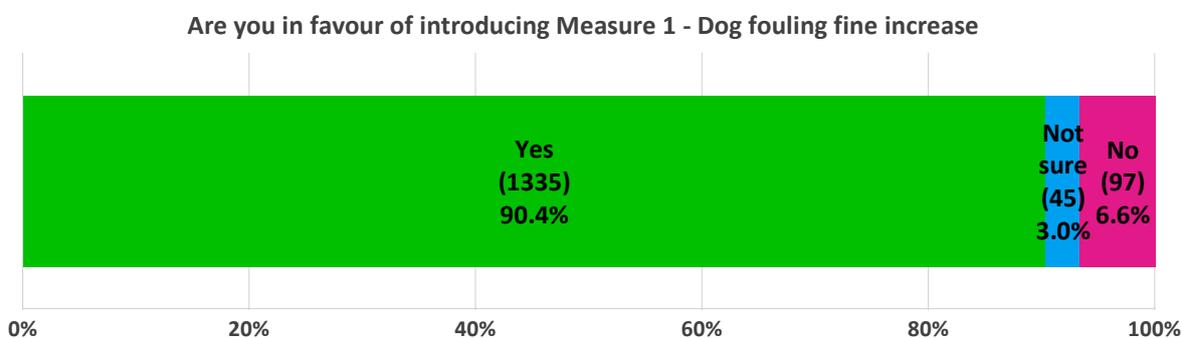
Please note that not every respondent answered every question, therefore the total number of respondents refers to the number of respondents for the question being discussed, not to the survey overall.

Measure 1 – Dog Fouling

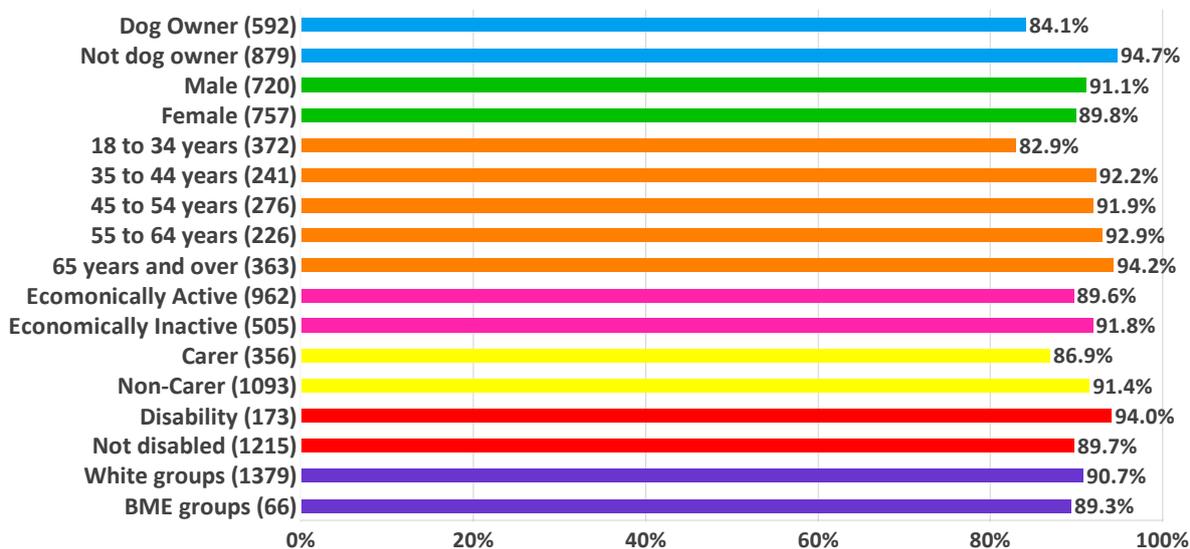
Increase the FPN for dog fouling to £100
Make it an offence to fail to provide, when asked by an authorised officer, a name and address in relation to a fouling incident

Survey respondents were asked if they were in favour of introducing measure 1 as described above.

There were 1477 weighted responses to this question, with the most common response being ‘Yes’ with 1335 respondents answering this way.



The chart below shows the proportions responding ‘Yes’ across the different respondent groups.



- There was a significantly greater proportion of respondents without a dog that were in favour of introducing measure 1, compared to respondents that said they do not own a dog.
- One in ten dog owners disagreed with measure 1, this group was almost three times more likely to respond ‘not sure’ - these differences are significant.

- There was a significantly lower proportion of respondents aged 18-34 answering 'yes' to measure 1 than the other age groups. One in ten in of this group disagreed with this measure – significantly greater than the other age groups.
- The difference between the proportion of carer and non-carers agreeing with measure 1 is significant. Whilst there were no significant differences between these groups answering 'no', Carers were significantly more likely than non-carers to respond, 'not sure'.
- Although economically active respondents had a lower proportion agreeing with measure 1 than economically inactive respondents – this difference is not significant. However, there are significant differences between these groups for the remaining answer options. Economically active respondents had a significantly greater proportion responding 'no' and a significantly lower proportion responding 'not sure' than those from the economically inactive group.

Comments about Measure 1

There were 571 unique comments made in relation to measure 1.

19 comments have been classified as N/A, these were where the intention of the comment is ambiguous or where an unrelated issue has been raised.

In total there were 118 comments that expressed disgust at dog fouling, stating that dog fouling had increased, or they identified specific locations in the borough where they had noticed an issue. Some respondents stated that it was worse than littering and others stated that they encountered dog fouling daily. There were also 51 comments referring to irresponsible owners.

Dog fouling is disgusting. I have several very unpleasant experiences of treading in dogs' mess. My children once got it all over their school clothes playing in the park as it was smeared all over the play equipment. It is not the dog's fault. It is bad owners.

There were 117 comments that suggested measures should be harsher. Most comments suggested raising the FPN amount, with the greatest amount suggested being £1000. There were also suggestions for increasing the FPN for subsequent breaches and a few that suggested removal or confiscation of the dog involved.

The important part is actually enforcing payment of the fine, not the fine amount. I believe what 's needed is fines that actually get collected.

There were 110 comments relating to enforcement. Many questioned how this would be enforced with many stating they have never seen an officer patrolling. There were also several commenters that were concerned about who the 'authorised officer' would be, how they would be identified and the general handling of personal information.

There were 49 comments about dog poo bags being discarded and not put in bins and 28 comments about bins for dog fouling, with respondents requesting that the number of bins be increased. There were also nine comments suggesting that people should be spot checked or fined for not carrying dog poo bags.

There were 40 comments that were positive or agreed with measure 1, as proposed and 34 that suggested that measure 1 was not a sufficient deterrent or would have little impact. There were 28 commenters that thought the measure should be less harsh, with many of those stating that the FPN amount should not be increased. Some felt the fine should be the same as for littering and others were concerned about the financial impact this could have on low income households. There were

Having had dogs in the past and walked them in public places, picking up their waste was something I did without thinking about. Those who don't should be fined. I am in full agreement to Measure 1.

also requests to consider specific circumstances, for example, if a dog was unwell and the owner has made the effort to clear it up.

There were 17 comments where litter was mentioned alongside dog fouling. Most comments stated that littering was worse or that the fine for both offences (littering and dog fouling) should be the same.

Six comments were classified as 'other.' A few comments mentioned income generation and one questioned what the monies collected from fines would go towards. Another comment made the point that it was more difficult to find appropriate places to exercise a dog and Legal highlighted the Animal Welfare Act 2006 requirement to provide dogs with 'suitable exercise.'

There were 38 comments that made the following suggestions:

- To bring back dog licences.
- Develop an easy way to report offenders.
- Develop a tiered system for repeat offenders, using DNA and the microchip database.
- Provide bins with poo bag dispensers.
- Educating residents.
- Community service such as litter picking rather than fines.

Measure 2 – Exclusion from children's play areas and council owned tennis courts

Expand on the existing dog control order to include exclusion of dogs from all children's play areas and council owned tennis courts (as shown in the maps)
Increase the Fixed Penalty Notice (FPN) for this offence to £100, in line with other offences

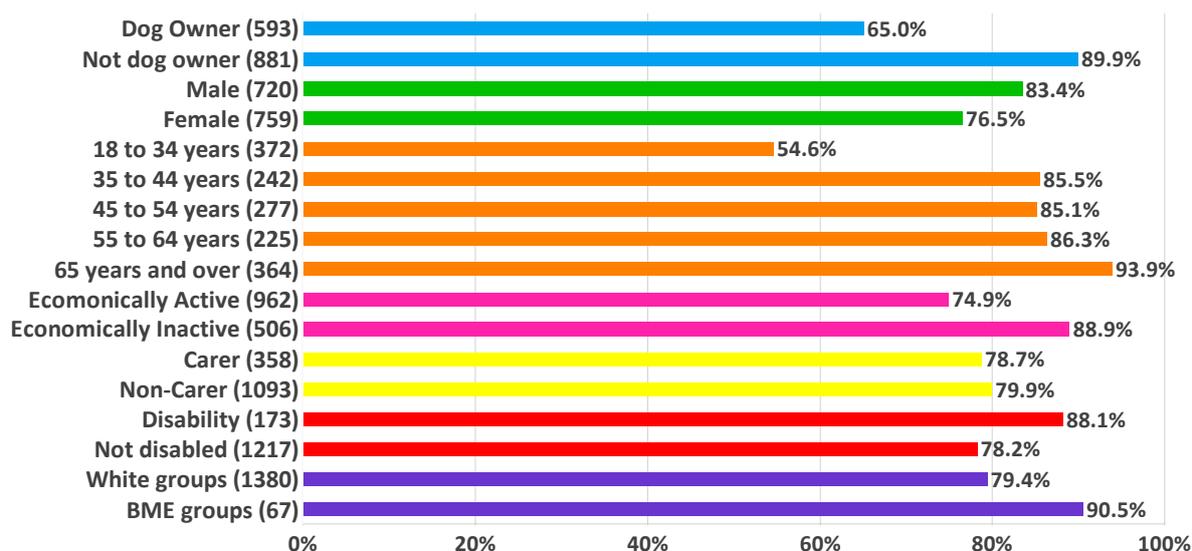
Survey respondents were asked if they were in favour of introducing measure one as described above.

There were a total of 1479 weighted responses to this question, with the most common response being 'Yes' with 1181 answering this way.

Are you in favour of introducing Measure 2 - Exclusion from children's play areas and council owned tennis courts



The chart below shows the proportions responding 'Yes' across the different respondent groups.



- The difference between dog owners and non-dog owners agreeing with measure two is significant. There were no significant differences between the two groups response level for 'not sure.' However, more than a quarter (28.0%) of dog owners said they did not agree with this measure compared to 4.1% of respondents who said they did not own a dog.
- A significantly lower proportion of female respondents agreed with measure 2 compared to male respondents. Whilst there was not a significant difference between the proportions responding 'no', female respondents had a greater proportion responding 'not sure' at 9.1% compared to 3.5% of male responders.
- A significantly lower proportion of 18-34-year olds agreed with measure 2 with significantly greater proportions responding 'no' and 'not sure' compared to all the other age groups.
- A significantly lower proportion of the economically active group agreed with measure 2 compared to economically inactive respondents and a significantly greater proportion the economically active responding 'no' and 'not sure'.
- Whilst there were no significant differences between the proportion of carer and non-carers agreeing with measure 2, there were significant differences between these groups answering 'no' and 'not sure'. A significantly greater proportion of carers responded 'no' than non-carers, and non-carers had a significantly greater proportion responding 'not sure' when compared to carers.
- A significantly greater proportion of respondents with a disability responded 'yes' to measure 2 than respondents without a disability. The data shows that non-disabled respondents had more concerns with this measure, with 15.2% responding 'not sure' compared to 7.5% of respondents with a disability answering the same way.
- A significantly greater proportion of BME respondents agreed with measure 2 when compared with respondents from white groups.

Measure 2 Comments

There were 420 unique comments made in relation to measure 2.

22 comments have been classified as N/A, these were where the intention of the comment is ambiguous or where an unrelated issue has been raised (this also includes comments about ensuring support dogs are exempt as this covered by different legislation and no restrictions are proposed for this group).

If dogs are loose in children's' play areas not only are they likely to foul the area but there is an increased likelihood of interaction between children and the animals and this can sometimes lead to problems.

101 comments have been classified as being in favour of measure 2, with respondents agreeing that play areas in particular are not places for dogs. There were also 45 comments about children's safety around dogs and the need for these groups to be separate.

This is a difficult one. I often take my niece to the park with my dog and it's very difficult to keep an eye on her from outside. I find it very stressful which kills any joy I get. I am a very responsible dog owner so you need to find ways to ensure all are. Then it wouldn't be an issue.

There were 45 comments where respondents raised exclusion concerns, worried that this could impact on families with young children and dogs. There were also 16 comments that mentioned having a secure place to exercise and socialise dogs like a dog park. 25 comments stated that all play areas should be enclosed/fenced.

There were 32 comments around enforcement. These mentioned not seeing enforcement officers, raised concerns over providing personal information and queried how enforceable this measure is.

The deterrent is already there, it just needs more enforcement, I am against the fine increasing by £25 to £100.

There were 22 comments that expressed disagreement with this measure with respondents stating that this measure would not work or that dogs should be allowed in play areas or when empty they are useful for training purposes. Some of these comments refer to this measure as unnecessary over policing. There were 12 comments that referred to previous bad experiences – most of these relate to dog fouling.

There were 28 comments that expressed partial agreement with measure 2 where it was suggested that dogs on leads or under control should be allowed in but the FPN should increase or that the fine should be lower. In addition there were 20 comments that expressed that the measure should be more lenient or less harsh, such as a first warning or lower fines and 19 comments that suggested the measure should be harsher such as having a bigger fine.

This should be extended to cover any area of open land where children might play.

There were 29 comments that suggested that the measure needed to go further or be tougher. It was suggested that the measure be extended to playing fields, sports areas, village greens and school gates and that dogs should be on the lead in all parks. There were also suggestions for dog free areas of parks and dog only areas of parks.

There were 23 comments that contained suggestions. Respondents said that there should be more benches on the perimeter of play areas and places to secure dogs or pet stations. There were also suggestions for education for offenders, clear signage in parks to show where dogs are and are not allowed and for it to be mandatory for dog walkers to carry dog bags. There were also several suggestions to bring back dog licensing.

18 comments have been classified as 'other' with some just saying that not all dog owners are responsible or asking questions about how the measure would work.

Measure 3 - Exclusion of dogs from Vinters Park Crematorium

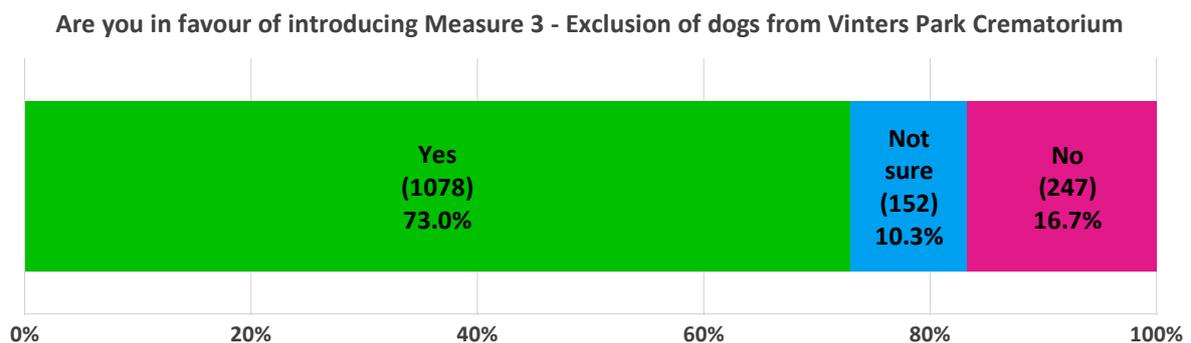
Prohibit dogs from entering Vinters Park Crematorium and grounds unless prior agreement has been sought from the Bereavement Services Manager in special circumstances. Accredited working assistance dogs are permitted at all times.

Introduce a Fixed Penalty Notice (FPN) for this offence to £100, in line with other offences.

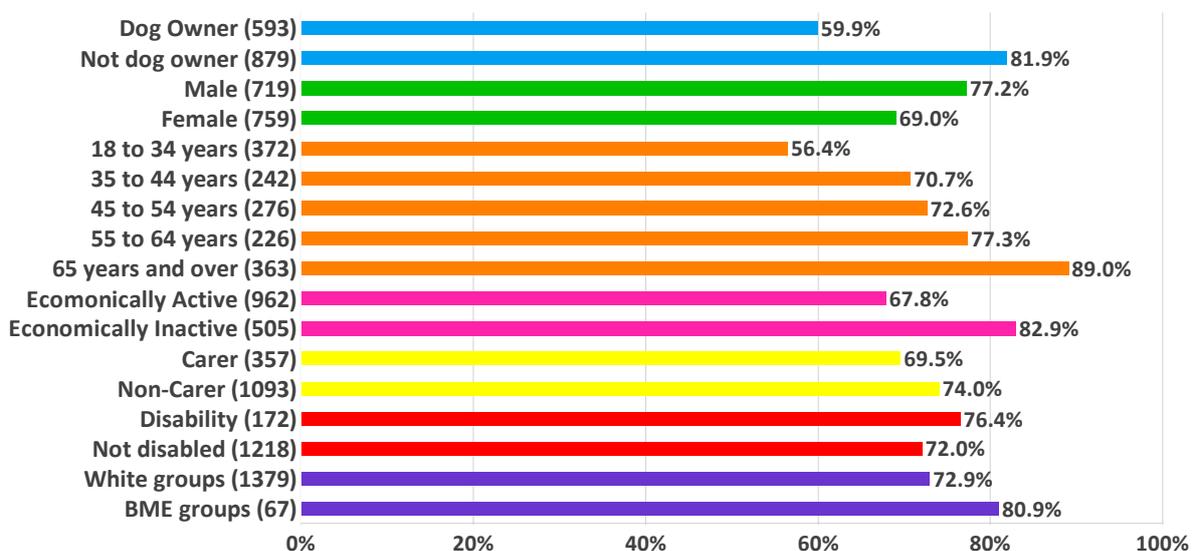
Make it an offence to fail to provide, when asked by an authorised officer, a name and address in relation to an incident of not keeping a dog out of an excluded area.

Survey respondents were asked if they were in favour of introducing measure one as described about.

There were 1478 weighted responses this question, with the most common response being 'Yes' with 1078 answering this way.



The chart below shows the proportions responding 'Yes' across the different respondent groups.



- A significantly greater proportion of dog owners responded 'no' at 28.4%, compared to respondents without a dog where 8.7% answered this way.
- A lower proportion of female respondents agreed with measure 3 and greater proportion responded 'not sure' compared to male respondents. 15.1% of female respondents answered, 'not sure' and 5.3% of male respondents answered the same.
- Agreement with measure 3 appears to increase with age. A significantly lower proportion of 18-34-year olds agreed with measure three and a significantly greater proportion of this group responded 'no' compared to the other age groups. This group also had the greatest proportion of 'not sure' responses, at 14.5%.
- A lower proportion of economically active respondents agreed with measure 3 compared to economically inactive respondents. Economically active respondents had a significantly greater proportion of 'no' responses, with just over one in five answering this way.
- Respondents with a disability had a significantly lower proportion of 'not sure' responses with 5.9% responding this way compared to 11.1% of respondents with a disability answering the same way.

Measure 3 Comments

A total of 306 unique comments were received for measure 3.

46 comments have been classified as N/A, these were where the intention of the comment is ambiguous or where an unrelated issue has been raised (this also includes comments about ensuring support dogs are exempt as this is covered by different legislation and no restrictions are proposed for this group).

Providing a dog is kept on a short lead & owners are respectful I don't see the issue with dogs being allowed in this area.

There were 73 comments that suggested that dogs on leads would be acceptable at the crematorium, many with the proviso that this was if the owner was responsible and cleared up any dog mess.

There were 45 comments that were against or negative about measure 3, with some stating they did not see the need for this measure or opposed a total ban on dogs at the crematorium.

There were 46 comments in which respondents expressed that dogs provided comfort during grief and that dogs should be permitted to attend the services of their owners.

There were 63 comments that were in favour of measure 3. Respondents felt that it was not an appropriate place for a dog, that there was no need for them to be there and that there were other places more appropriate for dog walking. There were also 17 comments stating that the crematorium was a special, quiet, contemplative place.

This is a place where people go to gain comfort and be with departed loved ones in peace and quiet, there are plenty of other places people can exercise their dogs. Absolutely agree assistance dogs only.

15 comments referred to enforcement, with respondents querying how this measure would be enforced but also several queries about 'authorised officers'. Clarification was being sought on how they would be identifiable, what would happen if you refused to provide details and data protection concerns around providing a stranger with personal details.

People should be asked to leave first before fining if they then refuse.

13 respondents suggested that this measure should be more lenient such as imposing a lower fine or asking someone to leave the area before issuing a fine. Seven said this measure should be harsher such as a greater fine.

There were seven general suggestions which included having set times where a dog would be allowed at the crematorium, tiered fines for repeat offences, clear signage and having an appeals system for refusals and identification for people who have been granted permission.

18 comments were classified as 'other' due to not fitting into any of the themes already mentioned in this section. Respondents mentioned the practicalities of asking permission to visit with their dog, that a different measure was being proposed for the cemetery and querying whether or not this was an issue at the crematorium and therefore whether the measure is required?

Measure 4 – Dogs on leads by direction

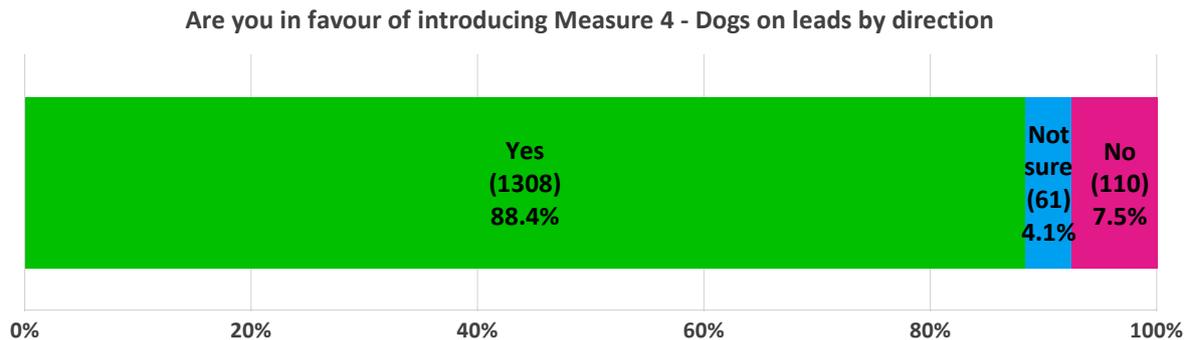
Make it a legal requirement for a person in charge of a dog to comply with a request from an authorised officer to put a dog on a lead.

Introduce a Fixed Penalty Notice (FPN) for this offence to £100, in line with other offences.

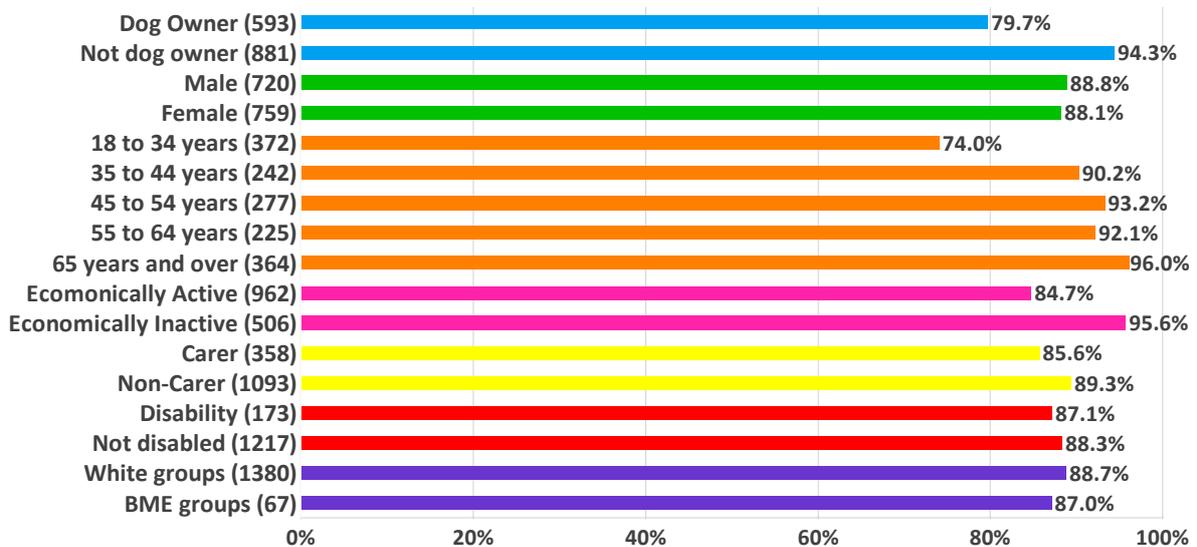
Make it an offence to fail to provide, when asked by an authorised officer, a name and address in relation to failing to comply with putting a dog on a lead upon request.

Survey respondents were asked if they were in favour of introducing measure 4 as described above.

There were 1479 weighted responses to this question, with the most common response being ‘Yes’ with 1308 answering this way.



The chart below shows the proportions responding ‘Yes’ across the different respondent groups.



- A significantly greater proportion of respondents without a dog that were in favour of introducing measure 4, compared to respondents that said they did not own a dog. Just over one in ten dog owners disagreed with measure 4, this group also had a greater proportion responding 'not sure' - these differences are significant.
- Female respondents had a significantly lower proportion of 'not sure' responses for measure 4 compared to male respondents. Whilst there was not a significant difference between the proportions in each group who responded 'yes', male respondents had a greater proportion of 'no' responses at 9.6% compared to 5.4% of female responders.
- The 18 to 34 years group had a significantly lower proportion of agreement with measure four with a significantly a greater proportion of this group responded 'no' and 'not sure' compared to all the other age groups.
- There are significant differences across all the answer options for economically active and economically inactive respondents. There was a lower proportion of economically active respondents agreeing with measure 4 than economically inactive respondents. Economically active respondents had a significantly greater proportion of 'no' responses and a significantly greater proportion who responded 'not sure' than those from the economically inactive group.
- There are significant differences between carers and non-carer answering 'no' and 'not sure'. Carers had a significantly greater proportion of 'no' responses than non-carers, and non-carers had a significantly greater proportion of 'not sure' responses when compared to carers.
- Respondents with a disability had a significantly greater proportion of 'not sure' responses with 10.0% answering this way compared to 3.1% of respondents without a disability. Respondents without a disability had a greater proportion of 'no' responses to this measure than those with a disability with 8.5% of this group answering this way compared to 5.7% of disabled respondents.

Measure 4 Comments

There were 341 unique comments provided in relation to measure 4.

18 comments have been classified as N/A, these were where the intention of the comment is ambiguous or where an unrelated issue has been raised.

Yes if an officer asks you to put your dog on a lead do as you are asked - life skill for everyone.

Overall, there were 63 comments that expressed support for measure 4, with respondents stating that the owner should be responsible for their animal at all times and that a responsible dog owner should comply with a reasonable request for them to place their dog on its lead.

There were also 65 comments that suggested the measure should go further and that dogs should be required to be on leads in more places such as the highway and public parks or that dog should be on leads at all times.

There were 14 comments that did not support measure 4. Here respondents felt that this measure was unfair to dogs and that the definitions in the draft order were vague and open to misinterpretation. In addition, there were 32 comments that queried the reasons that could be given for making such a request with concerns about bias. There were

specifically, who are the authorised officer and what circumstances will they be able to make such a request? this is very unspecific and worrying.

also two comments where the impact of this measure was questioned – the feeling being that this measure would not have the desired impact.

There were 16 comments which mentioned dog owners being responsible. Respondents stated that whilst some dogs are well behaved, others are not, so dog owners should be responsible for their pets. Some of these comments also highlighted the need for dogs to have proper exercise and this being part of responsible dog ownership.

There were 46 comments about enforcement, with comments highlighting the same issues as for previous measures. For example, the ability of the council to enforce, data protection concerns, identification of enforcement officers and abuse of powers.

*More than £100 would be better...
£250 first offence... £500 second
offence... 3rd Offence remove
permission to keep animal.*

There were 28 comments saying that this measure should be harsher with most expressing the fine should be larger and a few saying that the measure should be expanded to include areas such as farmland and highways. There were 13 that said the measure should be more lenient, with most of these against the proposed increase in fine.

There were 35 comments in which respondents stated that some individuals were afraid of dogs, have had bad experiences or dislike them. 13 mentioned a time when a dog had been a nuisance to them such as jumping up or approaching their own dog.

There were 20 comments that contained a suggestion. These included bringing back dog licensing, confiscating the dog, requests for signage and education for dog owners and that all dogs should be muzzled.

There were 5 comments that have been classified as 'Other' one of these queried if it was okay to carry the dog if it was small, one mentioned that this shouldn't be a income generation exercise and one queried the seriousness of the problem on the basis that this was not the first time the Council has consulted on these issues.

Measure 5 – Dogs on leads at Sutton Road Cemetery

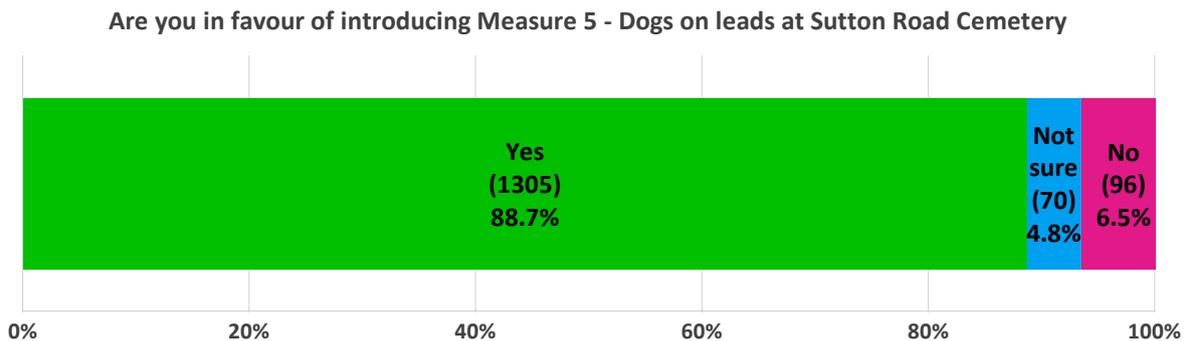
Make it a legal requirement for a person in charge of a dog to comply with a request from an authorised officer to keep a dog on a lead in Sutton Road Cemetery.

Introduce a Fixed Penalty Notice (FPN) for this offence to £100, in line with other offences.

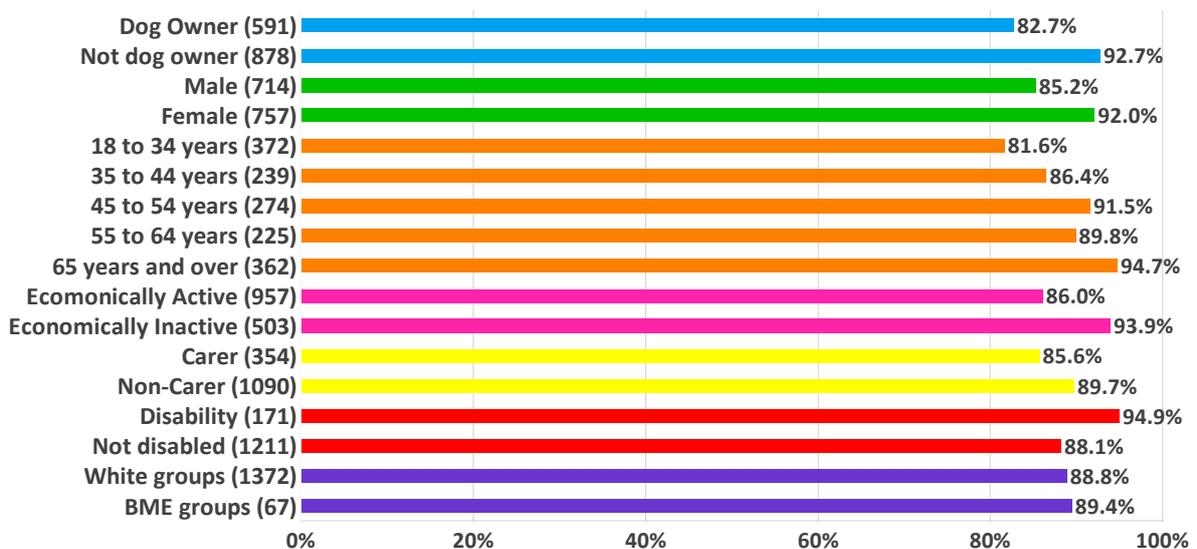
Make it an offence to fail to provide, when asked by an authorised officer, a name and address in relation to failing to keep dog(s) on leads in Sutton Road Cemetery.

Survey respondents were asked if they were in favour of introducing measure 5 as described above.

There were 1471 weighted responses to this question, with the most common response being ‘Yes’ with 1305 answering this way.



The chart below shows the proportions responding ‘Yes’ across the different respondent groups.



- A significantly greater proportion of respondents without a dog were in favour of introducing measure 5, compared to respondents that said they did not own a dog. Just over one in ten dog owners (11.5%) disagreed with measure 5.
- A significantly greater proportion of female responders responded 'yes' to measure 5 compared to male respondents. Whilst there was not a significant difference between the proportions that responded, 'not sure', a greater proportion of male respondents responded 'not sure' at 9.9% compared to 3.8% of female responders.
- The 18 to 34 years group had the greatest proportion of 'not sure' responses across the age groups. The difference between the proportions that responded this way compared to the other age groups is significant.
- A significantly lower proportion of economically active respondents agreed with measure 5 compared to economically inactive respondents. 8.7% of Economically active respondents responded 'no' compared to 2.5% of the economically inactive group.
- There are significant differences between carers and non-carer answering 'yes' and 'no'. A significantly greater proportion of carers responded 'no' compared to non-carers. 9.9% of carers responded this way compared to 5.6% of non-carers. The difference in the proportion responding 'yes' between these two groups was also significant.
- There are significant differences between those with a disability and those without a disability answering 'yes' and 'no'. A significantly greater proportion of respondents with a disability responded 'yes' compared to those without a disability. 2.6% of respondents without a disability responded 'no' with 7.5% compared to 2.6% of those with a disability.

Measure 5 Comments

There were 233 unique comments provided in relation to measure 5.

31 comments have been classified as N/A, these were where the intention of the comment is ambiguous or where an unrelated issue has been raised (this includes where the responder has referred to previous comments given e.g. see previous comment).

There were 43 comments that supported measure 5. Respondents stated that it was inappropriate to have dogs running around the cemetery, fouling on graves or being a nuisance to those visiting departed loved ones. In addition, there were 33 comments that mentioned the cemetery being a quiet, restful place for contemplation rather than an area to exercise dogs. 15 mention the need for dogs to be on leads or under control in this area and 33 comments said that dogs should be banned from the cemetery.

Dogs should always be on the lead in cemeteries, in my opinion, in respect to the dead.

All cemetery's and crematoriums should have the same legislation to make it easier for people to understand and follow.

There were four respondents that disagreed with this measure and 27 that queried the difference in controls for the crematorium and the cemetery, questioning why different measures were proposed for each.

15 comments suggested the measure should be harsher such as greater fines for repeat offenders or expanding the measure to include all public spaces. There were 15 comments that suggested that the measure should be more lenient, most of which were opposed to increasing the level of the fine.

There were 15 comments that referred to enforcement and as with previous measures these queried how the measure would be enforced with a few urging for a fair approach and the same concerns about the 'failure to provide' part of the measure and three people mentioned dog fouling.

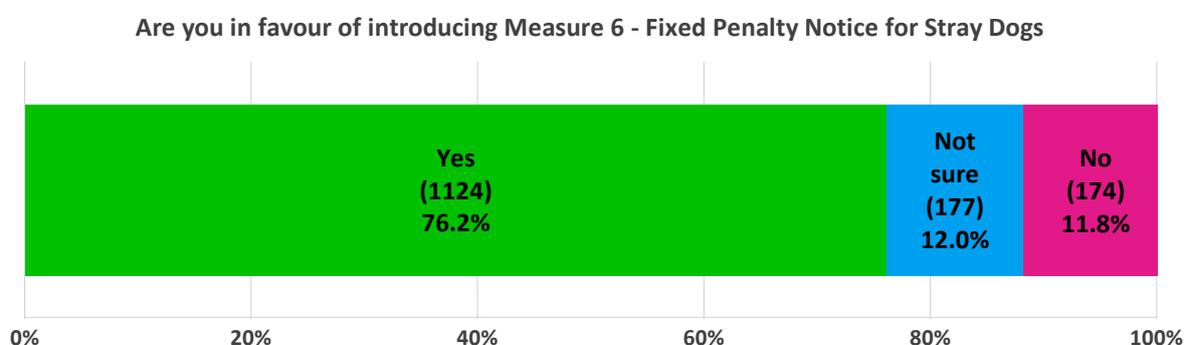
There were 12 comments that have been classified as 'Other' two of these queried whether or not out of control dogs were an issue at the cemetery and if this measure was required, one queried if this measure would be extended to other cemeteries that are managed by the Council with Oak Apple Lane mentioned.

Measure 6 – Fixed Penalty Notice for Stray Dogs

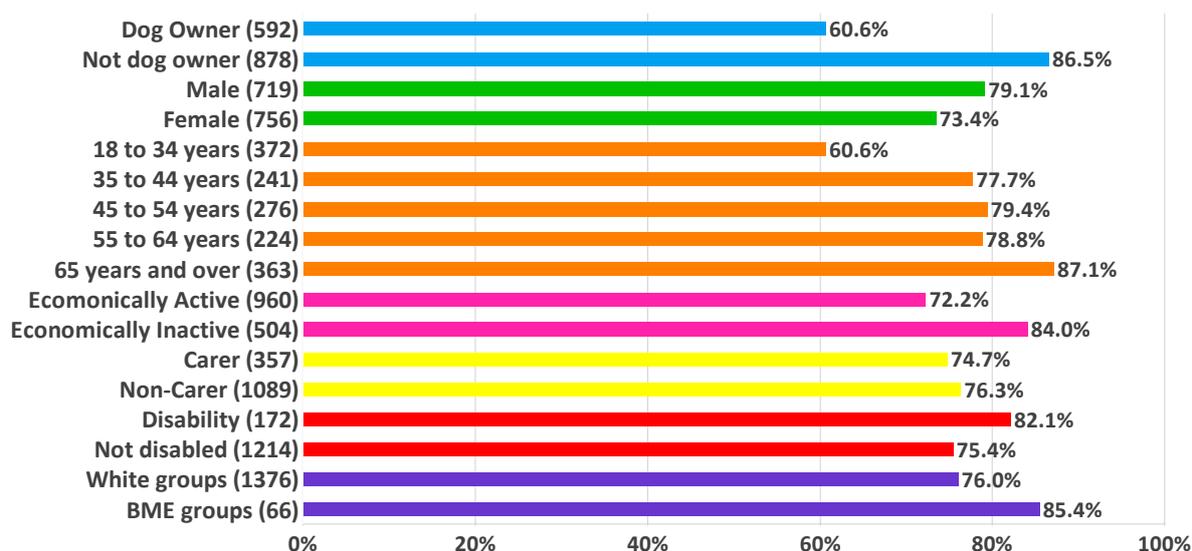
Replace the current “collection fee” with a Fixed Penalty Notice (FPN) for this offence of £100 (£80 if paid within 14 days)
Make it an offence to fail to provide, when asked by an authorised officer, a name and address in relation to allowing a dog to stray in the Borough of Maidstone.

Survey respondents were asked if they were in favour of introducing measure 6 as described above.

There were 1475 weighted responses to this question, with the most common response being ‘Yes’ with 1124 answering this way.



The chart below shows the proportions responding ‘Yes’ across the different respondent groups.



- A significantly lower level of dog owners agreed with measure 6 than respondents that do not own a dog. More than one in five dog owners responded ‘no’ compare to one in twenty who do not own a dog. One in six dog owners responded ‘not sure’ compared to one in 12 respondents that did not own a dog – these differences are significant.

- A significantly greater proportion of female respondents answered 'not sure' to this measure at 14.1%, compared to 9.7% of males responding in the same way.
- Agreement with measure 6 increases as age increases. Responses from 18 to 34-year olds were significantly different from the other age groups, with one in 5 in this group responding 'no' and one in five responding 'not sure'.
- A significantly lower proportion of economically active respondents agreed with measure 6 compared to economically inactive respondents. 15.1% of economically active respondents responded 'no' compared to 6.1% of the economically inactive group.
- A greater proportion of respondents without a disability responded 'no' (12.8%) compared to 6.9% of those with a disability.

Measure 6 Comments

A total of 368 unique comments were provided in relation to measure 6.

31 comments have been classified as N/A, these were where the intention of the comment is ambiguous or where an unrelated issue has been raised (in this section there were couple of references to cats).

A dog could get out of its owners' property for any number of reasons that does not mean it is a "stray" in the true sense of the word

There were 132 comments that mentioned dogs straying due to accidents, being spooked or people maliciously letting dogs out. Respondents stated that most dog owners would be worried or upset if their pet went missing and that there was a difference between a lost dog and a stray dog.

Three respondents said that the current system should not change. 23 queried the impact of this measure. Some commenters rationalised that a true stray dog would not have an owner that could be penalised.

There were eight comments that expressed disagreement with measure 6 and 68 comments where it was suggested that the measure should be more lenient. Suggestions made included that the measure should only apply to repeat offenders and/or that the fine should be lower.

There were 29 comments that expressed support for measure 6, with these stating that the proposed measure appears fair or a good idea. In addition, there were 34 comments mentioning that dog owners should be accountable and responsible for their pet. There were 56 comments that stated that they thought the penalty should be harsher, with most as in previous measures, stating the fine should be higher or higher for repeat offences. There were also 23 comments around the costs of this measure with respondents stating that the taxpayer should not be burdened with the cost of stray dog.

All costs involved with stray dogs should be charged to their owners. A £100 penalty seems low.

There were 24 comments that mentioned enforcement in relation to measure 6. Respondents queried how this could be enforced if the dog did not have a microchip or how the intention could be determined in these cases.

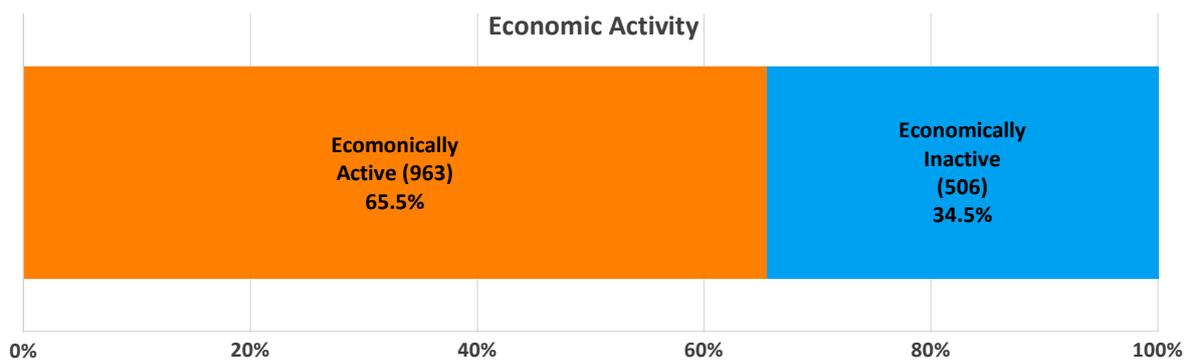
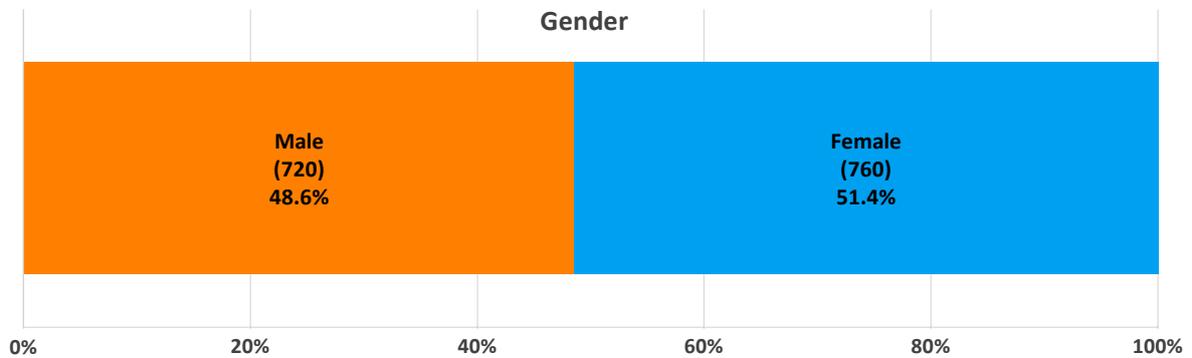
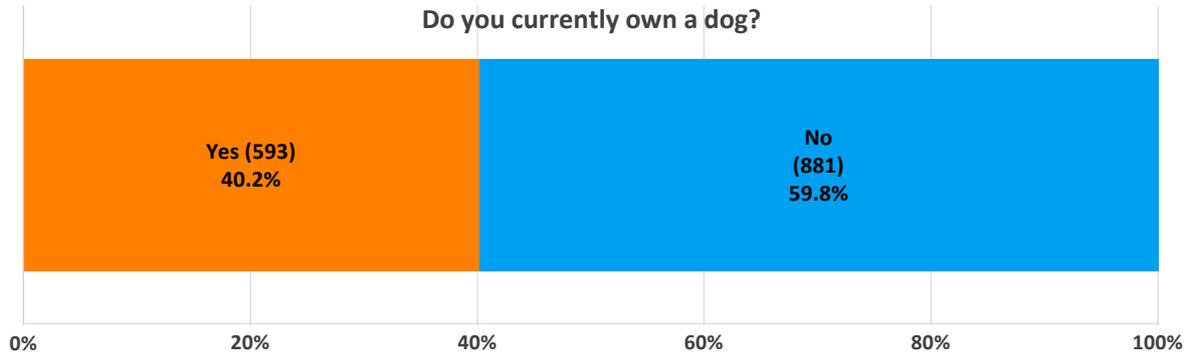
I agree. I think here should be a large dog licence fee, this would discourage people from getting a dog without due care.

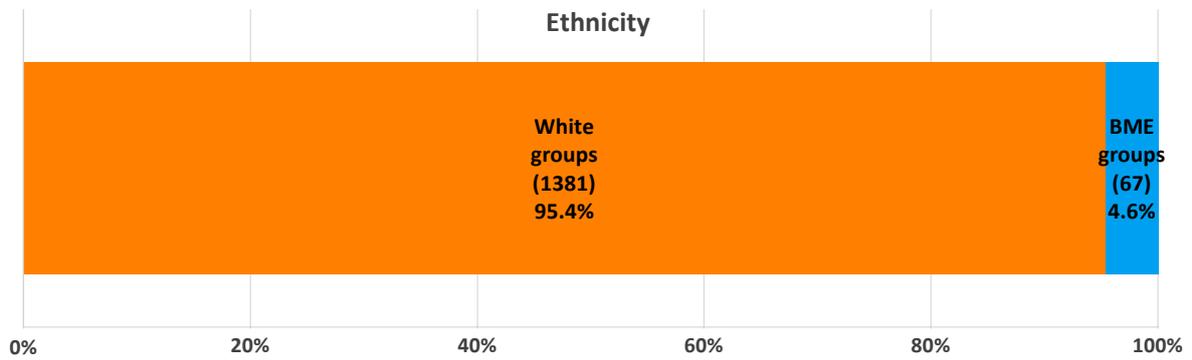
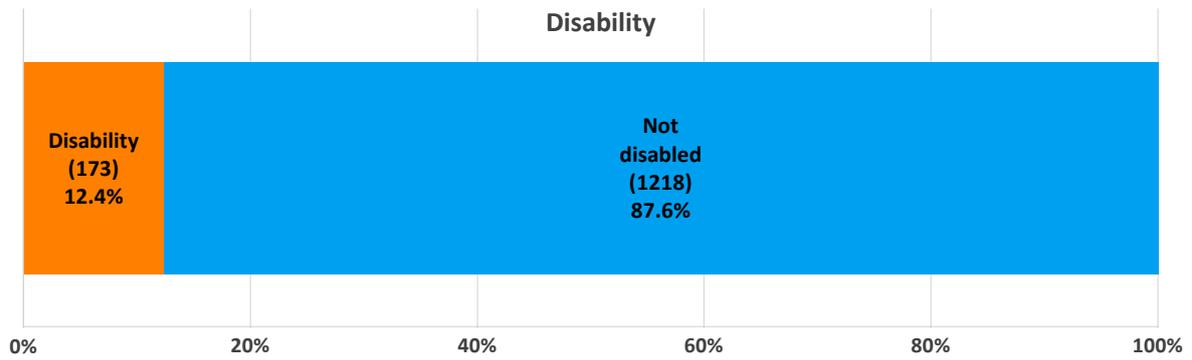
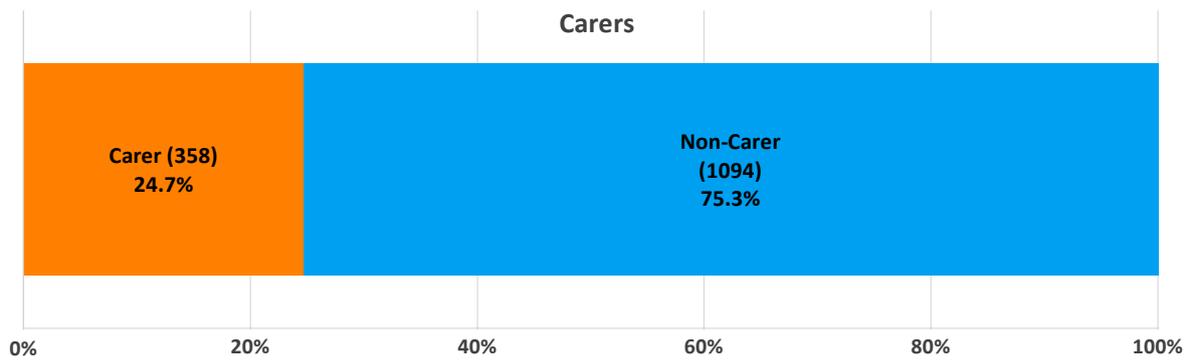
21 comments contained a suggestion. There were a few suggestions that the definition of 'stray dog' needed to be more specific, revisions to the definition were also suggested by the Kennel Club in their response to the consultation. Suggestions were also made advocating different approaches such as

education and home visits. As with the comments made for previous measures, dog licenses and tiered penalties for repeat offenders were suggested.

12 comments have been classified as 'other'. A few of these comments seem to suggest there was confusion about how this measure would be applied and a few express dissatisfaction with the Kennels that the Council uses. One mentions 'income generation' and one queried if there was already legislation that covers this matter.

Survey Demographics (Weighted)





MAIDSTONE BOROUGH COUNCIL

PUBLIC SPACES PROTECTION ORDER (the "Order")

Dog Control

(SECTIONS 59, 60 AND 61 ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014)

In exercise of its powers under sections 59, 60 and 61 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") Maidstone Borough Council hereby varies and extends the existing transitioned Public Spaces Protection Orders regarding Dog Controls.

This order may be cited as the Maidstone Borough Council Public Spaces Protection Order – Dog Control

The Maidstone Borough Council ("the Council") having consulted with the relevant authorities and persons and being satisfied on reasonable grounds that activities in the manner prohibited below, carried out or likely to be carried on in the public spaces as specified in Schedules 1 to 4 of this Order have had, or are likely to have, a detrimental effect on the quality of life of those in the locality and;

- Is, or is likely to be, of a persistent or continuing nature;
- Is, or is likely to be, unreasonable and
- Justifies the restrictions imposed

This Order shall apply to the parts of the area of the Maidstone Borough shown edged red on the plans attached in Schedules 1-4 (the "Restricted Area"), to which the public or a section of the public have access on payment or otherwise, as of right or by virtue of express or implied permission.

PROHIBITIONS / REQUIREMENTS:

1. Remove dog faeces from land forthwith

- a. This part of the Order shall apply to any public space within the Borough of Maidstone shown edged red on the plan attached at Schedule 1 (the "Restricted Area")
- b. If a dog defecates at any time in the restricted area a person who is in charge of the dog at that time must remove the faeces from the land forthwith unless:
 - i. They have a reasonable excuse for failing to do so, or
 - ii. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to the failure to do so
- c. *Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land*
- d. *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*
- e. A person in charge of the dog at the time of the offence shall provide, when asked by an authorised officer, a name and address in relation to not removing dog faeces from land forthwith.

2. Exclusion of Dogs from Play Areas and Tennis Courts

- a. This part of the Order shall apply to the play areas and Maidstone Borough Council Tennis Courts in the Borough of Maidstone as listed in Schedule 2 and shown edged red on the plans attached at Schedule 3 (the “Restricted Area”)
- b. A person in charge of a dog must not take or allow the dog into the restricted area at any time unless:
 - i. They have a reasonable excuse for failing to do so, or
 - ii. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to the failure to do so
- c. A person in charge of the dog at the time of the offence shall provide, when asked by an authorised officer, a name and address in relation to taking or allowing a dog to enter the restricted area

3. Keep Dogs on Leads in the Vinters Park Crematorium and the Sutton Road Cemetery

- a. This part of the Order relates to the Vinters Park Crematorium in the Borough of Maidstone shown edged red on the plans attached at Schedule 4 (the “Restricted Area”) and Sutton Road Cemetery in the Borough of Maidstone shown edged red on the plan attached at Schedule 5 (the “Restricted Area”).
- b. A person in charge of a dog in the restricted area must keep the dog on a lead at all times at unless:
 - i. They have a reasonable excuse for failing to do so, or
 - ii. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to the failure to do so
- c. A person in charge of the dog at the time of the offence shall provide, when asked by an authorised officer, a name and address in relation to failing to keep dogs on leads in the restricted area.

4. Dogs on Leads by Direction

- a. This part of the Order shall apply to the Borough of Maidstone shown edged red on the plan attached at Schedule 1 (the “Restricted Area”)
- b. A person in charge of a dog in the restricted area must at all times comply with a direction given to them by an authorised officer to put and keep the dog on a lead unless:
 - i. They have a reasonable excuse for failing to do so, or
 - ii. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to the failure to do so
- c. An authorised officer may only give a direction under this part of the order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause nuisance, injury or disturbance to any other person, or to a bird or another animal.
- d. It is an offence to fail to provide, when asked by an authorised officer, a name and address in relation to not placing and keeping the dog on a lead when directed to do so by an authorised officer.

5. Keep Dogs Under Proper Control

- a. This part of the order shall apply to the Borough of Maidstone shown edged red on the plans attached at Schedule 1 (the "Restricted Area")
- b. A person in charge of a dog must keep the dog under proper control at all times in the restricted area unless:
 - i. They have a reasonable excuse for failing to do so, or
 - ii. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to the failure to do so
- c. It is an offence to fail to provide, when asked by an authorised officer, a name and address in relation to failing to keep the dog under proper control.

EXEMPTIONS:

This Order does not apply to a person who is-

- a. is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948, or "severely sight impaired", or "sight impaired" under the Care Act 2014; or
- b. 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. 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)
 - iv. Hearing dogs for deaf people (registered charity number 293358)
 - v. Any charity created subsequent to this Order, which covers the issues detailed in point b. above.

DEFINITIONS:

For the purpose of this Order:

"authorised officer/ authorised person" means Police Constable, designated Police Community Support Officer, or an officer with authority delegated by the Council.

"in charge of a dog" means a person who habitually has a dog in their possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

"public space" means any place to which the public, or a section of the public, have access on payment or otherwise, as of right or by virtue of express or implied permission.

OFFENCES AND FIXED PENALTY NOTICES:

1. Under Section 67 of the Act it is an offence for a person without reasonable excuse to:
 - i. Do anything that the person is prohibited from doing by the Order; or
 - ii. Fail to comply with a requirement to which the person is subject under the Order

Any person who commits an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

2. In respect of controls 1 to 4, in accordance with Section 68 of the Act, an authorised person may issue a Fixed Penalty Notice up to £100 to a person he has reason to believe has committed an offence under Section 67.
3. In respect of control 5, in accordance with Section 68 of the Act, an authorised person may issue a Fixed Penalty Notice up to £100 to a person he has reason to believe has committed an offence under Section 67. A Fixed Penalty Notice may specify two amounts and specify that if the lower of those amounts is paid within a specified period, that is the amount of the Fixed Penalty.

APPEALS:

In accordance with Section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or to include particular prohibitions or requirements imposed by the Order, or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

SCHEDULE 1:

A map of the Maidstone Borough showing the Restricted Area edged in red.

SCHEDULE 2:

List of the play areas & Maidstone Borough Council Tennis Courts which are restricted areas as shown in Schedule 3.

SCHEDULE 3:

Maps of the play areas & Maidstone Borough Council Tennis Courts showing the Restricted Area edged in red

SCHEDULE 4:

A map of the Vinters Park Crematorium showing the Restricted Area edged in red

SCHEDULE 5:

A map of the Sutton Road Cemetery showing the Restricted Area edged in red

This Order shall come into force on 21st October 2020 and have effect for a period of 3 years.

**The Common Seal of the
Borough of Maidstone
was affixed in the presence of:**

Communities, Housing & Environment Committee

25 August 2020

Public Spaces Protection Order – Town Centre Extension

Final Decision-Maker	Communities, Housing & Environment Committee
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer and Report Author	Martyn Jeynes, Community Protection Team Manager
Classification	Public
Wards affected	High Street, Bridge Ward, East Ward, Fant Ward

Executive Summary

A report to request Committee authorise the Head of Housing and Community Services to extend the Public Space Protection Order (PSPO) for Begging and Street Drinking controls

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. That the Committee give delegated authority to the Head of Housing and Community Services to extend the existing Public Space Protection Order for a further 3 years.

Timetable

Meeting	Date
Communities, Housing & Environment Committee	25 August 2020

Public Spaces Protection Order – Town Centre Extension

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>Keeping Maidstone Borough an attractive place for all. Securing a successful economy for Maidstone.</p> <p>PSPOs provide Councils with a flexible power to implement local restrictions to address the effect on quality of life caused by a range of anti-social behaviour issues in public places in order to prevent future problems and ensure safe and attractive environment.</p>	Head of Housing and Community Services
Cross Cutting Objectives	<p>The report recommendations support the achievements of the Health Inequalities cross cutting objectives by ensuring there is a strong focus on preventative work that is intelligence driven so as to maximise the opportunities to reduce health inequalities in partnership with the police and other community safety related partners.</p>	Community Protection Manager
Risk Management	<p>There is a statutory requirement to review PSPOs every three years. The management of PSPOs will be subject to the current performance management arrangements within the service, with performance benchmarking as part of the process.</p>	Head of Housing and Community Services
Financial	<p>It is anticipated that the continued delivery of the PSPO will be resourced from within existing budgets.</p>	Section 151 Officer & Finance Team
Staffing	<p>Delivery of the PSPO will continue to be overseen by the Community Protection Team in partnership with Kent Police and One Maidstone. Authorised officers will complete appropriate training in order to be able to issue fixed penalties and deal with prosecutions.</p>	Head of Housing and Community Services
Legal	<p>As contained within the body of the report, any enforcement by way of prosecution, or non-payment of FPN and any other legal process will have resource implications for MKLS. These are not anticipated to be any different than the current PSPO.</p>	[Legal Team]

Privacy and Data Protection	Private information within obtained within the process of delivering the PSPO will be managed in accordance with Environmental Health, Waste Crime & Community Protection Enforcement Policy and the Council's and the Council's Data Protection Policy.	Policy & Information Manager
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Policy & Information Manager
Public Health	The Community Protection team is under the reporting line of the Head Housing and Community Services. The focus is strongly on preventative work that is intelligence driven so as to maximise the opportunities to reduces health inequalities in partnership with the police and other community safety related partners.	Community Protection Manager
Crime and Disorder	The continued delivery of the PSPO will contribute to make Maidstone town centre a safer place by promoting the message and enforcement of appropriate standard of conduct and behaviour.	Head of Housing and Community Services
Procurement	Appropriate procurement methods will used to procure consultation, publicity and signage.	Head of Housing and Community Services

2. INTRODUCTION AND BACKGROUND

- 1.1 In June 2020 a [report](#) was brought to committee in relation to the Town Centre PSPO. Committee resolved that a further report be brought to Members to update on the consultation and to allow officers to investigate concerns raised by members. A separate report has been brought to Committee to support their request to seek opportunities for Members to be more involved in future enforcement decisions.

Further review of the proposed extension

- 1.2 To address the concerns raised about engagement with all Wards within the footprint of the existing PSPO, all the associated Ward Members were contacted and provided an update on the PSPO process so far and our recommendation to extend the existing order for a further 3 years. The email provided members an opportunity to raise any concerns.
- 1.3 Only one response was received. The response asked for consideration to be given to including a rule to stop people going shirtless or vest-less. This was seemingly not publicly supported by any of the other Ward Members asked. The request was discussed with the police but it was not felt to fit with the statutory requirements of a PSPO or proportionate to the detrimental effect, and many of those who are seen to go shirtless are likely to be younger than the enforceable age of the PSPO.

Enforcement of the PSPO

- 1.4 It was noted the perceived enforcement of the PSPO had not been as effective last summer as would have been hoped, with some issues with anti-social drinking still being seen in the town from time to time.
- 1.5 This perceived lull was reviewed with Kent Police and to build on the information provided in the previous report, enforcement may, in part, be linked to the availability of officers to enforce the PSPO effectively.
- 1.6 When the PSPO was first introduced in September 2017 it was proposed that the enforcement officers created in the Waste Crime Team would support the Community Protection Team in the enforcement of the PSPO. This would see these officers undertake this as part of their patrolling role in the town centre to tackle litter offences. This was because the Community Protection Team does not have sufficient capacity to enable routine patrolling of the town centre or the rest of the borough. The Community Protection Team are authorised to respond to issues around persistent begging and they administer the PSPO process, including the preparation of court case files for prosecution.
- 1.7 As detailed in the Waste Crime Team update [report](#) presented by Jennifer Shepherd in June 2020, the Waste Crime Team had changed their delivery of litter enforcement to refocussed onto litter from vehicles. Alongside some recruitment issues, the report outlined proposals for the enforcement officers to support enforcement around household duty of care, which the committee endorsed.

- 1.8 This has meant that the proactive enforcement of the PSPO has fallen largely to the town centre policing team, mainly their PCSOs, with the Community Protection Team undertaking the administration or issuing warnings when called to an issue. Prior to the Covid-19 lockdowns, we looked to improve our response to this by training the Business Improvement District (“One Maidstone”) Ambassadors to undertake a more active role in challenging the behaviour and referring offences through to the Community Protection Team or the police as necessary.
- 1.9 Also prior to Covid-19 the police were able to restore their town centre policing team to its full quota and now supported by the One Maidstone Ambassadors we are confident that this would redress the availability of resources to enforce the PSPO in partnership.
- 1.10 It should be noted though that the steps outlined in 2.8 and 2.9 may not necessarily increase the amount of reported offences. As detailed in the June report, much of the enforcement of the PSPO is undertaken in what we would refer to as an “informal phase”. The police often engage with individuals and ask them to surrender their alcohol and desist from their behaviour. Where this is complied with it is not necessarily recorded formerly but does not mean the PSPO isn’t being used effectively.
- 1.11 Members are asked that if they have concerns around the use of the PSPO , a particular incident or have other areas of concern, they should contact the Community Protection Manager directly as soon as possible so the issue can be investigated and recorded. Anecdotal reports and concerns from any area in the borough do not support officers in working with relevant partners to take the steps necessary to address those concerns, nor does it ensure we resource the issues correctly. To assist with this, the Community Protection team are looking to create “Ward Clusters” where Ward members will be invited to meet with the team and Kent Police to discuss their ongoing Community Safety/Nuisance concerns twice a year.

Wording of the PSPO

- 1.12 The concern raised in relation to the wording of the PSPO has been revisited and the wording has been amended to ensure the measure is clear in what it is seeking to prohibit.

Public Consultation

- 1.13 A public consultation on the proposed measures was run between 17th June and 7th August 2020. The survey also replicated survey questions previously asked when the PSPO was first introduced and asked those completing the survey whether the issues the PSPO seeks to change has changed as a result of the PSPO being introduced in 2017. It was promoted online through the Council’s website and social media channels. Residents on the Council’s Consultation mailing list were notified and sent an invitation to participate in the consultation.

- 1.14 There was a total of 1209 responses to the survey, there are 1065 weighted responses. The full consultation response can be found in appendix 1, however the findings are summarised as follows:
- People using or smoking legal highs in public was the behaviour that had the greatest proportion of respondents stating that this is worse than it was three years ago
 - People lying or sleeping in a public place was the behaviour that had the greatest proportion of respondents expressing that this is better than it was three years ago and the greatest proportion that said 'Stayed about the same'
 - The behaviours 'People using or smoking legal highs in public' and 'People using illegal substances (drugs) in public' had the greatest proportions responding, 'Don't know', with a third answering this way
 - When asked about specific behaviour changes in the last three years, Economically Active respondents were consistently more likely to state that the behaviour being asked about had gotten worse in the last three years than Economically Inactive respondents
 - The top themes arising from the comments about behaviours seen or experienced in the Town Centre were alcohol or drinking, drugs or illegal substances, shouting and rowdy people
 - Support for both measures was strong with over nine in ten respondents supportive of continuing with measure 1 and over five out of six respondents in favour of continuing with measure 2
 - The 18 to 34 years group had lowest proportions agreeing to renew both measures. Agreement with both measures increases with age
- 1.15 In interpreting these findings, it is clear that the proposed measures are strongly supported with 90% of respondents supporting the measure to control Street drinking in an anti-social manner and 83% supporting the measure to control begging. It also acknowledges the reduction in rough sleeping as a result of the Outreach service.
- 1.16 The report also highlights some of the concerns raised previously by the committee, including intimidating groups, drug taking/supply alongside some concerns around cleanliness. The survey results will be shared with the relevant departments and our partners.
- 1.17 Regarding intimidating groups, multiagency work is being undertaken to identify opportunities to disrupt persistent groups, many of which are younger than 16. This is an area impacted significantly by Covid 19. The pandemic has not only restricted many of the support services offered, there is also an apparent increase in risk taking behaviour in young people post lockdown. The police are recording a 97% increase in reported ASB since March 2020, a significant amount of which was in High Street Ward, which may have influenced respondents' opinion of post lockdown Maidstone.

- 1.18 Maidstone has the most proactive policing team in Kent when it comes to drugs and drug supply. Alongside a very effective Raptor team, who are a specialist team tackling the threat from County Lines, the Maidstone policing team boasts some of the highest stop search figures in the County. Searches are used for both possession of drugs and weapons and have been welcomed by the community, including the young people who are most commonly stop searched. The police have reported the following approximate figures:
- 1st Nov 2017 – 31st October 2018 – 580 stop searches completed
1st Nov 2018 – 31st October 2019 – 1101 stop searched completed
1st Nov 2019 – 30th June 2020 more than 1600 stop searches.
- 1.19 The UK Psychoactive Substances Act came into effect on the 26 May 2016, which banned New psychoactive substances (NPS), often known as 'legal highs' 'illegal legal' or 'illegal highs'. In the past NPS were often sold in the shops as research chemicals and advertised as 'not for human consumption' to get round the law. The legislation makes it an offence to produce, supply, offer to supply, possess with intent to supply, import or export (including over the internet) any psychoactive substances. Possession of a psychoactive substance is not an offence, except in a 'custodial institution' such as a prison or young offenders' institution, however buying with the intent to supply can carry a custodial sentence of 7 years. The introduction of this legislation meant that a legal highs measure under a PSPO, as seen in other local authorities prior to 2016, is not considered necessary.
- 1.20 Policing powers and multi-agency work is in place to tackle the points raised by 2.17 to 2.19, however the concerns raised will be discussed with partners around further works necessary to tackle these concerns. Work will also be undertaken to help manage perceptions and expectations through joined up communications.

3. AVAILABLE OPTIONS

- 3.1 **Do Nothing** – Not extending the PSPO would remove a useful tool that is readily used to tackle issues associated with anti-social drinking and begging. This would likely lead to an increase in issues and the risk of reputational damage. This would not be aligned with our strategic plan and may be considered a failure of our duty under the Crime and Disorder Act 1998 to take steps to reduce crime and anti-social behaviour within our borough.
- 3.2 **Implement some of the proposed measures or additional measures**– Committee may wish to choose to only implement certain aspects of the PSPO or additional measures. This is not recommended as the thorough and detailed process undertaken to date has brought forward the recommendations set out in section 4 as the most appropriate and proportionate measures at this time. Choosing to implement only one of the recommendations may suggest that the committee are not willing to listen to the public opinion gathered and previous experience of the officers themselves. In addition, any new measures would need to be consulted on prior to implementation, which would delay implementation of the proposed measures.

- 3.3 **Increase the resourcing levels for the delivery of the PSPO-** as detailed in the report, the enforcement of the PSPO is a largely through partnership work between various MBC Departments, One Maidstone and Kent Police. Members could ask that this is reviewed and for additional resources to be provided for this purpose. However, this would be subject to a growth report and would be unlikely to be prioritised due to the financial pressures created by the Covid-19 pandemic.
- 3.4 **Authority given to Head of Housing and Community Services to extend the existing PSPO** - This is the preferred option as detailed in section 4.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred and recommended option is 3.4, to authorise the Head of Housing and Community Services to extend the existing PSPO as detailed in Appendix 2.
- 4.2 As previously reported, the MBC's Outreach team have significantly reduced the number of street homeless around the borough. The PSPO allows them to challenge members of the street population, particularly those known for ASB and/or with complex needs. The Police actively use the PSPO to require those behaving inappropriately to surrender their alcohol and leave the area without the need to formalise the issue. Like any busy town, particularly one with a thriving night-time economy, there will still be occasional issues with both ASB from street drinking and begging. The PSPO remains a vital tool and with the increased support from Kent Police and One Maidstone we will ensure the message delivered remains clear.
- 4.3 The consultation response detailed in section 2 demonstrates public support for the proposed measures. It also demonstrates that some work is needed to reassure the public that steps have been taken to reduce issues around street begging and anti-social drinking.
- 4.4 The Community Protection are committed to working with Members to identify other areas of concern and to challenge persistent ASB and will shortly introduce Ward Clusters which will enable members to discuss their community safety concerns directly. One such Cluster will likely be made up of the Wards with the largest areas within the PSPO footprint.
-

5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. That consideration is shown throughout this report. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
-

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 As detailed in section 2.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 If authorised by the committee, the proposed order will be extended by the Head of Housing and Communities and sealed by Legal Services. The order will be published on our website and appropriate signage replaced in the areas covered by the order.

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Maidstone Town Centre Public Spaces Protection Order Consultation 2020
 - Appendix 2: Proposed PSPO Draft.
-

9. BACKGROUND PAPERS

20 September 2016 - Report of the Head of Housing and Community Services - Public Spaces Protection Order - Town Centre. Found [here](#)

30 June 2020 - Public Spaces Protection Order - Town Centre Extensional/Revision- Found [here](#)

Maidstone Town Centre Public Spaces Protection Order Consultation 2020



Methodology

The survey was open between 17th June and 7th August 2020. It was promoted online through the Council's website and social media channels. Residents on the Council's Consultation mailing list were notified and sent an invitation to participate in the consultation.

There was a total of 1209 responses to the survey, there are 1065 weighted responses.

As an online survey is a self-selection methodology, with residents free to choose whether to participate or not, it was anticipated that returned responses would not necessarily be fully representative of the wider adult population. This report discusses the weighted results to overall responses by demographic questions to ensure that it more accurately matches the known profile of Maidstone Borough's population by these characteristics.

The results have been weighted by age and gender based on the population in the ONS mid-year population estimates 2018. However, the under-representation of 18 to 34 year olds means that high weights have been applied to responses in this group, therefore results for this group should be treated with caution. It should also be noted that respondents from BME backgrounds are under-represented at 3.2% compared to 5.9% in the local area. The results for this group should also be treated with caution.

There were a total of 1065 weighted responses to the survey based on Maidstone's population aged 18 years and over. This means overall results are accurate to $\pm 2.99\%$ at the 95% confidence level. This indicates that if we repeated the same survey 100 times, 95 times out of 100 the results would be between $\pm 2.99\%$ of the calculated response, so the 'true' response could be 2.99% above or below the figures reported (i.e. a 50% agreement rate could in reality lie within the range of 52.99% to 47.01%).

Where reference has been made in the report to a 'significant difference' in response between difference groups, the proportional data has been z-tested.

The z-test is a statistical test which determines if the percentage difference between subgroups is large enough, taking into account the population size, to be statistically significant (meaning that if we were to run the same survey 100 times, 95 times out of 100 the same result would be seen) or whether the difference is likely to have occurred by chance.

Please note that not every respondent answered every question, therefore the total number of respondents refers to the number of respondents for the question being discussed, not to the survey overall.

Summary Findings

- People using or smoking legal highs in public was the behaviour that had the greatest proportion of respondents stating that this is worse than it was three years ago.
- People lying or sleeping in a public place was the behaviour that had the greatest proportion of respondents expressing that this is better than it was three years ago and the greatest proportion that said 'Stayed about the same'.
- The behaviours 'People using or smoking legal highs in public' and 'People using illegal substances (drugs) in public' had the greatest proportions responding, 'Don't know', with a third answering this way.
- When asked about specific behaviour changes in the last three years, Economically Active respondents were consistently more likely to state that the behaviour being asked about had gotten worse in the last three years than Economically Inactive respondents
- The top themes arising from the comments about behaviours seen or experienced in the Town Centre were alcohol or drinking, drugs or illegal substances, shouting and rowdy people.
- Support for both measures was strong with over nine in ten respondents supportive of continuing with measure 1 and over five out of six respondents in favour of continuing with measure 2.
- The 18 to 34 years group had lowest proportions agreeing to renew both measures. Agreement with both measures increases with age.

Visiting Maidstone Town Centre

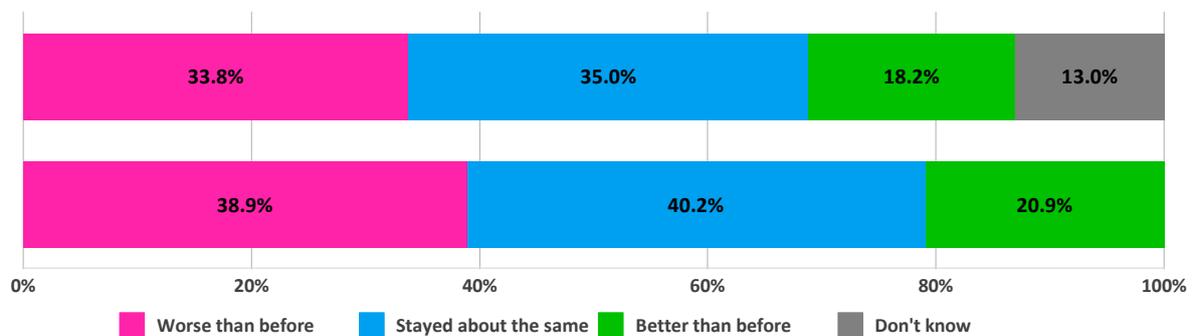
Survey respondents were asked how they felt Maidstone Town Centre had changed in the last three years regarding specific behaviours. The available response options for these questions were 'Worse than before', 'Stayed about the same', 'Better than before' and 'Don't know'.

People being drunk or rowdy in public places

Overall, there were 1057 weighted responses to this question. The most common response was 'Stayed about the same' with 370 responding this way.

Overall, excluding respondents that said they did not know, almost four in ten respondents said that people being drunk or rowdy in public places has gotten worse in the last three years.

The chart below shows the response to this question. The top bar chart shows all of the answer options that were provided and the bottom bar chart shows the response to this question excluding 'don't know' responses.



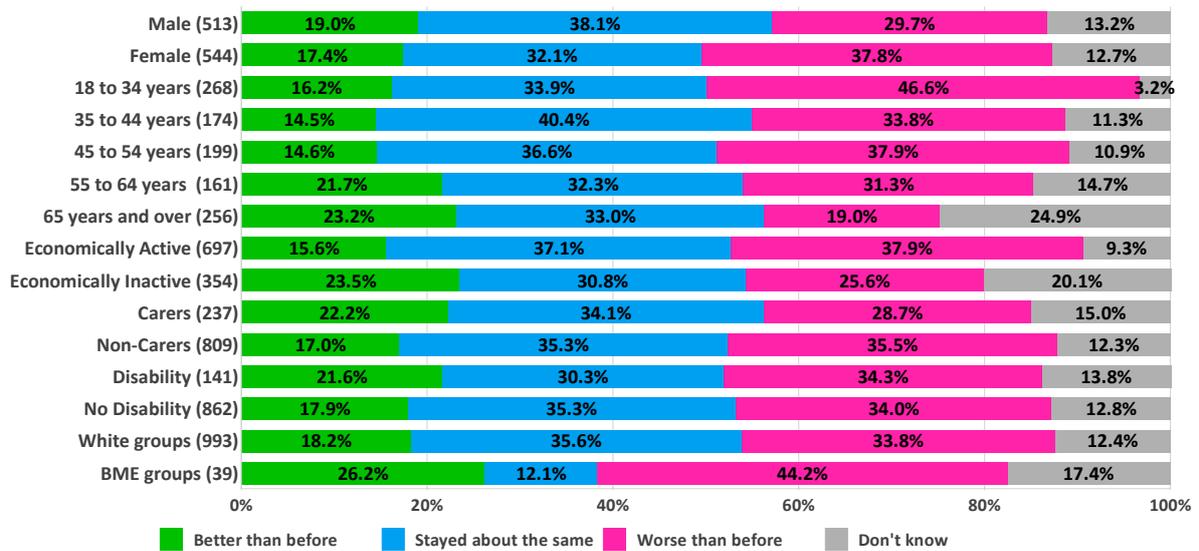
Male respondents were more likely than female respondents to state that the level of this type of behaviour had stayed about the same over the last three years with 38.1% answering this way compared to 32.1% of female respondents. Female respondents had a greater proportion than males stating that this behaviour has gotten worse.

Respondents that are Economically Active had a greater proportion responding that this behaviour has gotten worse in the Town Centre in the last three years with 37.9% responding this way compared to 25.6% of Economically Inactive respondents. One in five of the Economically Inactive respondents stated that had no knowledge of this behaviour compared to less than one in ten from the Economically Active group.

In terms of age, the 65 years and over group had the lowest proportion stating this behaviour had gotten worse at 19.0%. The 18 to 34 years group had the greatest proportion stating that this behaviour has gotten worse with 46.6%. It should be noted that there is a lot of crossover between the Economically Inactive and the 65 years and over groups. The data suggests that knowledge of this reduces as age increases. This is likely to be due to the different types of visits made, at differing times of day.

Respondents from BME groups were less likely to respond that this behaviour has stayed the same over the last three years at 12.1% compared to the result for white groups which was 35.6%.

Respondents from BME groups and those under 35 years had the greatest proportions of respondents stating that this behaviour has gotten worse.

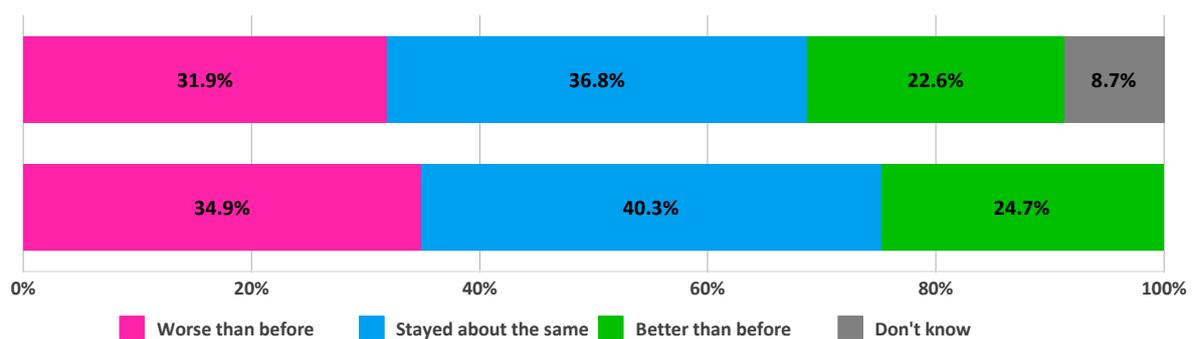


People (e.g. beggars) loitering in a public place

There were 1057 weighted responses to this question. The most common response was 'Stayed about the same' with 389 responding this way.

Overall, excluding respondents that said they did not know just over one in three respondents said that people loitering (begging) in a public place has gotten worse in the last three years.

The chart below shows the response to this question. The top bar chart shows all of the answer options that were provided and the bottom bar chart shows the response to this question excluding 'don't know' responses.



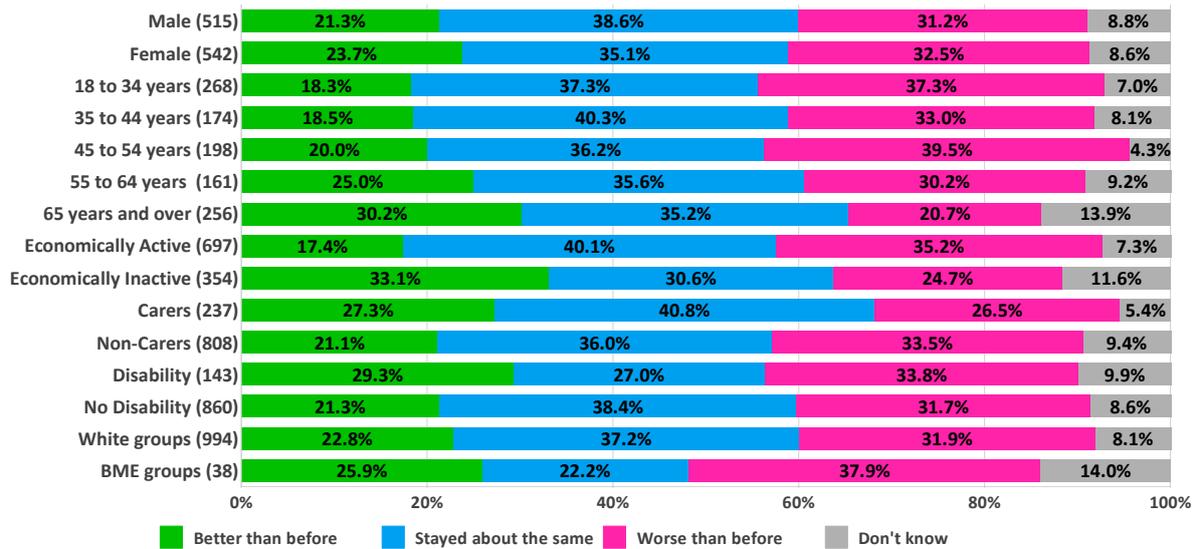
Several demographic groups a mode (response that occurs most frequently) that differed from the overall results. The most common response from respondents aged 45 to 54 years and from BME groups was 'Worse than before'. The most common response for the Economically Inactive group was 'Better than before'.

Respondents that were Economically Active had a greater proportion that were negative, saying that this type of behaviour had worsened over the last three years compared to those who were Economically Inactive; 35.2% responded this way compared to 24.7% of Economically Inactive

respondents. A third of Economically Inactive respondents stated that people loitering in places had improved compared to one in six from the Economically Active group.

The data shows that the proportion of respondents answering ‘Better than before’ increases with age. The 18 to 44 years had the lowest proportions responding this way at 18.5% and the 65 years and over group had the greatest proportion answering this way at 30.2%.

Respondents with a disability were more likely than non-disabled respondent to say that this type of behaviour has improved with 29.3% stating it is ‘Better than before’, compared to 21.3% of those without a disability answering the same.

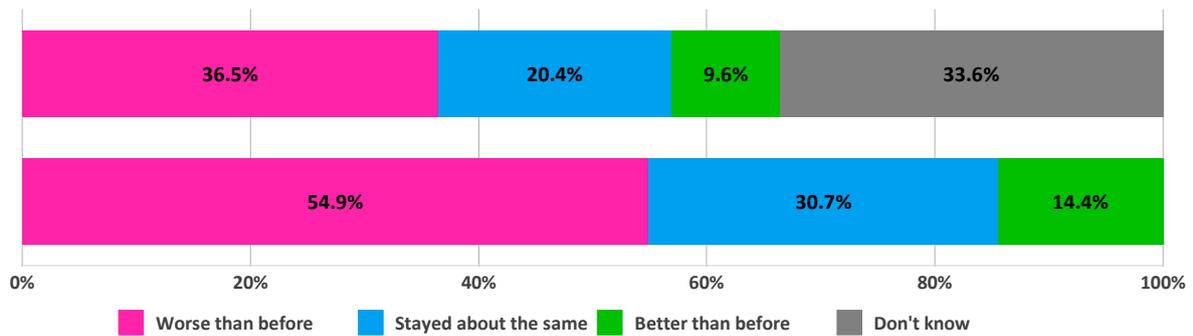


People using or smoking legal highs in public

Overall, there were 1055 weighted responses to this question. The most common response was ‘Worse than before’ with 385 responding this way. A third of respondents stated they had no knowledge of this type of behaviour in Maidstone Town Centre.

Overall, excluding respondents that said they did not know more than half of respondents said that people loitering (begging) in a public place has gotten worse in the last three years.

The chart below shows the response to this question. The top bar chart shows all of the answer options that were provided and the bottom bar chart shows the response to this question excluding ‘don’t know’ responses.

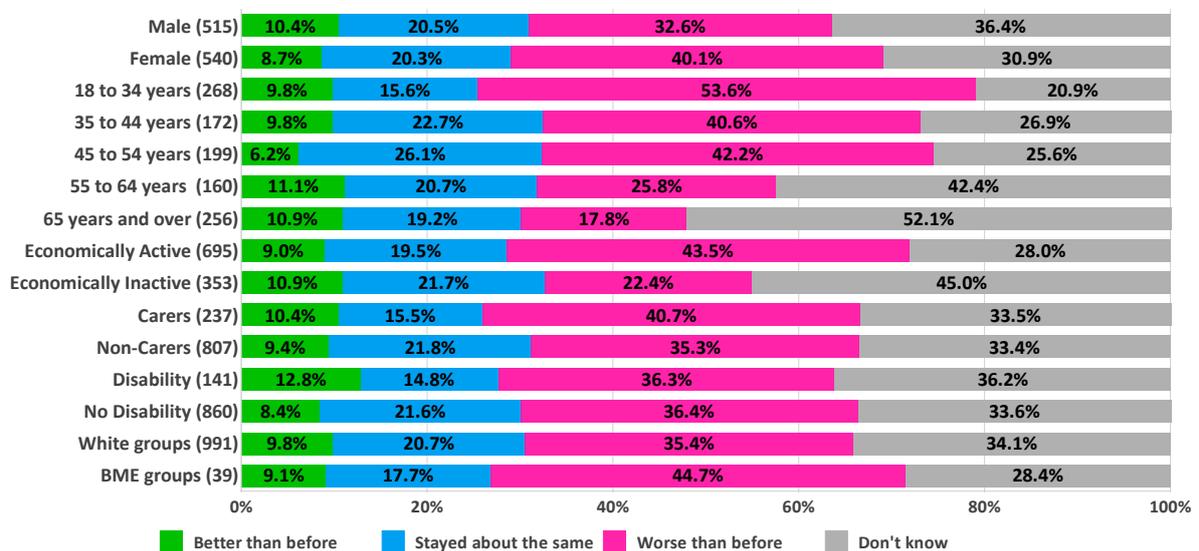


‘Worse than before’ was not the most common response across all the demographic groups. The most common responses for Male respondents, those aged 55 to 64 years, 65 years and over and the Economically Inactive was ‘Don’t know’.

Female respondents had a greater proportion responding ‘Worse than before’ compared to male respondents with 40.1% answering this way compared to 32.6% of male respondents.

Respondents that are Economically Active had a greater proportion that were negative, with 43.5% stating that this type of behaviour had worsened over the last three years compared to those who are Economically Inactive where 22.4% answered this way. More than two in five of the Economically Inactive respondents stated that had no knowledge of this behaviour compared to less than one in ten from the Economically Active group.

The data shows that the proportion responding ‘Don’t know’ increases with age. The 45 to 54 years group had the greatest proportion out of the age ranges responding ‘Stayed the same’ at 26.1%. This is significantly greater than the proportion answering the same for the 18 to 34 years group where 15.6% gave the same response.

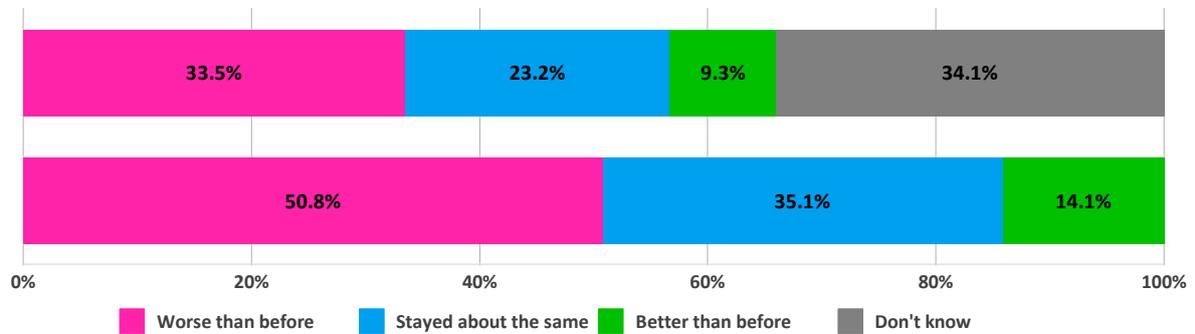


People using illegal substances (drugs) in public

There were 1057 weighted responses to this question. The most common response was ‘Don’t know’ with 360 responding this way.

Overall, excluding respondents that said they did not know, more than half of respondents said that people using illegal substances (drugs) in public had gotten worse in the last three years.

The chart below shows the response to this question. The top bar chart shows all of the answer options that were provided and the bottom bar chart shows the response to this question excluding 'don't know' responses.

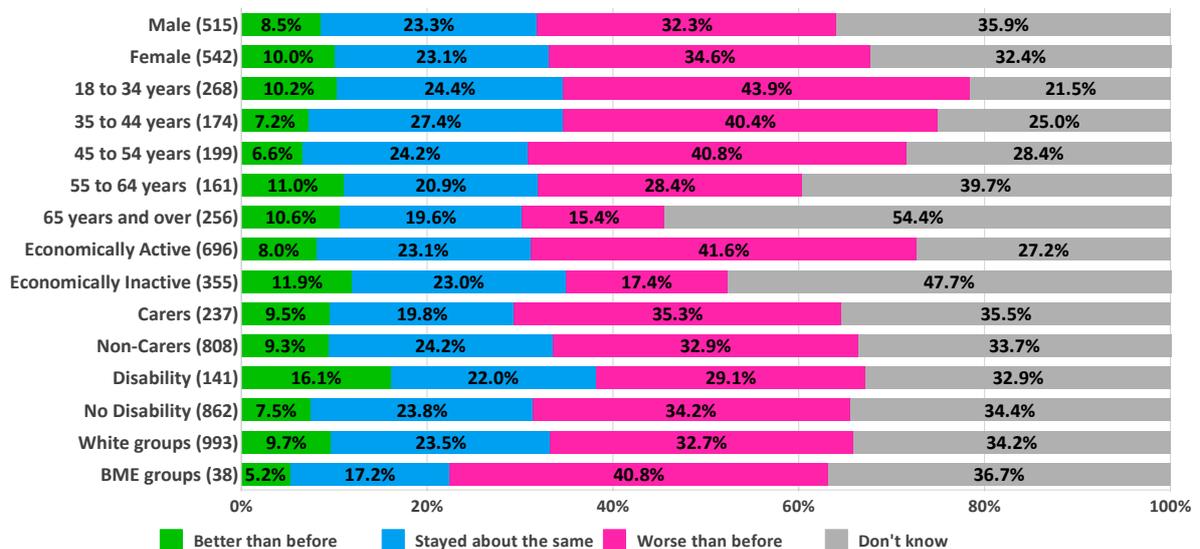


'Don't know' was not the most common response across all demographic groups. For age groups up to 54 years, females, the Economically Active and those from BME groups the most common response was 'Worse than before'.

Respondents that are Economically Active had a greater proportion that were negative, with 41.6% stating that this type of behaviour had worsened over the last three years compared to those who are Economically Inactive where 17.4% answered this way. Just under half of the Economically Inactive respondents stated that they had no knowledge of this behaviour compared to just over one in four from the Economically Active group.

There no significant differences across the age groups in the proportions that responded 'Better than before'. However, the proportions responding 'Worse than before' decreases with age and those responding 'Don't know' increases with age'.

Respondents with a disability were more positive than their counterparts, 16.1% of respondents with a disability answered 'Better than before' compared to 7.5% of respondents without a disability.

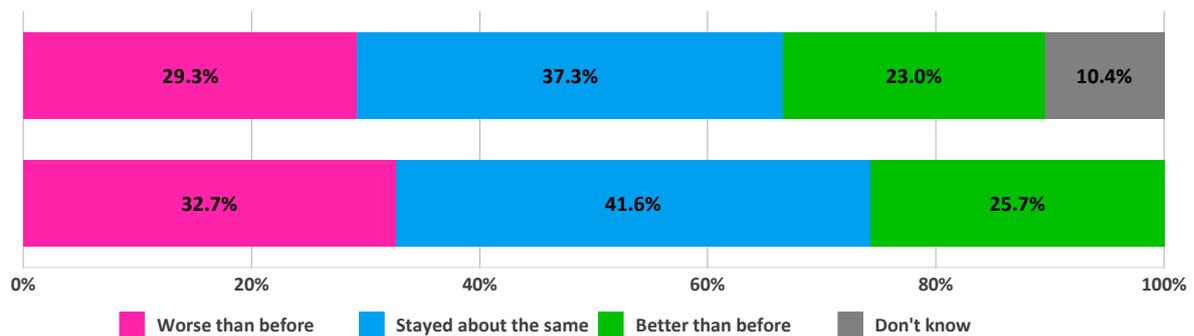


People lying in or sleeping in a public place

There were 1057 weighted responses to this question. The most common response was 'Stayed about the same' with 394 responding this way.

Overall, excluding respondents that said they did not know, a third of respondents said that people using illegal substances (drugs) in public had gotten worse in the last three years.

The chart below shows the response to this question. The top bar chart shows all of the answer options that were provided and the bottom bar chart shows the response to this question excluding 'don't know' responses.



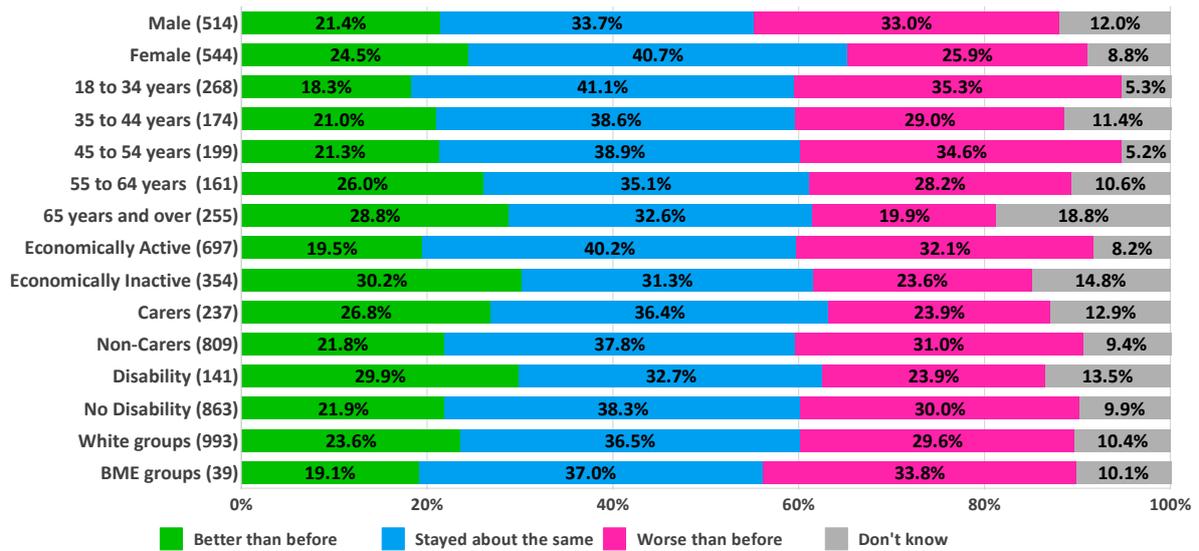
'Stayed about the same' was the most common response across all demographic groups.

Economically Active and Economically Inactive respondents had very different levels of response. Economically Active respondents had a greater proportion responding 'Worse than before' and 'Stayed about the same' at 32.1% and 40.2% respectively compared to the Economically Inactive who had 23.6% stating this behaviour was worse and 31.1% stating it was mostly unchanged. Economically Inactive respondents were more likely than Economically Inactive respondents to stay 'Don't know' and 'Better than before'.

Male respondents had a greater proportion stating 'worse than before', with a third answering this way compared to a quarter of female respondents. Whereas 40.7% females stated that this behaviour had 'Stayed about the same' compared to 33.7% of male respondents answering the same way.

Respondents age 18 to 34 years had the greatest proportion stating that this behaviour has gotten worse in the last three years at 35.3%. Respondents aged 65 years and over had the lowest proportion across the age groups responding this way, significantly so compared to the other age groups.

Respondents with a disability were more positive than their counterparts, 29.9% of respondents with a disability answered 'Better than before' compared to 21.9% of respondents without a disability.



Other behaviours witnessed in Maidstone Town Centre

There was a total of 516 unique comments submitted by respondents in relation to behaviours they have witnessed in Maidstone Town Centre.

Alcohol & Drinking

“Drunk and rowdy behaviour in the day and at night.”

A total of 211 respondents commented that they had witnessed drunk people swearing and being rowdy and loud. They also commented that they had witnessed drunk people exhibiting aggressive and abusive behaviour, as well as fighting and violence.

Some people stated that they felt intimidated and unsafe due to people drinking or being drunk in public. Several commenters mentioned seeing drunk people sleeping outside, and others mentioned seeing a lot of rough sleepers and homeless people drinking alcohol or appearing drunk. There were also mentions of having witnessed drunk people begging.

“Groups loitering drinking alcohol and smoking in public parks.”

Respondents mentioned that they had witnessed people drinking in parks. Many commenters referred to Brenchley Gardens, Jubilee Square, Week Street and Archbishops Palace Gardens as being areas that were particularly affected by drinking/drunkenness.

“Violent teenagers as a result of drinking alcohol on the streets.”

Some people highlighted that litter was produced by people drinking in public, while others mentioned that they had seen public urination. Multiple respondents stated that large groups of people drink in public. Some people commented that they had seen young people and teenagers drink in public.

Shouting and Rowdy behaviour

There were 150 commenters that stated they had witnessed rowdiness and antisocial behaviour, such as shouting, swearing and arguments in public. Many of these attributed this behaviour to alcohol consumption. Here commenters described witnessing random people being shouted at in public or verbal altercations they have experienced when visiting the Town Centre.

"Groups of people gathering early evening in the town Centre being rowdy and disrespectful"

Illegal Substances (Drugs)

"People dealing drugs, syringes in doorways"

There were 131 comments that mentioned illegal substances. Here many respondents commented that they could regularly smell drugs being used and multiple people stated that drugs were openly being used and sold.

Commenters mentioned having witnessed fighting and swearing among drug users and that there were mentions of Jubilee Square and Brenchley Gardens being hotspots for drug use. Other people mentioned that they had witnessed people using drugs in car parks.

"Jubilee Square has become the place the drug addicts and drunks frequent, this area is intimidating when children are present"

Two people mentioned that they had seen drug paraphernalia in the street.

Intimidating groups

119 People made comments about intimidating groups. Here people mentioned several different demographic groups including men, teenagers, rough sleepers, immigrants, drunken people and middle-aged people.

Several places were mentioned in the Town Centre where 'intimidating groups' gather, including Brenchley Gardens, Week Street and Jubilee Square

Begging

There were 95 comments that mentioned begging. Here some mentioned they believe begging in the Town Centre is increasing. Some mentioned that they had witnessed people begging in aggressive and intimidating ways.

"Different men begging outside and to the side of Sainsbury's. Is very of putting and intimidating"

In terms of locations multiple people mentioned having seen begging occurring outside Sainsbury's and in the bus station.

"I have seen more homeless persons and beggars in the last 3 years than the 3 years prior to that"

There were also a couple of comments about professional or fake beggars, who were making an income from this activity and several people concerned about the welfare of those begging on the streets.

Rough Sleeping

71 people made comments referring to rough sleepers in the Town Centre. Here many commenters mentioned that they had witnessed rough sleepers and homeless people begging, some mentioned that they had seen rough sleepers and homeless people being aggressive and arguing or fighting and some respondents mentioned having witnessed rough sleepers and homeless people sleeping in shop entrances and doorways. There were also comments that referred rough sleepers drinking or appearing drunk.

“Arguing/fighting among obviously drunk rough sleepers near queen's monument”

“There still appears to be lots of rough sleeps in the town Centre, around near Sainsburys and around where Santander is”

Commenters referred to Brenchley Gardens, outside Sainsbury's, Jubilee Square and by the river as particular hotspots for rough sleepers.

There were conflicting comments about the numbers of people sleeping rough in Maidstone with some stating it had increased and other stating it had decreased. There were also several comments that expressed concern for the welfare of rough sleepers querying what support was provided.

Violent/aggressive/threatening behaviours (69 comments in total)

There were 69 comments that referred to violent or aggressive behaviour. Here commenters mentioned that they had seen people being aggressive and engaging in arguments and fights. Some commenters stated they had seen people exhibiting abusive, harassing and threatening behaviours. Many of these commenters linked this behaviour with alcohol consumption.

gangs, attacks & stabbings & anti-social behaviour

Areas of concern that were mentioned included Brenchley Gardens, Jubilee Square, Marsham Street, by Maidstone East and at the junction of Week Street and Brewer Street.

Other behaviours

There were also people that mentioned other behaviours they have witnessed in the Town Centre including:

- 28 comments highlighted littering levels
- 28 comments mentioned cyclists (mostly young people riding dangerously)
- 15 comments mentioned charity collectors (chuggers) acting in a harassing manner
- 13 comments mentioned spitting

There were also 67 other comments about behaviours witnessed. These included mentions of people carrying knives, theft and pick pocketing, dog control issues, buskers and anti-social music as well as public urination, smoking, unauthorised angling and cars in pedestrian areas.

General Comments

There were 62 general comments. Respondents did not provide details of a specific behaviour but expressed about how they felt about the Town Centre. Many comments mentioned avoiding coming to the Town Centre and other mentioned feeling unsafe. There were also some comments about the amount of drinking establishments.

“The above behaviours need to be restricted and policed to make people feel safe when in the Centre and not intimidated!”

Several respondents said that the Council should be addressing the underlying issues while on the other hand, some respondents felt that these behaviours needed to be policed and that more police officers are needed.

Comments about visiting Maidstone Town Centre

There were 516 unique comments from respondents regarding visiting Maidstone Town Centre.

"The town should be improved for all people. It has a feeling of withering on the vine."

There were 91 general negative comments, these commenters expressed they thought that Maidstone was deteriorating, needed improvement or that it was not a place that they enjoyed visiting. Other shopping areas such as Ashford, Bluewater and Canterbury were also mentioned as being more preferable to visit. There were also some comments that were negative about specific areas of the Town Centre including Brenchley Gardens and the junction of Brewer Street and Week Street.

There were also 86 comments from people stating that they avoided visiting Maidstone Town Centre, or tried not to go there unless necessary. Many of these referred to rowdy behaviour as putting them off, some stated that it was not a family friendly place.

There were 67 comments that mentioned feeling unsafe.

In terms of reasons for these feeling:

- 48 mentioned alcohol and drunkenness
- 40 mentioned drug taking or dealing
- 35 mentioned cleanliness (dirty/litter)
- 34 mentioned the shopping offer in Maidstone
- 33 mentioned begging
- 31 mentioned ASB (shouting, fighting, harassment, intimidation)
- 31 mentioned parking and 15 mentioned traffic e.g congestion
- 25 mention homelessness or rough sleeping
- 21 mentioned groups of people (gangs)
- 19 mention charity collectors (Chuggers)
- 9 mention cyclists (riding dangerously)
- 7 mention facilities e.g toilets
- 5 mention buskers

There were 10 comments that mentioned the need for more policing in the Town Centre or commented that they had never seen this enforced.

There were 60 generally positive comments about visiting the Town Centre. Here respondents stated they thought it was a good place to visit, that they haven't seen or experience any poor behaviour when visiting and that it was showing signs of improvement.

Generally, I have seen an improvement in street cleanliness and general behaviour in the town.

There were 23 comments that have been categorised as 'other'. Here respondents said that there should be more support for individuals to prevent these types of behaviours, other considered that Maidstone was no different from other similar sized towns. There were also several comments about the Town Centre not having a community feel. There were also a

few comments on investment in the Town Centre with one stating there should be more and the other stating the resurfacing project should have considered the river.

In this section there was also mention of some other behaviours with people mentioning graffiti increasing, illegal cars using the High Street and spitting.

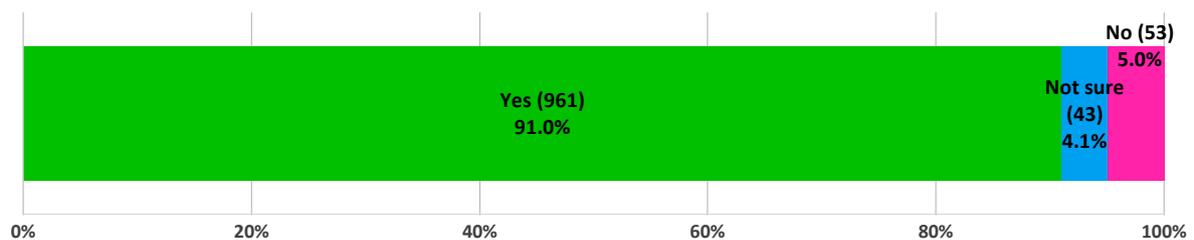
Measure 1 – Street drinking in an anti-social manner.

The current PSPO prohibits the drinking of alcohol within the specified area, where their behaviour as a result of consuming alcohol, affects the quality of life to those who live, work in or visit the area, other than within the curtilage of public houses or licensed premises. The area covered includes streets, green spaces and other public areas in the Town Centre PSPO area.

A person seen to be consuming alcohol in this area is in breach of the Order. An authorised officer will in the first instance explain to them that they are in a No Alcohol Zone and request them to stop drinking the alcohol and/or ask them to surrender alcohol in open containers. If the same person is seen consuming alcohol again within a reasonable time in a No Alcohol Zone after having already been advised and warned, a Fixed Penalty Notice will be issued to them.

Survey respondents were asked if they were in favour of renewing measure 1 as described above.

Overall, there were 1056 weighted responses to this question. The most common response was 'Yes' with 961 responding this way.

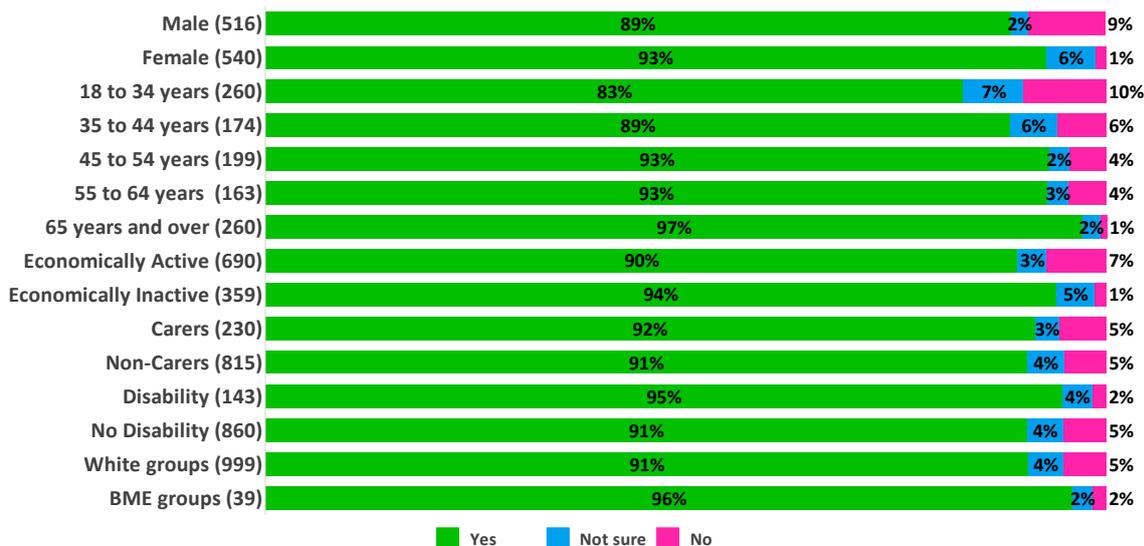


The majority of respondents across all demographic groups were in favour of renewing measure 1, street drinking in an anti-social manner. However, there are some differences in the way some groups responded.

Male respondents had a lower level of agreement compared to female respondents with 88.8% agreeing to renew this measure compared to 93.0% female respondents. Female respondents had a greater proportion responding 'Don't know' at 5.9% compared to 2.1% of male respondents.

The data suggests that agreement with this measure increases with age. The 18 to 34 years group had the lowest proportion agreeing to renew this measure at 83.1% and the 65 years over group had the greatest level of agreement at 97.3%.

Economically Inactive respondents had a greater proportion agreeing that this measure should be renewed with 94.2% responding this way compared to 89.6% of Economically Active respondents.



Measure 1 Comments

A total of 307 unique comments were submitted in relation to measure 1.

Enforcement

There were 62 comments that mentioned enforcement. Here some people felt that the police were needed to enforce the rules, and others felt that there are not enough personnel or resources to enforce the rules.

“The restrictions need to be enforced more strictly otherwise what is the point of having them”

Some respondents were concerned that it would be difficult to enforce and others wondered who would enforce it. Additionally, some commenters stated that they had never seen it enforced. Many people commented that it should be enforced more strictly and some respondents felt that a zero-tolerance approach should be applied.

Go further

There were 62 comments that suggested that this measure should go further or have a wider scope.

Some people commented that the Council should issue stricter penalties/punishments and one respondent said people should be arrested rather than issued an FPN. Additionally, some commenters felt that the Council should apply a zero-tolerance policy.

“We need a zero tolerance to trouble makers and banning orders for persistent antisocial behaviour”

Many people commented that the No Alcohol Zone should be extended to other areas, while some people said that there should be a complete ban on drinking alcohol anywhere outside. One person stated that the No Alcohol Zone should apply to drugs and legal highs as well.

Another commenter felt that the Council should start taking action against pubs that serve people who are already drunk.

In favour of measure 1

There were 47 comments that were positive about or in favour of renewing measure 1. Some respondents said that the measure was fair and sensible, others stated that it would improve the Town Centre in the following ways:

- It would become open to more people
- It would be safer
- People would feel less intimidated
- The environment would be better
- The atmosphere would be better
- There would be less crime

"This will make Maidstone a better place to live and visit"

Query impact

There were 38 comments that queried the impact of measure 1. Multiple respondents doubted whether No Alcohol Zones have any impact or queried the effectiveness of the measure. Some respondents commented that we should not issue FPNs because they do not work citing other social issues are being a barrier.

"I don't think fixed penalty notices help anyone. By all means have a no alcohol zone, but there must be a more enlightened way of policing it"

Some of the commenters felt that the Council should tackle the underlying problem and provide support to people, rather than penalise them.

"The problem is pushed outwards into local parks"

Ten of the comments in this category mentioned displacement of the issue, concerned that the measure would just move the issue elsewhere and that once intoxicated, the person could still move back into the Town Centre and cause problems.

General comments

There were 33 general comments that stated that the problem was worse at night and early in the morning.

Some people stated that more signage or advertising of the zones was needed, some commenters didn't know there was a No Alcohol Zone.

"More people need to be made aware that this exists and enforced better - as a young adult in Maidstone I have never heard of this or seen it enforced"

Alcohol as a catalyst for poor behaviour

There were 28 comments where respondents suggested said that drinking alcohol lead to poor behaviours like:

- Begging
- Fighting and violence
- Littering
- Verbal abuse
- Loitering
- Noise

Problems in specific locations (19 comments in total)

There were 19 respondents that highlighted particular locations as being hotspots for this type of behaviour. These included:

- Trinity Park
- Brenchley Gardens
- Week Street
- Whatman Park
- Archbishop's Palace
- By the river
- Jubilee Square

Measure 2: Deterring unauthorised collections of money on the street or loitering for such purpose (persistent begging)

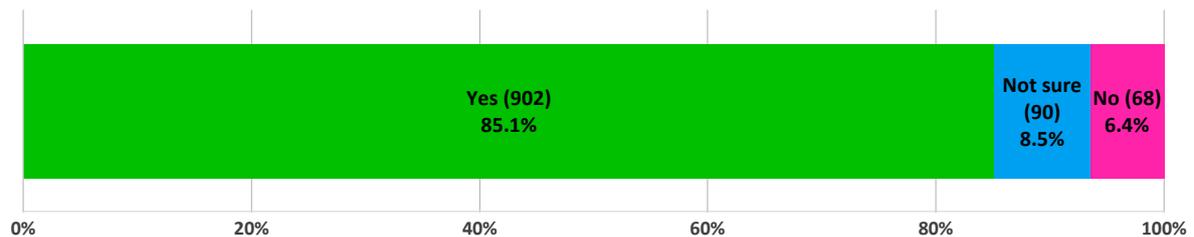
The current PSPO means that no one is able to make verbal, non-verbal or written requests for money or financial donations unless they are authorised e.g. authorised charity collections, within the Town Centre PSPO area.

We try to avoid giving fines for begging to those who are genuinely homeless and instead offer support.

Action will be taken against persons found begging who are in accommodation and in receipt of benefits and in breach of the Town Centre PSPO or where the measure is persistently breached. FPNs are only considered where they are appropriate, and most discharges will be through the Magistrate's Courts where further requirements will be requested to support the individual.

Survey respondents were asked if they were in favour of renewing measure 2 as described above.

Overall, there were 1060 weighted responses to this question, the most common response was 'Yes' with 902 responding this way.

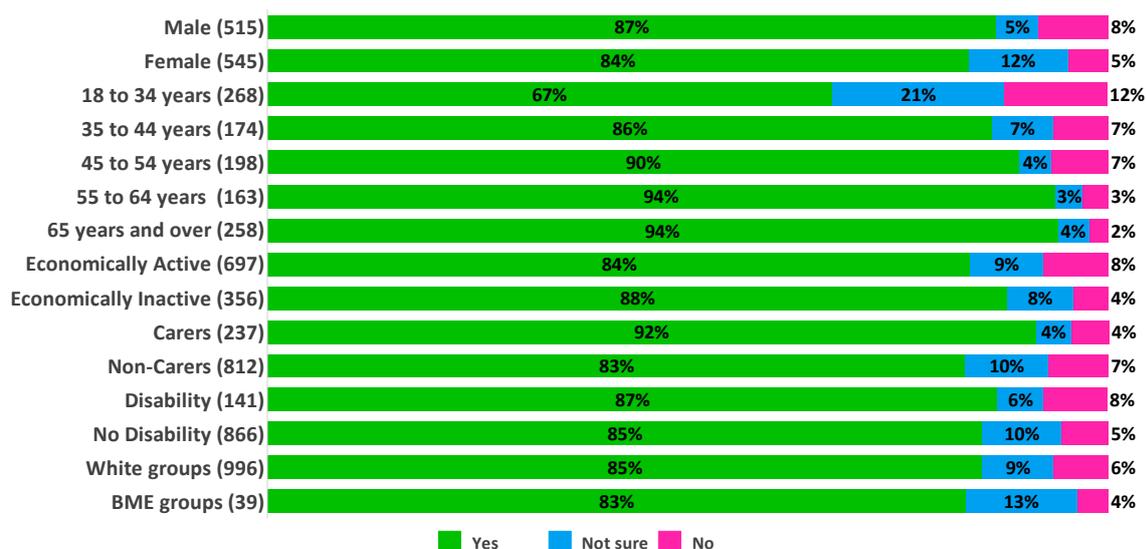


Just over one in ten female respondents were uncertain about renewing this measure compared to one in twenty male respondents, this is a significant difference in response levels between these two groups.

Agreement with this measure increases with age. While the proportion responding, 'Not sure' and 'No' for the age groups 35 years and over is consistent with the overall result, one in five respondents, aged 18 to 34 years, responded 'Not sure', significantly greater than the other age groups. More than one in ten answered 'No' also significantly greater than the overall result.

Carer respondents had a greater proportion answering 'Yes' at 91.5% compared to non-carers with 83.1%. Almost one in ten non-carers answered 'Not sure' compared to one in twenty respondents that identified themselves as carers.

Measure 2 by demographic group



Measure 2 Comments

A total of 311 unique comments were submitted in relation to measure 2.

Provide support

There were 64 comments from respondents that expressed that the Council should provide more support to those who were homeless, sleeping rough, have no income, or have addiction issues or have mental health issues. This was the most common theme for the comments relating to this measure.

"If people have no income and no place to live they need help, not to be publicly humiliated or treated as a nuisance"

Some commenters felt that we should invest money in services and charities that can provide people with support.

Charity Collectors / Chuggers

"I find the charity collectors are the worst offenders in this, they are very persistent often rude and will follow you down the street! I would like to see these removed from town!"

There were 51 comments that mentioned charity collectors or chuggers. Many respondents commented that the measure should include "chuggers" because they were rude, persistent, intimidating and a nuisance, and they used aggressive, intrusive, harassing, and high-pressure techniques.

Some people stated that they found "chuggers" annoying and off-putting and they make them feel uncomfortable.

Multiple people commented that Week Street is a particular hotspot for "chuggers", however one person felt that the number of "chuggers" has been reduced.

In favour of the measure 2

I agree that this measure is useful for tackling 'professional beggars' that are not homeless. I fully support longer term resolution and support for those genuinely in need and the Street Population team have taken good steps towards this.

There were 31 comments in which people expressed support for measure 2, stating that it was acceptable, useful, reasonable and needed. Some people said that aggressive begging needs to be addressed, while one commenter said that this measure would be

useful for addressing issue of professional beggars. One respondent stated that all begging and money collections should be stopped.

"I believe that street musicians, if not included in the order, should be as I see this as a form of begging. If allowed under a license then there should also be a restrictions on the level of sound / decibels"

Intimidated (22 comments in total)

Comments in which people expressed feeling harassed by people begging. Some stated they felt frightened or by people asking for money, while some commenters they had experienced verbal abuse, and aggressive behaviour.

"Beggars are intimidating and often get abusive if you do not give cash"

Queries the impact

"It is hard to know the whole picture, even if someone is in accommodation and receiving benefits. I am unsure on rules such as this as it seems to be a very case by case basis - would anyone really be a 'professional beggar' if they had better alternatives?"

Comments from people querying the impact that this measure would have. Here stated that FPNs wouldn't work because people couldn't afford to pay them, comment felt that, as long as there were homeless people and rough sleepers with issues, begging can never be stopped completely.

that there was no one to enforce the measure. Others commented that it would because it was not easy to determine who was really homeless and in need of to be looked at on a case-by-case basis.

Buskers (14 comments in total)

There were 14 comments relating to street entertainment or buskers. Here some people commented that buskers add to the atmosphere in the Town Centre while others said there were too many or that they were too loud. Some said that they enjoyed listening to buskers and would not want them to be restricted by the measure, other respondents felt that buskers should be included in the measure. Multiple people suggested that buskers should be given licences.

Specific people/incidents (14 comments in total)

There were 14 comments about specific people or incidents. One commenter stated that beggars approached people who looked vulnerable, e.g. older people, younger people, people with children in prams. Some people mentioned that Sainsbury's, the bus station and Week Street were hotspots for beggars.

Off-putting

There were ten comments that mention that

"It can be very off putting visiting the town and trying to avoid these people, some are very persistent and even try to follow you up the road"

being asked for money was off-putting, awkward and makes them feel nervous.

Other themes

- Opposed to renewing measure 2 – 4 comments
- Measure should be harsher – 9 comments
- Begging is increasing – 7 comments
- Spend on alcohol and drugs – 5 comments

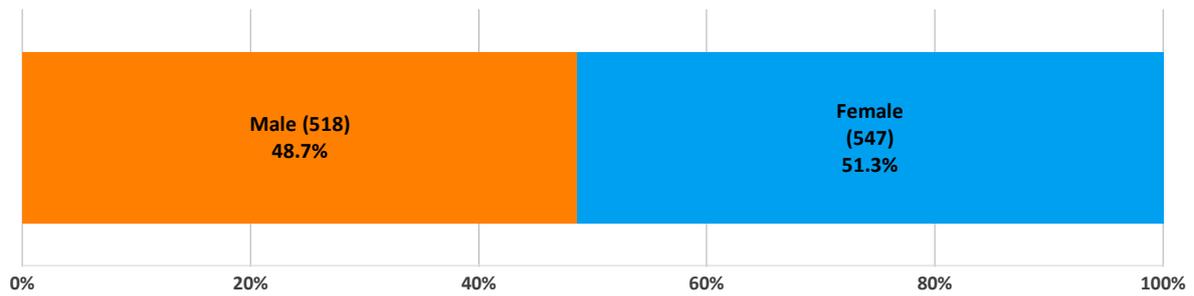
Other Comments (25 comments in total)

25 comments have been categorised as other these included several people who felt that the situation had improved in recent years as well as a number of suggestions including:

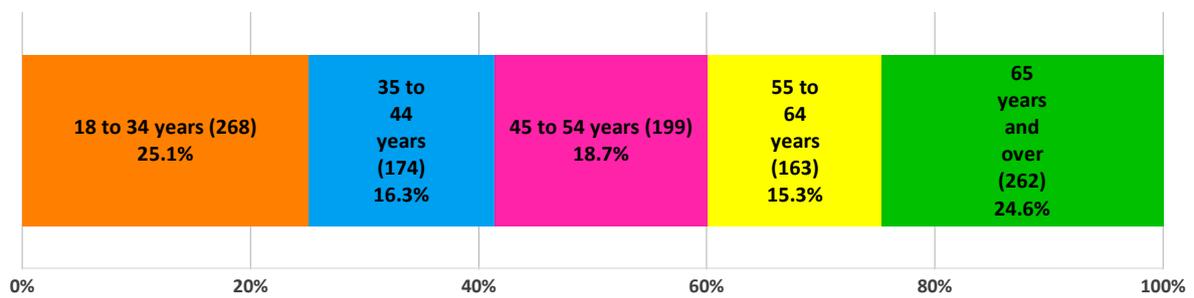
- Tea and coffee vouchers
- Clear signage to inform people
- Extending the measure to outside the Town Centre
- Scheme to give food/money through local business

Demographics (Weighted)

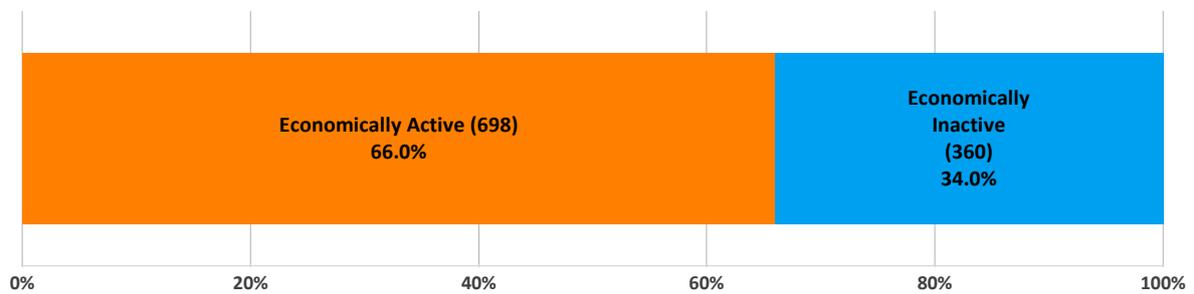
Gender



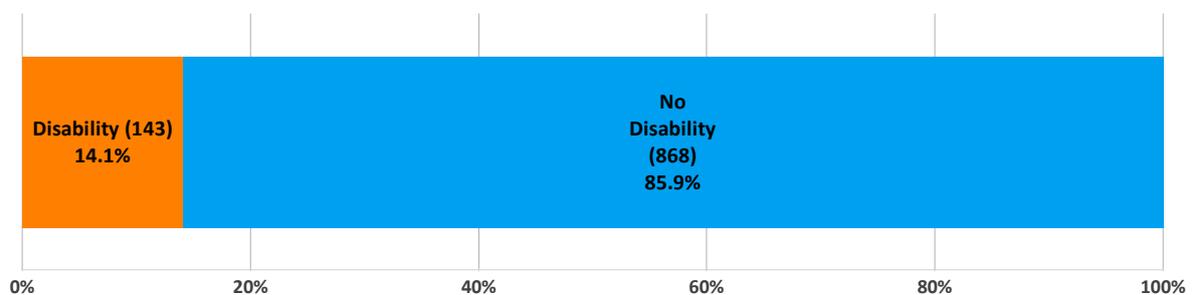
Age



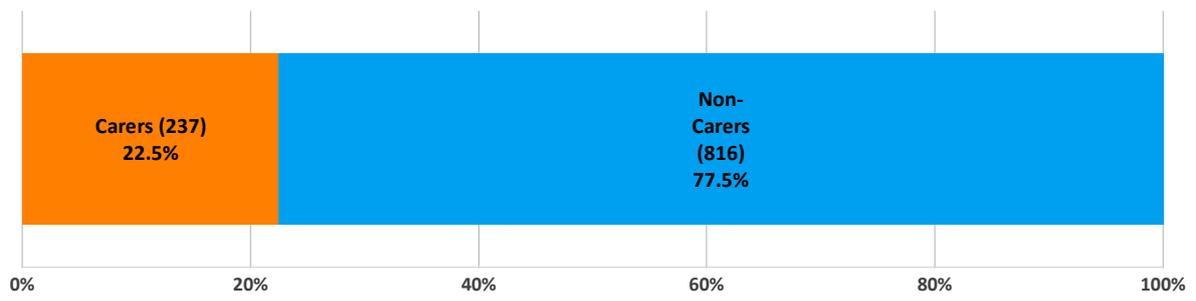
Economic Activity



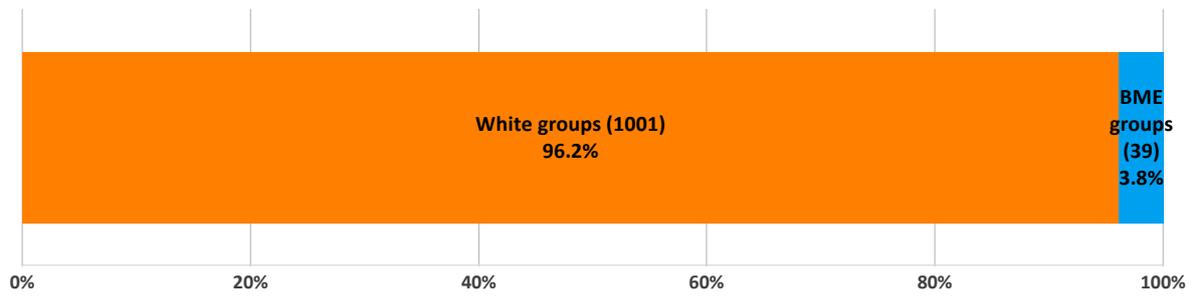
Disability



Carers



Ethnicity



MAIDSTONE BOROUGH COUNCIL

PUBLIC SPACES PROTECTION ORDER (the "Order")

Begging and Street Drinking

(SECTIONS 59 AND 60 ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014)

In exercise of its powers under sections 59 and 60 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") Maidstone Borough Council hereby makes the following extension to the existing 2017 Order "Maidstone Borough Council Public Spaces Protection Order – Begging and Street Drinking".

This order may be cited as the Maidstone Borough Council Public Spaces Protection Order – Begging and Street Drinking.

The Maidstone Borough Council ("the Council") having consulted with the relevant authorities and persons and being satisfied on reasonable grounds that activities, being begging or street drinking in the manner prohibited below, carried out or likely to be carried on in the public place as specified in Schedule 1 to this Order have had, or are likely to have, a detrimental effect on the quality of life of those in the locality and;

- Is, or is likely to be, of a persistent or continuing nature;
- Is, or is likely to be, unreasonable and
- Justifies the restrictions imposed

This Order shall apply to the parts of the area of the Maidstone Borough shown edged red on the plan attached at Schedule 1. (the "Restricted Area"), to which the public or a section of the public have access on payment or otherwise, as of right or by virtue of express or implied permission.

PROHIBITIONS / REQUIREMENTS:

1. Begging

- a. All persons are prohibited from approaching another person, either physically or verbally or sitting, laying or loitering in doorways or similar, or next to an ATM within the Restricted Area in order to beg from any other person, including by the use of signage, children, animals or any other means, in order to solicit monies from another other person or using any receptacle to contain monies for the purpose of begging.

This prohibition does not apply to any authorised collections made on behalf of a registered charity.

2. Street Drinking

- a. A person must not consume alcohol and as a result behave in a manner that has had, or is likely to have, a detrimental effect on the quality of life of those in the locality.
- b. Where an authorised person reasonably believes that a person is, or has been, consuming alcohol and behaving in a manner as set out in section 2(a). They may require a person not to consume alcohol in breach of the Order and or surrender a container for alcohol or anything the authorised officer reasonable believes to be alcohol.
- c. A person must, when requested to do so, surrender anything in their possession which is, or which the authorised person reasonably believes to be, alcohol or a container for alcohol.
- d. Should the same person continue to consume alcohol and act in the same manner as set out in 2(a) after having been asked to surrender any alcohol as set out in section 2(b), an authorised person may then require the person to cease consuming alcohol in the Restricted Area for a period of 24hrs. A person so requested must then cease to consume alcohol in the restricted area for the period directed.

This prohibition does not apply to alcohol being consumed within premises licensed under the Licensing Act 2003 or Section 115e of the Highways Act 1980 and does not constitute an alcohol ban but places restrictions on the consumption of alcohol where it is linked to anti-social behaviour in the Restricted Area.

DEFINITIONS:

For the purpose of this Order:

Public place means any place to which the public, or a section of the public, have access on payment or otherwise, as of right or by virtue of express or implied permission.

Alcohol is as defined by Section 191 of the Licensing Act 2003.

An authorised person means; Police Constable, designated Police Community Support Officer, or an officer with authority delegated by the Council.

Registered charity means a charity registered with the Charity Commission.

ATM means automated teller machine or cashpoint, being a machine that dispenses cash and/or facilitates other banking services.

OFFENCES AND FIXED PENALTY NOTICES

1. Under Section 63 of the Act a person who fails without reasonable excuse to comply with a requirement imposed on him or her to surrender or cease to consume alcohol under 2 (b) or (c) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
2. Under Section 67 of the Act it is an offence for a person without reasonable excuse to:
 - i. Do anything that the person is prohibited from doing by the Order; or
 - ii. Fail to comply with a requirement to which the person is subject under the Order

(other than as 1. above whereby section 63 sets out the alcohol offence)

Any person who commits an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

3. In accordance with Section 68 of the Act, an authorised person may issue a Fixed Penalty Notice up to £100 to a person he has reason to believe has committed an offence under Section 67 or Section 63.

APPEALS:

In accordance with Section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or to include particular prohibitions or requirements imposed by the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

SCHEDULE 1:

Street plan of part of Maidstone Borough showing the Restricted Area edged in red.

This Order shall come into force/be renewed on XX September 2020 and have effect for a period of 3 years.

**The Common Seal of the
Borough of Maidstone
was affixed in the presence of:**

Agenda Item 18

COMMUNITIES HOUSING AND ENVIRONMENT COMMITTEE

25 AUGUST 2020

REFERENCE FROM THE BIODIVERSITY AND CLIMATE CHANGE WORKING GROUP

1. ENGLAND TREE STRATEGY CONSULTATION RESPONSE

- 1.1 On 29 July 2020 the Biodiversity and Climate Change Working Group adopted the consultation response to the Government's [England Tree Strategy](#) attached as Appendix 1.
- 1.2 The Working Group requested that the Communities, Housing and Environment Committee, and the Strategic Planning and Infrastructure Committee, also consider submitting a response to the consultation.
- 1.3 This could be based on the draft response adopted by the Biodiversity and Climate Change Working Group and be adapted to reflect the needs and priorities of the committee's remit.
- 1.4 The consultation closes on 11 September 2020.

2. RECOMMENDATION

1. That the Committee consider submitting a response to the England Tree Strategy Consultation based on that set out at Appendix 1; and
2. That the Committee amend the consultation response to reflect the needs and priorities of their remit.

Briefing Note

Defra England Tree Strategy Public Consultation

June - September 2020

1. Background

This consultation will inform the new England Tree Strategy which will be published later this year, setting out England's forestry policy through to 2050, and replacing the Government 2013 Forestry Policy Statement.

The England Tree Strategy will set out priority policies to deliver England's portion of the UK's tree planting programme and will focus on expanding, protecting and improving woodlands, exploring how trees and woodlands can connect people to nature, support the economy, combat climate change and recover biodiversity. The strategy will ensure that trees are established and managed for the many benefits and ecosystem services they provide for people, the economy, the climate and nature.

The Government has several ambitions on expanding tree cover which are addressed within the England Tree Strategy:

- The government's manifesto committed to increase tree planting across the UK to 30,000 hectares per year by 2025.
- The government's 25-Year Environment Plan commitment to increase woodland cover in England from 10% to 12% by 2060.
- The government's aim to create a national Nature Recovery Network (NRN), creating or restoring 500,000 hectares of wildlife-rich habitat to support a coherent, national ecological network, linking and restoring designated sites which are currently protected.

Commercial forestry is a devolved matter, the government is working with the devolved administrations in Scotland, Wales and Northern Ireland to determine how best to achieve its manifesto commitments, which will require collective effort across government, stakeholder groups and land managers, as well as building the capacity of the nursery sector and increasing the size of the forestry workforce.

In the March 2020 budget, Government announced a £640million 'Nature for Climate Fund', which will provide funding for tree planting - paying public money for public goods. The England Tree Strategy will set out how elements of this Fund will be used.

The consultation is split into four sections as outlined below –

1. Expanding and connecting trees and woodland:

- Establishing more trees and woodlands and ensuring they are resilient to our future climate, pests and diseases
- Addressing barriers to woodland creation
- Creating space for nature

2. Protecting and improving our trees and woodland:

- Protecting our trees and woodlands
- Managing woods to recover biodiversity and increase resilience
- Developing our domestic nursery capacity

3. Engaging people with trees and woodland:

- Increasing access to trees in and around towns and cities
- Education and engagement with woodlands
- Enabling investment in and protection of green infrastructure

4. Supporting the economy:

- Diversifying rural economies
- Enabling agro and energy forestry
- Supporting our timber industry
- Increasing forestry skills

Link to consultation: <https://consult.defra.gov.uk/forestry/england-tree-strategy/>

2. Questions

Section	Question	Response
1. Expanding and connecting our trees and woodlands	<p>6. Which actions would address the financial barriers that prevent the creation of new woodland? (select all that apply):</p> <ul style="list-style-type: none"> a) Consolidating the current range of woodland creation grants into one b) Increasing the payment rates for incentives for woodland creation c) Widening the eligibility criteria for applicants to our woodland creation grants so more applicants can apply d) Widening the eligibility criteria for the type of woodlands and tree planting that can be funded e) Providing a clear explanation and guarantees of how trees planted between now and 2024 will be considered under Environmental land management Scheme f) A quicker approval process for grant agreements g) Support if trees fail to establish due to no fault of the owner (for example, due to tree health or severe weather) h) Introducing mechanisms that provide an annual cash flow in the woodlands' early years i) Introducing mechanisms to realise a secure long-term cash flow for ecosystem services j) Introducing measures to stimulate more private investment (e.g. green finance) in woodland creation k) Developing new approaches to partnerships between landowners and woodland investors or managers which enable the landowner to derive an ongoing annual income from the land l) Other - please specify in no more than 25 words. 	<p>l) Other –</p> <p>Grants policy support should be extended to natural or semi-natural regeneration.</p> <p>Grant criteria should be less prescriptive and move away from high-density plantation style woodlands requiring intensive management.</p> <p>Grant schemes should incentivise woodland creation in areas that maximise benefits for communities, agriculture and biodiversity such as flood plains and aquifer protection zones.</p> <p>Grant schemes should be more supportive of urban and urban-edge woodland creation, which are often smaller than rural sites.</p>
	<p>7. Which of the above actions would be most effective in addressing the financial barriers that prevent the creation of new woodland? (select up to three options).</p>	<p>c) Widening the eligibility criteria for the type of woodlands and tree planting that can be funded.</p>
	<p>8. Woodlands provide a range of ecosystem services that provide benefits to businesses and society. How could government better encourage private</p>	<p>Linkage to the planning system to enable woodland creation schemes which complement and balance new developments, for example - Berry Gardens at Redwall Lane, Linton, where</p>

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	<p>investment in establishing trees and woodland creation? (Maximum 150-word response).</p>	<p>an application for a new commercial premise was encompassed delivery of 25 acres of new wet woodland on farmland on the floodplain of the River Beult.</p> <p>A further example is an urban stretch of the River Len in Maidstone transferred to the local authority as a component of mitigation for adjacent retail and other commercial schemes. The land was restored to wet woodland and scrub - this was achieved by volunteers at no cost to the local authority and has benefited flood attenuation, amenity, air quality, water quality and biodiversity. http://healthsustainabilityplanning.co.uk/flood-risk-reduction-river-len-kent/ .</p> <p>A final example is Knoxbridge Farm, Cranbrook Road, Staplehurst where a significant area of new native woodland was delivered as part of a planning application for a new access required to facilitate changes in the agricultural business.</p>
	<p>9. Which actions would address the non-financial barriers to the creation of new woodland? (select all that apply):</p> <ul style="list-style-type: none"> a) Consolidating the current range of woodland creation grants into one b) Providing access to better information on the income streams well managed woodland can provide c) Providing land managers with better access to expert advice on woodland creation and forestry knowledge and skills d) Providing the investment community with access to expert advice on woodland creation and forestry knowledge and skills e) Outreach to present the benefits of trees and forestry to land managers f) Outreach to present the benefits of trees and forestry to the investment community g) Outreach to present the benefits of trees and forestry to local communities h) Changing policy so it does not treat afforestation as a permanent land use change i) Increasing availability and access to contractors to plant and maintain the trees 	<p>o) Other</p> <p>Support for natural or semi-natural regeneration.</p> <p>Planting criteria should be less prescriptive and move away from high-density plantation style woodlands requiring intensive management.</p> <p>Policy should guide and incentivise woodland creation in areas that maximise benefits for communities, agriculture and biodiversity such as flood plains and aquifer protection zones. Such 'focus' would potentially ensure engagement from key sectors and landowners.</p> <p>Policy should be more supportive of urban and urban-edge woodland creation, which are often smaller than rural sites but easier to progress.</p>

	<ul style="list-style-type: none"> j) Increasing availability of desired bio secure planting material k) Educate and enthuse a new generation to expand the forestry industry l) Developing new approaches to partnerships between landowners and woodland investors or managers which enable the landowner to retain ownership of the land m) Developing a supply of diverse and locally appropriate seed and planting material by supporting community tree nurseries and other small nurseries that provide UK sourced and grown trees. n) Providing best practice guidance on how best to achieve tree cover through natural establishment (e.g. most suitable locations, ground preparation, fencing requirements and decisions on management over time). o) Other - please specify in no more than 25 words. 	
	<p>10. Which of the above actions would be most effective in addressing the non-financial barriers to the creation of new woodland? (select up to three options).</p>	<p>Support for natural or semi-natural regeneration.</p> <p>Planting criteria should be less prescriptive and move away from high-density plantation style woodlands requiring intensive management.</p> <p>Policy should guide and incentivise woodland creation in areas that maximise benefits for communities, agriculture and biodiversity such as flood plains and aquifer protection zones. Such 'focus' would potentially ensure engagement from key sectors and landowners.</p> <p>Policy should be more supportive of urban and urban-edge woodland creation, which are often smaller than rural sites but easier to progress.</p>
	<p>11. Which actions would address the regulatory barriers that prevent the creation of new woodland? (select all that apply):</p> <ul style="list-style-type: none"> a) Providing access to better guidance on how to meet the UK Forestry Standard 	<p>g) Other</p> <p>Policy support and encouragement of natural or semi-natural regeneration.</p>

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	<ul style="list-style-type: none"> b) Local partners agreeing and setting priorities for woodland creation and other habitat restoration across landscapes c) Enabling regulatory decisions by the Forestry Commission which reflect the national obligation to meet net zero emissions by 2050 and achieve the investment in natural capital set out in our 25 Year Environment Plan d) Implementing a joint approach to land management across central government and its agencies including those responsible for protected landscapes e) Providing a clear explanation and guarantees of how trees planted between now and 2024 will be considered under Environmental Land Management Scheme f) Reduce the time and costs associated with Environmental Impact Assessment for afforestation. g) Other - please specify in no more than 25 words. 	<p>Policy criteria should be less prescriptive and move away from high-density plantation style woodlands requiring intensive management.</p> <p>Policy should support and incentivise woodland creation in areas that maximise benefits for communities, agriculture and biodiversity such as flood plains and aquifer protection zones.</p> <p>Policy should encourage and support urban and urban-edge woodland creation, which are often smaller than rural sites but bring significant local benefits.</p>
	<p>12. Which of the above actions would be most effective in addressing the regulatory barriers that prevent the creation of new woodland? (select up to three options).</p>	<p>g) Other</p> <p>Policy support and encouragement of natural or semi-natural regeneration.</p> <p>Policy criteria should be less prescriptive and move away from high-density plantation style woodlands requiring intensive management.</p> <p>Policy should support and incentivise woodland creation in areas that maximise benefits for communities, agriculture and biodiversity such as flood plains and aquifer protection zones.</p> <p>Policy should encourage and support urban and urban-edge woodland creation, which are often smaller than rural sites but bring significant local benefits.</p>
	<p>13. How can we most effectively support the natural establishment of trees and woodland in the landscape? (Maximum 100 words).</p>	<p>The natural climax vegetation across all but the wettest lowland and exposed upland areas of the British Isles is woodland. If grazing pressure is reduced trees will return. Grazing by sheep is the most destructive of natural tree regeneration but continues to be subsidised. In</p>

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		<p>some areas where high deer densities occur, fencing may be required, however a more optimal approach is reintroduction of natural predators, such as Eurasian lynx, which regulate populations of these herbivores and modify their behaviour.</p> <p>Policy and grant criteria should support natural establishment of new woodland, scrub, wood pasture and other structurally complex sylvan habitats.</p>
	<p>14. Are there any other actions - beyond the options you have already selected or submitted - that would help landowners and managers to transform the level of woodland creation and increase the number of non-woodland trees in England? (Maximum 100 words).</p>	<p>National / local policy should enforce better regulation and routing (trunking) of new and existing (retro-fitting) of underground services, thus enabling increased and replacement street tree planting.</p> <p>Hedgerow tree and shelterbelt retention and introduction should be supported by a range of measures including identification and protection of future hedgerow trees from hedge-cutting / flailing interventions.</p> <p>Street tree planting and care should be made a statutory highway authority function and funded appropriately – encompassing a duty to replace street trees lost to whatever cause.</p> <p>Policy, grants to landowners and planning system should drive better protection of existing trees and woodland, their expansion and linkage (including wood pasture, hedgerow trees and scrub).</p> <p>Grants should specifically incentivise introduction of trees and woodland into floodplains, aquifer protection zones and urban / peri-urban areas to maximise benefits.</p>
	<p>15. Which of the following actions would be most effective in helping expand woodland creation in locations which deliver water, flood risk benefits and nature recovery? (select up to three options):</p> <p>a) Widening the eligibility criteria for woodland creation grants so more applicants can apply, and more forms of woodland are eligible</p>	<p>h)</p> <p>Using both the planning system and agricultural payments to disincentivise development and intensive cropping on flood plains and upland catchments and incentivising woodland and other sylvan habitats.</p>

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	<ul style="list-style-type: none"> b) Widening the eligibility criteria for woodland creation grants so more sizes of woodland are eligible c) Increasing grant payments for tree planting along water courses, steep sided slopes and difficult sites d) Quicker approval process for grant agreements e) Providing a clear explanation and guarantees of how trees planted between now and 2024 will be considered under Environmental Land Management f) Implementing a joint approach to land management across government, including authorities responsible for protected landscapes g) Providing better access to advice and guidance on woodland creation, forestry expertise and training -- Please Select h) Other - please specify in no more than 25 words. 	<p>Use the NPPF, Local Plans and other relevant policy documents to 'zone' floodplains, catchments and other sensitive landscapes for woodland and other sylvan habitat creation.</p> <p>Place a duty on public landowners to protect and expand woodland and other sylvan habitats on land under their control located within flood plains, catchments, urban / peri-urban and other sensitive landscapes.</p>
	<p>16. What role could the nation's National Parks and Areas of Outstanding Natural Beauty (AONBs) play in increasing woodland cover? (Maximum 100-word response).</p>	<p>If grazing pressure is reduced trees will return. Grazing by sheep is the most destructive of natural tree regeneration, however, deer can be an issue in some parts of the country and fencing or predator re-introduction will be required.</p> <p>Protected landscapes should promote and facilitate more complex habitat types – such as mosaics of woodland, wood pasture, carr and scrub within protected landscapes. There is currently a significant focus on treeless landscapes such as heather, acid, grazing marsh and chalk grassland and all these habitats benefit from proximity to areas of structurally complex tree cover.</p>
<p>2. Protecting and improving our trees and woodland</p>	<p>17. Which actions would be most effective to increase protection for trees and woodland from unsustainable management? (select a maximum of three options):</p> <ul style="list-style-type: none"> a) Introducing measures to support compliance with the UK Forestry Standard b) More effective information sharing between government departments and their delivery 	<p><i>h) Other</i></p> <p>Incentivise expansion and re-connection of existing woodlands and wood pasture, creation of better structured woodland edge, and open space within woodlands through planning system and ELMs.</p>

	<p>bodies to inform decisions impacting on woodland, including to prevent woodland loss</p> <ul style="list-style-type: none"> c) Introducing clearer processes for licencing tree felling, with felling licences that can be suspended, withdrawn or superseded d) Greater penalties for non-compliance with the requirements of the Forestry Act e) Powers to set wider felling licence conditions, for example to enable enforcement of compliance with the UK Forestry Standard f) A clearer policy presumption that all trees felled without a licence will be replaced (except in exceptional circumstances) g) Refining the process of making Tree Preservation Orders, and clarifying the criteria to improve consistency in application of the policy across local authorities h) Other - please specify in no more than 25 words. 	
	<p>18. Which actions would best help the planning system support better protection and enhancement of the ancient and wider woodland environment and trees? (select a maximum of two options).</p> <ul style="list-style-type: none"> a) Providing support to fully complete revision of the Ancient Woodland Inventory (to include ancient woodlands under two hectares in area) b) Commissioning research into effective size and use of buffer zones around woodland for different impacts c) Providing better monitoring and recording of decisions on planning applications affecting ancient woodland d) Sharing best practice guidance and training to support implementation of National Planning Policy Framework policy on ancient woodland with local authority planners e) Encouraging more woodland to be brought into management where impacted by development f) More effective information sharing between agencies and local planning authorities to inform decision making impacting on woodland including to prevent woodland loss g) Refining the process of making Tree Preservation Orders, and clarifying the criteria to improve consistency in application of the policy across local authorities h) Other - please specify in no more than 25 words. 	<ul style="list-style-type: none"> i) Other <p>Greater planning policy protection for secondary woodland (in addition to that guidance contained within the NPPF relating to semi-natural ancient woodland).</p> <p>Use planning guidance to incentivise the protection, buffering and connection of existing woodland on (and adjacent to) development sites through master planning, LEMPs, and conditions.</p>

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	<p>19. What actions would be most effective in reducing the use of plastics in forestry? (select one option):</p> <ul style="list-style-type: none"> a) Providing support to land managers for deer control and fencing b) Supporting further testing and trial of non-plastic alternatives such as tree guards c) Introducing stronger control on the recovery and disposal of plastics in grant agreements and public sector contracts d) Promoting the use of non-plastic tree guards e) Other - please specify in no more than 25 words. 	<p>e) Other – Increase incentives for natural regeneration where thorn and scrub will protect saplings and developing woodland.</p>
	<p>20. Which actions would overcome financial barriers to woodland management? (select all that apply):</p> <ul style="list-style-type: none"> a) Providing better information on timber prices, grant schemes and market opportunities for wood and non-wood products b) Providing grant support for a wider range of management activities c) Providing grant support for the restoration of Plantations on Ancient Woodlands Sites (PAWS) d) Providing support for woodland infrastructure such as roading e) Providing grants or loans for equipment, for example, harvesters f) Support to increase the productivity/supply chains for woodland products g) Support for landowner collaboration in woodland management h) Government requiring more domestic timber through procurement policies i) Other - please specify in no more than 25 words. 	<p>l)</p> <p>Ensure that environmental services (such as aquifer recharge, flood attenuation, watercourse quality, soil protection, air quality, landscape and biodiversity) and amenity value are factored into financial and management equation. Cropping for timber and other material and associated significant forestry interventions do not necessarily benefit delivery of environmental services and amenity. Woods are much more than just forestry.</p>
	<p>21. Which of the above actions would be most effective at overcoming the financial barriers to woodland management? (select a maximum of three options).</p>	<p>l)</p> <p>Ensure that environmental services (such as aquifer recharge, flood attenuation, watercourse quality, soil protection, air quality, landscape and biodiversity) and amenity value are factored into financial and management equation. Cropping for timber and other material and associated significant forestry interventions do not necessarily benefit delivery of environmental services and</p>

		amenity. Woods are much more than just forestry.
	<p>22. Which actions would address the non-financial barriers to woodland management? (select all that apply):</p> <p>a) Providing user friendly woodland management services aimed at ‘non forester’ woodland owners</p> <p>b) Ensuring public recognition of woodlands that are managed sustainably (for example like Green Flag awards)</p> <p>c) Providing better communication of the benefits and need for woodland management with land managers and investors</p> <p>d) Providing better information on timber prices, grant schemes and market opportunities for wood and non-wood products</p> <p>e) Training to increase the forestry skills capacity in agricultural workers</p> <p>f) Other - please specify in no more than 25 words.</p>	<p>f)</p> <p>A far greater emphasis within forestry guidance and planning system upon optimal woodland management interventions to enhance delivery of environmental services, biodiversity and landscape.</p>
	<p>23. Which of the above actions would be most effective at overcoming the non-financial barriers to woodland management? (select a maximum of three options).</p>	<p>f)</p> <p>A far greater emphasis within forestry guidance and planning system upon optimal woodland management interventions to enhance delivery of environmental services, biodiversity and landscape.</p>
	<p>24. Which actions would overcome the regulatory barriers to woodland management? (select all that apply):</p> <p>a) Streamlining delivery of current regulations (for example, self-service felling licences for tree felling proposals that would not reduce woodland cover)</p> <p>b) Placing responsibility for complying with woodland regulation on the woodland manager rather than the woodland owner</p> <p>c) Placing a legal obligation on all landowners to manage their woodland</p> <p>d) Other - please specify in no more than 25 words.</p>	<p>e) Other</p> <p><i>Coppicing and other smaller-scale interventions to maintain rides, glades and well-structured woodland edges should be exempt from felling licences.</i></p>

	<p>25. Which of the above actions would be most effective at overcoming the regulatory barriers to woodland management? (select one option).</p>	<p>f) Other</p> <p><i>Coppicing and other smaller-scale interventions to maintain rides, glades and well-structured woodland edges should be exempt from felling licences.</i></p>
	<p>26. If you own and/or manage woodland(s) that is a Site of Special Scientific Interest (SSSI) what actions would help you most to bring that woodland(s) into management? (Maximum 100-word response).</p>	<p><i>Coppicing and other smaller-scale interventions to maintain rides, glades and well-structured woodland edges should be exempt from felling licences.</i></p>
	<p>27. Which of the following actions would be most effective in improving plant biosecurity across England’s trees and woodlands? (pick a maximum of two):</p> <ul style="list-style-type: none"> a) Increasing the number of nurseries that meet the ‘Plant healthy’ management standard b) Providing better best practice guidance and information about biosecurity c) Introducing conditions to public sector contracts and government tree planting or restocking grants that require suppliers to meet the ‘Plant healthy’ management standard d) Amending planning policy to encourage local planning authorities to source trees from suppliers who meet the ‘Plant healthy’ management standard e) Sharing the Forestry England’s experience and case studies f) Managing the impact of invasive non-native plants which provide a pathway for disease through targeted action, ongoing management and monitoring, and wider education g) Developing a supply of diverse and locally appropriate seed and planting material by supporting community tree nurseries and other small nurseries that provide UK sourced and grown trees. h) Other - please specify in no more than 25 words. 	<p>h)</p> <p><i>Incentivise and provide policy support for natural regeneration, wood pasture and low stocking density ‘framework planting’..</i></p>
	<p>28. Which of the following actions are or would be most appropriate for England’s trees and woodlands to contribute to climate change mitigation and</p>	

	<p>helping to achieve net zero? (pick a maximum of three options):</p> <ul style="list-style-type: none"> a) Bringing woods into management to enhance their future resilience to climate change and secure greenhouse gas emissions reduction in other sectors through wood replacing 'carbon intensive' materials (acknowledging that this will lead to a short to medium reduction on carbon stored in the woodland) b) Planting UKFS-compliant productive forests to provide a strong carbon sink over the coming decades and then a source of sustainable timber to meet the needs of future generations c) Planting predominantly native woodland to act as a long-term store of carbon d) Establishing 'energy forest' plantations (short rotation coppice and short rotation forestry) to satisfy future biomass demand for bioenergy with carbon capture and storage e) Encouraging agroforestry to increase the amount of carbon stored on productive farmland f) Strengthening the protection of all woodland to reduce greenhouse gas emissions from deforestation. 	
	<p>29. Which of these actions would be most effective in reducing damage to trees and woodlands caused by deer? (select a maximum of two options):</p> <ul style="list-style-type: none"> a) Develop a national policy on sustainable deer management and control measures b) Facilitate landscape scale control by land managers c) Deer control as a requirement of grant or felling agreements d) Incentives for the management of deer e) Supporting a range of approaches to tree protection, including fencing and other alternatives to plastic tree guards f) Better advice and guidance on the value of and options to control damage by deer g) Other - please specify in no more than 25 words. 	<p>h)</p> <p>Restoration of predators, such as Eurasian lynx, to landscape to ensure more sustainable deer populations and behaviours.</p>
	<p>30. Which of these actions would be most effective in reducing the damage to trees and woodlands caused by grey squirrels? (select a maximum of two options):</p>	<p>f)</p> <p>Aside from those geographical areas where red squirrel populations or their recovery are</p>

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	<ul style="list-style-type: none"> a) Making grey squirrel control a requirement of grant or felling agreements b) Providing incentives for the management of grey squirrel c) Researching contraception to prevent breeding d) Reintroducing animals to help control squirrels, such as pine martens and goshawks e) Providing better advice and guidance on grey squirrel control f) Other - please specify in no more than 25 words. 	<p>compromised by the presence of greys there is little if any landscape, ecological or economic negative impact arising from this species. Indeed, natural regeneration of woodland, suppression of invasive sycamore, native predators and invertebrate habitat niches creation can all benefit from their presence.</p>
<p>3. Engaging people with trees and woodland</p>	<p>31. Are any of the following significant barriers to securing and maintaining street trees? (select up to three options):</p> <ul style="list-style-type: none"> a) Appropriate standards and guidance for securing the right trees in the right places b) Practical challenges in terms of street design, planting requirements and compatibility with other infrastructure provision c) The adoption of street trees by local highway authorities, or alternative arrangements where streets are not adopted d) The skills and resources needed to deliver new street trees, including funding for planting e) The funding and skills for ongoing maintenance of street trees over their lifetime f) Other – please specify in no more than 100 words. 	<p>f)</p> <p>Lack of budget to enable appropriate replacement and care of street trees.</p> <p>Years of poorly planned and managed routing of under and over-ground services sterilise the majority of urban highways and verges. Trunking of new services and retro-trunking of existing services will be required if a renaissance of street trees is to be achieved.</p>
	<p>32. How could government overcome the barriers to securing and maintaining street trees you have identified in question 31? (Maximum 100-word response).</p>	<p><i>Ring-fence funding for and make statutory protection and replacement of street trees, alongside better regulation of underground services to ensure trunking and free-up space for tree planting.</i></p>
	<p>33. Which of these actions would be most effective in increasing the number/coverage of trees in and around urban areas? (rank the following options in order of preference):</p> <ul style="list-style-type: none"> a) Promotion through national policy (including England Tree Strategy and national planning policy) including recognition that trees and woodlands are key components of green 	<ol style="list-style-type: none"> 1. Statutory requirement to replace street trees and protect all urban woodland 2. Promotion through national guidance (such as green infrastructure, planning and design, and code/street guidance, e.g., Manual for Streets) - stronger inclusion of appropriate engineering solutions 3. Development and implementation of Local Tree and Woodland Strategies

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	<p>infrastructure, with equal status to other green and built infrastructure</p> <p>b) Promotion through national guidance (such as green infrastructure, planning and design, and code/street guidance, e.g., Manual for Streets) - stronger inclusion of appropriate engineering solutions</p> <p>c) Development and implementation of Local Tree and Woodland Strategies and local planning policies - setting local targets for tree canopy cover and recognition that trees and woodlands are key components of green infrastructure, with equal status to other green and built infrastructure</p> <p>d) Training for practitioners, including highways engineers and others</p> <p>e) Providing better support for community forests in areas of greatest need</p> <p>f) Creating new community forests in areas of greatest need</p> <p>g) Other - please specify in no more than 25 words.</p>	<p>and local planning policies - setting local targets for tree canopy cover and recognition that trees and woodlands are key components of green infrastructure, with equal status to other green and built infrastructure</p> <ol style="list-style-type: none"> 4. Creating new community forests in areas of greatest need 5. Training for practitioners, including highways engineers and others 6. Promotion through national policy (including England Tree Strategy and national planning policy) including recognition that trees and woodlands are key components of green infrastructure, with equal status to other green and built infrastructure 7. Training for practitioners, including highways engineers and others 8. Providing better support for community forests in areas of greatest need 9.
	<p>34. Which actions would most help the preparation and implementation of local Tree and Woodland Strategies? (rank the following options in order of preference):</p> <ol style="list-style-type: none"> a) Preparing national guidance on developing Local Tree and Woodland Strategies b) Setting local targets for tree canopy cover c) Using canopy cover as a measure to monitor the scale and development of the urban forest d) Agreeing national data standards for urban trees e) Standardising the approach to measuring the value of the urban forest resource f) Adopting Local Tree and Woodland Strategies as supplementary planning documents g) Strengthening technical expertise in tree and woodland management in local authorities h) Recognising trees and woodlands as key components of green infrastructure, with equal status to green and built infrastructure. 	<ol style="list-style-type: none"> 1. Adopting Local Tree and Woodland Strategies as supplementary planning documents 2. Setting local targets for tree canopy cover 3. Using canopy cover as a measure to monitor the scale and development of the urban forest 4. Strengthening technical expertise in tree and woodland management in local authorities 5. Agreeing national data standards for urban trees 6. Preparing national guidance on developing Local Tree and Woodland Strategies 7. Standardising the approach to measuring the value of the urban forest resource 8. Recognising trees and woodlands as key components of green infrastructure, with equal status to green and built infrastructure.
	<p>35. Which actions would most effectively engage people in the management and creation of their</p>	<ol style="list-style-type: none"> 1. Creating new community forests in areas of greatest need

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	<p>local woodlands? (rank the following options in order of preference):</p> <ul style="list-style-type: none"> a) Providing more training opportunities to support woodland management and creation b) Providing legal support to community groups for the acquisition or lease of woodland c) Enabling community groups to influence decision making about the management of their local woodland d) Enabling community groups to participate in the management of their local woodland e) Facilitating networks to exchange ideas and share good practice f) Providing better support for community forests in areas of greatest need g) Creating new community forests in areas of greatest need h) Supporting the growth of woodland social enterprise in and around towns and cities. 	<ul style="list-style-type: none"> 2. Providing better support for community forests in areas of greatest need 3. Supporting the growth of woodland social enterprise in and around towns and cities 4. Providing legal support to community groups for the acquisition or lease of woodland 5. Providing more training opportunities to support woodland management and creation 6. Supporting the growth of woodland social enterprise in and around towns and cities. 7. Enabling community groups to influence decision making about the management of their local woodland 8. Enabling community groups to participate in the management of their local woodland
	<p>36. Which actions by government would be most effective in addressing barriers to peoples' access to trees and woodlands? (rank the following options in order of preference):</p> <ul style="list-style-type: none"> a) Supporting woodland access through existing incentives and rights of way b) Offering more generous woodland management incentives for those woodlands with public access c) Creating new accessible woodlands in and around towns and cities d) Supporting woodland access with bespoke incentives, simply to allow access e) Improving the quality of access by investing in infrastructure (car parks, trails, path surfacing, signage, seating) f) Regulating to maintain access rights when creating new woodland g) Supporting people to become trained/accredited to better facilitate contact (learning and health) with nature. 	<ul style="list-style-type: none"> 1. Creating new accessible woodlands in and around towns and cities 2. Supporting woodland access through existing incentives and rights of way 3. Supporting people to become trained/accredited to better facilitate contact (learning and health) with nature. 4. Regulating to maintain access rights when creating new woodland 5. Supporting woodland access with bespoke incentives, simply to allow access 6. Improving the quality of access by investing in infrastructure (car parks, trails, path surfacing, signage, seating) 7. Offering more generous woodland management incentives for those woodlands with public access
	<p>37. Which of the following do you most value about trees and woodland? (select up to two options):</p>	<ul style="list-style-type: none"> 1. Places for nature 2. A resource that provides water management 3. A resource that cleans the air 4. A resource that stores carbon

APPENDIX 1

	<ul style="list-style-type: none"> a) Places to exercise and relax and engage with nature b) Places for nature c) A source of sustainable products and employment d) A resource that provides water management e) A resource that cleans the air f) A resource that stores carbon g) As a feature within towns and cities h) As part of urban green space i) Other - please specify in no more than 25 words. 	<ul style="list-style-type: none"> 5. Places to exercise and relax and engage with nature 6. As part of urban green space 7. As a feature within towns and cities 8. A source of sustainable products and employment
	<p>38. Which of these actions would best address the funding challenge for the planting and on-going maintenance of trees in urban areas? (pick up to two options):</p> <ul style="list-style-type: none"> a) Making central funding available to supplement private finance for establishing trees in existing developments. b) Using planning levers to require developers to plant trees relating to new development on streets and other public spaces c) Using planning levers to raise funds for on-going maintenance d) Ensuring the value of tree's longer-term benefits are captured to access financing e) Other - please specify in no more than 25 words. 	<ul style="list-style-type: none"> b) Using planning levers to require developers to plant trees relating to new development on streets and other public spaces e) Introducing statutory duty upon public local authorities to replace and maintain street and other trees removed for safety or other reasons.
<p>4. Supporting the economy</p>	<p>39. What could the England Tree Strategy do to encourage the use of timber in construction? (select up to two options):</p> <ul style="list-style-type: none"> a) Improving, encouraging or incentivising the growth of necessary skills such as those in green construction, design or forestry b) Promoting and incentivising Grown in Britain Certification c) Encouraging planning requirements to incorporate sustainable materials d) Amending public procurement standards to support Grown in Britain certified forest products, incorporate sustainable materials and signal long-term demand 	

	<p>e) Increasing the availability of knowledge and stimulate an understanding of sustainable building practices</p> <p>f) Supporting new innovations in developing timber building materials such as cross laminated timber</p> <p>g) Other - please specify in no more than 25 words.</p>	
	<p>40. How could policy about the permanency of woodlands better support tree establishment for agro forestry or energy crops? (select one option):</p> <p>a) Changing policy so it does not treat afforestation as a permanent land use change</p> <p>b) Adjusting policy so energy forestry crops (short rotation coppice and short rotation forestry) are not permanent land use change</p> <p>c) Retaining the current position whereby afforestation is generally a permanent land use change</p> <p>d) Not sure.</p>	
	<p>41. Which actions would best increase the uptake of energy forestry? (select up to two options):</p> <p>a) Providing financial support for the capital costs of energy forestry</p> <p>b) Clarifying the taxation of energy forestry (as either agriculture or forestry)</p> <p>c) Clarifying the regulatory position for energy forestry (for example, can I change land use in the future)</p> <p>d) Providing support to develop a secure supply chain (such as forward contracts for feedstock)</p> <p>e) Providing better advice and guidance on energy forestry</p> <p>f) Increasing skills capacity in energy forestry</p> <p>g) Other - please specify in no more than 25 words.</p>	
	<p>42. Which actions would best increase the planting of more trees on farms? (select up to two options):</p> <p>a) Clarifying the regulation of agroforestry as either agriculture or forestry</p> <p>b) Clarifying the implications for the land holding's tax status of planting more trees</p> <p>c) Providing better advice and guidance on woodland creation and management</p>	

	<ul style="list-style-type: none"> d) Providing incentives for a wider range of tree planting on farms e) Funding for the advice and the design of schemes for trees on farms and agroforestry f) Providing better advice and guidance on how woodland creation and management can contribute to farm business models g) Other - please specify in no more than 25 words. 	
	<p>43. Which actions would best increase agroforestry, woodland creation and management on tenanted farmland? (select up to two options):</p> <ul style="list-style-type: none"> a) Providing industry led guidance, best practice and case studies of how tenants and landlords can work together to deliver benefits for both parties from diversification into tree planting and agroforestry on tenanted land b) Providing eligibility criteria for tree establishment grant agreements to discourage the proactive resumption of tenanted farmland c) Reviewing how tenancy agreements approach the responsibility for and rights to trees d) Confirming the property rights to long-term carbon benefits e) Other - please specify in no more than 25 words. 	
	<p>44. What are the most urgent shortages in the workforce capacity needed to increase woodland creation, maintenance and management? (select up to two options):</p> <ul style="list-style-type: none"> a) Professional forester b) Supervisor for forest works c) Machine operator, for example, tractor/harvester/forwarder drivers d) Hand cutter / chainsaw operator e) Tree planter f) Tree nursery workers g) Forestry educators h) Land agents, surveyors and architects with specialist forest knowledge i) All of the above j) Other - please specify in no more than 25 words. 	<p>j. Local authority tree officers.</p>
	<p>45. Which actions would best strengthen productivity in forestry supply chains? (select up to three options):</p>	

	<ul style="list-style-type: none"> a) Providing grant support for a wider range of management options b) Providing support for woodland infrastructure such as roading c) Providing grant or loans for equipment (for example, harvesters) d) Providing support for productivity/supply chains for woodland products e) Providing better information on market prices and opportunities f) Training to increase the skills capacity in agricultural workers g) Facilitating collaborative working between woodland owners h) Developing options for private investment for ecosystem services that drive woodland management i) Other - please specify in no more than 25 words. 	
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3. Contact

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4. Author

Tony Harwood (chair Maidstone Borough Council Biodiversity and Climate Change Working Group)
July 2020

Communities, Housing and Environment Committee

25 August 2020

Request to Reduce the Number of Nominative Trustee Positions from Cutbush and Corral Charity (Incorporating the Qusted Almshouse Charity)

Final Decision-Maker	Communities, Housing and Environment Committee
Lead Head of Service	Angela Woodhouse
Lead Officer and Report Author	Ryan O’Connell, Democratic and Electoral Services Manager Oliviya Parfitt, Democratic Services Officer
Classification	Public
Wards affected	ALL

Executive Summary

Democratic Services have received a request from Cutbush and Corral Charity (Incorporating the Qusted Almshouse Charity), to reduce the number of Council appointed Nominative Trustees from four to two.

As outlined within the Council’s constitution, this Committee is able to appoint Members to a vacant position (Part 2, Rule 2.2.3) for any Outside Body assigned to it. However, the authority to exercise any other function, sits with Full Council (Part 2, Rule 2.1(1)(22)).

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. That Council be recommended to approve the request received by Cutbush and Corral Charity (Incorporating the Qusted Almshouse Charity); to reduce the number of Nominative Trustees appointed by the Council from four to two.

Timetable

Meeting	Date
Communities, Housing and Environment Committee	25 August 2020
Full Council	30 September 2020

Request to Reduce the Number of Nominative Trustee Positions from Cutbush and Corral Charity (Incorporating the Quested Almshouse Charity)

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The recommendation within this report is unlikely to materially affect the achievement of corporate priorities.	Democratic and Electoral Services Manager
Cross Cutting Objectives	None.	Democratic and Electoral Services Manager
Risk Management	See paragraph 5.1	Democratic and Electoral Services Manager
Financial	There are no financial implications.	Democratic and Electoral Services Manager
Staffing	A reduction in the number of Nominative Trustees would minimally reduce the workload of Democratic Services in relation to this Outside Body.	Democratic and Electoral Services Manager
Legal	The administration of outside bodies is in accordance with the Council's Constitution and the standing orders and/or agreements of each outside body.	Democratic and Electoral Services Manager
Privacy and Data Protection	There are no privacy and data protection implications.	Policy and Information Team
Equalities	There are no equalities implications.	Democratic and Electoral Services Manager
Public Health	There are no public health implications.	Democratic and Electoral Services Manager
Crime and Disorder	There are no Crime and Disorder implications.	Democratic and Electoral

		Services Manager
Procurement	There are no procurement implications.	Democratic and Electoral Services Manager

2. INTRODUCTION AND BACKGROUND

1.1 The appointment of Council representatives to Cutbush and Corral Charity (Incorporating the Quested Almshouse Charity), hereafter known as the Charity, falls under the remit of the Communities, Housing and Environment Committee, as decided during the 7 March 2018 Council meeting. This Committee is responsible for appointing a total of four Nominative Trustees, as outlined in the Charity's Scheme shown below (Clause 10).

10. Nominated trustees

- (1) The nominated trustees must be appointed by Maidstone Borough Council.
- (2) Any appointment must be made at a meeting held according to the ordinary practice of the Council. The chairman of the meeting shall cause the name of each appointed person to be notified to the trustees and clerk of the charity.
- (3) Each appointment must be made for:
 - (a) 4 years; or
 - (b) if the appointment is being made to fill a casual vacancy, the unexpired term of the appointee's predecessor.
- (4) The appointment will be effective from the later of:
 - (a) the date of the vacancy; and
 - (b) the date on which the trustees or their secretary or clerk are informed of the appointment.
- (5) The person appointed need not be a member of the Council.

1.2 The Charity has requested that the number of Nominative Trustee positions be reduced from four to two, due to the difficulties experienced in obtaining nominations from Members with the desired experience and skillset. This includes experience in IT, Marketing, Public Relations, Listed Building Development, Renovation and Repair, Investment Advice, Housing Management, Funding and Accounting within the Social Housing Sector and general experience in the 'not for profit' sector. This had led to vacancies remaining unfilled for long periods.

1.3 An individual that is not a member of the Council can be appointed to the position of a Nominative Trustee (See Clause 10 above) but the Charity has expressed that this leads to a complex and time-consuming procedure, as opposed to being able to appoint a co-opted Trustee (as shown below)

11. Co-opted trustees

- (1) The appointment of a co-opted trustee must be made by the trustees at a special meeting called under clause 19.

Clause 19

19. Special meetings

- (1) The chairman, or any 2 trustees, may call a special meeting at any time.
- (2) Special meetings require at least 4 days' notice, except that meetings to consider the appointment of a co-opted trustee require at least 21 days notice.
- (3) The notice calling a special meeting must include details of the business to be transacted at the meeting.
- (4) A special meeting may, but need not, be held immediately before or after an ordinary meeting.

1.4 As six Trustees must be in attendance to achieve Quorum, vacant nominative positions have increased the pressure on co-opted trustees for the Charity to conduct its business.

1.5 In May 2019 Democratic Services were informed that the Charity was considering reducing the number of nominative trustee positions held which was confirmed in July 2020, whereby Trustees agreed at a meeting held on 16 July 2020:

'To reduce the number of nominative trustees from four to two (following consultation with and approval from Maidstone Borough Council)'.

1.6 The delay in acting upon the request is in part due to staff changes, staff shortages and adjustments in working practice and staff redeployment due to the Coronavirus pandemic. It was agreed at the 1 July 2020 Democracy and General Purposes Committee meeting, that the administration of Outside Bodies would remain a low operational priority. However, given the age of the request and reasons states above, it is felt that a recommendation to Council to approve the reduction would better enable the Charity to exercise its functions.

1.7 Reducing the number of Nominative Trustees will minimally reduce the workload for Democratic Services as fewer positions will need to be advertised in the future.

3. AVAILABLE OPTIONS

3.1 The Committee could choose to recommend that the reduction in the number of Nominative Trustee Positions, from four to two, be agreed by Full Council.

3.2 The Committee chooses not to recommend the reduction in the number of Nominative Trustee positions to Full Council.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 Option 3.1 is the preferred option for the reasons as outlined in Section 2.

5. RISK

5.1 The report has no significant impact on risk.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 None.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 If the Committee recommends to Council that the number of Nominative Trustees appointed by the Council, and this is agreed, the Charity will then be informed. The necessary changes would be made to the Charity's scheme and the Charity Commission would be informed. Implementing the changes would not be the Council's responsibility but would fall to the Cutbush and Corral Charity.

8. REPORT APPENDICES

None.

9. BACKGROUND PAPERS

The Cutbush and Corral Charity (Incorporating the Quested Almshouse Charity) Scheme.