

AGENDA

COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE MEETING



Date: Tuesday 18 April 2017
Time: 6.30 pm
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Barned, M Burton, Joy, D Mortimer
(Vice-Chairman), Perry, Mrs Ring
(Chairman), Mrs Robertson, Webb and
Webster

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Urgent Items
4. Notification of Visiting Members

Continued Over/:

Issued on Thursday 6 April 2017

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Caroline Matthews on 01622 602743**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

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|-----|---|---------|
| 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 21 March 2017 | 1 - 4 |
| 9. | Presentation of Petitions (if any) | |
| 10. | Questions and answer session for members of the public (if any) | |
| 11. | Committee Work Programme | 5 |
| 12. | Oral Update - Brunswick Street and Union Street Developments | |
| 13. | Oral Update - Housing White Paper
The Housing White Paper can be viewed here:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/590464/Fixing our broken housing market – print ready version.pdf | |
| 14. | Report of the Head of Policy and Communications - Communities, Housing and Environment - Key Performance Indicators 2017-18 | 6 - 26 |
| 15. | Report of the Head of Environment and Public Realm - Tackling Anti-Social Behaviour relating to dogs: Updating our enforcement tools | 27 - 63 |

PUBLIC SPEAKING

In order to book a slot to speak at this meeting of the Communities, Housing and Environment Committee, please contact Caroline Matthews on 01622 602743 or by email on carolinematthews@maidstone.gov.uk by 5 pm one clear working day before the meeting. If asking a question, you will need to provide the full text in writing. If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated on a first come, first served basis.

MAIDSTONE BOROUGH COUNCIL

COMMUNITIES, HOUSING AND THE ENVIRONMENT COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 21 MARCH 2017

Present: Councillor Mrs Ring (Chairman), and
Councillors Barned, M Burton, Joy, D Mortimer, Perry,
Mrs Robertson and Webb

58. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

59. **NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no Substitute Members.

60. **URGENT ITEMS**

There were no urgent items.

61. **NOTIFICATION OF VISITING MEMBERS**

There were no Visiting Members.

62. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members and Officers.

63. **DISCLOSURES OF LOBBYING**

All Members of the Committee, with the exception of Councillor Barned, stated that they had been lobbied on Agenda Item 13 – Report of the Head of Regeneration and Economic Development – Phase 3 Public Realm.

64. **EXEMPT ITEMS**

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

65. **MINUTES OF THE MEETING HELD ON 14 FEBRUARY 2017**

RESOLVED: That the minutes of the meeting held on 14 February 2017 be approved as a correct record and signed.

66. **MINUTES OF THE CO-LOCATED MEETING HELD ON 22 FEBRUARY 2017**

RESOLVED: That the minutes of the co-located meeting held on 22 February 2017 be approved as a correct record and signed.

67. PRESENTATION OF PETITIONS

There were no petitions.

68. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

69. COMMITTEE WORK PROGRAMME

The Chairman advised that Members of the Strategic Planning, Sustainability and Transportation Committee had asked for a report to their next meeting on the draft consultation responses to the Housing White Paper consultation that would be relevant to their Committee.

The Chairman suggested that a similar report should be produced for the next Communities, Housing and Environment Committee meeting.

In response to a question from a Member, the Director of Regeneration and Place advised that in regard to the Maidstone Borough Council Lottery, it was still being progressed and had been discussed at a recent Political Group Leaders' Meeting. As a result Political Group Leaders had asked for further investigative work to be carried out and he would be able to report back to the Committee in due course if a report would be coming forward.

RESOLVED: That Officers produce a report to the next Committee meeting on the draft responses to the consultation on the Housing White Paper.

70. REPORT OF THE HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT - PHASE 3 PUBLIC REALM

The Local Economy Project Officer presented a report on the Phase 3 Public Realm.

The Committee noted that details of Phase 3 of the Public Realm was first presented to Policy and Resources Committee at its meeting in April 2016. The proposal was to upgrade the north end of Week Street (from Fremlin Walk to Maidstone East Station) and Gabriel's Hill/Lower Stone Street. However, following discussions with various Members, Officers and Designers, it had become clear that the whole length of Week Street should be considered for upgrade.

In response to questions from Members, Officers advised that:-

- Sample patches of paving would be laid down for 2/3 months to enable testing for cleaning purposes.
- It made sense to consider carrying out all the work in one go, rather than leaving an area in the middle not completed.

- The £900k required could be funded from the new homes bonus that had been set aside for capital investment projects.

In the ensuing discussion the following points were made:-

- That the image of the town centre was very important as Maidstone competed with Bluewater, Tunbridge Wells and Tenterden.
- That it made sense to complete the whole length of road as there were some parts that looked tired and run down.
- That the provision of additional resources for ongoing maintenance needed to be carefully considered to ensure that the area was properly cleaned;
- That the significant spend could not be justified especially when taxpayers were faced with an increase in their Council tax;
- That the trees identified by the designers for the scheme would be contrary to the Council's policy on trees in urban green space.

RESOLVED: That Policy and Resources Committee be recommended to:

1. Approve the change in scope from the original proposed project, to now include the southern end of Week Street;

Voting: For: 6 Against: 1 Abstentions: 1

2. Approve the outline designs for all of Week Street and Gabriel's Hill/Lower Stone Street with the exception of the suggested palette of tree species which do not comply with document HAP12; Urban Green Space. In addition the 4 Ginkgo Biloba at the bottom of Gabriel's Hill which should be removed and replaced with trees native to South East England as per HAP 12: Urban Green Space;

Voting: For: 7 Against: 1 Abstentions: 0

3. Approve the proposed materials for hard landscaping only for Week Street and Gabriel's Hill/Lower Stone Street;

Voting: For: 7 Against: 1 Abstentions: 0

4. Approve the additional capital budget of £900k to cover the increased costs for the southern section of Week Street;

Voting: For: 5 Against: 1 Abstentions: 2

5. Approve the proposed consultation materials and methodology but further investigation should include more soft landscaping for the purposes of air quality mitigation and to be in keeping with the theme of the County Town of the Garden of England; and

Voting: For: 6 Against: 1 Abstentions: 1

6. Approve the additional resources required for the ongoing cleansing and maintenance of the town centre.

Voting: For: 7 Against: 1 Abstentions: 0

71. DURATION OF MEETING

7.15 p.m. to 8.20 p.m.

COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE – WORK PROGRAMME

Theme	Report Title	Committee Date
Monitoring Reports	Strategic Plan KPIs	18 April 2017
New/ Updates to Strategies and Plans	Tackling Anti-Social Behaviour relating to dogs	18 April 2017
Monitoring Reports	Review of Waste Strategy 2014-19	20 June 2017
Income Generation	Commercial Waste Feasibility Report	20 June 2017
Monitoring Reports	Maidstone Housing Strategy 2016-2020 Update	20 June 2017
Income Generation	MBC Lottery	TBC
Monitoring Reports	Fourth Quarter Budget Monitoring	TBC
Monitoring Reports	Environmental Health Enforcement Policy Update	TBC
Monitoring Reports	Strategic Plan Performance Update Quarter 4	TBC
Monitoring Reports	Licensing Partnership Update	TBC
New/ Updates to Strategies and Plans	Taxi Rank Policy	TBC
New/ Updates to Strategies and Plans	Air Quality Management Areas/Low Emissions Strategy	TBC

Agenda Item 14

Communities, Housing and Environment Committee

**18 April
2017**

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Key Performance Indicators for Communities, Housing and Environment Committee 2017-18

Final Decision-Maker	Communities Housing and Environment Committee
Lead Head of Service	Head of Policy and Communications
Lead Officer and Report Author	Angela Woodhouse, Head of Policy and Communications
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

1. To agree which key performance indicators are reported in 2017-18

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

Performance management is focussed on identifying whether the Council is achieving the strategic priorities and action identified in the Council's Strategic Plan.

Timetable

Meeting	Date
Communities, Housing and Environment Committee	18 April 2017

Key Performance Indicators for Communities, Housing and Environment Committee 2017-18

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Council has recently approved a refreshed strategic plan for 2017-18 refining the action areas that deliver the identified priorities (Appendix A). Each service committee is asked to consider and agree key performance indicators for measuring the achievements of our priorities in 2017-18.
- 1.2 This report sets out the current indicators and indicators for consideration by the committee following a councillor workshop in March.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 There are three action areas aligned to this committee's terms of reference:
- Providing a Clean and Safe Environment
 - Encouraging Good Health and Wellbeing
 - A Home for Everyone
- 2.2 For each action area in the strategic plan it has been set out what we want to achieve and what the council has committed to in order to do this.
- 2.3 At the Councillor workshop and the committee meetings to consider the refresh of the Strategic Plan it was identified that where there are strategies and plans in place to deliver the action areas we will use measures set out in those documents.

Areas of Focus

2.4 Providing a Clean and Safe Environment

We will commit to:

- Investing to improve street infrastructure and the efficiency of cleansing services in accordance with our medium term financial strategy
- Delivering the Waste and Recycling Strategy
- Delivering the Community Safety Plan 2017-18
- Delivering the Low Emissions Strategy

2.5 Encouraging Good Health and Wellbeing

We will commit to:

Delivering our Housing Strategy
Delivering our Health and Wellbeing Action Plan
Adopting and delivering our Parks and Open Spaces 10 year Strategic Plan

2.6 A Home for Everyone

We commit to:

- Delivering the Local Plan
- Delivering the Housing and Regeneration Strategy
- Delivering the Housing Strategy
- Delivering the Temporary Accommodation Strategy

2.7 The current performance indicators for 2016-17 are outlined below for information:

Providing a Clean and Safe Environment

Indicator	Target
Satisfaction with Street cleansing	60%
The percentage of relevant land and highways that is assessed as having deposits of litter that fall below an acceptable level	6.5%
The percentage of relevant land and highways that is assessed as having deposits of detritus that fall below an acceptable level	17%
Number of incidences of fly-tipping	1200
Percentage of household waste sent for reuse, recycling and composting (NI 192)	52.5%
Percentage change in number of victim based crimes / in all recorded crime	contextual
Number of safeguarding practitioners trained	200

Encouraging Good Health and Wellbeing

Indicator	Target
Percentage of residents that consider themselves in good or very good health (Resident Survey)	Context (resident survey)
Number of completed disabled facilities grants	100
User satisfaction at Leisure Centre	82%
No of people successfully completing a course at the leisure centre following referral by GP	Context
Older isolated people prevented from social isolation through museum projects	Context

A Home for Everyone

Performance Indicator	Current Target
*Processing of Major planning applications in 13 weeks	80%
*Net additional homes provided (NI 154)	560
*Number of affordable homes delivered (gross)	180

Number of households prevented from becoming homeless through the intervention of housing advice	300
Number of households housed through housing register	600

*cross over with Strategic Planning Sustainability and Transportation

3. AVAILABLE OPTIONS

- 3.1 The Committee can decide not to have any performance management information this would however significantly limit its ability to monitor and manage progress against the strategic priorities.
- 3.2 The current performance measures could be retained if the Committee identifies that these are still appropriate or a new set of indicators could be agreed.
- 3.3 Having reviewed measures from current plans and strategies and taking into account the Councillor workshop the following indicators and targets are proposed for consideration by the Committee:

Providing a Clean and Safe Environment

Indicator	Target
The percentage of relevant land and highways that is assessed as having deposits of litter at an acceptable level. (provide photos of the standards for information)	94%
The percentage of relevant land and highways that is assessed as having acceptable levels of detritus (provide photos of the standards for information)	84%
Number of fly tips assessed within 2 working days	TBC
Percentage of fly tips with evidential value which result in enforcement action	20%
Number of reports of litter attended to	TBC - baseline

Percentage of household waste sent for reuse, recycling and composting (NI 192)	52.5%
SMP information: <ul style="list-style-type: none"> • Domestic Abuse and other Violent Crime • Substance Misuse • Anti-Social Behaviour 	contextual

Encouraging Good Health and Wellbeing

Indicator	Target
Number of completed disabled facilities grants	100
No of people successfully completing a course at the leisure centre following referral by GP	Context

A Home for Everyone

Performance Indicator	Target
Processing of Major planning applications in 13 weeks	85%
Processing of Minor Applications	85%
Processing of Other Applications	85%
Net additional homes provided (NI 154)	600
Number of affordable homes delivered (gross)	200
Number of households prevented from becoming homeless through the intervention of housing advice	300
Number of households housed through housing register	600

- 3.4 As there are a number of strategies in place that the Council is committed to the committee may want to receive regular updates on the progress of these to ensure the Council is delivering against these plans and strategies and identify further action if required.
- 3.5 The Committee when setting its performance indicators and targets for the year should consider the following criteria:

Specific – The indicator needs to be specific so that a clear definition and methodology can be created for it. The definition will need to be widely accepted, so that there is no margin for misinterpretation. It should also link back to a specific action or objective that we have agreed to deliver against.

Measurable – An indicator needs to be measurable so that progress toward an objective can be tracked. This also allows us to add targets to the indicator if necessary, and compare performance over time. Have a measurable indicator makes it clear and simple to understand, and you can see when the target has been met or exceeded.

Achievable – There should be a good chance that the targets, and the objectives they relate to, are achievable. They may be difficult to achieve and require changes, but they should not be impossible. It can be discouraging to try and achieve a goal that we can never obtain.

Relevant – The indicator should be something that we have control or influence over. This ensures that, if desired performance is not being achieved, we can make operational changes to try and improve performance. The KPI will then give insight into how well we are delivering against a strategy. 'R' can also stand for relating the indicator back to a strategy or objective.

In some cases, data that directly relates to one of our priority action areas can be provided as 'information only', even if we have no direct influence on it.

Time-bound – We should be able to monitor performance over time periods, whether this is monthly, quarterly, or annually. This allows us to attribute performance to particular periods of time, and makes it easier to show trends. Performance may be reported in arrears where data is not immediately available, such as third-party data sources.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The Committee is asked to consider which indicators will best measure and track progress against the action areas that are relevant to its terms of reference. Agreement is sought on the indicators and targets for 2017-18 as well as frequency of reporting a list of recommended indicators has been given for the Committee to review. The Committee may also find it beneficial to receive regular updates on the plans and strategies listed in paragraphs 2.4 to 2.6 above.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 The Committee has previously considered performance measures when it reviewed the strategic plan in January 2017. A workshop was held to which all Councillors were invited to ascertain views on indicators for each action area. This report reflects those meetings.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 The Committee's agreed set of indicators will be reported and added to its work programme for 2017-18.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Performance management is focussed on identifying whether the Council is achieving the strategic priorities and action identified in the Council's Strategic Plan.	Head of Policy and Communications
Risk Management	Managing performance effectively should act as both risk mitigation and identification	Head of Policy and Communications
Financial	The Committee should consider the resource required to collate and report the data requested. Performance reports will be considered alongside the budget monitoring reports.	Head of Policy and Communications
Staffing	The Committee should consider the resource required to collate and report the data requested. Indicators will direct the work of the council's staff.	Head of Policy and Communications
Legal	N/A	Legal Team
Equality Impact Needs Assessment	No implications at this time	Head of Policy and Communications
Environmental/Sustainable Development	The committee has action areas that are relevant to this area and this should be taken into account when agreeing the performance indicators.	Head of Policy and Communications
Community Safety	N/A	Head of Policy and

		Communications
Human Rights Act	N/A	Head of Policy and Communications
Procurement	N/A	Head of Policy and Communications
Asset Management	The council has a number of assets which contribute to the achievement of our priorities indicators should be measuring how these assets are used to fulfil our priorities.	Head of Policy and Communications

8. REPORT APPENDICES

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

- Appendix A: Strategic Plan 2015-20, 2017-18 Refresh

9. BACKGROUND PAPERS

None

Maidstone Borough Council's

Strategic Plan 2015-2020

15



Foreword from the Leader, Councillor Fran Wilson



I am writing this foreword as an update to our strategic plan during a period of severe financial constraints as we continue to focus on delivering a full range of services with all revenue support from central government removed. Despite this challenge the council remains ambitious for this year and has identified three areas for action:

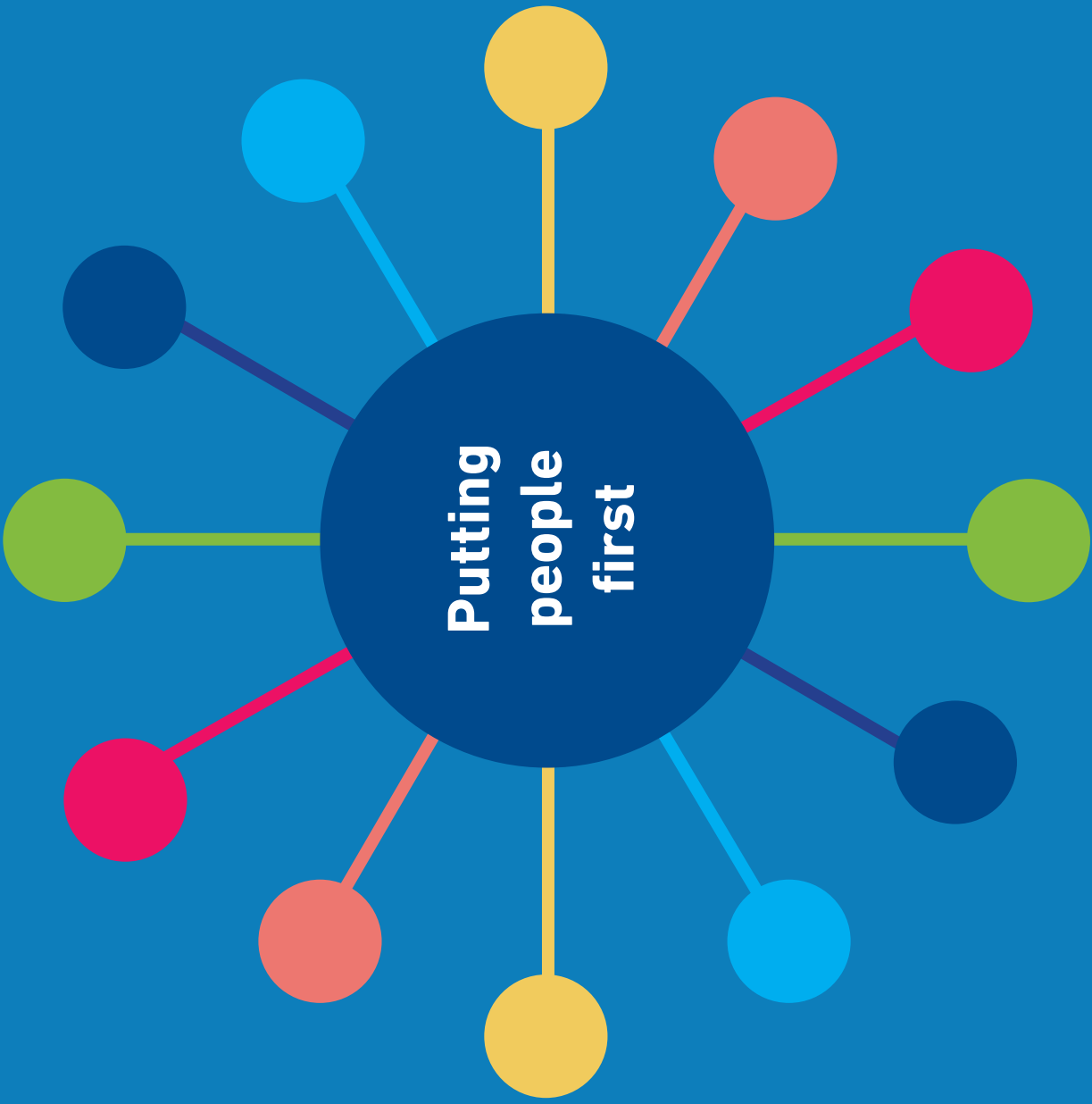
- A home for everyone
- A clean and safe environment and;
- Regenerating the town centre

16

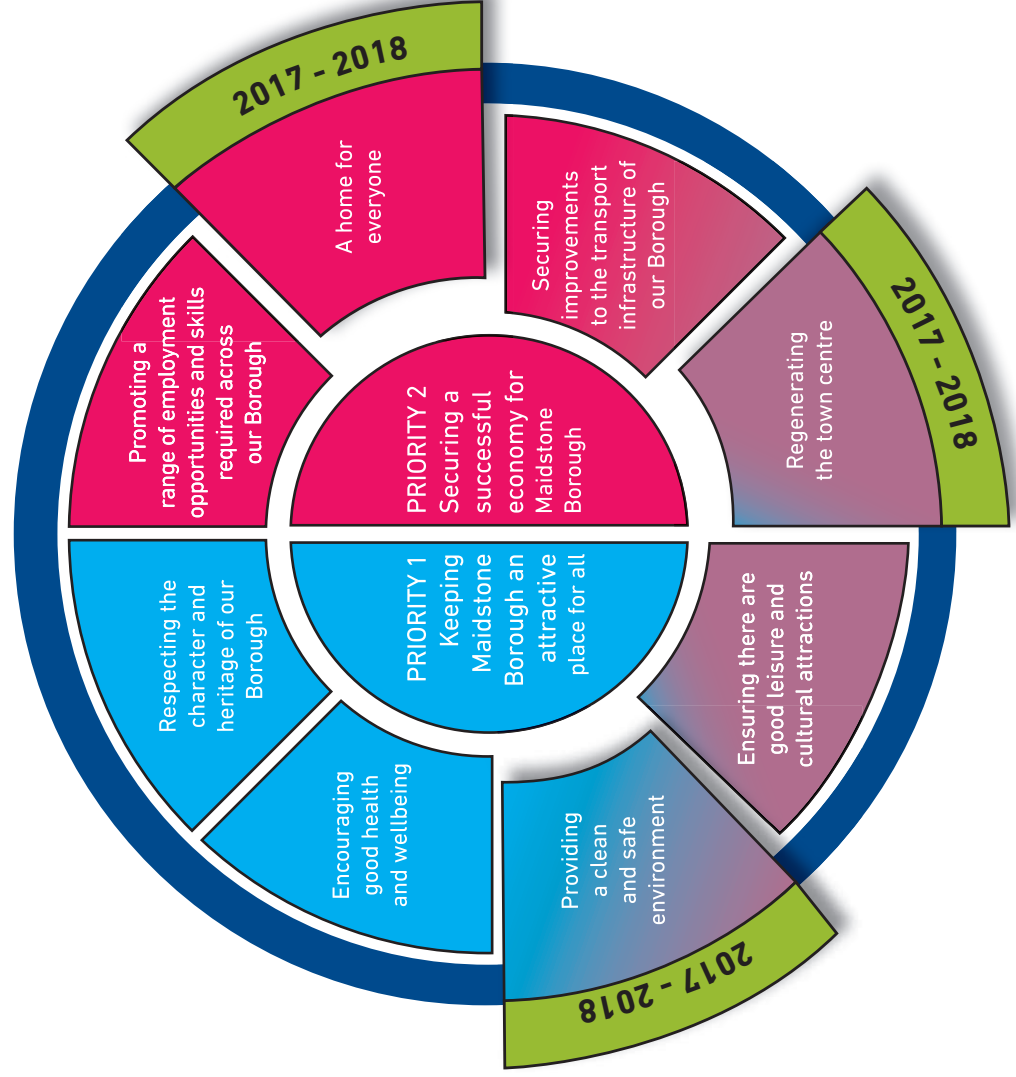
As a council our mission is to put people first. The three areas of focus will see action to ensure we have an attractive borough that respects our heritage and environment. This year we will deliver a new housing and regeneration strategy which will focus on providing much needed sustainable housing for our residents across the borough and further investment in Maidstone town centre. The importance of maintaining clarity of communication between us and all our interested parties cannot be over emphasised if we are going to achieve our priorities and ensure we are all working towards a common goal. I want our residents to be proud of where they live, our businesses to be enabled to thrive and our visitors to enjoy our offer to the extent that they would come back to Maidstone over and over again.

Fran Wilson
Leader of the Council





That our residents live in decent homes, enjoy good health and a pleasant environment, with a successful economy that is supported by reliable transport networks.



Providing a Clean and Safe Environment

Maidstone Borough Council is committed to creating an attractive environment which is safe, well maintained and clean. Our borough does not experience high levels of crime and through the Community Safety Partnership, we aim to protect the most vulnerable people in our community.

Our recycling levels have reached 51%. Maidstone has areas of poor air quality due to high concentrations of nitrogen dioxide associated with road traffic and has designated the urban area of the borough as an Air Quality Management Zone.

We want:

People to feel safe in the borough and experience an attractive, clean and safe environment.

We will commit to:

- Investing to improve street infrastructure and the efficiency of cleansing services in accordance with our medium term financial strategy
- Delivering the Waste and Recycling Strategy
- Delivering the Community Safety Plan 2017-18
- Delivering the Low Emissions Strategy

Encouraging Good Health and Wellbeing

Deprivation in the borough is lower than average, however 15.2% (4,455) of children (under 16 years old) in Maidstone live in poverty. There is a difference in life expectancy of men and women; women are expected to live 3 years longer than men and there is a 11 year gap between the ward with the highest life expectancy and the one with the lowest life expectancy

We want:

- To address the social determinants of health through our role in services like Housing, Environmental Health and Community Development and our provider role in terms of leisure activities
- To improve health outcomes for residents and reduce health inequality

We will commit to:

- Delivering our Housing Strategy
- Delivering our Health and Wellbeing Action Plan
- Adopting and delivering our Parks and Open spaces 10 year strategic plan



Respecting the Character and Heritage of our Borough

Maidstone is a largely rural borough with high quality landscapes, countryside and urban green spaces and associated rich bio-diversity. Our borough has many attractive and protected buildings and we want these to remain in place for future generations. Our focus on economic prosperity embraces the need to protect and enhance these features so that the borough remains a great place to live, work and visit.

We want:

- Thriving and resilient urban and rural communities
- To continue to listen to our communities
- To continue to respect our heritage and natural environment
- To continue to devolve services where we can and work with Kent County Council to do the same

We will commit to:

- Delivering the Local Plan
- Delivering the Green and Blue Infrastructure Strategy
- Adopting and delivering our Parks and Open Spaces 10 year strategic plan
- Delivering and honouring our Parish Charter
- Working with our Parishes and Communities on the design of their neighbourhoods

Ensuring there are Good Leisure and Cultural Attractions

There is always something to see or do in our borough reflecting the wide variety of venues, facilities and good quality public spaces. This not only enhances quality of life for Maidstone residents but also contributes significantly to the local economy. Our population is increasing at the highest rate in Kent. We are also growing as a destination for visitors and so our leisure and culture offer has continued importance for those living in and visiting the borough.

We want:

Maidstone to have a leisure and cultural offer which attracts visitors and meets the needs of our residents.

We will commit to:

- Delivering the Commercialisation Strategy which refers to a sustainable future for our parks
- Delivering the Destination Management Plan
- Delivering the Festival and Events Strategy
- Adopting and delivering the Museum's 20 year plan
- Adopting and delivering the Parks and Open Spaces 10 year Strategic Plan



Regenerating the Town Centre

Maidstone has a thriving town centre benefiting from its role as the county town and has a diverse mix of residential, business, retail, cultural uses and public services. The changing economic environment has created challenges and the need for further investment in the town centre to meet the expectations of residents, businesses and visitors.

We want:

To ensure we have a thriving and attractive town centre that values our heritage and is fit for the future.

We will commit to:

- Delivering the Local Plan
- Delivering the Housing and Regeneration Strategy
- Delivering the Destination Management Plan

Securing Improvements to the Transport Infrastructure for our Borough

Maidstone is strategically situated between London and the channel ports and is serviced by two motorway networks, the M20 and the M2, with rail connections to central London. We do however recognise that travelling in and around the borough by car during peak periods can be difficult due to congestion. The bus transport network serving Maidstone town is relatively strong whilst rural transport presents distinct challenges

We want:

A sustainable transport network that meets the needs of residents, businesses and visitors.

We will commit to:

- Delivering the Integrated Transport Strategy
- Delivering the Walking and Cycling Strategy



A Home for Everyone

The supply of new affordable housing within the borough has been greater than in neighbouring authorities, although still less than historical levels. 139 new affordable homes were built in the borough in 2015/16. 13% of Maidstone households live in socially rented accommodation which is comparable to the rest of Kent.

We want:

To have enough homes to meet our residents' long term needs, to include homes for affordable rent and affordable home ownership. These must be economically sustainable for all our residents.

We will commit to:

- Delivering the Local Plan
- Delivering the Housing and Regeneration Strategy
- Delivering the Housing Strategy
- Delivering the Temporary Accommodation Strategy

Range of Employment Skills and Opportunities Across the Borough

There were 83,200 people employed in the Maidstone economy in 2015/16 with a high proportion in the public sector, reflecting the town's status as Kent's County Town and administrative capital. There were 7,080 registered businesses in Maidstone in 2016, equivalent to 43 businesses per 1,000 population, compared to 39 for England and above average rate of self-employment

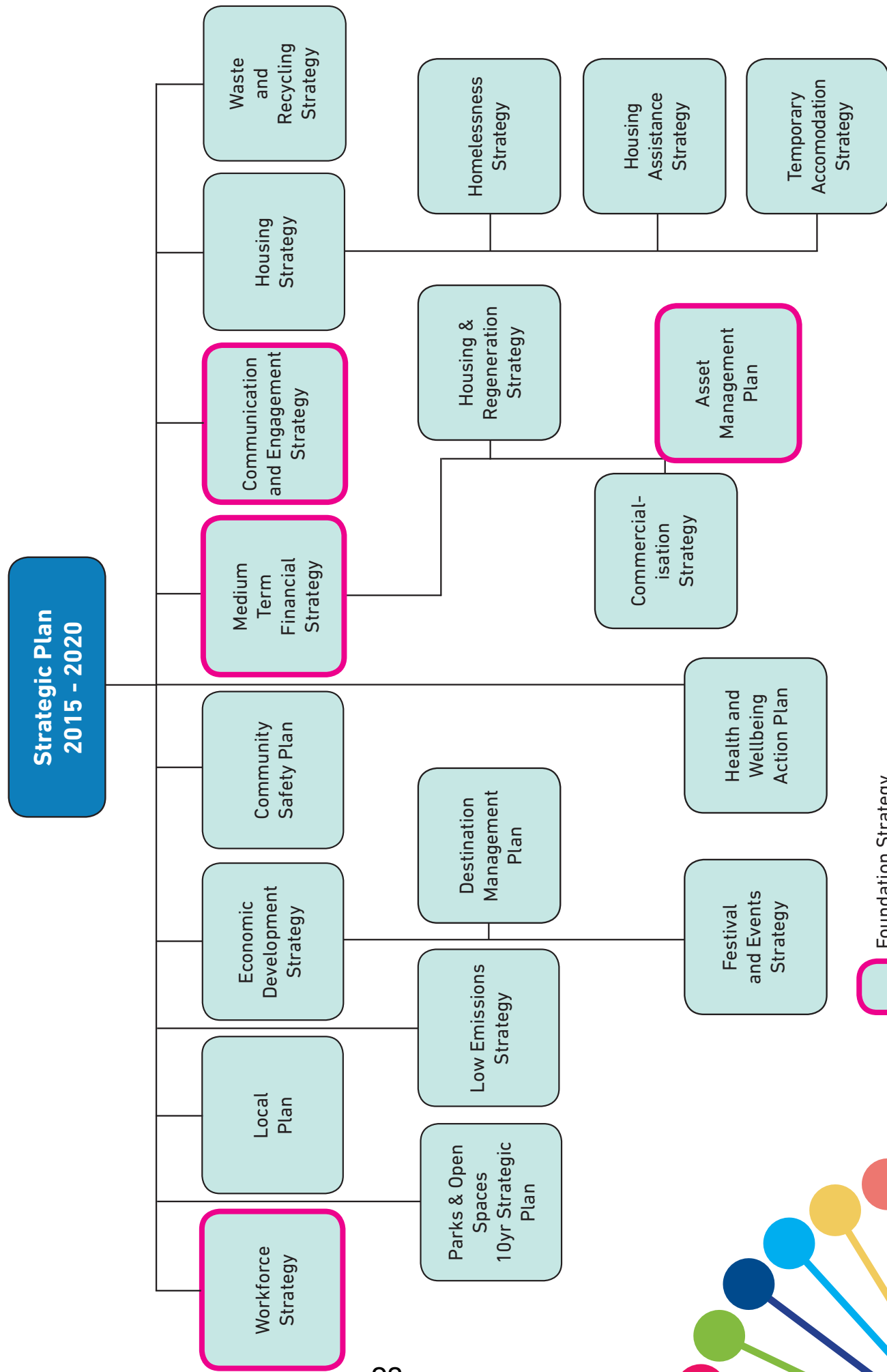
We want:

To meet the skills needs of our residents and employers, supporting existing businesses and attracting new ones.

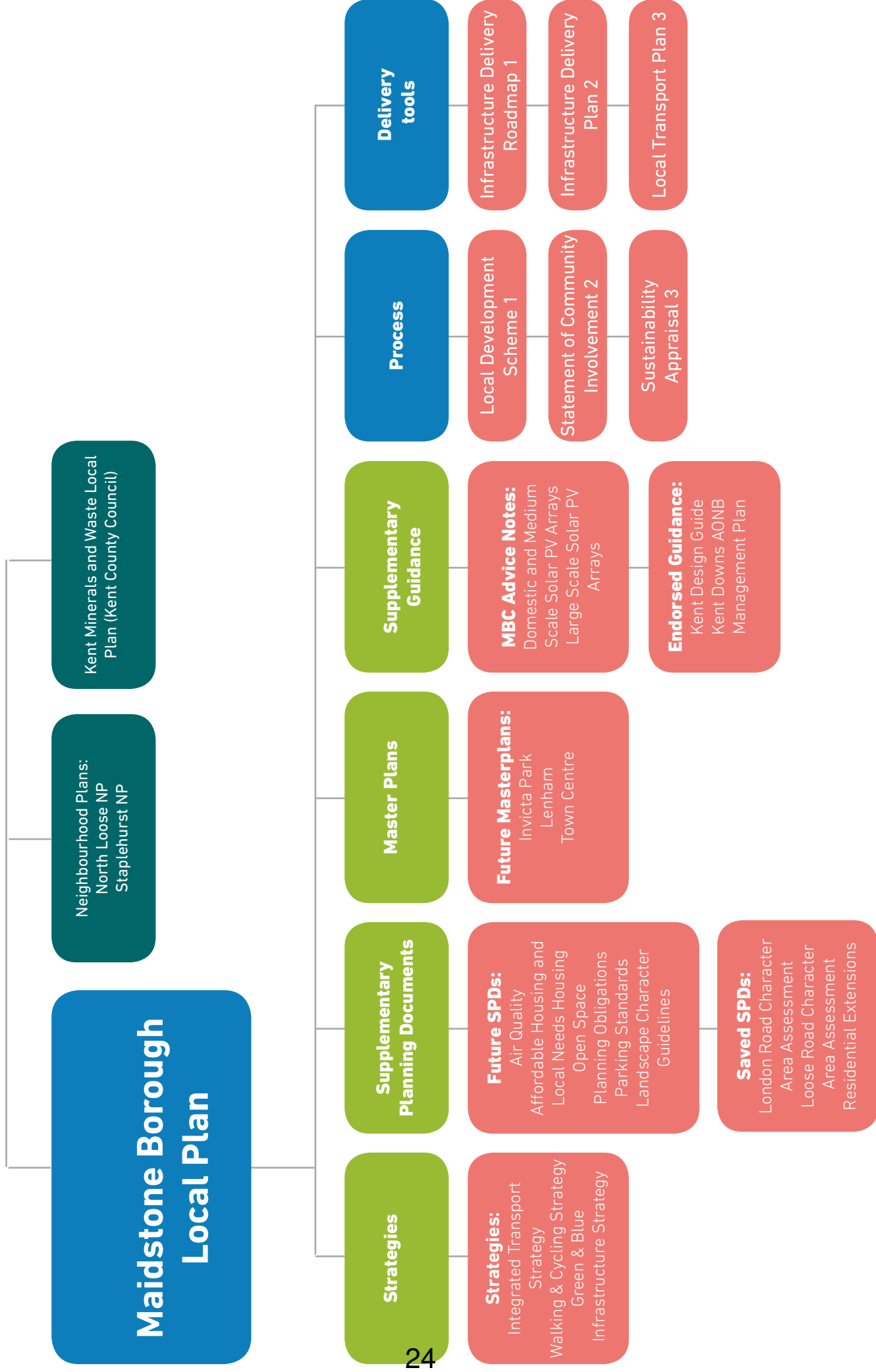
We will commit to:

- Delivering our Economic Development Strategy
- Working with businesses to support them to grow and develop





Maidstone Local Plan Flow Chart



Our Values





Communities, Housing and Environment Committee

18 April 2017

Is this the final decision on the recommendations?

Yes

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

Final Decision-Maker	Communities, Housing and Environment Committee
Lead Head of Service	Head of Environment and Public Realm
Lead Officer and Report Author	Martyn Jeynes, Environmental Enforcement Manager
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to this Committee:

1. That approval is given to undertake formal consultation, for a 1 month period, on the introduction of 3 Public Space Protection Orders (PSPOs) to update and improve the enforcement tools available to officers when dealing with irresponsible dog owners.
2. That the Committee agree for the Fixed Penalty Notice available for each PSPO to be set at £100 in line with other PSPOs.
3. That the Committee agree that representations made in the public consultation will be considered by the Head of Environment and Public Realm as detailed in Section 6 before the Head of Housing and Community Services makes the PSPOs unless there are significant relevant objections when there would be a report back to Committee.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all - reducing fouling and other incidents of dog related Anti-Social Behaviour (ASB) within the Borough through active enforcement.

Timetable	
Meeting	Date
Corporate Leadership Team	Tuesday 4 April 2017
Communities, Housing and Environment Committee	Tuesday 18 April 2017

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

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of the report is to seek approval for officers to undertake the formal process of replacing the existing Dog Control Orders (Appendix A & B) with updated enforcement measures. The proposal is to introduce 3 Public Space Protection Orders (PSPOs) which will provide greater protection to areas considered at risk of dog related anti-social behaviour and will bring the Fixed Penalty level in line with other offences.
 - 1.2 The PSPOs will be implemented after the consultation period without returning to Committee unless there is significant relevant objection to the orders.
-

2. INTRODUCTION AND BACKGROUND

Dog Related Anti-social Behaviour - the current picture in Maidstone

- 2.1 Maidstone Borough is home to many thousands of responsible dog owners who exercise their pets across the Borough. Our parks and open spaces also attract responsible dog owners from further afield. Unfortunately not everyone that owns a dog is responsible though. It had long been felt that irresponsible dog ownership is not limited to whether an owner cleans up after their dog. Irresponsible dog owners allow their dogs to stray, allow them to intimidate other people and even harm other animals. The ultimate consequence of irresponsible dog ownership can be life changing or fatal.
- 2.2 The Environmental Enforcement team promote responsible dog ownership through their RK9 Campaign but unfortunately a small number of irresponsible dog owners continue to pose a risk to other users of the parks and open spaces across the borough.
- 2.3 Albeit a declining problem there is still a perceived issue with dog fouling and some hot spots caused by irresponsible dog owners. The Cleansing Team receive reports in relation to dog mess and respond as quickly as possible to remove the waste. In 2015 and 2016 the cleansing team received 491 and 332 requests for cleansing respectively.
- 2.4 There is still a small minority who think it is acceptable to not clean up or to even place their bagged dog waste in trees etc. Although catching those responsible is often difficult, our enforcement officers, supported by the supplementary litter enforcement service, use the information provided by residents to target hot spots in order to catch those responsible and issue them with fixed penalty notices.

- 2.5 Officers currently use powers provided by The Fouling of Land by Dogs (Maidstone) Order 2013 (Appendix A). This Dog Control Order was introduced in 2013 to increase the penalty notice and to extend the offence to all public areas, some of which were not previously covered by the Fouling of Land Act 1996. A second Dog Control Order was also introduced (The Dog Exclusion (Maidstone) Order 2013 (Appendix B)) which afforded additional protection to enclosed children's play areas and the crematorium where dogs are excluded to significantly reduce the risk of an incident or annoyance being caused by their presence.
- 2.6 The fixed penalty notice available for each Dog Control Order is £75. The maximum fine through prosecution is £1000.
- 2.7 Although it has not been necessary to issue a fixed penalty notice under the current Exclusion Order, there have been incidents where dog owners have been asked not to exercise their dog(s) in the crematorium grounds and to remove their dog(s) from children's play areas.

Improving the Enforcement tools available

- 2.8 The Anti-social Behaviour Crime and Policing Act 2014 repealed provisions to make or amend Dog Control Orders, replacing them with a more efficient process to create Public Space Protection Orders (PSPOs) for dog offences.
- 2.9 The current Dog Control Orders remain in place and if left to run as currently set out, will convert to Public Space Protection Orders in October 2017 on the same terms. These PSPOs then stay in place for a maximum of 3 years before needing to be reviewed.
- 2.10 Whilst the current Dog Control Orders do provide officers with the tools to tackle aspects of irresponsible dog ownership, it is felt that the opportunity should be taken to review them and to make changes that will set a fixed penalty level that is more in line with other offences and extends the provisions of the current orders to areas which should be protected too.
- 2.11 The fixed penalty notices created by the current Dog Control Orders are both set at £75. This is less than the current fixed penalty notice for littering something like a cigarette end (£80). The fixed penalty levels cannot be increased without replacing them with a PSPO where new levels can be agreed. To ensure consistency across the authority we would look to impose a £100 fixed penalty for all offences created by a PSPO. The maximum fine through prosecution would remain £1000.
- 2.12 The existing exclusion orders provide protection to fenced children's play areas. But the same protection is not currently afforded to Children's play areas that are not enclosed, such as the castle in Cobtree Manor Park or some Parish Play Areas which are open plan.

2.13 There are currently no restrictions on dogs in Maidstone Council's Cemetery where recent incidents have included dogs running loose amongst the graves, urinating on headstones and defecating amongst the graves. This is considered anti-social and detrimental to the quality of life of those using the area. It is not felt proportionate to exclude dogs from the cemetery, but a requirement to keep dogs on a lead would provide better protection.

2.14 When creating or reviewing a PSPO the local authority needs to make sure that the activities that the PSPO seeks to control:

- are being carried out, or are likely to be carried out,
- are or are likely to have a detrimental effect on the quality of life of those in the locality;
- are or are likely to be persistent and unreasonable behaviour and that they justify the restrictions imposed.

2.15 The behaviour of a small minority of irresponsible dog owners is such that it remains necessary and proportionate to keep enforcement measures in place to tackle dog fouling and to exclude dogs from children's play areas and the Crematorium.

2.16 It is also felt that the opportunity should be taken to introduce new measures to safeguard children's play areas which are not enclosed but indicated on a local map and to require dogs to be kept on a lead when visiting the Cemetery.

2.17 The following table summarises the benefits from moving from the existing Dog Control Orders to the proposed PSPOs:

	Dog Control Order	PSPO
Fouling	The current fixed penalty notice is £75, less than the fine for littering.	The PSPO would increase the fixed penalty notice to £100 which is more suitable. The maximum fine through prosecution would remain £1000.
Exclusion from Children's play areas	The current order applies to enclosed children's play areas only.	The PSPO would enable more open plan play areas to be included and protected from irresponsible dog owners.
Dogs on leads at the cemetery	Currently the requirement to keep dogs on leads is voluntary and relies on people being responsible without fear of consequence.	The PSPO would create an offence for allowing a dog to be in the cemetery grounds without being on a lead. This creates both the threat of consequence but will enable officers to actively respond to persistent offenders.

Proposed measures for the PSPOs

2.18 It is proposed that the following measures are introduced:

1. PSPO for improved controls on dog fouling
 - Retains the existing offence
 - Increases FPN to £100 which is more in line with other offences
 - Creates a further offence of failing to provide a name and address when asked by an authorised officer to do so in relation to an incident of fouling
2. PSPO to exclude dogs from certain areas
 - Retains the existing protection afforded to exclusion areas
 - Expands on the existing dog control order to include children's play areas which are not currently protected
 - Increases FPN to £100 which is in line with other offences
 - Creates a further offence of failing to provide a name and address when asked by an authorised officer to do so in relation to an incident of not keeping a dog out of an excluded area.
3. PSPO to require dogs to be kept on a lead whilst in the grounds of Maidstone Cemetery.
 - Offers a degree of protection to a sensitive environment where loose running dogs is considered anti-social and detrimental to the quality of life of those using the area.
 - Creates a further offence of failing to provide a name and address when asked by an authorised officer to do so in relation to an incident of not keeping a dog on a lead.
 - Introduces an FPN of £100 which is in line with the other dog PSPOs

2.19 A more detailed summary of the proposed orders and the justification for their creation is provided in Appendix C. This will be used as part of the public consultation detailed in section 6.

2.20 In order to successfully enforce the measures created by these orders it is necessary for enforcement officers to be able to obtain the details of the person responsible. Without this a person can simply ignore the enforcement officer or provide false details.

2.21 In the legislation for littering (Environmental Protection Act 1990 Section 88(8B)) there is an offence of failing to provide or providing inaccurate details. It is felt that a similar measure should be introduced to these orders to support the officers when deemed appropriate and necessary. This does not guarantee compliance but creates an additional offence should it be necessary to take an offender to court.

2.22 The following exemptions will apply to the orders:

- i) The following persons are exempt from being required to remove their dog faeces from the land forthwith:
 - a person who is registered as a blind person
 - a person who has a disability and relies on a dog trained from the following prescribed charities i.e. from the "Dogs for the Disabled", "Support Dogs" or "Canine Partners for Independence".
- ii) The following are exempt from the dog exclusion order, i.e. they are able to take their dogs into the dog exclusion zones:
 - a person who is registered as a blind person
 - a person who has a disability and relies on a dog trained by the following prescribed charities i.e. from either "Dogs for the Disabled", "Support Dogs" or "Canine Partners for Independence".
 - a person who is deaf and relies on a dog trained by the Hearing Dogs for Deaf People.

Understanding what would be welcomed in Maidstone

2.23 Dog Controls can be very emotive issues and therefore it was felt appropriate to survey local dog walkers prior to preparing this report to understand whether the public themselves considered the proposed changes necessary and proportionate.

2.24 The RK9 campaign has enabled us to develop an audience of "responsible dog owners" from the dog owning community who we can use as a sounding board. This includes a well-established Facebook page with over 360 followers.

2.25 A survey undertaken in 2016 (Appendix D) shows that the proposed measures were positively received by an audience of predominantly dog owners.

3. AVAILABLE OPTIONS

3.1 Do nothing and rely upon existing Orders being converted in October. This is not a recommended option as this will restrict the exclusion areas to play areas that are fenced and enclosed. It also means the current fixed penalty level for fouling and exclusion will stay at £75, rather than the proposed £100, for the life of the PSPOs (max 3 years). This is less than littering (£80) for what are considered more serious offences. Local authorities should also demonstrate good practice and consider all available powers, including its discretionary responsibility to respond to the Anti-Social Behaviour, Crime & Policing Act 2014.

- 3.2 Consideration could be given to also introducing further PSPOs for both dogs on lead areas and dogs on leads by direction. This is not recommended as it is currently felt there is insufficient evidence to suggest a PSPO could be justified. These PSPOs would raise awareness but it is felt that the use of existing powers could be used to tackle the small number of issues that occur. Should the problem escalate we would then have the documented evidence necessary to support the need for a PSPO in the future.
- 3.3 The recommendation is to support the proposal to consult and implement as appropriate the 3 PSPOs, with the aim of updating our enforcement tools against irresponsible dog owners and the detrimental effects they have on the environment and the quality of life of those in the locality.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The recommendation is option 3.3, to introduce 3 new PSPOs to improve upon the existing Dog Control Orders. Each order will support officers in dealing with irresponsible dog owners, particularly in high risk and sensitive locations.
- 4.2 The existing Dog Control Orders set a fixed penalty notice fee of £75. This is less than the current fine for littering. Introducing the new PSPOs will enable officers to use the higher penalty notice of £100 to tackle irresponsible dog owners in regard to fouling and dog related anti-social behaviour.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The consultation on the proposed PSPOs is planned to run in Spring 2017 as detailed in section 6.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

Consultation

- 6.1 In order to make a PSPO it is a requirement to undertake a consultation. Prior to consultation, officers will liaise with our Parks and Open Spaces team, Parish Councils and Registered Social Landlords in the area to confirm if they have any non-fenced play areas they would like included as explained in Appendix D.
- 6.2 With regard to PSPO 2 (the exclusion order) the Head of Environment and Public Realm will ensure appropriately identified "non-fenced" play areas are included and that the signage and demarcation is clear to users of those areas prior to inclusion in the consultation.

6.3 The following groups will be consulted using the methods outlined:

- All residents – Borough Update, website and social media.
- All Parish Councils – in writing.
- Kennel Club – in writing.
- Borough Councillors – in writing

Consultation review

6.4 At the end of the consultation the Head of Environment and Public Realm will carry out a review of consultation responses made on the proposed terms of PSPO as follows:

- If no significant relevant objections are received then the Order can be made by the Head of Housing and Community Services as delegated by the constitution.
- If there is a need for minor alterations: the Head of Environment and Public Realm will redraft as appropriate and provide a report to Head of Housing and Community Services to make the Order incorporating the changes as per the constitution.
- If there are significant relevant objections then a further report will be written for a decision at Communities, Housing and Environment Committee where Members can resolve to amend the PSPO proposed. Alternatively, Committee could decide not to proceed with the PSPOs.

6.5 Following the consultation period, consideration of responses and any amendments, the Orders will be made as authorised 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.

6.6 Once the order is made there is a statutory right of appeal to the High Court within 6 weeks if a PSPO is considered to be unreasonable. If agreed, suitable signage will need to be erected prior to implementation of a PSPO. A PSPO can be made for a maximum of three years. Following the initial period, the PSPO must be reviewed to ensure that it is still necessary.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Keeping Maidstone Borough an attractive place for all: 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	Head of Environment and Public Realm

Risk Management	The management of PSPOs will be subject to the current performance management arrangements within the service, with performance benchmarking as part of the process.	Head of Environment and Public Realm
Financial	<p>It is anticipated that implementation will be resourced from within existing budgets. There may also be additional legal costs and costs associated with the introduction of the individual PUBLIC SPACE PROTECTION ORDERS. These will be looked at on a case by case basis as they occur. The payment of fixed penalty notices within the new regime will generate a small income for the Council. This will be pooled with the existing FPN income from other enforcement activities and used to fund awareness campaigns and legal action as appropriate in the delivery of a cleaner, safer Maidstone.</p> <p>Initial costs of consultation of this type would be in the region of £500. Additionally, there is a cost of signage and promotion which could reach £2,000 and require on-going maintenance budgets if the order is approved. These costs will need to be met from within the Environmental Enforcement Budget.</p>	Director of Finance and Business Improvement and Finance Team
Staffing	Authorised officers will need to have completed appropriate training in order to be able to issue fixed penalties and deal with prosecutions.	Head of Environment and Public Realm
Legal	Legal implications for the process of consulting upon and implementing a PUBLIC SPACE PROTECTION ORDER are covered in the body of the report.	[Legal Team]

	Should the Orders be implemented MKLS will need to be instructed to act in respect of any unpaid FPN and/or prosecution matters arising and resourced according to the volume of matters likely to arise. It is not anticipated that this will create a significant amount of work beyond the current workload.	
Equality Impact Needs Assessment	Incidents of dog related ASB will continue to be dealt with in line with the emerging strategy and in line with our equalities framework. These legislative changes are designed to have a significant community impact in preventing and limiting anti-social behaviour through irresponsible dog owners.	[Policy & Information Manager]
Environmental/Sustainable Development	None.	Head of Environment and Public Realm
Community Safety	The introduction of PSPOs will contribute to making Maidstone a safer place by promoting the message and enforcement of appropriate standard of conduct and behaviour.	Head of Environment and Public Realm
Human Rights Act	<p>The council must ensure that all statutory conditions are satisfied before a PUBLIC SPACE PROTECTION ORDER can be adopted and ensure it complies with its duties under the Equality Act 2010.</p> <p>The council must consider if the proposed PUBLIC SPACE PROTECTION ORDER will breach the Council's code of conduct – including disproportionate interference with a number of fundamental rights protected by the Human Rights Act.</p>	Head of Environment and Public Realm

	The Council must ensure it balanced the problems of anti-social behaviour in its town centre with the rights of individuals	
Procurement	None.	Head of Environment and Public Realm & Section 151 Officer]
Asset Management	Signage will be deployed and maintained as appropriate through the Environment and Public Realm service	Head of Environment and Public Realm

8. REPORT APPENDICES

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

- Appendix A: The Fouling of Land by Dogs (Maidstone) Order 2013
- Appendix B: The Dog Exclusion (Maidstone) Order 2013
- Appendix C: Details of proposed PSPOs and justification
- Appendix D: Detailed report of Dog Control Survey results

9. BACKGROUND PAPERS

None.

THE FOULING OF LAND BY DOGS (MAIDSTONE) ORDER 2013

The Clean Neighbourhoods and Environment Act 2005

The Dog Control Orders (Prescribed Offences and Penalties etc) Regulations 2006 (SI2006/1059)

Maidstone Borough Council (in this order called 'the Council') makes the following Order:

- 1) This Order comes into force on the 8th day of April 2013
- 2) This Order applies to the land specified in the Schedule

Offence

3)

- (1) If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless-
 - a) he has a reasonable excuse for doing so; or
 - b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.
- (2) Nothing in this article applies 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
 - b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance or
 - c) 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.
- (3) For the purposes of this article-
 - a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
 - b) 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)

Penalty

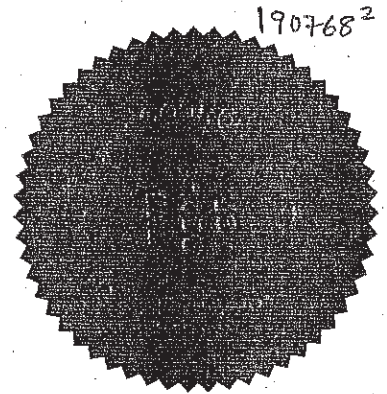
- 4) A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Given under the common seal of Maidstone Borough Council this
19th day of March 2013

The COMMON SEAL of
MAIDSTONE BOROUGH COUNCIL
was hereunto affixed
in the presence of:



Solicitor - Authorised Signatory



SCHEDULE 1

This Order applies to all land within the Maidstone Borough area which is-

Open to the air and to which the public are entitled or permitted to have access (with or without payment).

(Any land that is covered shall be treated as land that is 'open to the air' if it is open to the air on at least one side).

THE DOG EXCLUSION (MAIDSTONE) ORDER 2013

The Clean Neighbourhoods and Environment Act 2005

**The Dog Control Orders (Prescribed Offences and Penalties etc)
Regulations 2006 (SI2006/1059)**

Maidstone Borough Council (in this order called 'the Council') makes the following Order:

- 1) This Order comes into force on the 8th day of April 2013
- 2) This Order applies to the land specified in Schedule

Offence

3)

- (1) A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land to which this order applies unless
 - a) he has a reasonable excuse for doing so; or
 - b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.
- (2) Nothing in this article applies 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
 - b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance or
 - c) 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.
- (3) For the purposes of this article-
 - a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
 - b) each of the following is a "prescribed charity"-
 - i) Dogs for the Disabled (registered charity number 700454)
 - ii) Support Dogs (registered charity number 1088281)

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Penalty

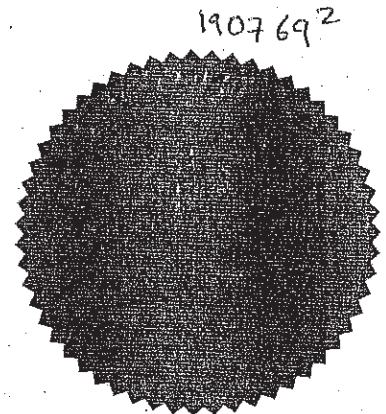
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MAIDSTONE BOROUGH COUNCIL
was hereunto affixed
in the presence of:



Solicitor - Authorised Signatory



SCHEDULE 1

Land to which the Order applies

All children's play areas which are

- (1) enclosed by means of a fence, hedge or wall and/or gate and
- (2) owned or maintained by Maidstone Borough Council or by any county, parish or town council or by any Registered Social Landlord within the administrative area of Maidstone District where a "no dog sign" is displayed.

And

Maidstone Crematorium, Vinters Park.

Appendix C – Summary of measures to be introduced by each Public Space Protection Order which will be consulted on.

PSPO 1	The Fouling of Land By Dog Order
Area covered	Order covering all of the public spaces within Maidstone
Details	An offence will be committed if a person responsible for the dog(s) allows dog fouling by not removing dog faeces from any public place.
Justification	Although an act committed by a small minority of people it is important that the authority continues to utilise all available powers to deter irresponsible dog owners who do not clean up after their dog. This will replace the existing dog control order, increasing the available FPN from £75 to £100.
Quality of Life	The negative impact of Dog Fouling on a community is well documented. Beyond the unpleasant physical impact of dog faeces, there are more acute issues such as toxocariasis (dog roundworm) which can lead to blindness.
Persistent	Although an act undertaken by a small number of irresponsible dog owners. With an estimated 8.5 Million dogs in the UK it is felt that the deterrent and ability to challenge irresponsible dog owners remains a proportionate and necessary power.
Unreasonable Behaviour	Not clearing up after a dog is not only seen as socially unacceptable but has been a criminal offence since 1996.
FPN	£100
Maximum Fine (via courts)	£1000
Additional measure	A further measure will be created making it an offence for a person who suspected to have breached the prohibitions of the Order, to fail to give their name, date of birth and address on request.
Exemptions	The following persons are exempt from being required to remove their dog faeces from the land forthwith: <ul style="list-style-type: none"> - a person who is registered as a blind person - a person who has a disability and relies on a dog trained from the following prescribed charities i.e. from the "Dogs for the Disabled", "Support Dogs" or "Canine Partners for Independence".

PSPO 2	Exclusion of dogs order
Area covered	Order covering specified children's play areas and the crematorium.
Details	An offence will be committed if a person responsible for the dog(s) allows the dog to enter any children's play areas which is owned or maintained by Maidstone Borough Council or by any county, parish or town council or by any Registered Social Landlord within the administrative area of Maidstone District where a "no dog sign" is displayed. This includes the play area within Cobtree Park and potentially Parish parks which are not enclosed by a fence but could be indicated on a local map and with signage so as to afford them the same protection as other children's play areas. An exclusion zone will also be maintained at the crematorium without seeking permission from the Bereavement Services Manager. Details and maps of each area covered will be provided with the public consultation following engagement with RSLs and Parish Councils.
Justification	Children and their parents deserve to be able to enjoy play areas designed for their enjoyment without the fear of an unruly, unwelcome dog or the risk of dog faeces being present. Responsible dog owners understand the need to keep children and dogs separate in these areas and although we have never issued an FPN to someone for breaching the existing Dog Control Order, it has been used on a number of occasions to require dogs to be removed from play areas using the threat of enforcement. Unlike the existing Dog Control Order the proposed Exclusion of Dogs Order will apply to all specified play areas, including those that are not fenced but are clearly identifiable as play areas because of the apparatus available for children to enjoy. This is because concern has been raised by some parish council's, such as Ulcombe, where there play areas are not enclosed. The FPN will be reserved for persistent offenders, using the PSPO to raise awareness as part of a broader enforcement arsenal.
Quality of Life	As highlighted above, it is felt that because of issue associated with irresponsible dog ownership such as fouling and allowing dogs to be in areas designed for children presents an unreasonable risk of harm.
Persistent	Like fouling this is not an issue that occurs regularly but with the large number of dogs within the borough there is a small percentage of irresponsible dog owners that will knowingly allow their dogs to enter a children's play area, creating an unnecessary risk.
Unreasonable Behaviour	Parliament have provided the power to tackle irresponsible dog ownership to local authorities because it is felt that the behaviour of some dog owners is unacceptable because of the risk to health and welfare it presents, particularly to our children.
FPN	£100
Maximum Fine (via courts)	£1000

Additional measure	A further measure will be created making it an offence for a person who suspected to have breached the prohibitions of the Order, to fail to give their name, date of birth and address on request.
Exemptions	<p>The following are exempt from the dog exclusion order, i.e. they are able to take their dogs into the dog exclusion zones:</p> <ul style="list-style-type: none"> - a person who is registered as a blind person - a person who has a disability and relies on a dog trained by the following prescribed charities i.e. from either "Dogs for the Disabled", "Support Dogs" or "Canine Partners for Independence". - a person who is deaf and relies on a dog trained by the Hearing Dogs for Deaf People.

PSPO 3	Dog on lead (Maidstone Cemetery) order
Area covered	<p>Maidstone Cemetery Sutton Road Maidstone Kent ME15 9AF</p>
Details	An offence will be committed if a person responsible for the dog(s) on any land to which this Order applies does not keep the dog on a lead
Justification	<p>Concern has been raised over recent incidents within the cemetery caused by dogs being walked off of their lead and dogs that have been allowed to roam in the cemetery unsupervised. This includes dogs running loose amongst the graves and approaching other visitors who were visiting graves, urinating on headstones and even defecating amongst the graves. This is morally and socially unacceptable. Although these incidents are not regular their impact has the potential to cause a great deal of upset.</p>
Quality of Life	As highlighted above, it is felt that because of issue associated with irresponsible dog ownership in such a sensitive location presents an unreasonable risk of harm (physically and emotionally) to those visiting graves and memorials within the cemetery.
Persistent	Like fouling this is not an issue that occurs regularly but with the large number of dogs within the borough there is a small percentage of irresponsible dog owners that will knowingly allow their dogs to enter the cemetery without placing them on a lead.
Unreasonable Behaviour	Parliament have provided the power to tackle irresponsible dog ownership to local authorities because it is felt that the behaviour of some dog owners is unacceptable because of the risk to health and welfare it presents.
FPN	£100
Maximum Fine (via courts)	£1000

Additional measure	A further measure will be created making it an offence for a person who suspected to have breached the prohibitions of the Order, to fail to give their name, date of birth and address on request.
Exemptions	None

2016

Dog Control Survey



INTRODUCTION & METHODOLOGY	3
SURVEY SUMMARY	4
QUESTION 2: BEFORE TODAY, WERE YOU AWARE THAT YOU CAN USE ANY LITTER BIN OR YOUR HOUSEHOLD WASTE BIN TO DISPOSE OF DOG FAECES?	5
QUESTION 3: THE COUNCIL HAS A NUMBER OF EXISTING POWERS WHICH MAKE IT AN OFFENCE IF A PERSON IN CHARGE OF A DOG FAILS TO CLEAN UP ITS FAECES. DO YOU THINK THE COUNCIL SHOULD CONTINUE TO ENFORCE THIS?	6
QUESTION 4: DO YOU SUPPORT THE CONTINUATION OF THE EXISTING POWERS THAT MAKE IT AN OFFENCE TO ALLOW DOGS INTO FENCED IN OR ENCLOSED CHILDREN'S PLAY AREAS?	7
QUESTION 5: THE COUNCIL IS CONSIDERING INCREASING THE FINE FOR FOULING AND ALLOWING A DOG INTO A PROHIBITED AREA FROM £75 TO £100. DO YOU SUPPORT THE INCREASE IN FINE?	8
QUESTION 6: WOULD YOU LIKE TO SEE THE INTRODUCTION OF A NEW OFFENCE REQUIRING DOGS THAT ARE CAUSING A NUISANCE IN A PUBLIC AREA TO BE PLACED ON A LEAD WHEN DIRECTED TO DO SO BY AN AUTHORISED COUNCIL OFFICER.....	9
QUESTION 7: WOULD YOU LIKE TO SEE THE INTRODUCTION OF A NEW OFFENCE REQUIRING DOGS TO BE PLACED ON A LEAD IN ANY OF THE FOLLOWING AREAS?	10
QUESTION 8: WOULD YOU LIKE TO SEE THE INTRODUCTION OF A NEW OFFENCE WHICH PROHIBITS A PERSON WALKING SIX DOGS AT ANY ONE TIME?.....	11
SUGGESTED LOCATIONS WHERE DOGS SHOULD BE KEPT ON A LEAD & WHY.....	12
SUGGESTIONS OF LOCATIONS WHERE DOGS SHOULD BE PROHIBITED & WHY.....	13
SURVEY DEMOGRAPHICS & WEIGHTING	14

Introduction & Methodology

Maidstone Borough Council undertook a consultation with residents and visitors in relation to controls for dogs in borough. The survey objectives were to establish awareness levels around the removal of specific bins for dog waste and the success of the accompanying campaign about how dog waste can be disposed of in the regular litter bins, and to identify what support there is for increasing dog controls and amending the current controls. A full copy of the survey is available at Appendix A.

The survey was open to all residents and visitors and was promoted on social media, through the Council's website and at events where the environmental enforcement team was presenting. Data has been weighted according to the known population profile (using age and gender as variables) to counteract non-response bias. Full details of the applied weighting are available in the demographics section of this report.

A total of 369 responses were received for the survey. Please note 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. This level of response gives us a 4.3% error rate at 90% confidence level.

There was a low response rate from residents with BME backgrounds, therefore it should be noted that the results for this group are not statistically significant. While these results are included in the tables in this report they are not referred to in the narrative as the response level from this group was too small.

Survey Summary

The survey shows that the majority of respondents were aware they can use any litter bin or household waste to dispose of bagged dog faeces. Though it should be noted the lowest levels of awareness were amongst the 75 years and over age group and highest for the 18 to 24 years group. The further comments section of survey there were comments that in some areas dog bins had been removed but there are no 'normal' litter bins, other comments in relation to bins expressed the need for them to be emptied more frequently now that they are dual purpose.

Overall, respondents were very supportive of the Council using its existing powers in relation to dog fouling and in relation to allowing dogs into a fenced or enclosed play area. In the final comments section of the survey 40 comments were in relation to increasing enforcement including more fines, 14 mentioned issues with dog fouling in their area.

The majority of survey respondents were in favour of increasing the fine for dog fouling to £100.

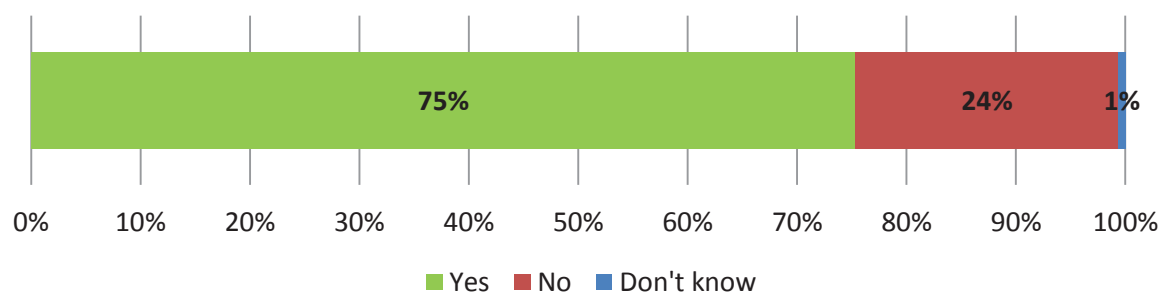
Over 90% of respondents were in favour of introducing a new offense requiring dogs that are causing a nuisance in a public area to be placed on a lead when directed to do so by an authorised council officer.

There were 31 additional comments that have been classified as suggestions. These included having specific dog exercise areas, offering dog obedience lessons, allowing dogs to be off lead in parks before a certain time and after a certain time such as in Central Park, New York. It was also suggested that the fine for dog fouling be increased to £250, employ more dog wardens and that dog licenses should be reintroduced.

While there was strong support for the introduction of a new offense requiring dogs to be kept on a lead in certain areas across the areas outlined in the survey however the most popular area where respondents would like to see this introduced was specific shopping areas and parades with 79%.

Half of respondents were in favour of the introduction of a new offense which would prohibit a person from walking six or more dogs at any one time. The greatest levels of agreement were from respondents aged 75 years and over (78%) and those with a disability (66%).

Question 2: Before today, were you aware that you can use any litter bin or your household waste bin to dispose of dog faeces?



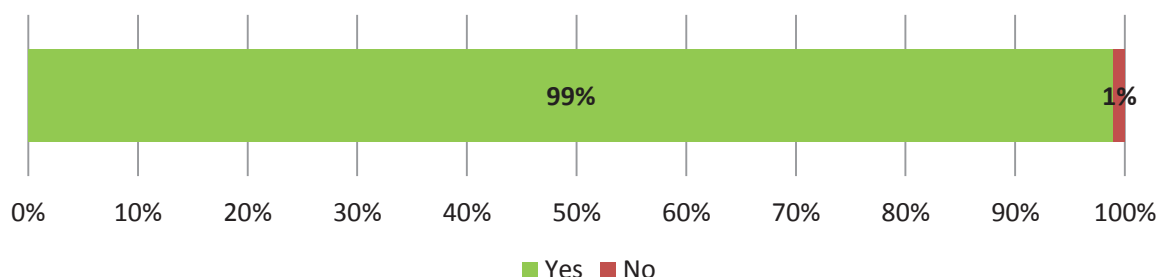
It appears that the publicity campaign informing residents and visitors that dog waste can go in any bin has been successful. Overall, three out of four people were aware that they can use any litter bin or their household waste bin to dispose of dog waste.

The greatest levels of awareness were from the 18 to 24 years group at 86% and the lowest level of awareness was amongst those aged 75 years and over.

The result for men and women and those with and those without a disability are broadly consistent with the overall result with a variance of less than 2%.

Percentage Yes	
Age	
- 18 to 24 years	86%
- 25 to 34 years	74%
- 35 to 44 years	81%
- 45 to 54 years	75%
- 55 to 64 years	72%
- 65 to 74 years	73%
- 75 years and over	67%
Gender	
- Male	74%
- Female	77%
Ethnicity	
- White groups	75%
- BME groups	100%
Disability	
- Yes	77%
- No	76%

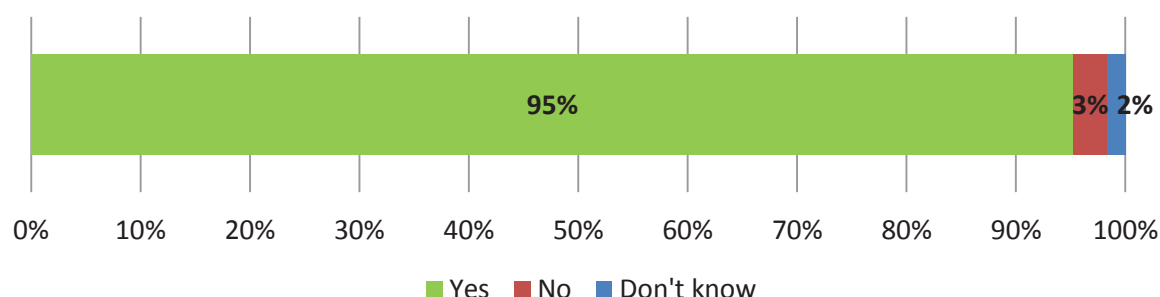
Question 3: The Council has a number of existing powers which make it an offence if a person in charge of a dog fails to clean up its faeces. Do you think the Council should continue to enforce this?



The majority of respondents across groupings are supportive of the Council using our powers to enforce dog fouling.

Percentage Yes	
Age	
- 18 to 24 years	100%
- 25 to 34 years	99%
- 35 to 44 years	96%
- 45 to 54 years	100%
- 55 to 64 years	100%
- 65 to 74 years	100%
- 75 years and over	100%
Gender	
- Male	98%
- Female	100%
Ethnicity	
- White groups	99%
- BME groups	100%
Disability	
- Yes	100%
- No	99%

Question 4: Do you support the continuation of the existing powers that make it an offence to allow dogs into fenced in or enclosed children's play areas?

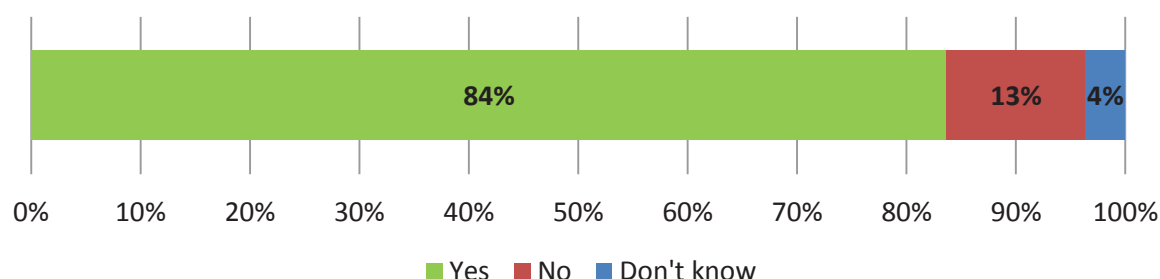


There was strong support for the continuation of the existing powers that make it an offence to allow dogs into a fenced in or enclosed children's play area, with 95% in favour.

There is a 14% difference between the age group with the greatest level of support for continuing the existing powers. The greatest levels of support were from respondents aged 65 years or over at 100%. The 25 to 34 years group had the lowest levels of support at 86%.

Percentage Yes	
Age	
- 18 to 24 years	90%
- 25 to 34 years	86%
- 35 to 44 years	96%
- 45 to 54 years	99%
- 55 to 64 years	97%
- 65 to 74 years	100%
- 75 years and over	100%
Gender	
- Male	99%
- Female	91%
Ethnicity	
- White groups	95%
- BME groups	64%
Disability	
- Yes	96%
- No	95%

Question 5: The council is considering increasing the fine for fouling and allowing a dog into a prohibited area from £75 to £100. Do you support the increase in fine?



There is strong support for increasing the fine for dog fouling and allowing a dog into a prohibited area with more than four out of five respondents agreeing.

There is a 20% difference between the age group with the greatest level of support for the increase in and that with the lowest. The 55 to 64 years group has the highest level of agreement at 91% and the 75 years and over group have the lowest at 71%.

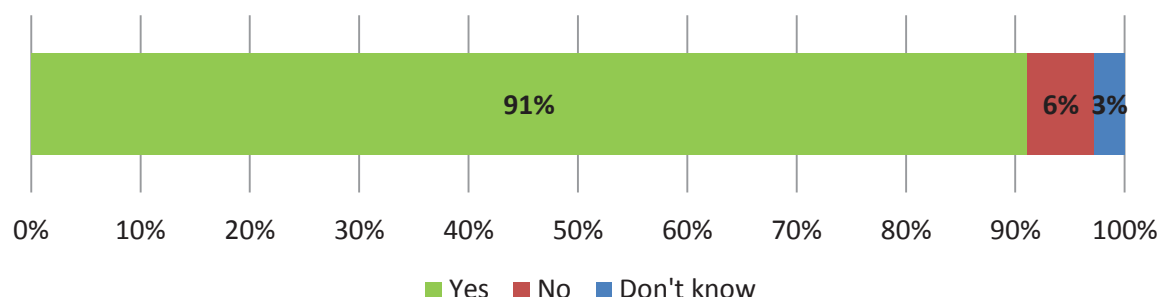
In addition there is a 12% difference between the proportion of men and women that support the fine increase.

There is an 8% difference levels of support between respondents with a disability and those without.

The lower levels of support for an increase in the fine from those with a disability and those aged 75 years and over could possibly be due to these groups being more likely than average to have a physical constraint that makes it difficult to pick up after their dog.

Percentage Yes	
Age	
- 18 to 24 years	90%
- 25 to 34 years	78%
- 35 to 44 years	78%
- 45 to 54 years	90%
- 55 to 64 years	91%
- 65 to 74 years	85%
- 75 years and over	71%
Gender	
- Male	90%
- Female	78%
Ethnicity	
- White groups	84%
- BME groups	64%
Disability	
- Yes	76%
- No	84%

Question 6: Would you like to see the introduction of a new offence requiring dogs that are causing a nuisance in a public area to be placed on a lead when directed to do so by an authorised council officer



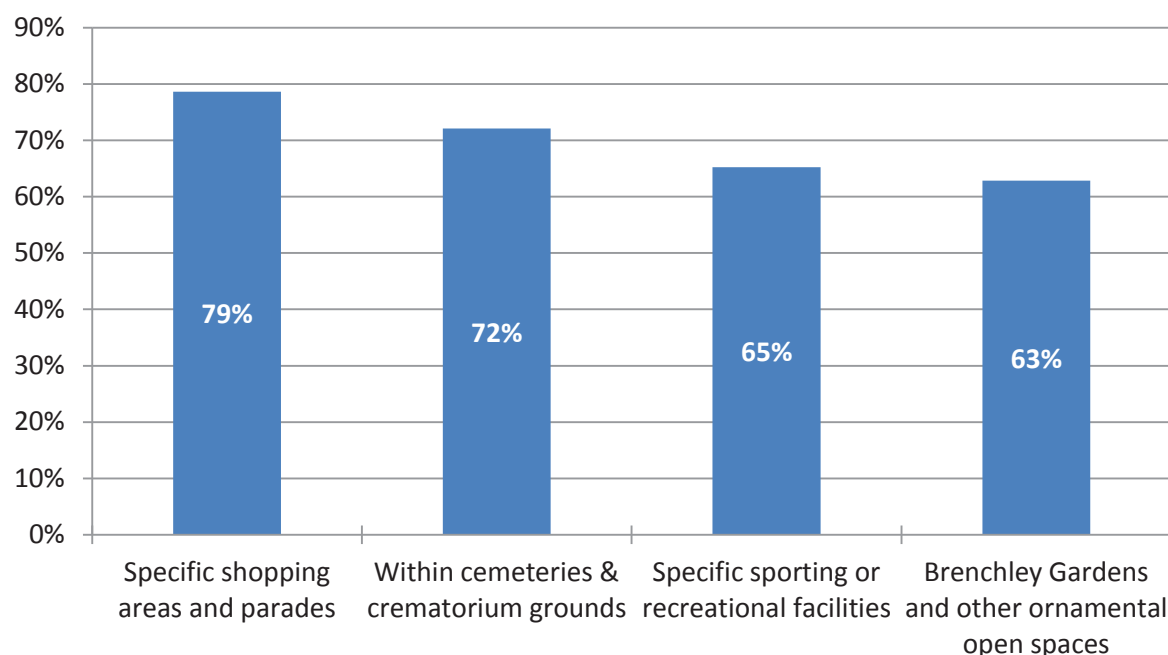
The majority of survey respondents, nine out of ten, are in favour of introducing a new offence that requires dogs that are causing a nuisance to be put on a lead when directed so by an authorised council officer.

While there was no difference in the level of support for the new offence between men and women there is a 13% difference in levels of support between the age group with the greatest proportion and that with the lowest proportion in favour.

Respondents aged over 65 years had the greatest proportion in favour at 96%. The 35 to 44 years group had the lowest level of support at 83%.

Percentage Yes	
Age	
- 18 to 24 years	90%
- 25 to 34 years	93%
- 35 to 44 years	83%
- 45 to 54 years	90%
- 55 to 64 years	94%
- 65 to 74 years	96%
- 75 years and over	96%
Gender	
- Male	91%
- Female	91%
Ethnicity	
- White groups	92%
- BME groups	100%
Disability	
- Yes	92%
- No	91%

Question 7: Would you like to see the introduction of a new offence requiring dogs to be placed on a lead in any of the following areas?

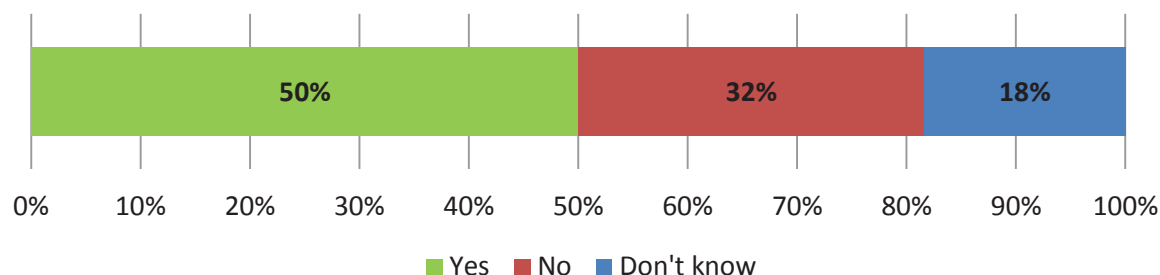


Most respondents are in favour of the introduction of a new offence requiring dogs to be placed on a lead in the areas described. The greatest support was for specific shopping areas and parades with almost four in five supportive of a new offence covering this type of space. The table shows that this was also the top area, or joint top area, for both men and women, those with and those without a disability and all age groups, except the 45 to 54 years group.

Cemeteries and crematorium grounds was the second most popular area where respondents were in favour of the new offence being introduced. This was the top response from the 45 to 54 years group. This area was more popular with women with 78% in favour compared to 66% of men - a 12% difference.

Top Response by Grouping	
Age	
- 18 to 24 years	Specific shopping areas and parades
- 25 to 34 years	
- 35 to 44 years	
- 45 to 54 years	Within cemeteries and crematorium grounds
- 55 to 64 years	Joint – Cemeteries & Shopping areas
- 65 to 74 years	
- 75 years and over	Specific shopping areas and parades
Gender	
- Male	Specific shopping areas and parades
- Female	
Ethnicity	
- White groups	Specific shopping areas and parades
- BME groups	Within cemeteries & the crematorium grounds
Disability	
- Yes	Specific shopping areas and parades
- No	

Question 8: Would you like to see the introduction of a new offence which prohibits a person walking six dogs at any one time?



Half of respondents were in favour of introducing a new offence which prohibits a person walking six dog or more at any one time.

While there is no variation between the proportion of men and women in favour of this change, there is a 56% difference between the age group with the greatest level of agreement and that with the lowest. The 25 to 34 years group have the lowest level of agreement at 22%, this proportion then increases as we go up the age groups to the 75 years and over who had the greatest proportion of respondents in agreement with this changes.

Respondents with a disability are more likely than average to be in favour of this change and respondents from BME groups are more likely than average to be against this change.

Percentage Yes	
Age	
- 18 to 24 years	45%
- 25 to 34 years	22%
- 35 to 44 years	37%
- 45 to 54 years	53%
- 55 to 64 years	63%
- 65 to 74 years	64%
- 75 years and over	78%
Gender	
- Male	50%
- Female	50%
Ethnicity	
- White groups	50%
- BME groups	36%
Disability	
- Yes	66%
- No	48%

Suggested locations where dogs should be kept on a lead & why

A total of 149 comments were received in relation to locations where respondents felt dogs should be kept on leads. Not all respondents provided a comment and there were 8 respondents that commented that there was nowhere they should be kept on the lead and it is dependant on the individual dogs' behaviour.

The greatest number of comments mentioned Bearsted Woodland Trust (48 comments). The comments show that although there are areas within the woods where the Woodland Trusts asks that dogs are kept on lead, it appears that this doesn't always happen in practice.

Respondents showed a concern for children with 15 saying dogs should be kept on leads in or around children's play and recreation areas and 11 commenters that suggested schools as a location. One commenter said that dogs should be kept on leads anywhere there is children. In relation to this theme commenters said that dogs can become excited around lots of children making noise especially around pick up and drop off times, that some children are scared of dogs and there is a risk of the dog running into the road.

There were nine comments that mentioned roads and highways. The reasons cited were around safety and accident prevention.

There were eight commenters that said dogs should be kept on a lead in shopping areas, including the town centre. These people were concerned for public safety and one said that it was unfair on the dog to be dragged around shops.

Fourteen commenters said that dogs should be kept on a lead in all public or all open spaces. The reasons cited for this was control, over fouling and jumping up.

There were nine commenters that said that dogs should be kept on a lead in parks, four of these commenters moderated this location saying parks those with children's play areas. The reasons for this were that many children are scared of dogs, irresponsible dog owners and dogs jumping up at people.

There were 13 comments that mentioned Mote Park. However, some were more specific about the areas in Mote Park where dogs should be kept on a lead mentioning the lakeside, around the café and around the children's play areas. For this theme the reasons cited were risk of danger/injury to children, lots of dogs around but no way to tell which ones are well behaved. In relation to the lakeside the commenter that specifically mentioned the risk angler's equipment from dogs off lead.

One commenter mentioned Cobtree Park citing the same reasons – children being scared and dogs jumping up at park users.

The reasons cited for these locations are very similar with some people not liking dog jumping up at them and being a nuisance, concern over welfare of children and vulnerable people if dogs are not controlled, people who are not fond of or are frightened of dogs. One commenter suggested that the Council could offer dog obedience training.

Suggestions of locations where dogs should be prohibited & why

There were 77 comments in relation to locations where dog should be prohibited. Thirteen of these comments said that there was nowhere that dogs should be prohibited, most of these people said that dogs can be put on a lead and controls and therefore should not be a nuisance, one said that their dog was part of the family.

The most common area mentioned for prohibiting dogs was children's play areas and recreation grounds with 23 commenters mentioning these. The reasons cited do not differ from that in the previous question about where dogs should be kept on leads with fear of dogs, irresponsible owners, excitable dogs and children not a good mix and unpredictable all mentioned or alluded to again.

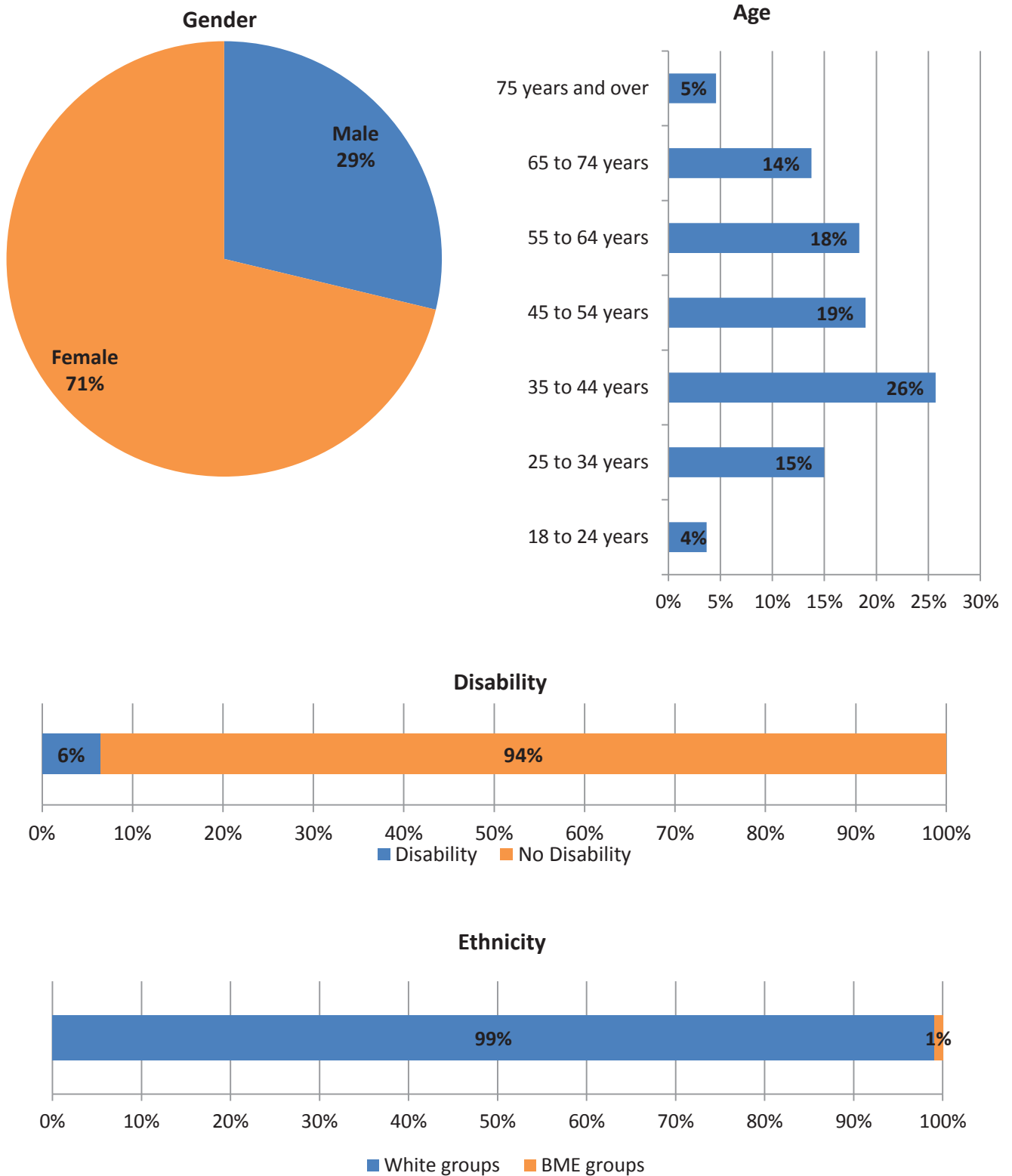
Thirteen comments related to shopping areas including the town centre, with three citing trip hazards and health and safety as reasons why. One commenter's reason was that it was unfair on the dog who could be hit with shopping bags or stood on. A further two commenters mentioned schools with the reason being children.

Five commenters mentioned Bearsted Woodland Trust. It appears that although there are specific areas where the trust asks dogs to be put on a lead this is being flouted by some dog owners, and in turn upsetting other users of this area.

Four comments mentioned food establishments such as cafes and restaurants with hygiene being the main reason.

Two comments were related to Mote Park, one commenter cited the reason as being dogs jumping up at people while other was specific saying that dogs should be prohibited by lake, river and in the picnic areas.

Survey Demographics & Weighting



	Population		Survey		
Age	Males		Males		Weighting
18 to 24 years	6,300	5%	2	1%	8.48
25 to 34 years	9,319	8%	6	2%	4.18
35 to 44 years	10,879	9%	11	3%	2.66
45 to 64 years	11,163	9%	19	6%	1.58
55 to 64 years	9,534	8%	25	8%	1.03
65 to 74 years	6,955	6%	21	6%	0.89
75 years and over	4,899	4%	10	3%	1.32
Age	Females		Females		Weighting
18 to 24 years	5,701	5%	10	3%	1.53
25 to 34 years	9,904	8%	43	13%	0.62
35 to 44 years	11,243	9%	73	22%	0.41
45 to 64 years	10,989	9%	43	13%	0.69
55 to 64 years	9,913	8%	35	11%	0.76
65 to 74 years	7,314	6%	24	7%	0.82
75 years and over	7,346	6%	5	2%	3.96