



### **Cabinet Member (Policing and Equalities)**

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#### **Time and Date**

1.00 pm on Thursday, 18th December, 2014 (Please note time)

#### **Place**

Committee Room 2 - Council House

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#### **Public Business**

1. **Apologies**

2. **Declarations of Interest**

3. **Exclusion of Press and Public**

To consider whether to exclude the press and public for the items if private business for the reasons shown in the reports.

4. **Minutes** (Pages 5 - 18)

(a) To agree the minutes of the Cabinet Member (Policing and Equalities) meeting held on 14 November 2014.

(b) To note the minutes of the following Joint Cabinet Member meetings:

i. Joint Cabinet Members for Strategic Finance and Resources, Business Enterprise and Employment and for Policing and Equalities meeting held on 3 November 2014.

ii. Joint Cabinet Members for Business Enterprise and Employment and for Policing and Equalities meeting held on 3 November 2014.

iii. Joint Cabinet Members for Children and Young People and for Policing and Equalities meeting held on 3 December 2014.

(c) Matters arising

5. **Public Space Protection Order (Coventry Dog Control)** (Pages 19 - 60)

Report of the Executive Director of People

6. **Further progress report on action taken to improve security fencing to open land at rear of 2-66 Brookside Avenue** (Pages 61 - 66)

Report of the Executive Director of People

Note: Councillor Singh, a Whoberley Ward Councillor and the petition organiser have been invited to attend the meeting for the consideration of this item.

7. **Update report in response to a petition concerning a property in Earlsdon Ward** (Pages 67 - 72)

Report of the Executive Director of People

Note: Councillor Andrews, an Earlsdon Ward Councillor and the petition organisers have been invited attend to the meeting for the consideration of this item.

8. **Magistrates' Court Building** (Pages 73 - 78)

Report of the Executive Director of Resources

9. **Outstanding Issues Report** (Pages 79 - 84)

Report of the Executive Director of Resources

10. **Any Other Business**

To consider any other items of business which the Cabinet Member decides to take as a matter of urgency because of the special circumstances involved.

**Private Business**

11. **Update report in response to a petition concerning a property in Earlsdon Ward** (Pages 85 - 94)

Report of the Executive Director of People

Note: Councillors Andrews, an Earlsdon Ward Councillor has been invited to attend the meeting for the consideration of this item.

12. **Magistrates Court Building** (Pages 95 - 102)

Report of the Executive Director of Resources

13. **Any Other Business**

To consider any other items of private business which the Cabinet Member decides to take as a matter of urgency because of the special circumstances involved.

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Chris West, Executive Director, Resources, Council House Coventry

Wednesday, 10 December 2014

Note: The person to contact about the agenda and documents for this meeting is Usha Patel Tel: 024 7683 3198

Membership: Councillors C Fletcher (Deputy Cabinet Member) and P Townshend (Cabinet Member)

By invitation: Councillor A Andrews (Shadow Cabinet Member)

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting OR if you would like this information in another format or language please contact us.

**Usha Patel**

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**Coventry City Council**  
**Minutes of the Meeting of Cabinet Member (Policing and Equalities) held at 2.30**  
**pm on Friday, 14 November 2014**

Present:

Members: Councillor P Townshend (Chair)

Other Members: Councillor F Abbott

Employees (by Directorate):

People: S Brake and M Watson

Resources: J Barlow, S Brake, C Goodwin, U Patel, H Peacocke and D Williams

Apologies: Councillor A Andrews and C Fletcher (Deputy Cabinet Member)

## **Public Business**

### **44. Declarations of Interest**

There were no declarations of interest.

### **45. Exclusion of Press and Public**

**RESOLVED that the press and public be excluded under Section 100(A)(4) of the Local Government Act 1972 in relation to the private reports referred to in Minute 52 and 53 headed “Magistrates’ Court Building” and “The Coventry Award of Merit” on the grounds that the reports involve the like disclosure of exempt information and that it refers to information relating to the financial or business affairs of any particular person (including the authority holding that information) and information in respect of which a claim to legal professional privilege could be maintained; and information which would reveal the identity of individuals to be considered for the Awards. The public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.**

### **46. Minutes**

The minutes of the meeting held on 2 October 2014 were signed as a true record. There were no matters arising.

### **47. Progress report regarding action taken to address nuisance behaviour in Thompson's Road, Keresley, Coventry**

The Cabinet Member for Policing and Equalities considered a report of the Executive Director of People which provided an update on additional action taken to date.

A petition bearing 7 signatures was submitted by Councillor D Galliers on 4 June 2014 requesting that action be taken by agencies to address anti-social behaviour, particularly nuisance form off-road motorbikes in Thompson's Road, Keresley, Coventry.

**RESOLVED that the Cabinet Member for Policing and Equalities:**

- 1. Endorses the additional action taken by Officers and notes the reduction in incidents of nuisance behaviour.**
- 2. Requests that officers continue to work with local agencies and residents in order to identify perpetrators and to monitor levels of incidents and take action to prevent further offending behaviour.**

**48. Magistrates Court Building**

The Cabinet Member for Policing and Equalities considered a report of the Executive Director of Resources which provided an update as to the progress of the proceedings to date and considers the options going forward.

When the Council constructed the Coventry Magistrates' Court building in the 1980s, the premises included a "Probation Suite" whose construction cost of around £1.2 million was to be met by the Council initially but repaid by the Probation Service over a period of some 40 years. Annual repayments were made until 2007. However, the Probation Service now disputes liability to make any further payment.

This matter was considered by Cabinet on 11 December 2012, where authorisation was given to commence legal proceedings to recover the outstanding loan monies. The Cabinet Member (Community Safety & Equalities) was given delegated authority to determine alternative strategies or decisions as the matter progresses and the matter was considered at Cabinet Member meetings on 24 February 2014 and 1 May 2014.

**RESOLVED that the Cabinet Member for Policing and Equalities:**

- 1. Notes the progress made since the last report dated 1 May 2014 and directs that a further report be submitted for consideration at the Cabinet Member meeting on 18 December 2014.**
- 2. Authorises the assistant Director for Legal and Democratic Services (in consultation with the Cabinet Member for Policing and Equalities) to continue with the settlement negotiations following the mediation on 25 September 2014.**
- 3. In the event that the settlement negotiations are unsuccessful, the Assistant Director for Legal and Democratic Services is authorised (in consultation with the Cabinet Member for Policing and Equalities) to pursue the court proceedings as appropriate and in the Council's best interests.**

49. **The Coventry Award of Merit**

The Cabinet Member (Policing and Equalities) considered a report of the Executive Director of Resources which provided advice from the meeting of the Cabinet Member (Policing and Equalities) Coventry Award of Merit Advisory Panel held on 17 October 2014.

**RESOLVED:**

1. **That the Cabinet Member (Policing and Equalities) considers the advice from the meeting of the Cabinet Member (Policing and Equalities) Coventry Award of Merit Advisory Panel held on Friday 17 October 2014 and made recommendations to the City Council accordingly.**
2. **That the Cabinet Member (Policing and Equalities) approves the purchase of the ceremonial medals.**
3. **That the City Council approves the recommendations of the Cabinet Member (Policing and Equalities) and grants the Coventry Award of Merit to the recipients recommended by the Cabinet Member (Policing and Equalities) (Minute 53 below refers)**

50. **Outstanding Issues Report**

The Cabinet Member noted a report of the Executive Director of Resources that identified those issues on which further reports had been requested and were outstanding, so that progress could be monitored.

51. **Any Other Business**

The Cabinet Member formally recorded his thanks to Jane Barlow, Rosie Potts, Sophie Swords and Ben Yorke for organising and making the visit of the Romanian and Serbian Ambassadors a tremendous success and requested that this be conveyed to the chief Executive for his records.

52. **Magistrates' Court Building**

Further to Minute 48 above, the Cabinet Member considered a corresponding private report of the Executive Director of Resources which provided further details on the Magistrate's Court Building.

**RESOLVED that the Cabinet Member for Policing and Equalities:**

1. **Notes the progress made since the last report dated 1 May 2014 and directs that a further report be submitted for consideration at the Cabinet Member meeting on 18 December 2014.**

2. **Authorises the Assistant Director for Legal and Democratic Services (in consultation with the Cabinet Member for Policing and Equalities) to continue with the settlement negotiations following the mediation on 25 September 2014.**
3. **In the event that the settlement negotiations are unsuccessful, the Assistant Director for Legal and Democratic Services is authorised (in consultation with the Cabinet Member for Policing and Equalities) to pursue the court proceedings as appropriate and in the Council's best interests.**

53. **The Coventry Award of Merit**

Further to Minute 49 above, the Cabinet Member (Policing and Equalities) considered a corresponding private report of the Executive Director of Resources which detailed the proposed nominations. The nominations were kept confidential pending consultation with the recipients.

**RESOLVED:**

1. **That the Cabinet Member (Policing and Equalities) considers advice from the meeting of the Cabinet Member (Policing and Equalities) Coventry Award of Merit Advisory Panel held on Friday 17<sup>th</sup> October 2014 and approves the nominations and grants the Coventry Award of Merit to the following recipients:**

**Mr David L Burbidge OBE DL**

For outstanding service to the economic and cultural life of the City, including his contribution to the development of Coventry Building Society, The Belgrade Theatre, Coventry Cathedral Development Trust and, more recently, the Royal Shakespeare Company and to the Lord Lieutenancy of the West Midlands.

**Councillor Ann Lucas OBE**

For her outstanding contribution to the city of Coventry for 20 years as an Elected Member, serving as its first female Leader of the City Council. Her work on domestic violence issues received national recognition when she was awarded an OBE in HM The Queen New Year's Honours List 2014 and her role at the Local Government Association as Chair of the Safer Neighbourhoods Group and National Domestic Violence Champion.

**Mrs Betty McGlinchey**

For her outstanding personal devotion to the children of the City of Coventry, acting as a foster carer for nearly 40 years fostering more than 1,200 children with love, care and compassion. By personal example of service to others, she has demonstrated the highest ideals of citizenship. Her work was recognised nationally by the Pride of Britain Awards 2014 as a local hero.

**Mr Ratan N Tata GBE and Jaguar Land Rover**

To recognise the investment of Tata Steel into Jaguar Land Rover to protect the status of car manufacturing in the region, the Jaguar Land Rover brand and



particularly employment of its employees and many subsidy suppliers. The promotion of Coventry, through Jaguar Land Rover and its birthplace, continues to be recognised globally and his contribution to the Warwick Manufacturing Group and the University of Warwick.

**Councillor Ken Taylor OBE**

For outstanding contribution to the city of Coventry for nearly 30 years on the City Council, serving as Lord Mayor in 2002 and former Leader of the City Council for 6 years. He received national recognition for his services to local government, including the Local Government Association, when he was honoured with an OBE in 2010. He was a board member of Advantage West Midlands and former Chair of the Coventry Partnership.

**The Most Reverend Justin Welby**

For outstanding contribution to national life and international affairs through his personal devotion to the Church of England which continues to bring credit to the City of Coventry. As former Sub-Dean and Canon for Reconciliation Ministry at Coventry Cathedral and now Archbishop of Canterbury the city's message of peace and reconciliation continues to be recognised worldwide.

- 2. That the Cabinet Member (Policing and Equalities) approves the purchase of the ceremonial medals.**
- 3. That the City Council be requested to approve the recommendations of the Cabinet Member (Policing and Equalities) and grant the Coventry Award of Merit to the recipients now recommended as detailed above.**

**54. Any Other Business**

The Cabinet Member requested a private report to be submitted to the December meeting by the Head of Community Safety in consultation with the Chief of Police, providing assurance around issues of child abuse, prostitution and human trafficking allegedly taking place in various Coventry Hotels.

(Meeting closed at 3.20 pm)

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**Coventry City Council**  
**Minutes of the Meeting of Joint Cabinet Members (Strategic Finance & Resources), (Business, Enterprise & Employment) & (Policing & Equalities) held at 2.00 pm on Monday, 3 November 2014**

Present:

Members: Councillor P Townshend Cabinet Member (Chair)  
Councillor A Andrews (Shadow Cabinet Member)  
Councillor J Birdi (Shadow Cabinet Member)  
Councillor D Gannon (Cabinet Member)  
Councillor K Maton (Cabinet Member)  
Councillor T Sawdon (Shadow Cabinet Member)

By invitation: Councillor J Clifford

Employees (by Directorate):

C Hickin, People Directorate  
U Patel, Resources Directorate

Apologies: Councillors C Fletcher and J McNicholas

## **Public Business**

### **1. Appointment of Chair**

**RESOLVED that Councillor Townshend be appointed as Chair for this meeting.**

### **2. Declarations of Interest**

There were no declarations of interest.

### **3. Exclusion of Press and Public**

**RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the items of business referred to in Minute 6 below headed "Progress made in bringing long-term empty homes back into use" on the grounds that that item involves the likely disclosure of exempt information as defined in Paragraphs 1, 3 and 5 of Part 1 of Schedule 12A of that Act.**

### **4. Progress made in bringing long-term empty homes back into use**

The Cabinet Members (Strategic Finance and Resources), (Business, Enterprise and Employment) and (Policing and Equalities) considered a report of the Executive Director, People which provided an update on the progress made in bringing long-term empty homes back into use. There was a corresponding private report on the agenda which provided details of action taken and progress to date.

The City Council has a duty to assess and plan for housing need and takes the view that every empty home was a wasted opportunity for a Coventry family. These properties had the potential to become a drain on public funds in that they could quickly fall into disrepair and become blights on neighbourhoods. Often they could become magnets for fly-tipping, anti-social behaviour, vandalism and arson.

Homes may become empty for a number of reasons and in most cases this is a short-term or temporary situation and was usually because the house may be awaiting sale, or letting, or required renovation prior to occupation. This process was governed by the prevailing housing market and would not require any intervention from the City Council. The Council focused on properties which had stood empty for a considerable period of time and in some cases may have been abandoned for years. These problematic homes were a major cause for concern, as they were not being actively marketed or prepared for occupation and were unlikely to come back into use without the Council's intervention.

The Council was systematically concentrating its resource on tackling those homes that had been empty for some time, in accordance with the Empty Homes Enforcement Policy. This Policy and approach ensured that the homeowner was provided with every opportunity to bring their property back into use on a voluntary basis however, enforcement action would be taken when proven to be necessary or appropriate.

The report provided details of the measures that had been taken to bring a number of properties that have been identified as being empty and in need of Council intervention to bring them back into use.

**RESOLVED that the Cabinet Members (Policing and Equalities), (Business, Enterprise and Employment) and (Strategic Finance and Resources) jointly:**

- 1. Endorse the actions that have been taken as outlined in the report to address long-term empty homes in the City.**
- 2. Request a further detailed report to be submitted to a joint Cabinet members' meeting on or before 31<sup>st</sup> March 2015; that report to include recommendations as to how the City Council might use its legal powers including those of compulsory purchase to acquire residential properties that have been continually unoccupied for a period in excess of 3 years.**

**5. Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved**

There were no other items of public business.

#### **Private Business**

**6. Progress made in bringing long-term empty homes back into use**

Further to Minutes 5 above, the Cabinet Members (Strategic Finance and Resources), (Business,, Enterprise and Employment) and (Policing and Equalities)

considered a corresponding private report of the Executive Director, People which provided detailed information on the measures undertaken to bring back a number of properties identified as being empty back into use.

**RESOLVED that the Cabinet Member (Policing and Equalities), (Business, Enterprise and Employment) and (Strategic Finance and Equalities) jointly:**

- 1. Endorse the actions that have been taken as outlined in the report to address long-term empty properties in the City.**
  - 2. Request a further detailed report to be submitted to a joint Cabinet Members' meeting on or before 31<sup>st</sup> March 2015; that report to include recommendations as to how the City Council might use its legal powers including those of compulsory purchase to acquire residential properties that have been continually unoccupied for a period in excess of 3 years.**
- 7. Any other items of private business which the Chair decides to take as matters of urgency because of the special circumstances involved**

There were no other items of private business.

(Meeting closed at 2.40 pm)

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**Coventry City Council**  
**Minutes of the Meeting of Joint Cabinet Member (Business, Enterprise and Employment) and (Policing and Equalities) held at 3.00 pm on Monday, 3 November 2014**

Present:

Members: Councillor P Townshend (Chair)  
Councillor A Andrews (Shadow Cabinet Member)  
Councillor J Birdi (Shadow Cabinet Member)  
Councillor Maton

By invitation: Councillor J Clifford (Holbrook Ward Councillor)  
Councillor A Lucas (Holbrook Ward Councillor)

Employees (by Directorate):  
C Hickin, People Directorate  
U Patel, Resources Directorate

Apologies: Councillor C Fletcher, R Lancaster and J McNicholas

## **Public Business**

### **9. Appointment of Chair**

**RESOLVED that Councillor Townshend be appointed as Chair for this meeting.**

### **10. Declarations of Interest**

There were no declarations of interest.

### **11. Minutes**

The minutes of the Joint Cabinet Member meeting held on 4<sup>th</sup> September, 2014 were signed as a true record. There were no matters arising.

### **12. Update report in response to a petition regarding the condition of an empty home in Holbrooks**

The Cabinet Members (Policing and Equalities) and (Business, Enterprise and Employment) considered a report of the Executive Director, People which provided an update on actions taken since the Joint Cabinet Member meeting held on 28<sup>th</sup> May 2014 in response to a petition received on 21<sup>st</sup> June 2013. The petition was signed by 49 individuals in the Holbrook area and requested the Council to take action against the owner of an empty property that had become overgrown and damaged by fire.

The report detailed the measures taken to address this problem, by using Council powers to force the sale of the property in order to recover monies owed and measures taken since that date with the new owner of the property.

**RESOLVED that the Cabinet Members (Policing and Equalities) and (Business, Enterprise and Employment) jointly:**

- 1. Instruct officers to seek approval from Planning Committee at the earliest date for the service of a Section 215 Notice and take all and other appropriate enforcement action to secure the property and bring it back into use at the earliest opportunity.**
  - 2. Request officers to submit a further progress report to a joint Cabinet Members meeting on or before 31<sup>st</sup> December 2014.**
- 13. Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved**

There were no other items of urgent business.

(Meeting closed at 3.20 pm)



**Minutes of the Meeting of Joint Cabinet Members for Children and Young People and for Policing and Equalities held at 2.30pm on Tuesday, 3<sup>rd</sup> December, 2014**

Present:

Cabinet Member: Councillor Ruane, Cabinet Member for Children and Young People

Other Members Present: Councillor Lepoidevin, Shadow Cabinet Member For Children and Young People

Employees (by Directorate):

People: G. Kell, A. Parkes

Resources: S. Bennett

Apologies: Councillor Townshend, Cabinet Member for Policing and Equalities  
Councillor Fletcher, Deputy Cabinet Member for Policing and Equalities  
Councillor Andrews, Shadow Cabinet Member for Policing and Equalities

**Public Business**

**10. Appointment of Chair for the Meeting**

**RESOLVED that, in the absence of Councillor Townshend, Councillor Ruane be appointed Chair of the meeting.**

**11. Declarations of Interest**

There were no declarations of interest.

**12. Minutes**

The Minutes of the Joint Cabinet Members held on 1 September, 2014 were agreed and signed as a true record.

There were no matters arising.

**13. Youth Offending Service Performance Update Against National Indicators**

Further to Minute 5/14 of the Joint Cabinet Member Meeting, the Cabinet Member for Children and Young People considered a report of the Executive Director of People, which provided an update on the following three National Indicators during quarter 1 of 2014/15, that are submitted to the Youth Justice Board on a quarterly basis:--

### **1) Reducing the number of young people entering the Youth Justice System as First Time Entrants (FTE)**

The number of FTEs remained low and stable. In total there were 20 in quarter 2, an increase of one on the previous counting period. In quarter 2 the service delivered 30 Enhanced Community Resolutions (a diversion from the formal criminal justice system with a supporting intervention package)

### **2) Reducing re-offending**

These figures are produced at national level and are only available on a yearly basis. There is a significant time delay which is required to ensure that a full year has elapsed since young people received their disposals, before date is released.

The rate of proven re-offending for the July 2011-June 2012 cohort is 1:14 which represents a reduction on the last comparator point of 1:16, and maintains Coventry below the family group average. In addition, Coventry has achieved an on-going reduction in the numbers of offenders, re-offenders and re-offences.

### **3) Reducing the use of Custody for young people**

There has been a spike in custody in the last quarter, the highest rate since quarter 3 last year. However, year to date custody levels remain relatively low when compared to previous years. As numbers are so low, any upward variance can distort the performance picture, in that this will be represented as a declining performance against target.

The Cabinet Member questioned officers in depth on issues contained in the report, including the significant amount of work undertaken by the Youth Offending Service in their role as advocates for young people.

#### **RESOLVED:-**

- 1) That the Cabinet Member for Children and Young People endorses the positive performance achieved against the National Indicators during quarter 1 of 2014/15 and that a further update be provided in July, 2015.**
- 2) That the Cabinet Member for Policing and Equalities be requested to note the positive performance achieved.**

#### **14. Any Other Items of Public Business**

There were no other items of public business.

(Meeting closed at: 3.30 pm)



## Public report Cabinet Member

Cabinet Member for Policing and Equalities  
Cabinet

18 December 2014  
6 January 2015

**Name of Cabinet Member:**

Policing and Equalities for Councillor Townshend

**Director Approving Submission of the report:**

Executive Director of People

**Ward(s) affected:**

All

**Title:**

**Public Space Protection Order (Coventry Dog Control)**

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**Is this a key decision?**

Yes

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**Executive Summary:**

At the Cabinet Member meeting on 4<sup>th</sup> September 2014, Officers were requested to consult the general public and other interested organisations on extending the remit of current dog control in the City. These controls would assist Officers in dealing with a minority of dog owners who do not adequately supervise their dogs. A five week public consultation was conducted in September and early October 2014.

The responses from the consultation demonstrated significant support for these additional controls and this report seeks permission to create a Public Space Protection Order, under the new Anti-social Behaviour, Crime and Policing Act 2014, which would incorporate the existing Dog Control Order (Fouling of land) and the proposed additional controls upon which the City Council consulted.

**Recommendations:**

The Cabinet Member is requested to recommend that Cabinet approve:

- (1) The creation of a City-wide Public Space Protection Order (Coventry Dog Control) incorporating the following controls: Fouling of land by dogs; dogs on leads; dogs on leads by direction; and dogs exclusion and Dogs (specified maximum)
- (2) The consultation and consideration of the views from the 'park friends groups' (paragraph 2.3) concerning the areas within parks to be covered by the Public Space Protection Order prior to its implementation.
- (3) Setting the level of the Fixed Penalty Notice payable for breaches of the Public Space Protection Order at £100, but reduced to £60 if paid within 14 days.

- (4) Launching an education campaign prior to the launch of the Public Space Protection Order and operate an 'advisory notice' system of fixed penalty notice for the new offences under the Public Space Protection Order for a three month period. However, it is proposed that Dog fouling offences will continue to receive a Fixed Penalty Notice, from the Public Space Protection Order implementation date at the new proposed rate.

The Cabinet is recommended to consider any comments from the Cabinet Member (Policing & Equalities) and approve recommendations 1 to 4 above.

**List of Appendices included:**

Appendix One: Dog Control in Coventry Final Report: Findings from the Public Consultation – November 2014

Appendix Two: Proposed Dog Control Orders in Coventry: Responses to Specific Questions

Appendix Three: Evidence of the detrimental effect of irresponsible dog ownership has on the quality of life

Appendix Four: Dog damage to play equipment in parks

Appendix Five: Public Space Protection Order (Coventry Dog Control)

**Other useful background papers:**

None

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

Yes, Cabinet on 6<sup>th</sup> January 2015

**Will this report go to Council?**

No

**Report title:**

Public Space Protection Order (Coventry Dog Control)

**1. Context (or background)**

1.1 Currently, the City only has one Dog Control Order (DCO), which governs dog 'fouling on land' and has been in force since 2007. This particular Order was created under the Clean Neighbourhood & Environment Act 2005. The power to create further Orders under this specific piece of legislation was repealed and replaced on 20<sup>th</sup> October 2014 by the Anti-social Behaviour, Crime and Policing Act 2014. Therefore, any new dog control measures will now have to be introduced as a Public Space Protection Order (PSPO). A single PSPO could include all of the dog control measures the Council considers justified.

1.2 The existing DCO enables the Council to deal with dog fouling. However, the Council is unable to respond to other issues raised by local people, which includes dog anti-social behaviour and damage to play equipment and trees. Birmingham City Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council and Warwick District Council have DCO's in force, which address these issues.

1.3 At the Cabinet Member meeting on 4<sup>th</sup> September 2014, Officers were requested to consult the general public and other interested organisations on extending the remit of current dog control in the City. The Council conducted a public consultation from 8<sup>th</sup> September–12<sup>th</sup> October 2014 to consider proposals to:

**1.3.1 Keep dogs on a lead, in specified areas**

Under a PSPO, the Council could insist that dogs are kept on leads at all times in the following areas:

- a. A highway, carriageway, cycle lane, footway or footpath, maintainable at the public expense, any grass verge managed by the Local Authority and which is adjacent to the carriageway or footway of a highway, including gutters and adjoining footpaths;
- b. clearly specified and signed areas in the city's parks (see 2.3);
- c. all churchyards and graveyards (but not green burial areas);
- d. all car park areas, shopping centres and precincts that are: open to the air (which includes land that is covered but open to the air on at least one side); and to which the public are entitled or permitted to have access (with or without payment), irrespective of ownership;
- e. all sports pitches, which are maintained by the Local Authority and are not subject to 'Dog Exclusion', but only when in use for officiated sporting matches.

**1.3.2 Put dogs on a lead if instructed to do so by an Authorised Officer from the Council.**

In cases where an irresponsible owner is allowing their dog to cause a nuisance, an Authorised Council Officer could require the owner to keep their dog on a lead on any land to which the public have access within the City boundary and which is open to the air (including land which is covered but open to the air on at least one side).

**1.3.3 Restrict dogs from going into certain places i.e. children's play areas.**

There are parts of the City where the public expect dogs to be excluded for public health and other specific reasons. Under a PSPO, it would be possible to prohibit dogs from the following specified areas:

- a. children's play areas (which are clearly signed);
- b. multi-use games areas (which are clearly signed);

- c. sport and recreational facilities i.e. courts and pitches (which are enclosed and clearly signed);
- d. sensitive nature areas, or specific horticultural areas within parks (which are enclosed and clearly signed)

1.3.4 **To limit the number of dogs a person has with them at any one time (which would include professional dog walkers).** Powers could be incorporated into the PSPO to restrict the number of dogs a person has under their control to six, on any land to which the public have access within the City boundary and which is open to the air (including land which is covered but open to the air on at least one side). Government guidance specifies that six should be the maximum number of dogs

1.3.5 **Fouling of Land by Dogs.** The existing powers under the DCO could be incorporated into a PSPO

1.4 **Exemptions.** The powers/restrictions referred to above would not apply to those who are registered blind or use an Assistance Dog from Dogs for the Disabled, Support Dogs, Canine Partners for Independence, or Hearing Dogs.

1.5 **Penalties.** Under the current DCO failure by an owner to clear up their dog's foul can result in the person being issued with a £75 Fixed Penalty Notice (FPN), which is reduced to £50 if paid within ten days of issue. The PSPO enables Local Authorities to issue FPNs of up to £100, with an option to reduce the amount if the charge is paid within 14 days. If the Fixed Penalty Notice is not paid, the Council could prosecute the offender in the Magistrates' Court, where the maximum fine is currently £1000 (level 3 on the standard scale).

1.6 **Implementation.** Officers have been issuing FPNs for dog fouling for many years and in the financial year 2013/14, 363 Notices were served and 34 cases were prosecuted.

Prior to making a PSPO the Council must be satisfied on reasonable grounds that:

- a. activities carried out in a public place within the City are having a detrimental effect on the quality of life of those in the locality; and
- b. the effect, or likely effect of the activities, is likely to be persistent, unreasonable and therefore justifies the restrictions.

1.7 The number of fixed penalty notices issued in the last financial year suggests that dog fouling has and is likely to continue to have a detrimental effect on the quality of life of people in the City. In addition to dog fouling, the Council also receives reports of stray and/or aggressive dogs and damage to park equipment; the annual cost of replacing this equipment averages between £3- £5K. More information regarding these reports is set out at appendices 3 and 4.

1.8 This information, together with the consultation responses indicate that there are reasonable grounds to be satisfied that the activities, which the Council is seeking to restrict, have a detrimental effect on the quality of life of people in the locality and the effect, or likely effect of the activities is likely to be persistent, unreasonable and therefore justifies the restrictions proposed at paragraph 1.3.

## 2. Options considered and recommended proposal

2.1 Do nothing (not recommended). The existing powers under the DCO would remain in force as if the powers were contained within a PSPO. However, the Council would continue to be limited in its ability to address dog related issues other than dog fouling. Therefore, this option is not recommended.

- 2.2 For the reasons set out in paragraphs 1.6 - 1.8 it is recommended that the Council introduces a PSPO in the terms set out in Appendix 5.
- 2.3 It is recognised that the most contentious part of the proposed PSPO is where it directly impacts on the City's parks. These are important public areas and it is important that the correct balance of use is obtained for all park users; this includes suitable and sufficient areas where dogs can safely be exercised 'off lead'. It is therefore proposed that the PSPO, should on the whole, consolidate and reinforce the existing areas which are currently designated and signed as dogs on leads, or dogs prohibited areas. Most of these areas have already been agreed with 'park friends groups' where they exist and it is believed that this is a common sense approach to the matter and will receive wider public support. However, the City Council will liaise and discuss these 'specified areas' with 'park friends of groups', where they exist, before any Order is implemented. Maps detailing these areas will be made available to these specific groups for their comment.
- 2.4 Since the proposed new dog control measures will be new to the City, it is proposed that for a 3 month period, identified offenders, for the proposed new offences (not including dog fouling) are issued with an Advisory Notice of their offence and not issued with an FPN. This will raise the profile of the new proposed PSPO and will form part of a programme in which we seek to educate dog owners regarding their obligations under the proposed PSPO.
- 2.5 It is proposed that the amount of the FPN for non-compliance with a PSPO be set at £100 and reduced to £60 if paid within 14 days. Where fixed penalties are not paid, it is the Council's policy to prosecute offenders in the Magistrates' Court. It is proposed that this policy would also apply in relation to PSPOs.

### **3. Results of consultation undertaken**

- 3.1 The Council consulted the general public and interested organisations from 8th September–12th October 2014. During this period Officers also met with the Friends of the War Memorial Park and dog walking and dog home boarding businesses. Officers also consulted with Coventry's Chief Police Officer and Coventry's Local Policing Body. The proposed dog control measures also featured twice in articles in the Coventry Telegraph and twice on BBC Coventry & Warwickshire Radio.
- 3.2 The Council received 1,080 responses to this consultation and the vast majority of the respondents were in support of extending the remit of dog control in the City. It was pleasing to note that just over two thirds of the respondents were dog owners.
- 81% supported the idea that dogs should be kept on leads in specific areas of the city i.e. pavements, precincts/shopping centres, car parks and burial grounds.
  - 78.9% of respondents believed that Authorised Council Officers should be empowered to insist that a dog is placed on a lead. This power would be used in instances where the owner was permitting the dog to cause a nuisance.
  - 80.6% of respondents believed that the Council should be able to restrict owners from taking their dogs into certain places which are clearly signed i.e. children's play areas and schools.
  - 68.3% of respondents believed that the Council should be able to insist that a person should not be walking more than four dogs at any one time.
- 3.3 The findings of the consultation are detailed at Appendix 1 and details of some of the specific consultation questions are detailed in Appendix 2.

#### **4. Timetable for implementing this decision**

If Cabinet decides to proceed with a PSPO, the Order will be published on the Council's website and implemented 28 days later. Suitable signage will need to be erected prior to the implementation of the PSPO. The PSPO will be for a three year period. Following the three years, the PSPO must be reviewed to ensure that it is still necessary.

#### **5. Comments from the Executive Director, Resources**

**Finance:** No additional resource will be required to implement the proposed PSPO. Any additional income generated by the introduction of a PSPO will contribute towards Council resources.

**Legal:** Under sections 59-75 of the Anti-social Behaviour, Crime and Policing Act 2014, Local Authorities have powers to make PSPOs. PSPOs can only apply to public places. This means any place to which the public, or and sections of the public, on payment or otherwise, have access to as of right or by virtue of express or implied permission.

Enforcement Officers can issue a Fixed Penalty Notice in respect of a breach of a PSPO. It is a criminal offence to do anything without reasonable excuse which is prohibited under a PSPO or failure to comply with a requirement of a PSPO. Such an offence is punishable by a fine of up to £1000 on prosecution.

The existing DCO will remain in force as if it were a PSPO until such time it is revoked or replaced by a new PSPO.

#### **6. Other implications**

None

##### **6.1.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

6.1.2 There are clear research findings that show that the local environmental quality in a person's living environment has a significant impact on their health and well-being. Residents in areas which have a low environmental quality often have an increased "fear of crime". This particular tool will contribute to the Council's key objectives to 'create an attractive, cleaner and greener city' and 'make communities safer together with the police, to reduce crime and anti-social behaviour'.

##### **6.2 How is risk being managed?**

None

##### **6.3 What is the impact on the organisation?**

None

##### **6.4 Equalities / EIA**

None

##### **6.5 Implications for (or impact on) the environment**

See 6.1.1

##### **6.6 Implications for partner organisations?**

None.



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Legal: Helen Lynch	Solicitor	Resources Directorate	28.11.2014	02.12.2014
Sara Roach for Brian Walsh	Deputy Director	People Directorate	21.11.2014	24.11.2014
Members: Councillor Phillip Townshend	Deputy Leader	Policing and Equalities		

This report is published on the Council's website:  
[www.coventry.gov.uk/councilmeetings](http://www.coventry.gov.uk/councilmeetings)



## Dog Control in Coventry Final Report: Findings from Public Consultation – November 2014

The Council conducted a wide reaching public consultation on the proposed introduction of further Dog Controls in the city and the extent to which these controls will be applied.

Members of the public could complete an on-line survey, request a hard copy of the survey or attend specific meetings which were set up specifically to discuss the proposed new Order.

Businesses and animal charities were emailed directly to inform them of the consultation and how to take part.

The following report indicates the headline results from each of the tick box questions where respondents were asked primarily whether they agreed or disagreed with 4 different proposed Dog Controls as well as analysis of all the comments from respondents who indicated they were not in agreement.

This final report will inform the Officer report to be presented to the Cabinet Member (Policing and Equalities) on December 18<sup>th</sup> 2014 and Cabinet on 6 January 2015, when the decision whether to implement further dog control measures within a Public Space Protection Order will be taken.

### **Response Rate**

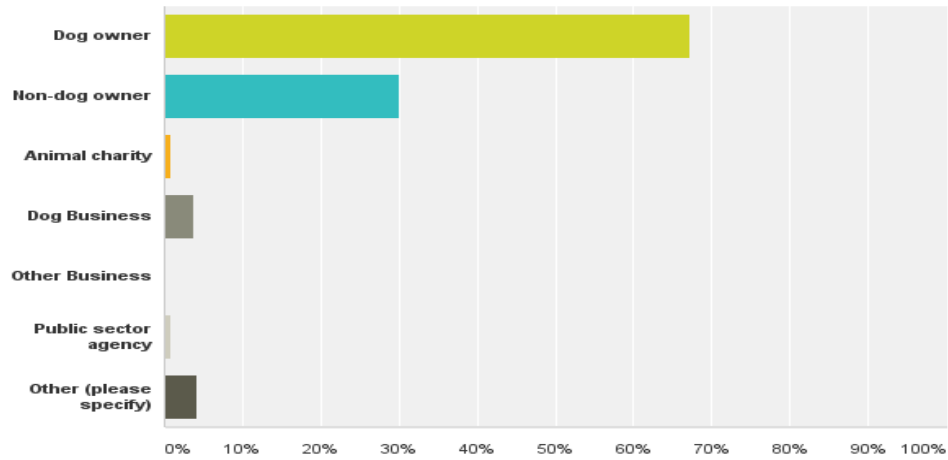
The survey ran from Monday 8th September to Sunday 12th October 2014.

1080 responses were received.

## Respondent Profile

### Q1 Are you responding as a:

Answered: 1,080 Skipped: 0



Just over two thirds of respondents were dog owners, the next largest group at 30% were non dog owners with businesses making up 4% of the responses. Respondents could tick more than one response therefore the percentages will add up to over 100%.

Answer Choices	Responses
Dog owner	<b>67.31%</b> 727
Non-dog owner	<b>30.00%</b> 324
Animal charity	<b>0.83%</b> 9
Business which specifically deals with dogs e.g. professional dog walkers, vets, boarding kennels, home boarders etc.	<b>3.70%</b> 40
Other commercial business	<b>0.09%</b> 1
Public sector agency	<b>0.74%</b> 8
Other (please specify)	<b>4.17%</b> 45
<b>Total Respondents: 1,080</b>	

The respondents were then asked whether they agreed or disagreed with specific Control Orders and, where applicable, those in agreement were then given choices of areas where they believed the Orders should be applied.

**1. Do you believe that Coventry City Council should introduce a Dogs on Leads Order for specific areas of the city?**

Answer Options	Response Percent	Response Count
Yes - I agree	81.0%	857
No - I do not agree	19.0%	201
<i>answered question</i>		<b>1058</b>
<i>skipped question</i>		<b>22</b>

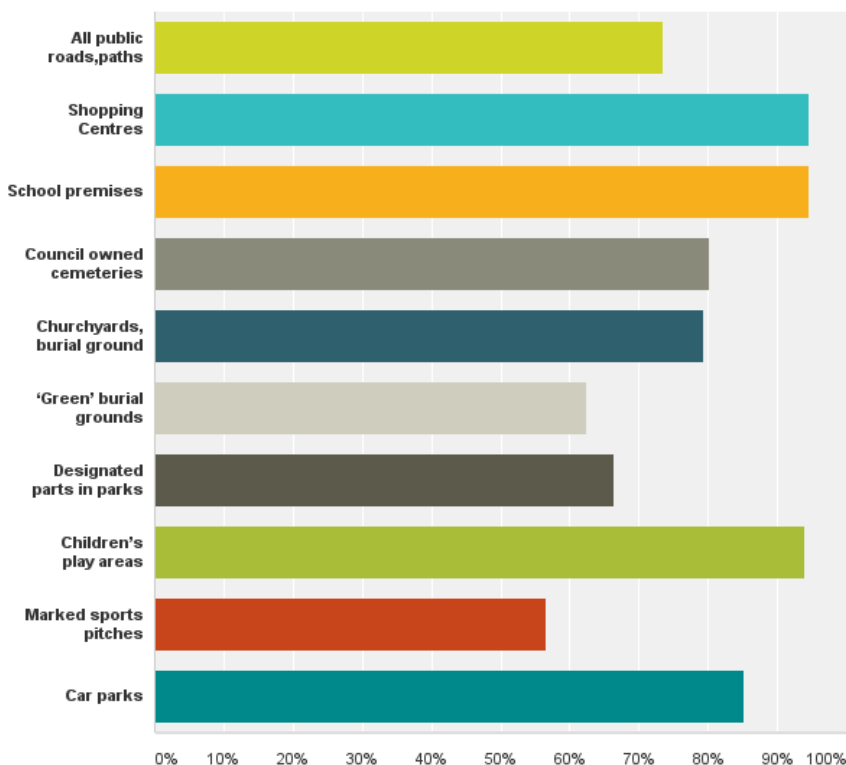
8 out of 10 respondents agreed with the introduction of a dogs on leads Order in certain areas of the city.

When asked where these Orders should apply, precincts/ shopping centres, school premises and children’s play areas were the most popular choices. All areas where it was suggested this type of Order could apply had at least half of the total number of respondents indicating that the Order should apply there. The least popular choice was marked sports pitches.

Areas where respondents would like to see the introduction of a dogs on lead Order

**Q3 Areas Orders Should be Applied**

Answered: 844 Skipped: 236

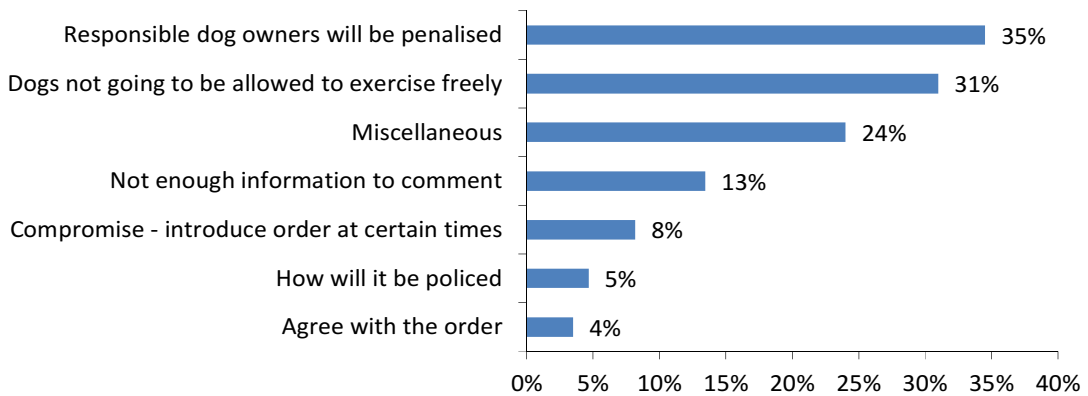


Respondents were given the opportunity to comment on why they did not agree with the introduction of a dogs on lead Order.

The chart below shows the comments by theme in most popular order – the percent will add up to more than 100% because individual comments may cover more than one theme.

In total 171 comments were made. A full list of comments is available on request

### Comments received by category



#### Disagree with Dogs on Lead Order

*“This will impact upon responsible dog owners who have well-behaved dogs. It would be better to have the powers to fine dog owners who's dogs are causing problems off the lead rather than having a blanket ban”*

*“All dogs have a need to have off lead exercise. If this is not allowed you will end up with dogs that are agitated and stressed”*

*“There are enough controls already ...education and support would be far more positive”*

**2. Do you agree that authorised Council officers should be granted powers to insist that an owner puts their dog on a lead?**

Answer Options	Response Percent	Response Count
Yes - I agree	78.9%	816
No - I do not agree	21.1%	218
	<i>answered question</i>	<b>1034</b>
	<i>skipped question</i>	<b>46</b>

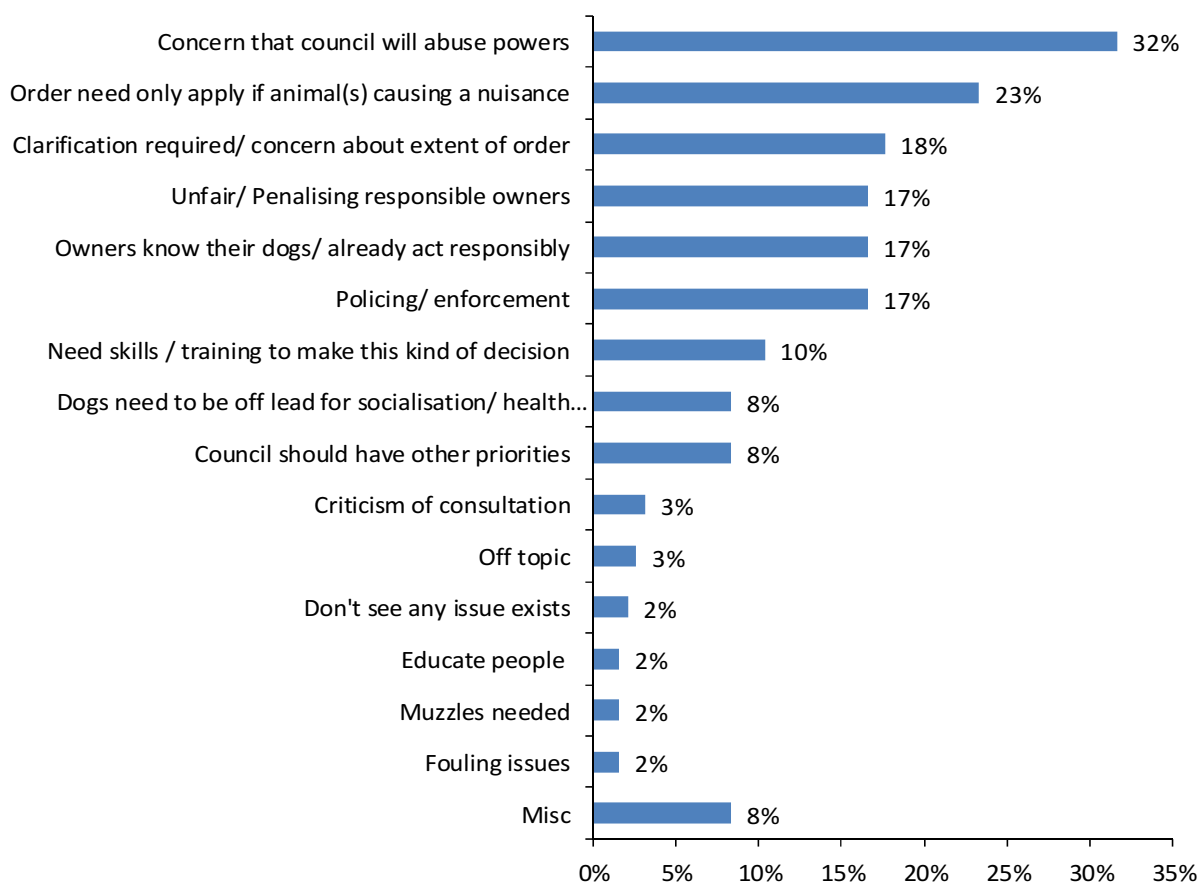
79% of respondents agreed with Council Officers being granted powers to insist that an owner puts their dog on a lead.

Respondents were given the opportunity to comment on why they did not agree with the introduction of council powers to enforce a dogs on lead Order.

The chart below shows the comments by theme in most popular order – the percentages will add up to more than 100% because individual comments may cover more than one theme.

In total 193 comments were made. A full list of comments is available on request

### Comments received by theme



### Disagree with Dogs on Lead Order by Council Enforcement

*"It could be open to abuse... I do not feel that ALL council officers would be able to use discretion when a dog is causing a nuisance or not. I feel there would be a blanket rule, borne out of one bad owner spoiling it for the many. It would be a quick way unethical way to build up revenue too."*

*"I do agree in theory that if a dog was causing a nuisance and not under control, the owner should be asked to put it on a lead. But I fail to see how this could be enforced by an Authorised Officer (AO). The irresponsible person, who allows their dog to cause a nuisance, is unlikely to listen to an AO, or do what the AO tells them. They are also unlikely to pay any fine or to give a correct name and address."*

*"Responsible dog owners know when to put their dogs on a lead."*



**3. Do you agree that authorised Council officers should be able to restrict owners from taking their dogs into certain places which are clearly signed?**

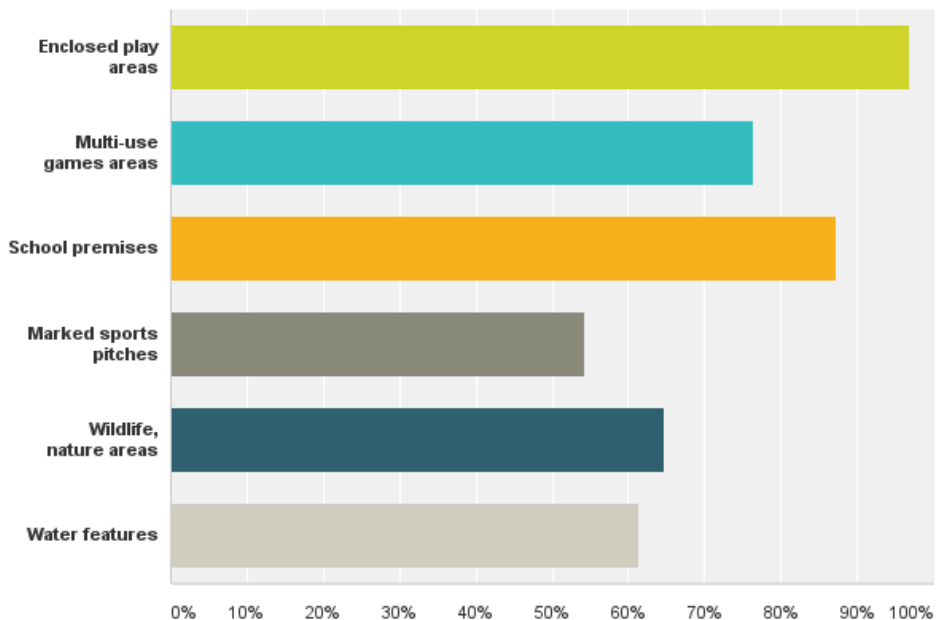
Answer Options	Response Percent	Response Count
Yes - I agree	80.6%	815
No - I do not agree	19.4%	196
<i>answered question</i>		1011
<i>skipped question</i>		69

Again 8 out of 10 respondents agreed with this proposed Order.

The chart below shows where respondents feel that restrictions should be put in place.

**Q8 Areas where Orders Should be Applied**

Answered: 812 Skipped: 268



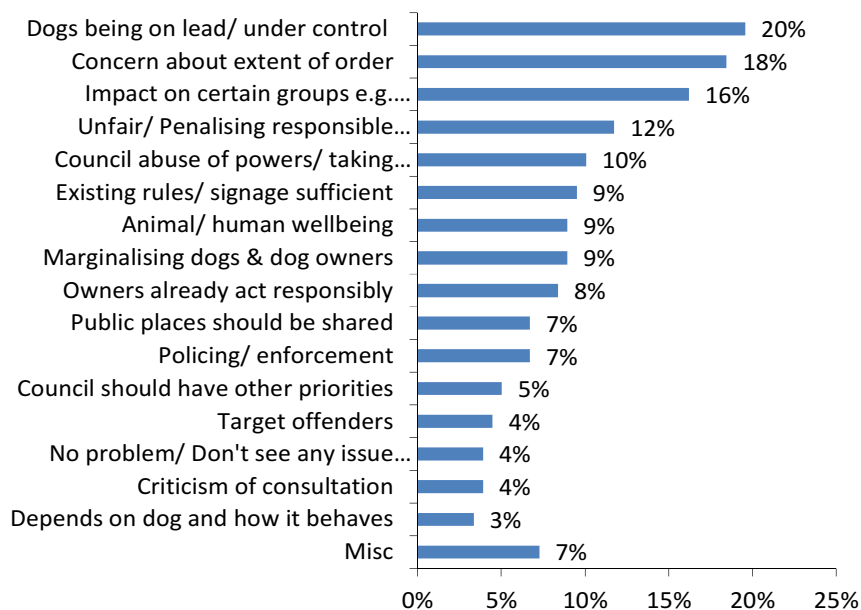
97% of respondents feel that dogs should not be allowed in enclosed children’s play areas.

Respondents were given the opportunity to comment on why they did not agree with the introduction of a restriction on places dogs can go.

The chart below shows the comments by theme in most popular order – the percentages will add up to more than 100% because individual comments may cover more than one theme.

In total 179 comments were made. A full list of comments is available on request

### Comments received by theme



#### Disagree with Restrictions on Places Dogs can go

*“As a responsible dog owner I am capable of exercising common sense, and abiding by any restriction notices. I do not need council officers to instruct me to do anything.”*

*“A dog under control (on a lead) should be able to accompany it's owner anywhere.”*

*“Is the Council going to provide dog crèche facilities when a family with a dog needs to use an area where there is a restriction order?”*

*“There are parts of the country that manage to be dog friendly without a problem. Many parts of the south west will allow you to take your dog in many places. For responsible dog owners, your dog(s) is part of the family. I think that so long as dogs are kept on leads in areas where there are children for example, they should be allowed access. A blanket ban is unnecessary and will only serve to ostracise responsible dog owners and well trained dogs.”*

**4. The Council proposes that a person should not be walking more than four dogs at any one time. Do you agree that the Council should be granted powers to introduce a ‘Dogs (Specified Maximum) on Land Order’?**

Answer Options	Response Percent	Response Count
Yes - I agree	68.3%	690
No - I do not agree	31.7%	320
	<i>answered question</i>	1010
	<i>skipped question</i>	70

This proposal received the lowest number of responses in agreement out of all the 4 proposed Control Orders, although 68% of respondents were in favour of granting this order.

Respondents were given the opportunity to comment on why they did not agree with the introduction of a restriction on the number of dogs being walked at any one time.

The chart overleaf shows the comments by theme in most popular order – the percentages will add up to more than 100% because individual comments may cover more than one theme.

In total 307 comments were made. A full list of comments is available on request

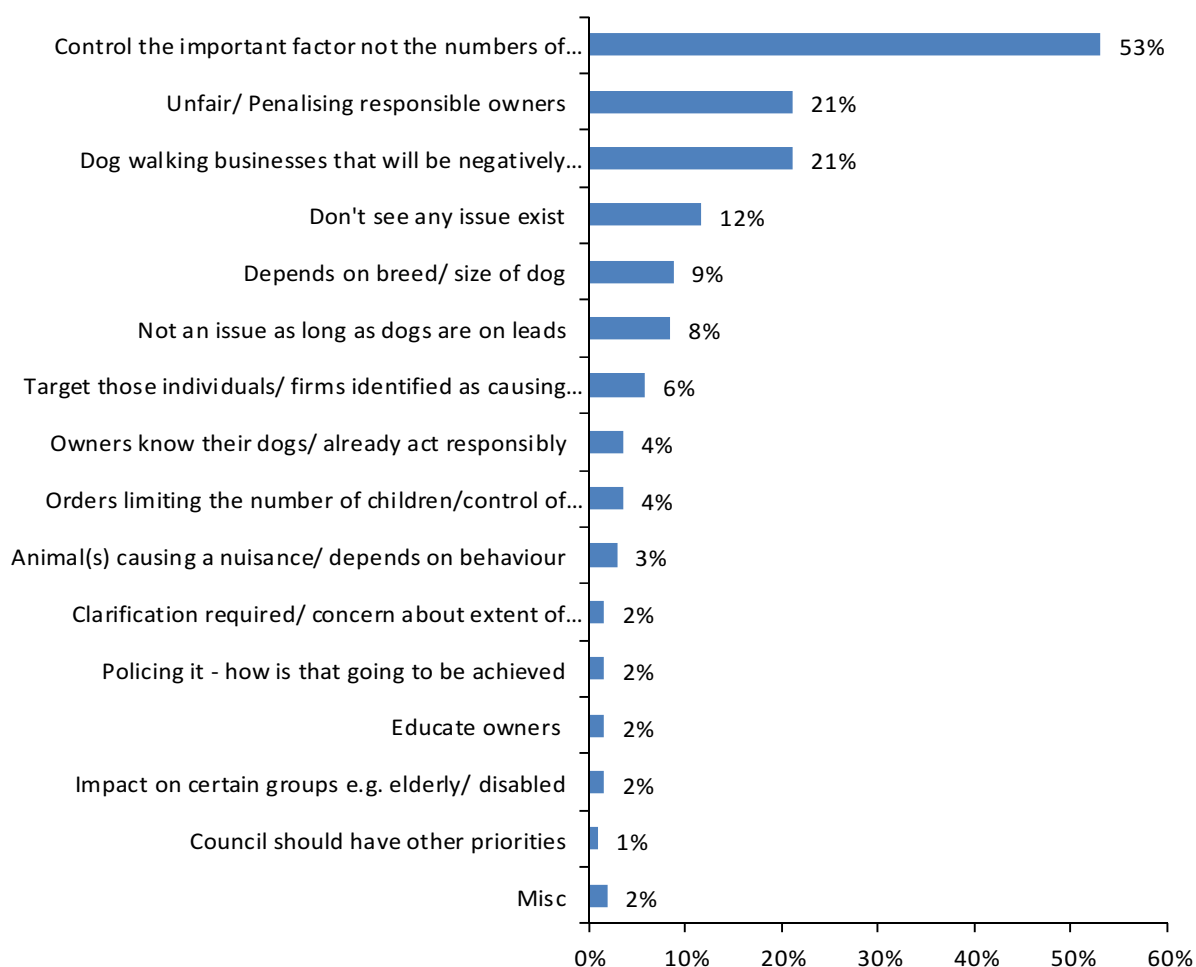
**Disagree with Restriction on the Number of Dogs**

*“1 or 10 dogs it doesn't matter if they are completely under control at all time. People will cause the problems not the dogs.”*

*“Again, this punishes responsible dog owners. For example, this would affect professional dog walkers - increasing their costs and possibly putting them out of business. Only responsible dog owners use professional dog walkers and these restrictions would make the cost of a good professional dog walker more expensive.”*

*“The majority of dog owners ARE responsible and if they are in control of their dogs, it really is no business of yours how many they are walking at a time. Will you be introducing similar restrictions on the amount of children one person can take to a restaurant or play area? I doubt it.”*

### Comments received by theme



In all cases the majority of respondents were in favour of the Control Orders being proposed.

The table below shows the views of the three main groups of respondents, being dog owners, non-dog owners and businesses which specifically deal with dogs.

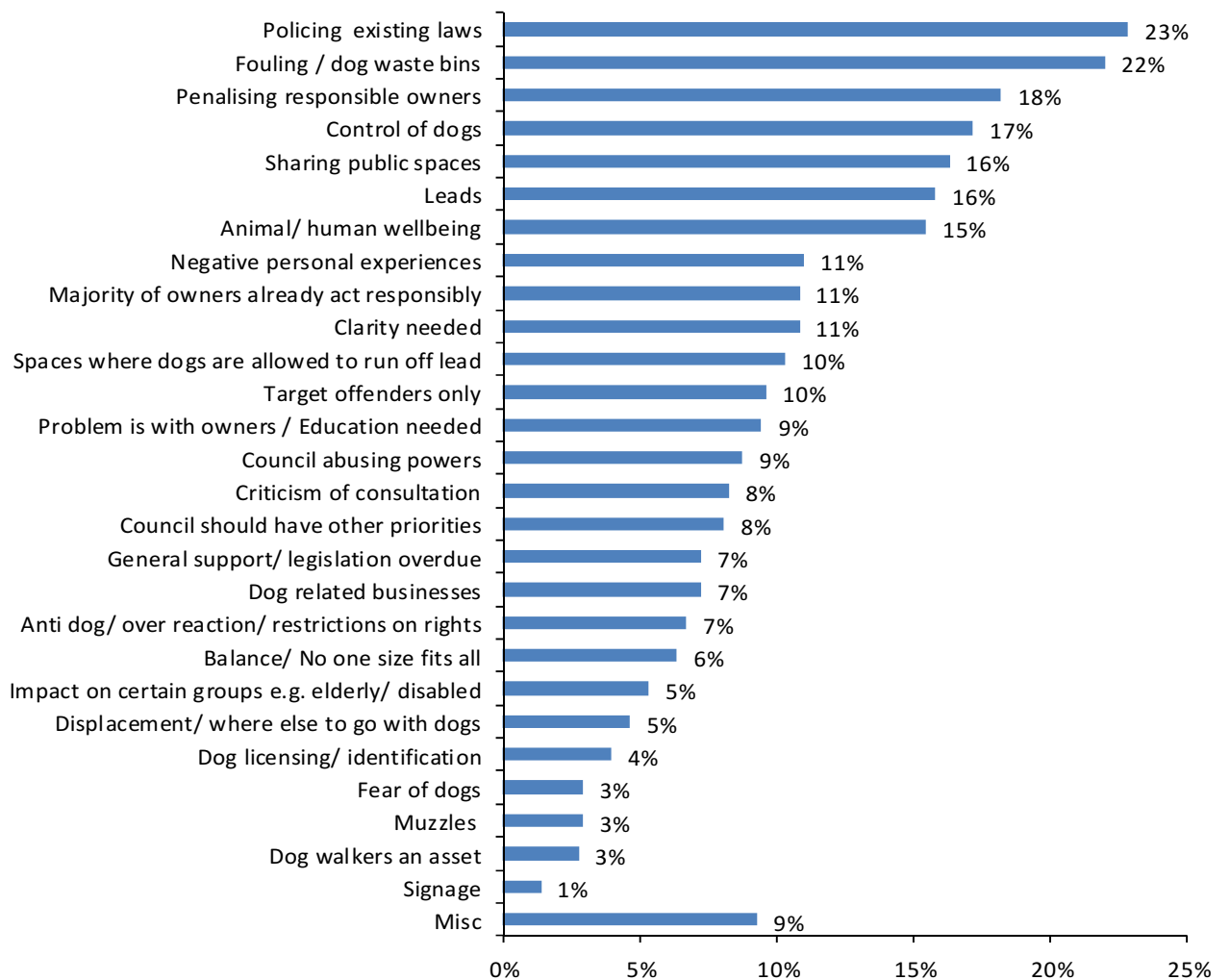
	Yes - I agree			
	Dog Owner	Non Dog Owner	Business	Overall survey response
1. Owners to keep dogs on a lead in specified places.	76%	92%	85%	81%
2. Owners to put dogs on a lead if instructed to do so	72%	92%	76%	79%
3. A restriction on owners taking dogs into certain places	74%	93%	86%	81%
4. A limit on the number of dogs a person has with them at any one time	61%	84%	65%	68%

A higher level of agreement was consistently found from respondents who were non-dog owners. Interestingly, businesses that deal with dogs tended to be more in favour of the proposals than respondents who are dog owners.

Finally respondents were given the chance to make any additional points or comments.

In total, 582 comments were made. A full list of comments is available on request

### Comments received by theme



### **Any other Comments**

*“Dogs should all be identifiable with ID tags (by law) so this should be enforced, and those guilty of being irresponsible penalised without blanket bans affecting everyone.”*

*“You seem to be giving council officers powers more akin to the police. Council officers do not necessarily have the skills, training or judgement. You provide no guidelines or examples of how this would be implemented or monitored so cannot be supported. As councils get smaller you may also be creating powers that may also never be enacted, raising unnecessary expectations.”*

*“I think the ideas and motivation for dog control orders are generally well founded but it is the practicalities of implementing them in a sensitive and sensible way in reality which I worry somewhat about. It would be useful to get advice and help from organisations such as the Dog's Trust and similar bodies and would also be very useful for any Authorised Officers if they were to be appointed to gain knowledge from them. Working together with police and PCSO's would also be beneficial.”*

*“I would rather pay some sort of license to say I'm a responsible owner and allowed to let my dogs off than be banned from places or made to keep my dogs on leads.”*

*“This is claiming all owners are the same when they clearly are not. I understand you're trying to control what goes on but it's not going to work. You can't make people pick up their own dogs mess so how do you think you're going to control this!?”*

*“I think the Council should be concentrating on dealing with people who can't control their dogs and make them have them on a lead. The Council also need to look at these dog walking companies that keep cropping up. Some of them have a great big group of dogs that just go wild.”*



## Proposed Dog Controls in Coventry

### Responses to specific questions

This document is to be read in conjunction with the “Dog Controls in Coventry Final Report: Findings from the Public Consultation – November 2014”.

Whilst the majority of people who responded to the consultation were overwhelmingly in support of the proposals to introduce further dog controls in Coventry, there were a number of people who expressed legitimate concerns.

Whilst it is impractical to answer all of the concerns raised, this document seeks to answer some of the questions which represented ‘common themes’.

#### **Disagree with Dogs on Lead Order**

*“This will impact upon responsible dog owners who have well-behaved dogs. It would be better to have the powers to fine dog owners who's dogs are causing problems off the lead rather than having a blanket ban”*

*“All dogs have a need to have off lead exercise. If this is not allowed you will end up with dogs that are agitated and stressed”*

*“There are enough controls already ...education and support would be far more positive”*

#### **Answers:**

1. Currently the City Council has limited powers to address the behaviour of a minority of irresponsible dog owners; the proposed Order would empower the City Council to address these issues. It is recognised that that the majority of dog owners are conscious of their actions on others and would therefore, have no reason to fear if this Order was introduced. Indeed the consultation demonstrated that there was considerable support amongst this particular group of people. In practice, enforcement would only routinely be used where we receive specific complaints from members of the public.
2. It is recognised that the City needs specific areas where dogs can be exercised ‘off lead’ for their health and mental well-being. The vast majority of parks have such areas and it is proposed that the Order, in nearly all cases, will not materially change the position beyond the signage already present in these parks.
3. Education and support is an important ingredient of any change in legislation. If further dog controls are introduced, our Officers during a phased period of implementation, will personally through face-to-face contact, through social

media and more traditional publicity, seek to educate, persuade and sell the benefits of the controls.

### Disagree with Dogs on Lead by Direction

*"It could be open to abuse... I do not feel that ALL council officers would be able to use discretion when a dog is causing a nuisance or not. I feel there would be a blanket rule, borne out of one bad owner spoiling it for the many. It would be a quick unethical way to build up revenue too."*

*"I do agree in the theory that if a dog was causing a nuisance and not under control, the owner should be asked to put it on a lead. But I fail to see how this could be enforced by an Authorised Officer (AO). The irresponsible person, who allows their dog to cause a nuisance, is unlikely to listen to an AO, or do what the AO tells them. They are also unlikely to pay any fine or to give a correct name and address."*

*"Responsible dog owners know when to put their dogs on a lead."*

1. Any proposed powers to request that dogs be placed on leads by Council "Authorised Officers" will be restricted to suitably trained Enforcement Officers. The Order would also clearly state that these powers could only be exercised where restraint is reasonably necessary to prevent either a nuisance, or behaviour by the dog likely to cause annoyance or disturbance to any other person, or the worrying of other animals on designated land to which this Order applies.
2. Our Enforcement Officers are trained to deal with such situations. In the last financial year these Officers issued over 600 Fixed Penalty Notices; it is the City Council's policy to prosecute these offenders where the Notices are not paid. In extreme cases, Officers are able to immediately call upon Police assistance.
3. This proposed Order is designed to deal with the minority of irresponsible dog owners. In many cases, it is responsible dog owners who suffer at the hands of irresponsible dog owners.



### **Disagree with Restrictions on Places Dogs can go**

*“As a responsible dog owner I am capable of exercising common sense, and abiding by any restriction notices. I do not need council officers to instruct me to do anything.”*

*“A dog under control (on a lead) should be able to accompany it's owner anywhere.”*

*“Is the Council going to provide dog crèche facilities when a family with a dog needs to use an area where there is a restriction order?”*

*“There are parts of the country that manage to be dog friendly without a problem. Many parts of the south west will allow you to take your dog in many places. For responsible dog owners, your dog(s) is part of the family. I think that so long as dogs are kept on leads in areas where there are children for example, they should be allowed access. A blanket ban is unnecessary and will only serve to ostracise responsible dog owners and well trained dogs.”*

1. This Order is designed to deal with irresponsible dog owners who have no consideration for others.
2. It is recognised that some dog owners are not capable of controlling their dog off lead or on a lead. This proposed Order is designed to restrict dogs from a minority of places, which is largely for public health reasons and a matter of common sense. People who took part in the consultation overwhelmingly supported the examples given where dog access could be restricted.
3. In areas where dogs are restricted and a family, with a dog, needs to legitimately enter these areas, there will invariably be options to tether the dog safely and within sight.
4. Again it is recognised that the vast majority of dog owners are responsible and are capable of exercising sufficient control over their dog. Unfortunately there are exceptions to this rule and proposed controls are designed to deal with those situations. Places where dogs are prohibited will be limited, be for public health reasons and largely common sense.

### **Disagree with Restriction on the Number of Dogs**

*"1 or 10 dogs it doesn't matter if they are completely under control at all times. People will cause the problems not the dogs."*

*"Again, this punishes responsible dog owners. For example, this would affect professional dog walkers - increasing their costs and possibly putting them out of business. Only responsible dog owners use professional dog walkers and these restrictions would make the cost of a good professional dog walker more expensive."*

*"The majority of dog owners ARE responsible and if they are in control of their dogs, it really is no business of yours how many they are walking at a time. Will you be introducing similar restrictions on the amount of children one person can take to a restaurant or play area? I doubt it."*

1. It is proposed that the maximum number of dogs that can be walked by a single person, be set at six. This is in line with guidance recently published by the Department for the Environment, Food and Rural Affairs (DEFRA). During the consultation period, our Officers met with various 'dog related' businesses, which included 'professional dog walking' companies. They agreed with the points raised by consultees, but also agreed with the proposed controls.
2. See the answer to question 1.
3. Again, we recognise that the vast majority of dog owners are responsible. The proposed Order is designed to enable the Local Authority to deal with those who are not. It is believed that the maximum of six dogs that can be walked by an individual is a practical limit.

### **Any other Comments**

*"Dogs should all be identifiable with ID tags (by law) so this should be enforced, and those guilty of being irresponsible penalised without blanket bans affecting everyone."*

*"You seem to be giving council officers powers more akin to the police. Council officers do not necessarily have the skills, training or judgement. You provide no guidelines or examples of how this would be implemented or monitored so cannot be supported. As councils get smaller you may also be creating powers that may also never be enacted, raising unnecessary expectations "*

*"I think the ideas and motivation for dog control orders are generally well founded but it is the practicalities of implementing them in a sensitive and sensible way in reality which I worry somewhat about. It would be useful to get advice and help from organisations such as the Dog's Trust and similar bodies and would also be very useful for any Authorised Officers if they were to be appointed to gain knowledge from them. Working together with police and*

*PCSO's would also be beneficial."*

*"I would rather pay some sort of license to say I'm a responsible owner and allowed to let my dogs off than be banned from places or made to keep my dogs on leads."*

*"This is claiming all owners are the same when they clearly are not. I understand you're trying to control what goes on but it's not going to work. You can't make people pick up their own dogs mess so how do you think you're going to control this."*

*"I think the Council should be concentrating on dealing with people who can't control their dogs and make them have them on a lead. The Council also need to look at these dog walking companies that keep cropping up. Some of them have a great big group of dogs that just go wild."*

1. Currently there are no powers available to compel the owners of dogs to attach ID tags to collars.
2. Our Enforcement Officers have been utilising similar powers to those proposed in the Order for nearly 20 years; all of these Officers are suitably trained. It is fact that the Council's resources are limited and therefore any use of the proposed powers will be focused on where they are needed most. The intelligence as to where they are needed will be received from members of the public and in all likelihood, other dog owners.
3. In drafting the proposed Orders we called upon expertise elsewhere in the country and also in consultation with the Police.
4. The Council has no powers to introduce dog licensing. Legislation previously used to licence dogs was repealed.
5. If the proposed Order is enacted, Local Authority Officers will use these powers. In the last financial year our Officers issued 360 fixed penalty notices for dog fouling offences.
6. If the proposed Order is granted the appropriate powers will be used to deal with irresponsible dog owners.



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### **Appendix 3: Evidence to support the detrimental effect of irresponsible dog ownership**

In general terms the local authority data collection is focused on activities where the Council can take direct action. If we cannot directly assist the customer then the caller is advised to contact another organisation where it is applicable and the corresponding detail is therefore not recorded. However, the local authority had been aware for some time that there were aspects of irresponsible dog ownership in the City that were not being addressed. Park rangers have regularly been contacted by 'park users' citing dog related incidents, which again were not recorded in computer systems, but these general concerns were raised with the Animal Welfare service; consequently we have been made aware of this latent demand. By comparison, this is a demand which our neighbouring local authorities have been fulfilling for some time.

#### **Data Collection**

Irrespective of the above mentioned statement, the following data has been identified:

#### **Animal Welfare**

In the last financial year (2012/13) the service received **1,260** complaints from members of the public concerning dog fouling or stray dogs.

#### **Parks and Leisure**

In the past 12 months (prior to November 2014) officers working in this service received **13** emails directly from customers reporting incidents of dog anti-social behaviour. This can be broken down as follows:

Aggressive dogs:	8
Damage to the park:	2
Dog fouling:	2
Dog walking companies:	1
Total:	<b>13</b>

The quantity of play equipment that has been damaged and is attributable to dogs: 15 (costing £3,600).

Specific examples can be seen in Appendix 4: Specific damage by dogs.

#### **Street Services**

In the last financial year (2012/13), the number of dead dogs received from roads: **22**

## Police Data

TYPES OF BEHAVIOUR	NUMBER
<b>Neighbour / acquaintance dispute</b> ( <i>using dog in menacing way / for protection or intimidation, used as backup in neighbour dispute, neighbours frightened due to dog not controlled, dog going onto other's property, neighbours frightened to go out</i> )	50
<b>Stranger(s) dispute</b> ( <i>groups with dogs fighting, groups gathering with dogs hanging around, people with dogs chasing other people</i> )	18
<b>Dispute with another dog walker</b> ( <i>dogs off the lead, out of control, attacking other dogs</i> )	4
<b>Stray dog</b>	3
<b>Noise</b> ( <i>howling, barking, crying</i> )	8
<b>Dog owner reporting ASB incident</b> ( <i>2- possible DVA related – shouting/arguing and dogs howling at incidents, 17 more mixed asb/ nuisance incidents - some involving dogs and groups intimidating people, others including mopeds and dangerous driving affecting dog walkers</i> )	19
<b>Dog fouling</b>	2
<b>Stolen dog</b>	1
<b>Miscellaneous</b>	1
<b>Beggars</b> ( <i>beggars arguing with other beggars with aggressive dogs present, beggars gathering dogs present</i> )	2
<b>Grand Total</b>	<b>108</b>

## Dog Damage to play equipment in Parks

Recent Playsafe Report 12<sup>th</sup> November 2014

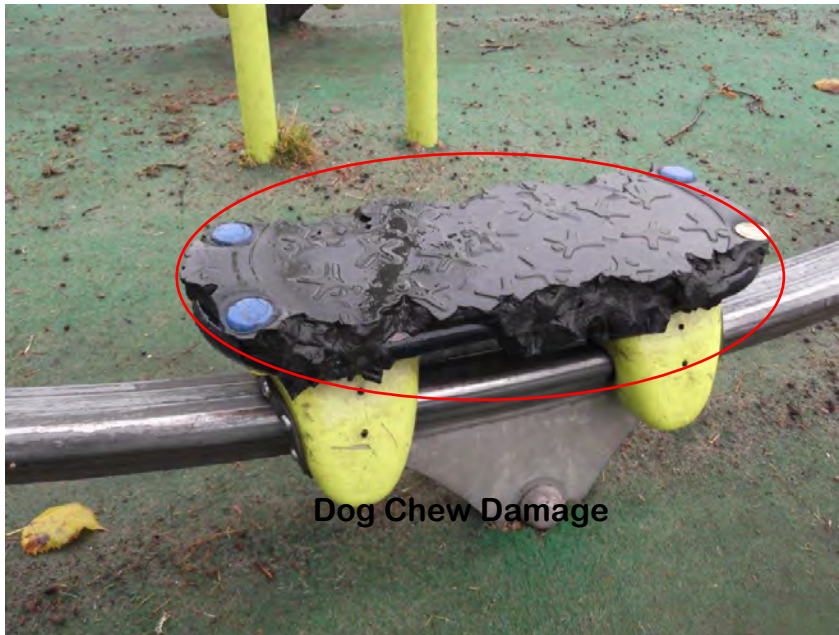
Site Name	Asset Name	Finding Title	Finding Creation Date
Barras Heath	Carousel - Whirlybird Roundabout	Item - Dog damage	06-01-2014
Cherrybrook Way Open Space	Climber - Playzone Climber	Item - Dog damage	01-08-2013
Cherrybrook Way Open Space	Frame - Climbing Frame - Galaxy Range	Item - Dog damage	01-08-2013
Radford Common	1 Bay 2 Cradle Seat Swing	Item - Dog damage	20-02-2014
Red House Park	Group Swing	Item - Dog damage	16-07-2013
Jardine Crescent Play Area	Cantilever Swing	Item - Dog damage	18-03-2014
Sovereign Row Play Area	Scales Rocker	Item - Dog damage	31-05-2013
Caludon Castle	Runway - Cable Runway	Item - Dog damage	17-03-2014
Floyds Fields	Swing - Cantilever Swing	Item - Dog damage	27-05-2014
Spencer Recreation Ground	Swing - Tyre Cantilever	Item - Dog damage	06-03-2014
Stoke Aldermoor Play Area	Swing - Double Swing With Cradle Seats And Anti-Wrap	Item - Dog damage	24-03-2014
Stoke Aldermoor Play Area	Swing - Double Swing With Cradle Seats And Anti-Wrap	Item - Dog damage	17-03-2014
Whitley Common Play Area	Wheel Play - Skate Unit 10+ unit	Item - Dog damage	18-03-2014
Willenhall Wood - Play	Swing - 1 Bay 2 Flat Seat	Item - Dog damage	29-05-2014
Willenhall Wood - Play	Swing - 1 Bay 2 Flat Seat	Item - Dog damage	16-06-2014

## Sample Images showing damage being caused in Play Areas

### Cash's Park



Coundon Hall Park



Barras Heath





Red House Park



**Dog Chew Damage**

Sovereign Row Park



**Dog Chew Damage**

Cherrybrook Way POS



Radford Common

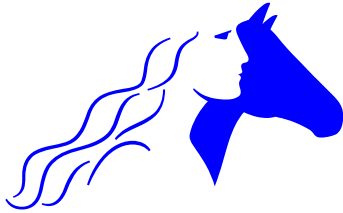


The Linfield Open Space



Willenhall Wood Play Area





**Coventry City Council**

**List of Play Areas that currently have on-going issues with Dog Damage**

**NE**

**Cash's Park – Kingfield Road**

**Edwick Park – Foleshill Road**

**Red House Park – Stoney Stanton Road**

**Barras Heath Open Space - Mercer Avenue**

**Stoke Heath Sports Ground (aka Morris Common) Heath Crescent / Valley Road**

**Radford Common – Radford Road**

**Woodway Walk Open Space– Woodway Lane**

**St Margaret's Park – Ansty Road Wykeley Road**

**NW**

**Coundon Hall Park - Waste Lane**

**Gosford Green - Walsgrave Road**

**Jardine Crescent Play Area- Jardine Crescent**

**Primrose Hill Park – Berry Street**

**Sovereign Row Park - Sovereign Row**

**Swanswell Park – Bird Street**

**SOUTH**

**Caludon Castle – Farren Road**

**Floyds Fields – Tanners Lane**

**Spencer Recreation Ground - Spencer Avenue**

**Stoke Aldermoor / the Lindfield**

**Wolfe Road / Pappenham Green**

**Willenhall Wood - Middle Ride**

List of the main sites where there are issues with dogs damaging trees

- 1 – Gosford Green
- 2 – Gosford Park
- 3 – Stoke Green
- 4 – Longford Park
- 5 – Cash’s Park
- 6 – Memorial Park
- 7 – Haselbeck Road IOS
- 8 – Radford Common
- 9 – Radford Rec
- 10 – Edgwick Park
- 11 – Holbrooks Park
- 12 – Willenhall Wood
- 13 – Swanswell Park
- 14 – Caludon Park
- 15 – Allesley Park
- 16 – Corporation Street and Belgrade Plaza
- 17 – Coundon Hall Park

Sample images showing type of damage caused

Gosford Green



Corporation Street



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**Anti-social Behaviour, Crime & Policing Act 2014**  
**s.59-75 Public Space Protection Order (Coventry Dog Control)**

The Council of the City of Coventry ("the Council") hereby makes the following Public Space Protection Order (Coventry Dog Control) under s.59-75 Anti-social Behaviour, Crime & Policing Act 2014:

The Public Space Protection Order (PSPO) covers five areas of dog control:

- A. Dog fouling of land
- B. Dogs on leads
- C. Dogs on leads by direction
- D. Dogs exclusion
- E. Dogs (specified maximum)

**A. Dog fouling of land**

1. This relates to the offence of fouling of land by dogs. The public health implications of dog foul are well documented.
2. If a dog defecates at any time on land to which this order applies, and the 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 failing to do so; or
  - b. the owner, occupier, or other person or authority having control of the land has consented (generally or specifically) to his failing to do so;
3. This Order applies to land described in the Schedule A below, being land in the area of the Council.
4. For the purpose of this article:
  - a. placing the faeces in a receptacle on the land which is provided for this purpose, or for the disposal of waste, shall be a sufficient removal from the land;
  - b. 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;

**Schedule A: Dog fouling of land**

Land Designated by Description

1. Any land, which is open to the air, and to which the public are entitled or permitted to have access (with or without payment).
2. Any land which is covered is to be treated as land which is "open to the air" if it is open on at least one side.

## **B. Dogs on leads**

1. Dogs whilst not on a lead and poorly supervised, or startled, have a greater potential to cause road traffic accidents, or to cause injury to pedestrians and other dogs. The restrictions in this Order are designed to facilitate a sharing of our public spaces, whilst recognising that dogs do need to be exercised off lead.
2. A person in charge of a dog shall be guilty of an offence, if at any time, they fail to keep their dog on a lead not longer than 2.0 metres, unless:
  - a. he has a reasonable excuse for failing to do so, or
  - b. the owner, occupier, or other person, or other authority having control of the land has given consent (generally or specifically);
3. This part of the Order applies to land described in the Schedule B below being land in the area of the Council.

## **Schedule B: Dogs on leads**

### Land Designated by Description

1. A highway, carriageway, cycle lane, footway or footpath, maintainable at the public expense, or any grass verge managed by the local authority and which is adjacent to the carriageway or footway of a highway, including gutters and adjoining footpaths;
2. clearly specified and signed areas in the city's parks;
3. all churchyards and graveyards (but not green burial areas);
4. all car park areas shopping centres and precincts that are:
  - a. open to the air (which includes land that is covered but open to the air on at least one side) and
  - b. areas to which the public are entitled or permitted to have access (with or without payment), irrespective of ownership
5. all sports grounds, fields, parks, and pitches, which are maintained by the local authority and are not subject to 'Dog Exclusion', but only when in use for officiated sporting matches;

## **C. Dogs on leads by direction**

1. In parts of the City where dogs are permitted off leads, a minority of irresponsible dog owners allow their dogs to cause damage to property, and cause problems for pedestrians and other dog owners. This part of the Order is designed to enable authorised Council Officers to direct that the owner put their dog on a lead.
2. A person in charge of a dog will be guilty of an offence if at any time, on land to which this Part applies, they fail to comply with a direction given them by an authorised officer of the Council to put and keep the dog on a lead of not more than 2 metres in length, unless:
  - a. he has a reasonable excuse for failing to do so; or
  - b. the owner, occupier, or other person or authority having control of the land, has given consent (generally or specifically);



3. For the purposes of this request an authorised officer of the Council may only direct a person to put and keep a dog on a lead if such restraint is reasonably necessary to prevent either a nuisance, or behaviour by the dog likely to cause annoyance or disturbance to any other person, or the worrying of other animals on designated land to which this order applies.
4. This Part of the Order applies to land described in Schedule C below being land in the area of the Council.

### **Schedule C: Dogs on leads by direction**

#### Land Designated by Description

1. Any land within the City boundaries, which is open to the air, and to which the public are entitled or permitted to have access (with or without payment).
2. Any land which is covered is to be treated as land which is "open to the air" if it is open on at least one side.

#### **D. Dogs exclusion**

1. There are specific parts of the City from which dogs should be excluded for their safety and that of pedestrians, and for public health and aesthetic reasons. This part of the Order states the relatively few places from where dogs will be excluded.
2. A person in charge of a dog will be guilty of an offence if at any time he takes the dog onto, or permits the dog to enter or remain on, any land specified in the Order, unless;
  - a. he has a reasonable excuse for failing to do so; or
  - b. the owner, occupier, or other person or authority having control of the land, has given consent (generally or specifically);
3. This Part of the Order applies to the land described in Schedule D below being land in the area of the Council.

### **Schedule D: Dogs exclusion**

#### Land Designated by Description

1. children's play areas (which are clearly signed);
2. multi-use games areas (which are clearly signed);
3. sport and recreational facilities i.e. courts and pitches (which are enclosed and clearly signed);
4. sensitive nature areas, or specific horticultural areas within parks (which are enclosed and clearly signed)

#### **E. Dogs (specified maximum)**

1. There has been an increase in the number of persons and businesses walking numbers of dogs together, and some of these have exercised poor control over these dogs. This has caused problems for other dog owners and has also resulted in dog foul not being picked up. This part of the Order seeks to place limits on the number of dogs which may be walked together to enable greater control.
2. A person shall be guilty of an offence if they take on to any land in respect of which this Order applies more than the maximum number of dogs specified in point 2 of this Order, unless;
  - a. they have a reasonable excuse for failing to do so; or
  - b. the owner, occupier, or other person or authority having control of the land, has given consent (generally or specifically);
3. On land to which this Order applies, the maximum number of dogs which a person may take onto that land is six.
4. This Part of the Order applies to land described in Schedule E below being land in the area of the Council.

#### **Schedule E: Dogs (specified maximum)**

Land Designated by Description within the City of Coventry

1. Any land within the City boundaries, which is open to the air, and to which the public are entitled or permitted to have access (with or without payment).
2. Any land which is covered is to be treated as land which is "open to the air" if it is open on at least one side.

#### **General Point**

For the purpose of parts A, B, C, and D of this Public Space Protection Order:

1. Nothing in this Public Space Protection Order 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. has a disability which affects his mobility, manual dexterity, physical co-ordination, 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)
3. For the purpose of this article, 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.

### **Offences under this Public Space Protection Order**

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

A Fixed Penalty Notice of £100.00 will be issued to offenders to be paid within 20 days (reduced to £60.00 if paid within 14 days) which would discharge any liability to conviction for an offence under Section 67(1) of the Act.

This order may be cited as 'The Public Space Protection Order (Coventry Dog Control)' and shall come into force on X 2015 and remain in force for a period of three years.

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18 December 2014

**Name of Cabinet Member:**

Cabinet Member for Policing and Equalities

**Director Approving Submission of the report:**

Executive Director of Place

**Ward(s) affected:**

Whoberley

**Title:**

Further progress report on action taken to improve security to open land at the rear of 2-66 Brookside Avenue

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**Is this a key decision?**

No

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**Executive Summary:**

A petition containing 11 signatures, from 6 households, was submitted to the Council on 25 March 2014 by Councillor B Singh.

Reports in response to the petition were presented to Cabinet Member on 3 July and 2<sup>d</sup> October 2014. These reports detailed actions taken by Officers in response to residents' concerns about environmental and nuisance behaviour on the open space at the rear of properties 2-66 Brookside Avenue, Whoberley Ward Coventry. The open space is owned by the Council and managed by the Parks Service of the Place Directorate.

This report provides an update on progress against further recommendations made by Cabinet Member at his meeting on 2<sup>nd</sup> October 2014 and proposes actions to improve site security.

**Recommendations:**

The Cabinet Member is requested to:-

1. Endorse the additional action taken by Officers and to support a proportionate response to the anti-social behavioural issues identified by residents', with the provision of fencing as detailed in this report, subject to a successful funding bid to the Community Grant Fund.
2. Request officers to liaise with the Police to ensure they continue to patrol the area and to respond to any issues raised or identified and, if appropriate to exercise their powers to obtain identities of and disperse groups of individuals that are likely to cause nuisance or offending behaviour

3. Endorse the continued efforts of the Community Development Service to work with the community in tackling local issues including litter and environmental issues.
4. Request Officers to continue to monitor incidents of crime and nuisance together with the effectiveness of their action and to respond appropriately to any such issues.

**List of Appendices included:**

*None*

**Background papers:**

- i. Report to Cabinet Member (Policing & Equalities) dated 3 July 2014 entitled:  
"Response to petition calling for the installation of security fencing to open land at the rear of numbers 2-66, Brookside Avenue"
- ii. Report to Cabinet Member (Policing & Equalities) dated 2 Oct 2014 entitled:  
"Progress report on action taken to improve security to open land at the rear of 2-66 Brookside Avenue"

**Other useful documents**

None

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No

## **Report title:**

Further progress report on action taken to improve security to open land at the rear of 2-66 Brookside Avenue

### **1. Context (or background)**

- 1.1 A report in response to a petition containing 11 signatures was presented to your Cabinet Member meeting on 3 July 2014 and a further progress report on the 2 October 2014. The reports outlined initial and subsequent action taken in response to residents' concerns about the security of the open space as outlined in the petition
- 1.2 The open space at the rear of properties concerned is maintained by the City Council and services provided include grass cutting, litter picking, and the emptying of a waste bin.
- 1.3 Cabinet Member recommendations from the meeting on the 2 Oct 2014 were:-
  1. *Endorses the additional action taken by officers.*
  2. *Directs officers to request the Police, by letter to be drafted by the Head of Community Safety to be sent to the Chief Inspector, to continue to patrol the area, responding to any issues raised or identified and to exercise their powers to obtain identities and disperse groups of individuals that are likely to cause nuisance or offending behaviour.*
  3. *Requests Community Development Officers to continue to work with the community in tackling local issues including litter and environmental issues and to assist residents in seeking funding that they could use on private land to improve the security of their properties.*
  4. *Requests officers to continue to monitor incidents of crime and nuisance together with the effectiveness of their action and to respond appropriately to any such issues.*
  5. *Directs officers to submit a further progress report to the Cabinet Member meeting scheduled for 18<sup>th</sup> December 2014.*
- 1.4 Since the last Cabinet Member meeting in October 2014 neither the Police nor the City Council have had reports of nuisance/anti-social behaviour associated with the open space to the rear of the homes in Brookside Avenue, given this, this report is focused on what physical measures could be implemented to improve site security.

### **2. Options considered and recommended proposal**

- 2.1 A site meeting took place on the 17 November 2014 between Park Services officers and the Lead petitioner to discuss the anti-social behaviour issues and possible fencing solutions. It became apparent that the construction of a fence along the school access footpath was not viable as this would restrict access to the open space and was unlikely to improve the security of the area.
- 2.2 An alternative possibility would be to erect fencing to enclose the drainage pipe which crosses the brook and associated chambers. Although this would require Environment Agency approval, it would take away a seating/congregating area and help to make this a less attractive area for young people to congregate. In addition, the removal of the scrub material and some lower tree branches will provide better casual surveillance into this

currently secluded area. The cost of this fencing is estimated at £4,500. Tree works undertaken will be funded from the parks revenue budget. Photographs of the open space area and proposed positioning of fencing will be available to view at the Cabinet Member meeting.

- 2.3 Furthermore it may be possible to provide a 1.8m high fence along the open space boundary with Allesley Old Road: this action could either be completed in addition to that indicated in para 2.2 above or separately to help improve matters and reduce the possibility of anti-social behaviour in this area. The additional cost of this 63m long fence is estimated at £4,800 and would be subject to further consideration at the appropriate time.
- 2.4 To ensure funds are targeted for maximum benefit and are proportionate to address the identified issue, it is advised that consideration is given to providing the fencing to enclose the drainage pipe as a "first step" and that its' effectiveness is monitored prior to considering whether the 1.8m high boundary fencing is required.
- 2.5 To assist with the cost of providing fencing the Guphill Residents Association has submitted a grant for fencing for £5,000 from the Community Grant Fund. The next round of Community Grant Fund bids are to be considered by Cabinet Member at his meeting on 26 February 2015. The grant bidding process is currently open and closes on 31 December 2014. The Community Grant Fund has a criteria for award which covers:
  - Health and Wellbeing
  - Community Safety
  - Community Cohesion
  - Environment
  - Confidence raising or raising aspiration
- 2.6 The Community Grant Fund is regularly oversubscribed and grant awards may not be for the full amount requested taking into account the totality of applications received and relative merits against the above criteria.
- 2.7 Fencing to the rear of the properties from 2 to 16 Brookside Avenue was also discussed at the site meeting in the 17 November 2014: however, whilst this did not restrict access to the open space, it may restrict garage access to these properties and is unlikely to be an effective security measure or deterrent to unauthorised access to this rear garden area.
- 2.8 The Park Rangers and Park Development Officer are continuing to monitor the area of open space for evidence of vandalism, drug use, or other Anti-Social Behaviour and any information will be shared with the Police and appropriate Council colleagues.

### **3. Results of consultation undertaken**

- 3.1 Police and Council Officers have engaged with the residents and are in regular contact with them via the Guphill Residents` Association to understand the issues and to work with local people to address them.
- 3.2 Residents are encouraged to report incidences, as they occur, to the relevant organisation. Contact details have been issued in order to encourage regular reporting of incidents for monitoring and response purposes.



#### **4 Timetable for implementing this decision**

- 4.1 Officers will continue to work with local residents to support them in implementing the measures outlined in this report and the Local Safer Neighbourhood Group will continue to monitor incidents of crime and nuisance in the area at each monthly meeting.

#### **5 Comments from Executive Director of Resources**

##### **5.1 Financial implications**

The expenditure for the fencing works identified in paragraph 2.2 above is subject to a bid to the Community Grant Fund being approved. Any minor works will be funded from existing resources.

##### **5.2 Legal implications**

There are no legal implications arising from the recommendations within this report.

#### **6 Other implications**

None

##### **6.1 How will this contribute to the Council Plan?**

###### **Crime and Disorder**

Tackling crime and anti-social behaviour through partnership working is central to the delivery of the Community Safety Plan and Strategic Assessment 2014/15.

Supporting local people to do more for themselves and their local community is central to the City Council's principles and the Council Plan.

##### **6.2 How is risk being managed?**

1. The Community Safety Officer continues to monitor crime and disorder levels in the area.
2. Police and Council Officers continue to incorporate the area in their patrol strategies and work schedules and will monitor behaviour of individuals.

##### **6.3 What is the impact on the organisation?**

None

##### **6.4 Equalities / EIA**

N/A

##### **6.5 Implications for (or impact on) the environment**

N/A

##### **6.6 Implications for partner organisations?**

N/A

**Report author(s):**

**Name and job title:**

Ces Edwards - Head of Parks & Open Spaces

**Directorate:**

Place

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Mandie Watson	Head of Community Safety	People Directorate	19.11.2014	21.11.2014
Andrew Walster	Assistant Director Streetscene and Greenspaces	Place Directorate	19.11.2014	21.11.2014
Pete Fahy	Assistant Director	People Directorate	19.11.2014	21.11.2014
<b>Names of approvers for submission: (officers and members)</b>				
Finance: Phil Helm	Finance Manager	Place Directorate	19.11.2014	21.11.2014
Legal: Andrew Burton	Solicitor	Resources Directorate	19.11.2014	19.11.2014
Director: Martin Yardley	Director	Place Directorate		
<b>Members: Name</b>				
Councillor P Townshend	Cabinet Member for Policing and Equalities		25.11.2014	25.11.2014

This report is published on the Council's website:

[www.coventry.gov.uk/councilmeetings](http://www.coventry.gov.uk/councilmeetings)

**Appendices**

None



18 December 2014

**Name of Cabinet Member:**  
Cabinet Member for Policing and Equalities - Councillor Townshend

**Director Approving Submission of the report:**  
Executive Director of People

**Ward(s) affected:**  
Earlsdon

**Title:**  
Update report in response to a petition concerning a property in Earlsdon Ward

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**Is this a key decision?**  
No

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**Executive Summary:**

This report provides an update on actions taken since the Cabinet Member meeting on 2 October 2014 in response to a petition received on 3 July 2014. The petition was signed by 71 individuals in the Earlsdon Ward and asked the City Council to take action regarding the poor condition of a property in the Earlsdon Ward and the impact it is having on the surrounding neighbourhood.

**Recommendations:**

The Cabinet Member is recommended to:

- (1) Endorse the action already taken and planned to address the conditions at this property.
- (2) Request a further report to be submitted to the Cabinet Member on 26 March 2015 detailing progress made on resolving the issues.

**List of Appendices included:**  
None

**Other useful background papers:**  
None

**Has it been or will it be considered by Scrutiny?**  
No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No

Page 3 onwards

**Report title:**

Report in response to a petition concerning a property in Earlsdon Ward

**1. Context (or background)**

- 1.1 A resident-led petition consisting of 71 signatures was received on 3 July 2014 requesting the City Council to take action in relation to concerns regarding the poor condition of a property in the Earlsdon Ward
- 1.2 Cabinet Member has previously endorsed action taken thus far i.e. service of a statutory notice under Section 215 of The Town & Country Planning Act requiring the owner to carry out improvements to his property. In addition, the Cabinet Member also made the following recommendations:
  - (1) That any appeal against the Section 215 Notice should be opposed,
  - (2) That a legal opinion be sought regarding any other courses of action available to the Council such as injunction/legal proceedings to address the issue.

**2. Options considered and recommended proposal**

- 2.1 **Officers to oppose any appeal in relation to the Notice served.** The Section 215 Notice was served by Officers on 3 September 2014 and as no appeal was lodged, the Notice took effect on 5 November 2014 and requires compliance within four months from this date.
- 2.2 **Legal opinion regarding additional measures.** A legal opinion was sought regarding what other courses of action might be available to the Council. On the basis that the neighbours' objection is to the appearance of the property and that there does not seem to be a legal nuisance involved, a S.215 Notice is the appropriate approach at this time.
- 2.3 **Recommendations.** Cabinet Member is recommended to request a further report on 26 March 2015 detailing progress made on resolving the issues at this property.

**3. Results of consultation undertaken**  
None

**4. Timetable for implementing this decision**

The Section 215 Notice was served by Officers on 3 September 2014, and requires compliance by the 5 March 2015.

**5. Comments from Executive Director, Resources**

In the event of non-compliance of any Notices served, there will be a financial implication with regard to the authorisation of legal proceedings and any works in default carried out by the Council. The potential extent of this is difficult to predict,

depending on the outcome, any appeal etc. However, full regard will be made to the Code for Crown Prosecutors, issued by the Director of Public Prosecutions. The cost of any potential prosecution and 'works in default' will be paid from within existing budgets and will be subject to usual practice in order to recover the same from the appropriate person.

**6. Other implications**

None

**6.1.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

6.1.2 There are clear research findings that show that the local environmental quality in a person's living environment has a significant impact on their health and well-being. Residents in areas which have a low environmental quality often have an increased "fear of crime". This particular service contributes to two of the Council's key objectives.

**6.2 How is risk being managed?**

None

**6.3 What is the impact on the organisation?**

None

**6.4 Equalities / EIA**

None

**6.5 Implications for (or impact on) the environment**

See 6.1.1

**6.6 Implications for partner organisations?**

None

**Report author(s): Steve Chantler**

**Name and job title: Senior Environment and Housing Enforcement Officer**  
**Directorate: People Directorate**

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**steve.chantler@coventry.gov.uk**

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Craig Hickin	Head of Environmental Services	People Directorate	17.11.14	17.11.14
Phil Hibberd	Pest Control and Animal Welfare Officer	People Directorate	17.11.14	20/11/14
Liam Nagle	Offender Management Strategic Officer	People Directorate	17.11.14	19/11/14
Marcus Fothergill	Principal Planning Officer	Place Directorate	17.11.14	18/11/14
Usha Patel	Governance Services Officer	Resources Directorate	17.11.14	17/11/14
<b>Names of approvers for submission: (officers and members)</b>				
Finance: Diane Jones	Business Partner	Resources Directorate	17.11.14	
Legal: Andrew Burton	Solicitor	Resources Directorate	18.11.14	18.11.14
Director: Sara Roach for Brian Walsh	Deputy Director	People Directorate	17.11.14	24/11/14
Members: Councillor Phillip Townshend	Deputy Leader	Policing and Equalities	17.11.14	25.11.14

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**A separate report is submitted in the private part of the agenda in respect of this item as it contains information required to be kept private in accordance with Schedule 12A Local Government Act 1972. The grounds for privacy are that it refers to information relating to the financial or business affairs of any particular person (including the authority holding that information), and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.**

**Cabinet Member for Policing & Equalities**

18 December 2014

**Name of Cabinet Member:**

Cabinet Member for Policing and Equalities – Councillor Townshend

**Director Approving Submission of the report:**

Executive Director, Resources

**Ward(s) affected:**

All

**Title:**

*Magistrates' Court Building*

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**Is this a key decision?**

No

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**Executive Summary:**

When the Council constructed the Coventry Magistrates' Court building in the 1980s, the premises included a "Probation Suite" whose construction cost of around £1.2 million was to be met by the Council initially but repaid by the Probation Service over a period of some 40 years. Annual repayments were made until 2007. However, the Probation Service now disputes liability to make any further payments.

This matter was considered by Cabinet on 11 December 2012, where authorisation was given to commence legal proceedings to recover the outstanding loan monies. The Cabinet Member (Community Safety & Equalities) was given delegated authority to determine alternative strategies or decisions as the matter progresses and the matter was considered at Cabinet Member meetings on 24<sup>th</sup> February 2014, 1<sup>st</sup> May 2014 and 14<sup>th</sup> November 2014. This report is an update as to the progress of the proceedings to date and considers the options going forward.

**Recommendations:**

Cabinet Member is recommended to:

- (1) Note the progress made since the last report dated 14th November 2014 and direct that a further report be submitted for consideration at the Cabinet Member meeting on 22<sup>nd</sup> January, 2015;

**List of Appendices included:**

None.

**Other useful background papers:**

None.

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No

## 1. Context (or background)

1. **Dispute History**-During the 1980s, the Council constructed the Coventry Magistrates' Court, which included a Probation Suite. A proportion of the construction cost of the Suite (approximately £1.2 million) was to be met by the Council initially but repaid by the Probation Service over a period of some 40 years. However, the Probation Service disputes liability to make any payment after 2007, when ownership of the court building was transferred to Central Government.
2. The arrears of annual debt payments up to and including the financial year 2012/13 amount to a total of £491,571, and on 21<sup>st</sup> January 2013 the Council issued High Court proceedings for that sum plus interest.
3. The local Probation Service has operated through a large number of different bodies since 1990. Therefore, the Council took the precaution of naming as defendants all of the bodies identified as possibly liable, a total of 9 defendants. It has since become clear that the active Defendants are the 6<sup>th</sup> to 9<sup>th</sup> defendants i.e. Staffordshire and West Midlands Probation Trust, the Secretary of State for Communities and Local Government, the Lord Chancellor and the Secretary of State for Justice, and the National Offender Management Service.
4. The active Defendants filed defences disputing liability. In essence, the active defendants say that there was an occupation agreement, rather than a loan agreement, with the Council under which the Probation Service was paying money to the Council as owner of the Magistrates' Court. Therefore, since ownership of the Magistrates' Court building was transferred to Central Government in or before 2007, the Probation Service has no liability to make further payments to the Council. Further, the active defendants do not accept that any liability to pay the Council which may have arisen historically has passed to any of them as successor organisations. Finally, the 7<sup>th</sup> to 9<sup>th</sup> Defendants have counterclaimed that they overpaid the Council in 2006/7 and are entitled to be repaid almost £100,000, plus interest.
5. The active Defendants proposed an ADR process of "Early Neutral Evaluation" whereby an independent QC would simply review the parties' cases and give an opinion on the merits. The Council considered that this was inappropriate because it would not in itself bring about settlement. The Council therefore suggested that a more effective way forward was an enhanced form of mediation, in which the mediator (probably a QC), was requested to express his or her views to each party on the merits of their case. The active Defendants agreed to this approach, in the form of an Evaluative Mediation.

## **The Evaluative Mediation**

6. On 25<sup>th</sup> September 2014, the parties attended an Evaluative Mediation with Amanda Tipples QC acting as the Mediator.
  
7. The Court proceedings had been stayed to enable the parties to attempt Alternative Dispute Resolution (ADR). The parties requested that this stay be extended on the basis that if the case has not settled within 28 days of the date of the new Order, the Council will apply either to extend the stay (with the other parties' consent), or for a directions hearing to be fixed on the first available date. The new Order was sealed on 11<sup>th</sup> November 2014 and the Council is now required to update the court. As the Defendants have recently indicated that it may take them until January 2015 to obtain Central Government approval for an improved settlement offer, the parties have agreed to apply to court to extend the stay until the end of January 2015.

### **2. Options considered and recommended proposal**

- (i) the Options considered and recommended proposal are as set out in the accompanying private report.

### **3. Results of consultation undertaken**

No consultation is considered to be appropriate.

### **4 Timetable for implementing this decision**

If the case fails to settle as a result of the current negotiations with the Defendants, the Council will have the option to apply for directions to pursue its claim towards a trial at court. It may take 12 months or more for the case to come to trial in the High Court.

### **5. Comments from Executive Director, Resources**

#### **5.1 Financial implications**

The Council has commenced legal proceedings to recover sums it considers it is lawfully entitled to, whilst recognising a duty to keep the merits of its case under review.

#### **5.2 Legal implications**

The Council has commenced legal proceedings to recover sums it considers it is lawfully entitled to, whilst recognising a duty to keep the merits of its case under review.

### **6. Other implications**

None

**6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

Money recovered in excess of costs incurred will contribute to the general financial well-being of the Council.

**6.2 How is risk being managed?**

This topic is dealt with in the accompanying private report.

**6.3 What is the impact on the organisation?**

This topic is dealt with in the accompanying private report.

**6.4 Equalities / EIA**

The decision to be made is not considered to have any Public Sector Equality Duty implications

**6.5 Implications for (or impact on) the environment**

None.

**6.6 Implications for partner organisations?**

None.

**Report author(s): David Williams**

**Name and job title: Senior Solicitor**

**Directorate: Resources**

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Enquiries should be directed to the above person.

<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Usha Patel	Governance Services Officer	Resources	18.11.14	21.11.14
<b>Names of approvers for submission: (officers and members)</b>				
Legal: Christine Forde	Council Solicitor	Resources	18.11.14	08.12.14
Members: Name	Councillor Townshend		18.11.14	25.11.14
Executive Director	Chris West		18.11.14	08.12.14

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**Appendices**

None

18 December, 2014

**Name of Cabinet Member:**

Cabinet Member for Policing and Equalities – Councillor Townshend

**Director Approving Submission of the report:**

Executive Director of Resources

**Ward(s) affected:**

None

**Title:**

Outstanding Issues Report

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**Is this a key decision?**

No

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**Executive Summary:**

In May 2004 the City Council adopted an Outstanding Minutes System, linked to the Forward Plan, to ensure that follow up reports can be monitored and reported to Members. The attached appendix sets out a table detailing the issues on which further reports have been requested by the Cabinet Member (Policing and Equalities) so he is aware of them and can monitor progress.

**Recommendations:**

The Cabinet Member (Policing and Equalities) is requested to consider the list of outstanding issues and to ask the Member of the Management Board or appropriate officer to explain the current position on those which should have been discharged at this meeting or an earlier meeting.

**List of Appendices included:**

*Table of Outstanding Issues.*

**Other useful background papers:**

*None*

**Has it or will it be considered by Scrutiny?**

No

**Has it, or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No

**Report author(s):** Usha Patel

**Name and job title:** Governance Services Officer

**Directorate:** Resources

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Enquiries should be directed to the above person.

<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Other members	Not applicable			
<b>Names of approvers:</b> (officers and members)				
Finance: Name	Not applicable			
Legal: Name	Not applicable			

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	<b>Subject</b>	<b>Date for Further Consideration</b>	<b>Responsible Officer</b>	<b>Proposed Amendment to Date for Consideration</b>	<b>Reason for Request to Delay Submission of Report</b>
1	<p><b>Report back on Progress of ongoing Development of the Youth Space in Cope Street, Coventry</b></p> <p>Report back on progress</p> <p>(CM(CS&amp;E) 21<sup>st</sup> March, 2013 (Minute 73))</p>	tbc	<p>Executive Director, People</p> <p>Steve Wiles</p>		
2	<p><b>Equality Strategy</b></p> <p>A copy of the report be sent to all members of the Strategic Management Board and all Cabinet Members with a request that where there is inadequate or poor performance in their areas of specific responsibilities, that they provide a report to the Cabinet Member (P&amp;E) and to SCRUCO on or before 18<sup>th</sup> Dec 2014.</p> <p>(CM(P&amp;E) 4<sup>th</sup> Sept 2014 (Minute 25))</p>	22 January 2015	<p>Chief Executive</p> <p>Surindar Nagra/ Jenni Venn</p>		
3	<p><b>Hillfields petitions report – Community Safety Issues in last 18 months</b></p> <p>Progress on recommendations made at meeting on 31<sup>st</sup> July 2014</p> <p>(CM(P&amp;E) 31<sup>st</sup> July 2014 (Minute 13))</p>	22 January 2015	<p>Executive Director, People</p> <p>Bev Massey/ Mandie Watson</p>		
4	<p><b>Use of Covert Surveillance of Employees Policy and Procedure</b></p> <p>Annual report, only if applications have been received.</p>	Sept 2015	<p>Executive Director, Resources</p> <p>Helen Lynch</p>		

	(CM(P&E) – 4 <sup>th</sup> Sept, 2014 (Minute 26))				
	<b>Equalities in Employment</b> Progress report (CM(CS&E) 5 <sup>th</sup> Sept 2013 (Minute 32))	tbc	Executive Director, Resources Shokat Lal		Information on equalities in employment to be submitted as part of the annual workforce planning report.
6*	<b>Magistrates Court Building</b> Progress report CM(CS&E) 14 Nov 2014 (Minute xx)	18 December 2014	Executive Director, Resources Helen Lynch/ David Williams		
7*	<b>Petition – security fencing to open land at rear of 2-66 Brookside Avenue</b> Progress report (CM(P&E) 2 <sup>nd</sup> October 2014 (Minute 35))	18 December 2014	Executive Director, People Mandie Watson		
8	<b>Petition – improve environment and security of Hearsall area of Earlsdon</b> Progress report on recommendations made at 3 <sup>rd</sup> July meeting (CM(P&E) 3 <sup>rd</sup> July 2014 (Minute 34))	22 January 2015	Executive Director, People Simon Hutt		
9	<b>Community Grant Funds</b> Recommendations for the second round of grants (CM(P&E) 31 <sup>st</sup> July 2014 (Minute 15))	22 January, 2015	Chief Executive Maureen Metcalf/Cat Parker		
10	<b>Dog Control Orders</b>	18 December	Executive Director,		

*	Outcome of public consultation (CM(P&E) 4 <sup>th</sup> Sept 2014) (Minute 23)	2014	People Craig Hickin		
12 *	<b>Report in response to a petition concerning a property in Earlsdon Ward</b>  Further report as to the on-going situation and progress  (CM(P&E) 2 <sup>nd</sup> October 2014 (Minute 32))	18 December 2014	Executive Director, People Steve Chantler		
13	<b>Change to the Constitution: Appointments to Appeals Committee</b>  Short report reviewing the new arrangements  (CM(P&E) 2 <sup>nd</sup> October 2014 (Minute 39))	23 April 2015	Executive Director, Resources Christine Forde/Shokat Lal		
14	<b>Primary Authority Partnerships – a revised model for delivering regulatory advice to businesses</b>  Report detailing the initial outcomes of implementing the scheme  (CM(P&E) 2 <sup>nd</sup> October 2014 (Minute 37))	October 2015	Executive Director, People Hamish Simmonds		

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