

5 July 2018

## WHITTLE OVERVIEW AND SCRUTINY COMMITTEE – 16 JULY 2018

A meeting of the Whittle Overview and Scrutiny Committee will be held at 6pm on Monday 16 July 2018 in Committee Room 1, Town Hall, Rugby.

Councillor Neil Sandison  
Chair of Whittle Overview and Scrutiny Committee

### A G E N D A

#### PART 1 – PUBLIC BUSINESS

1. Minutes

To confirm the minutes of the meetings held on 12 March 2018 and 17 May 2018.

2. Apologies

To receive apologies for absence from the meeting.

3. Declarations of Interest

To receive declarations of:

(a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;

(b) pecuniary interests as defined by the Council's Code of Conduct for Councillors;

(c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

***Note: Members are reminded that they should declare the existence and nature of their non-pecuniary interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a pecuniary interest, the Member must withdraw from the room unless one of the exceptions applies.***

***Membership of Warwickshire County Council or any Parish Council is classed as a non-pecuniary interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.***

4. Air Quality Monitoring and Management – Annual Update.
5. Review of Public Spaces Protection Orders – Draft Review Report.
6. Rugby Borough Council led lottery.
7. Overview and Scrutiny Work Programme 2018/19.

***Any additional papers for this meeting can be accessed via the website.***

**Membership of the Committee:**

Councillors Sandison (Chair), Bearne, Brader, Douglas, Gillias, Leigh Hunt, Mrs O'Rourke, Roberts and Ms Watson-Merret

*If you have any general queries with regard to this agenda please contact Linn Ashmore, Democratic Services Officer (01788 533522 or e-mail [linn.ashmore@rugby.gov.uk](mailto:linn.ashmore@rugby.gov.uk)). Any specific queries concerning reports should be directed to the listed contact officer.*

*If you wish to attend the meeting and have any special requirements for access please contact the Democratic Services Officer named above.*

**AGENDA MANAGEMENT SHEET**

<b><i>Name of Meeting</i></b>	Whittle Overview and Scrutiny Committee
<b><i>Date of Meeting</i></b>	16 July 2018
<b><i>Report Title</i></b>	Air Quality Monitoring and Management – Annual Update
<b><i>Ward Relevance</i></b>	All
<b><i>Contact Officer</i></b>	Henry Biddington, Principal Environmental Health Officer, Commercial Regulation Team, Rugby Borough Council Tel: 01788 533607
<b><i>Summary</i></b>	Henry Biddington will attend the meeting to provide an update on air quality monitoring by the Council.
<b><i>Financial Implications</i></b>	There are no financial implications arising from this report at present. There are risks associated with future developments where a decision to object or not object may be challenged. The council could also be challenged on its action plan.
<b><i>Risk Management Implications</i></b>	There are risk management implications arising from this report as detailed in the Financial Implications.
<b><i>Environmental Implications</i></b>	Air quality monitoring and management delivers environmental and public health benefits.
<b><i>Legal Implications</i></b>	The Council is required to review and assess air quality under the Environment Act 1995.
<b><i>Equality and Diversity</i></b>	No new or existing policy or procedure has been recommended.

**Public Report to the Whittle Overview and Scrutiny Committee**

**16 July 2018**

**Air Quality Monitoring and Management – Annual Update**

**Summary**

The Principal EHO will attend the meeting to provide an update on air quality monitoring by the Council.

**1. BACKGROUND**

The Committee has an ongoing role in scrutinising air quality monitoring reports and management arrangements. The Principal EHO will attend the meeting to update the Committee on:

- The progress of Council's latest statutory Air Quality Annual Status Report which will have been submitted to DEFRA prior to the meeting
- Progress made on the Local Air Quality Management Action Plan Annual Status Report
- Implications of new residential and infrastructure developments planned in the borough

The Council will launch a public consultation on its 2018 Air Quality Annual Status Report and Air Quality Action Plan Annual Status Report and submitted a report to the Department for Environment, Food and Rural Affairs (Defra) for review and approval.

**2. ANNUAL STATUS REPORT**

This report will provide an overview of air quality in the Rugby Borough during 2017. It fulfils the requirements of Local Air Quality Management (LAQM) as set out in Part IV of the Environment Act (1995) and the new relevant Policy and Technical Guidance documents for 2017 issued by Defra.

The LAQM process places an obligation on Rugby Borough Council to regularly review and assess air quality, and to determine whether or not the air quality objectives are likely to be achieved within the Borough. Where an exceedance is considered likely, Rugby Borough Council must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures put in place in pursuit of the objectives. This Annual Status Report (ASR), is an annual requirement showing the strategies employed by Rugby Borough

Council to improve air quality and any progress that has been made. The report is submitted to Defra for appraisal and approval.

## **2.1 Annual Status Report Findings**

At the time of writing this report the Annual Status Report is being finalised. The final ASR will be sent to the Committee for review when it is sent out for consultation. A further report will be sent to Committee in October to allow the Committee to consider the report and the responses from the consultation, before sending to Cabinet for adoption by the Council.

## **2.2 Ongoing work in relation to the previous ASR**

Rugby Borough Council are part of the Air Quality Alliance which is a group made up of Public Health Professionals from both Warwickshire County Council and Coventry City Council, Environmental Health Professionals from all the Warwickshire Local Authorities and CCC, Transport and Highways professionals from WCC. The group discuss, develop and share knowledge on how to improve air quality across Warwickshire and Coventry. The group has most recently developed a draft Supplementary Planning Document SPD in relation to Air Quality to assist with Planning Decisions.

Planning Policy has also been updated to and Policy HS5: Traffic Generation and Air Quality has been sent to the Planning Inspector in relation to the revised local plan. The SPD links in closely with the policy which means there are better grounds for Planning Officers to request Air Quality assessments and better grounds to refuse applications based on air quality reasons.

Warwickshire County Council have committed to a Rugby specific Local Transport Plan (LTP) but work has not started on this at the time of writing.

Promotion of schemes to address more sustainability in how people travel to improve air quality such as the Car Share Coventry and Warwickshire scheme will continue and will be expanded.

Name of Meeting: Whittle Overview and Scrutiny Committee  
Date of Meeting: 16 July 2018  
Subject Matter: Air Quality Monitoring and Management – Annual Update  
Originating Department: Environment and Public Realm

#### **LIST OF BACKGROUND PAPERS**

There are no background papers relating to this item other than those referenced in the body of the report that refer to 2017 RBC Air Quality Annual Status Report.

**AGENDA MANAGEMENT SHEET**

<b><i>Name of Meeting</i></b>	Whittle Overview and Scrutiny Committee
<b><i>Date of Meeting</i></b>	16 July 2018
<b><i>Report Title</i></b>	Public Spaces Protection Order – Review Report
<b><i>Ward Relevance</i></b>	All
<b><i>Contact Officer</i></b>	David Burrows, Regulatory Services Manager, Tel:( 01788) 5333806
<b><i>Summary</i></b>	A review on the theme of Dog Control Orders and Public Spaces Protection Orders was included in the overview and scrutiny work programme for 2016/17. A number of factors delayed progress and the review was recommenced in October 2017.
<b><i>Financial Implications</i></b>	There are some financial implications arising from some of the review recommendations, as well as officer time and resource commitments associated with others.
<b><i>Risk Management Implications</i></b>	PSPOs are a key tool in achieving behavioural change required to deliver the corporate strategy. There would be a significant loss of reputation if tools were not put in place to challenge nuisance behaviour.
<b><i>Environmental Implications</i></b>	PSPOs help to protect urban green spaces and make a positive contribution for the environment and public protection.
<b><i>Legal Implications</i></b>	There is a legal process to be followed to create any new PSPOs or make variations to current PSPOs. Failure to carry this out will make enforcement impossible.  The legal team has been consulted on the draft PSPOs attached as appendices to the review report.
<b><i>Equality and Diversity</i></b>	No new or existing policy or procedure has been recommended.

**Public Report to the Whittle Overview and Scrutiny Committee**

**16 July 2018**

**Public Spaces Protection Orders -  
Review Report**

**Summary**

A review on the theme of Dog Control Orders and Public Spaces Protection Orders was included in the overview and scrutiny work programme for 2016/17. A number of factors delayed progress and the review was recommenced in October 2017.

**1. BACKGROUND**

The topic of Dog Control Orders, Public Spaces Protection Orders and their enforcement was originally identified at the overview and scrutiny work programme workshop held on 2 March 2016 and included in the work programme for 2016/17.

The one-page strategy for the original review was agreed by Whittle at its meeting on 13 June 2016 and a task group was appointed and began its work in September 2016. However, progress of the review was delayed due to the change of service delivery demands at that time which included the redesign of the waste delivery service, and the impact of this on available resources.

The delay in progress of the review resulted in the necessity to divide work relating to the development and replacement of four existing Dog Control Orders. The Anti-Social Behaviour, Crime and Policing Act 2014 enabled Councils to introduce Public Space Protection Orders, (PSPOs) which are in effect a more modern and responsive style of local byelaw.

At its meeting on 18 July 2017 Council endorsed the recommendation of Cabinet and resolved that the four existing Dog Control Orders be translated into Public Space Protection Orders and be approved for adoption, subject to delegation to the Head of Environment and Public Realm for approval following consultation.

Following changes made to committee memberships and the appointment of Mayor at Annual Council in 2017, the task group membership was disbanded. A new sub-group made up of members of Whittle and Brooke committees was agreed, along with a revised one-page strategy, by Whittle at its meeting on 11 September 2017.

## **2. REPORTING PROCESS**

Review work recommenced in October 2017. The sub-group met four times and considered evidence from a range of internal and external sources, including:

- Rugby First Limited
- Warwickshire Police
- Safer Neighbourhood Team, Warwickshire Police
- Green Spaces Team
- Community Safety Warden Team

A public consultation was launched to seek feedback on the current situation and where improvements could be made drawing conclusions about the approaches taken to tackle nuisance behaviours. A consultation questionnaire was published on the Council website and members of the group held a consultation exercise in the town centre. The press release and questionnaire were shared with the voluntary sector, local Police and Rugby First Limited, who placed copies in local shops.

The group has now completed its work and the review report is attached at Appendix 1. The committee is asked to approve its submission to Cabinet on 3 September 2018.

The chair of the scrutiny sub-group, Councillor Neil Sandison, will present the report.

Name of Meeting: Whittle Overview and Scrutiny Committee  
Date of Meeting: 16 July 2018  
Subject Matter: Public Spaces Protection Orders – Review Report



# REVIEW OF PUBLIC SPACES PROTECTION ORDERS

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July 2018

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## Appendices

### Appendix 1

Copy of Present Dog Control Public Space Protection Order  
With amendment underlined

### Appendix 2

Copy of Present Intoxicating Substances Public Space Protection Order  
With amendment underlined

### Appendix 3

Draft suggested Public Space Protection Order wording for possible inclusion of  
Prohibiting mounted cyclist in Town Centre (if consultation supports)

### Appendix 4

Draft suggested Public Space Protection Order wording for possible inclusion for Newbold  
Quarry Nature Reserve (if consultation supports)

## TASK GROUP MEMBERSHIP

The task group consisted of the following members:

Councillor **Neil Sandison** (Chair)  
Councillor **Tim Douglas**  
Councillor **Sebastian Lowe**  
Councillor **Mrs Noreen New**  
Councillor **Mrs Maggie O'Rourke**

## FOR FURTHER INFORMATION

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## ACKNOWLEDGEMENTS

The Group would like to thank the following for their valuable contribution to this review:

PS Stuart Powell, Warwickshire Police  
Ryan Webster, BID Manager, Rugby First Limited  
Sam Leighton, BID Supervisor, Rugby First Limited  
PS Allison Wiggin, Warwickshire Police  
PC Stuart Baker, Safer Neighbourhoods Team, Warwickshire Police

The Group are also thankful to the following officers who have supported them throughout the review process:

David Burrows (Regulatory Services Manager)  
Verna Zinclair (Principal Environmental Health Officer)  
Claire Baldwin (Warden Supervisor)  
Colin Horton (Green Spaces Officer)  
Linn Ashmore (Democratic Services Officer)  
Clinton Ramsey (Environmental Protection Technician)

All the members of the public who took time to speak with members during the consultation exercise or made written submissions to the review group.

## CHAIR'S FOREWORD

I would like to thank the residents of the borough who responded to our consultation, those who participated at the joint community forum in November and those who talked to councillors at our on-street have your say session opposite Costa Coffee in Chapel Street.

Community organisations that supported the review included Rugby First Limited, including the Bid Rangers, WCAVA and Warwickshire Police, with special thanks to the Benn and town centre beat officers.

Rugby First made an invaluable contribution throughout the process and should be highly commended.

Special thanks go to my fellow councillors Noreen New, Tim Douglas, Sebastian Lowe and Maggie O'Rourke who heard and contributed significant evidence to support the review.

As the review progressed it was clear to me and my fellow councillors that the implementation of PSPO orders should be intelligence led i.e. based on a clear working knowledge of local factors and conditions.

There are clear criteria for implementation of PSPOs. The legislation for both PSPOs and Community Protection Notices (CPNs), which can be used together subject to local consultation, is underwritten by an important requirement that it must be victim led i.e. there is clear and demonstrable harm to the individual or community before PSPOs or CPNs are used.

Collaboration will be a key factor, for example Rugby First can make better use of the CCTV camera system in tracking those causing anti-social behaviour in the town centre as the perpetrators move from venue to venue, providing the cameras have good line of sight.

We worked with our Arboricultural Officer on improving visibility through the tree line with no detrimental impact to the trees or loss of visual amenity.

We have no wish to turn our public spaces into 'no go' zones or with overly prescriptive conditions in areas with 'do and do not do' signs on every lamp post or railing. We do however want to see some of the signage refreshed because it has become invisible wall paper, unnoticed by users, and we want to positively re-enforce good behaviour. Members felt there was nothing wrong with saying thank you to residents who had responsibly disposed of all forms of animal waste or general litter. It does help, however, to regularly check dog and litter bins in open spaces and make sure they are not overflowing and remain usable.

Using the new on-line reporting system, dog walkers, joggers, athletes, keep fitters, cyclists, footballers, cricketers, conservationists, mums, dads and children who use our open spaces are our first line of defence against anti-social or nuisance behaviour, but they need clear guidance on how to report an incident or an abuse of an open space. We would recommend that the new "Report it" signage be identified in any new signs with a telephone number, Facebook or email address. We cannot be everywhere all the time, but they can.

Warwickshire Police praised the St Andrews Garden (the former Trinity Church yard) PSPO scheme, which is currently in operation, where there has been a substantive

reduction in anti-social behaviour due to heavy drinking and substance abuse. Whilst not perfect, community warden patrols have taken pressure off ongoing reductions in town centre police numbers and ensured this particular open space in the heart of the town centre is still a place the public want to enjoy. We would recommend extending such visits to other town centre parks like Millennium Green, Regent Place and our local cemeteries.

Leaving bottles, cans, sharps or gas canisters, dog and human faeces bags or nappies or take-away packaging are all forms of littering and undermine the visual amenity of our open spaces and we would include littering as an enforceable public space protection condition. We are advised by the Community Wardens that they currently enforce littering with poo bags and plastic bags, enhanced powers on any littering in public spaces with good signage seems a natural progression of their powers.

**Conclusion:**

Before making a Public Spaces Protection Order, the council must be satisfied on reasonable grounds that two conditions are met.

Firstly, have activities carried on in a public place within the authority's area had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect

Secondly, is the activity, or is it likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the order.



**Councillor Neil Sandison**  
**Chair**

# 1. RECOMMENDATIONS

The scrutiny sub-group considers that the proposed renewals to the Public Spaces Protection Orders for Rugby will continue to help:

- support the police in continuing to tackle intoxicating substance related ASB in public places around the town;
- support authorised officers in tackling dog related issues and assisting in ensuring our public areas remain a safe, clean environment;
- provide the police with an effective tool to tackle groups of people causing alarm, distress, harassment or a nuisance;
- demonstrate that anti-social drinking and anti-social behaviour is not acceptable and will not be tolerated in the boroughs public places;
- residents, businesses and visitors to feel safe in the town; and
- protect the economic viability of the town.

In view of this the scrutiny sub-group proposes the following recommendations to Cabinet:

## IMPROVEMENTS THAT COULD BE MADE QUICKLY AND AT LOW COST

1.	Review present park signage and other affected or proposed areas of public places.
2.	Update RBC website and ensure the public are aware.

## MEDIUM TERM PROPOSALS WHICH WILL REQUIRE SOME COMMITMENT OF TIME OR FINANCIAL RESOURCES

3.	Review of successes and determination of resources i.e. regulatory signage, enforcement, to provide recommendations. Monitoring system to be put in place.
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## ASPIRATIONAL PROPOSALS WHICH WILL REQUIRE LONGER TERM COMMITMENT OF TIME OR FINANCIAL RESOURCES

4.	Full review in order to assess options i.e. to cancel, add, revise current and any possible future orders in relation to anti-social behaviour.
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### 1.1 Alignment with the Corporate Strategy

The review relates to the following corporate priorities:

**ENVIRONMENT AND PUBLIC REALM: Enhance our local, open spaces to make them places where people want to be**

## **2. OBJECTIVES**

### **2.1 Background**

The topic of Dog Control Orders, Public Spaces Protection Orders and their enforcement was originally identified at the overview and scrutiny work programme workshop held on 2 March 2016, and it was subsequently decided that this review should be included in the work programme for 2016/17, with the approval of the Whittle Overview and Scrutiny Committee.

A draft one-page strategy for the original review was agreed by Whittle at its meeting on 13 June 2016 and a task group was appointed and began its work in September 2016. However, a number of factors delayed the progress of the review including available resources and service delivery demands that required other business activities, such as the redesign of waste services, to take higher priority.

One consequence of the delay in progress of the review was the necessity to divide work relating to the development and replacement of four existing Dog Control Orders. The Anti-Social Behaviour, Crime and Policing Act 2014 enabled Councils to introduce Public Space Protection Orders, (PSPOs) which are in effect a more modern and responsive style of local byelaw. They can, in theory, be used to address a very wide range of issues and Councillors have engaged with officers through member conversations to explore what sort of issues this Council might wish to use them for.

At its meeting on 18 July 2017 Council endorsed the recommendation of Cabinet and resolved that the four existing Dog Control Orders be translated into Public Space Protection Orders and be approved for adoption, subject to delegation to the Head of Environment and Public Realm to approve following consultation.

Following changes made at Annual Council to committee memberships and the appointment of the Mayor, the task group membership was refreshed in 2017 and a revised one-page strategy was agreed by Whittle at its meeting on 11 September 2017.

Work recommenced in October 2017 focusing on the opportunities for changing how we manage behaviours in public spaces and to consider how PSPOs can be used to make a significant contribution towards this Council's commitment to delivering the strategic priorities in the Corporate Strategy.

### **2.2 The One Page Strategy**

The 'one-page strategy' is the name given to the scoping document for the review. It defines the task and the improvements being aimed for and how these are going to be achieved. The review's one-page strategy, revised by Whittle at its meeting on 15 January 2018, is as follows:

**What is the broad topic area?**

How can we encourage a change of behaviour on the part of those dog owners who do not comply with the present dog control orders?

How effective are the current PSPOs (e.g. dogs, intoxicating drinks in the town centre)?

What other PSPOs should the council consider introducing?

To comply with Home Office guidance, the impact on the victims must be considered in determining if to use specific PSPOs.

**How well does the service perform at the moment?**

There is a wide variety of open spaces and these are used in different ways by a range of different people. Consequently, some conflict arises, leading to community tension and complaints. There is limited ability to modify behaviour or enforce change because of limitations in the legislation.

The task group will seek to learn from the experience of the existing PSPO for the control of the anti-social consumption of intoxicating substances in the town centre area.

**Who shall we consult about the current service and about how we can improve it?**

Parish councils, users of parks such as sports clubs, dog club, model engineers and the general public, specific groups identified during the review.

**What other help do we need?**

Information from other councils, Legal Services.

**How long should it take?**

Six months maximum.

**What will be the outcome?**

Establishment of need for regulation to encourage appropriate behaviour in public spaces and to control inappropriate behaviour. Recommendations for implementing and enforcing this.

### 3. METHODOLOGY

The task group tackled the review in five stages. First, the group received an introductory presentation to develop an understanding of the successes and failures of the current enforcement of PSPOs, whether they are effective, and whether any alteration was required.

Secondly, the group gathered evidence from external partners on the current situation and where improvements could be made, drawing conclusions about the approaches taken to tackle nuisance behaviours. A consultation questionnaire was published on the Council website and members of the group held a consultation exercise in the town centre and also had a 'Listening Post' stand at the Warwickshire CAVA Our Rugby, Our Future 2017 event. The press release and questionnaire were shared with the voluntary sector, via WCAVA, and with the Police and Rugby First Limited.

The third stage was to consider the responses to the questionnaire and other related feedback received from council officers and partners. Additionally the group considered a list of all council owned play areas and whether dog-free zones should be created.

From the feedback and responses the group reviewed the list of identified nuisance behaviours and prepared a shortlist of new PSPOs.

It is stressed that the purpose of the review has been based on encouraging appropriate behaviour in public spaces.

#### 3.1 Overview of Current Enforcement

The Anti-Social Behaviour Crime and Policing Act 2014 provides local authorities with powers to make Public Space Protection Orders (PSPOs). These orders are intended to address activities carried out in public spaces which have a detrimental effect on the quality of life of those in the locality. The orders allow the Council to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area.

Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 provides that the Council may make a PSPO, if satisfied, on reasonable grounds that the following two conditions are met:

- a) That activities carried on in a public space within the authority's area have had a detrimental effect on the quality of life of those in the locality or it is likely that such activities will be carried on and will have such an effect.
- b) The effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, such as to make the activities unreasonable, and justifies the restrictions imposed.

This is an opportunity to consult and review the detail of our present PSPOs, enabling an assessment of whether they are still fit for purpose or do we need to review and consult on any changes we may need to address related to anti-social behaviour.

The sub-group reviewed the main areas of current controls within the existing PSPOs as detailed in the paragraphs below:

### **3.2 Public Space Protection Orders (PSPO's): Dog Control**

Rugby Borough Council has Public Spaces Protection Orders in relation to dog control.

#### **The orders cover:**

- 1. Failing to remove dog faeces** - A person has committed an offence if a dog in its charge fouls on land listed in the order and the person fails to remove the faeces. (This applies borough wide).
- 2. Keeping a dog on a lead** - A person has committed an offence if he/she fails to keep a dog on a lead in designated areas, including public roads and pavements, council-owned cemeteries and Caldecott Park.
- 3. Direction order** - Not putting and keeping, a dog on a lead when directed to do so by an authorised officer. This order applies to the whole borough.
- 4. Dogs banned from certain land** - A person has committed an offence if he/she takes a dog into an enclosed children's play area or the grounds of a school controlled by Warwickshire County Council.

The order came into force on 1 September 2017 for a period of three years and applies to all land in the borough to which the public has access, including:

- all streets and pavements throughout the borough
- all council-owned land including parks, gardens, recreation and sports grounds, cemeteries, open spaces, car parks and parking places
- all land belonging to county and parish councils to which the public has access
- all rights of way which cross land owned by the county, borough and parish councils

These were an automatic and direct conversion of the previously approved borough Dog Control Orders (DCO's). The Anti-Social Behaviour Crime & Policing Act, 2014 (as amended 24 December 2017), made a provision for the orders to automatically convert to Public Space Protection Orders (PSPO's) in September 2017. They had to be "like for like" or a full consultation was required.

The public were advised and informed of these orders by posting of information on the council website and signage was placed at park entrances. There was a flurry of information, opinion and debate which provided the consultation for the proposed orders

#### **Fixed Penalty Notices**

Fixed Penalty Notices of £100 can be issued to a person committing an offence under the Public Spaces Protection Order.

#### **3.2.1. Successes (from April 2016 to September 2017):**

Some of the successes and results in relation to the current PSPO included:

### **Dogs off Leads:**

136 dogs were seized by officers

Of these 44 were reclaimed by kennels and 44 Fixed Penalty Notices were issued

35 dogs were returned to their owners and 35 Fixed Penalty Notices were issued

Two prosecutions were made:

- Mr. B: Fine £100, £627 costs & £20 victim surcharge
- Miss C: Fine £80, £361 costs & £30 victim surcharge

### **The “We are watching you campaign”**

Assessments were carried out in the following locations and results included:

#### **Newton Manor Lane**

- May 2017 – faeces count was 211 – posters erected
- Count reduced to 101 in June and 85 in July
- The patrols were reduced in August and the count increased to 200+ in September
- Action was taken to stencil and spray paint areas and the count dropped to 151
- Patrols were continuing.

#### **Winfield Cemetery**

- May 2017 – faeces count was 379 and posters were erected
- The counts reduced to 211 in June
- Action was taken to stencil and spray paint and the count reduced to 85 in July
- Count in August reduced to 71
- Regular patrols were continuing.

The figures above demonstrate that once we have reduced the number of patrols the offences recur. If wardens do not patrol then areas quickly become heavily fouled and this can result in immediate action being required.

For wardens to act, whether this is via an educational route or enforcement, the event or occurrence must be witnessed. Covert surveillance is not permitted. Wardens have limited time to patrol areas and once seen people’s behaviour changes and they are a little more mindful of their actions.

### **3.3 Public Space Protection Orders (PSPO’s): Intoxicating Substances**

The order covers the consumption of alcohol and other intoxicating substances and targets anti-social drinking and drug abuse for a specific area within the town centre.

The order does not cover licensed premises and is not a total ban on drinking alcohol in Rugby. It just makes it an offence if somebody doesn’t comply with a police officer’s request to stop drinking alcohol or hand over alcohol in the area covered by the PSPO. It is not intended to stop anyone from drinking sensibly. For example, if someone is drinking alcohol with a picnic by the riverside and not acting in an anti-social way, they would not be affected. People drinking alcohol responsibly outside licensed premises would also similarly not be affected.

#### **3.3.1. Results (from April 2016 to September 2017):**

Examples of results and action taken included:

- Three foreign nationals were deported. Further intelligence indicated that one was imprisoned whilst visiting Poland.
- 105 hours of patrolling took place
- 13 Fixed Place Penalty Notices were issued
- 10 cases were prepared for Court prosecution. Of these eight were dismissed due to issues with false or incorrect addresses.
- Two prosecutions were made with fines of £200 + £250 costs & £30 victim surcharge. Successful applications were made by Criminal Behaviour Orders (CBO).

The results clearly demonstrate the importance of community engagement and partnership working, it is clear there has been a positive impact with measurable outcomes.

### **3.4 Partnership Working**

The Council's Community Warden team work in partnership with a range of key stakeholders; they are perfectly placed to consider if:

- a) the alcohol related restriction is still required and
- b) if any additional requirements are needed to address other relevant ASB issues in the town.

Stakeholders include the police, Rugby Bid and other council services such as Parks, Neighbourhood Services and Community Wardens.

Based on the feedback and evidence gathered from stakeholders and given the lack of suitable existing enforcement tools, PSPO's are the most effective way of tackling the following two issues in Rugby:

- Alcohol related anti-social behaviour in a public place; and
- Anti-social behaviour causing alarm, distress, harassment or a nuisance in a public space.

## 4. EVIDENCE

The task group met four times between October 2017 and March 2018 building a solid evidence base to support its conclusions.

### 4.1 Call for Evidence



The task group sought the views of a range of individuals and groups.

A consultation questionnaire was published on the council's website and Members engaged in a consultation exercise in the town centre and a local community partnership event, Our Rugby, Our Future, held at the Benn Hall.

The consultation questionnaire responses were collated as follows:

#### Representative Data Table

<b>Participants of consultation</b>	
• Resident of Rugby	75
• Business owner	2
• Organisation Representative	10
• Age Range 18 – 69	67
• 70+	10
• With disability	9
• Use sports pitch	21
• Use play area	3

Participants were asked to agree or disagree behaviour related questions that most affected them in public spaces near them and rate them on a severity level of 1 -5.

A strong level of support related to the dog controls we currently have in place to be a continued inclusion in the PSPO. Other areas considered and included in the appendices attached were mobile trespassers, unauthorised encampments, unauthorised motor vehicular access ding mini-moto's/quad bikes, horse riding and hacking.

Research by other local authorities and liberty groups demonstrated their evidence base was much stronger than ours.

Some of the reported behaviours could be addressed effectively by using other legislative enforcement powers. Should future evidence suggest a PSPO will be more effective, then situation will be reviewed, and a report provided for members.

It is accepted that any achievable ambitions and enforcement needs to be intelligence led and the evidence needs to be robust to meet with government guidance and law. For example, issues relating to horse riding and hacking were only a problem in a few specific locations and caused by one or two individuals. A blanket ban was not necessary, and the criminal damage caused could be dealt with by other separate means.

The Home Office Guidance was clear that if alternative and more appropriate legislation was available, then PSPOs should not be used.

The council has worked with the British Horse Society on the provision of Bridle Ways to provide an alternative to the use of cycle ways.

#### **4.1.1 Feedback from recent conversion consultation.**

Feedback indicated there was an initial misunderstanding of the change over from Dog Control Orders orders to the PSPO, which produced some interesting feedback and comments:

- Parish Council requests for 'dogs on lead & dog fouling' in their parks, the aim being to control the level of fouling and loose dogs on their football pitches and play areas.
- Requests for children's play areas not currently enclosed to be considered as future enclosed areas to prevent dog fouling and prevent drinkers contaminating the sandpits with broken glass etc.
- A published list of parks where owners could walk their dogs would be useful.

Other areas highlighted from the consultation are:

- Analysis of parks on a site-by site basis, (the data to be available on our website)
- Consider whether designated areas for dogs should be introduced (permitting/providing an area for dogs to be exercised)
- Signage at park entrances and the type of wording to be considered,
- Dog fouling, which was the issue of most concern (present order to continue)

## **4.2 Access to evidence**

The task group review papers are available online at [www.rugby.gov.uk/meetings](http://www.rugby.gov.uk/meetings) in the section 'agendas, reports and minutes', and can be found by selecting the Public Spaces Protection Order Scrutiny Sub-Group.

## 5. CONCLUSIONS

### 5.1 Shortlisting of Public Spaces Protection Orders

Following consideration of the consultation responses and discussions with a range of partners including Warwickshire Police, Rugby First Limited and the council's Green Spaces Team, the following topics were selected:

#### 5.1.1 Current PSPO's relating to dog control

These are a direct conversion of the previously approved Dog Control Orders. The Anti-Social Behaviour Crime & Policing Act, 2014 (as amended 24 December 2017), made a provision for the orders to convert to PSPO's in September 2017. They had to be "like for like" or a full consultation was required. This is an opportunity to consult and review the detail, in order to assess whether they are still fit for purpose or do we need to review and consult on any changes we may need to address anti-social behaviour.

#### 5.1.2 Current PSPO (intoxicating substances)

These are issued to tackle anti-social drinking and substance misuse in the town centre and mapped area and have proved to be very successful. Although, we have seen an emerging pattern of displacement where the behaviour has continued outside the designated area and extended into public areas, for example Millennium Green Park, Chestnut Fields, Regent Place alleyways in Benn Ward and Jubilee Gardens.



Recommendations have been provided by Rugby Police as the present order will expire on 20 August 2018. The proposed replacement extends the area of related anti-social behaviour as detailed above.

#### 5.1.3 New PSPO for consideration- Newbold Quarry Nature Reserve

To include controls to prevent anti -social behaviour, people and dogs entering the water:

- no swimming
- no fishing,
- no dogs to enter water,
- no canoes/rafts or inflatables.
- no open fires or bonfires.

To explore this further we will need to consult with Warwickshire County Council.

#### 5.1.4 New PSPO for consideration - "No cycling in the town centre pedestrianised area"

To tackle cyclists causing nuisance, alarm, harassment or distress in pedestrianised areas.

Further consultation would be required with Warwickshire County Council as the responsible body for pedestrianised areas in the town centre; officially a highway and is open to vehicular access at set times and related Traffic Orders.

The task group drew the following conclusions from the evidence that it gathered:

- (1) Recommend Council consider continuing with the current PSPOs related to Dog Control and intoxicating substances;
- (2) Consult on the proposed suggestions to include:
  - (i) dogs to be kept on a lead at all times in all cemeteries;
  - (ii) add Rainsbrook cemetery to the official legally approved list;
  - (iii) add designated areas (outlined on plans at the entrances to the affected parks and on the council website) where dogs can be allowed off lead.
- (3) Consult on the proposed new PSPOs for:
  - (i) Newbold Quarry Nature Reserve; and
  - (ii) Restriction of cycling in the Town Centre pedestrianised areas, (namely Castle Street, High Street, Chapel Street and Market Place), at suggested times i.e. between 10.00 – 14.00 hours

Without PSPOs in place, there is a risk that the anti-social behaviour they address will continue and potentially escalate as the police and authorised officers will be unable to effectively address the issues. This would have a detrimental impact on the local community.

One of the key changes made clear in the Home Office guidance was that the use of anti-social behaviour powers should focus on the impact on victims.

Complaints about nuisance behaviour should relate to an affected group rather than an individual, such as a group of local residents, and must be supported by evidence of a sustained affect. This would avoid malicious or vexatious complaints.

There were other types of legislation available to deal with incidents affecting individuals, such as Community Protection Notices.

## Appendix 1 (Amended)



### **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59 PUBLIC SPACES PROTECTION ORDER RUGBY BOROUGH COUNCIL ORDER 2017**

Rugby Borough Council ("the Council") makes the following Order:  
This Order shall come into force on 1 September 2017 for a period of 3 years

#### **General provisions:**

1. This Order applies to all land in the administrative area of the Council to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission which includes

- a) All streets and pavements throughout the Borough
- b) All Council owned land including parks, gardens, recreation and sports grounds, cemeteries, open spaces, car parks and parking places
- c) All land belonging to County and Parish Councils to which the public have access
- d) All rights of way that cross land owned by the Country, Borough and Parish Councils

2. A person who fails to comply with any obligation imposed by this Order is guilty of a criminal offence by virtue of section 67(1) of the Anti-social Behaviour Crime and Policing Act 2014 and liable to a fine on summary conviction not exceeding level 3 on the standard scale (currently £1000).

#### **Obligations on persons with dogs:**

##### **3. Fouling**

If a dog defecates at any time on land to which this Order applies a person who is in charge of the dog at the time must remove the faeces from the land forthwith unless

- (a) He has reasonable excuse for failing to do so; or
- (b) The owner, occupier or other person or authorities having control of the land has consented (general or specifically) to his failing to do so

##### **4. Leads by order**

A person in charge of a dog on land to which this Order applies must comply with a direction given to him by an authorised officer of the Council to put and keep the dog on a lead unless

- (a) He has reasonable excuse for failing to do so; or
- (b) The owner, occupier or other person or authorities having control of the land has consented (general or specifically) to his failing to do so

An authorised officer may only give a direction under this Order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

##### **5. Leads**

A person in charge of a dog must keep the dog on a lead on the following land:

- a) Caldecott Park
- b) The following cemeteries/graveyards at Watts Lane, Winfield, Clifton Road, Croop Hill, St Andrews Gardens (Trinity Graveyard) and Rainsbrook.
- c) All public roads, pavements and footways, the pedestrianised roads and allotments within the Borough of Rugby, or any grass verge which is adjacent to the carriageway or footway and is maintainable at public expense unless:
  - (a) He has reasonable excuse for failing to do so; or
  - (b) The owner, occupier or other person or authorities having control of the land has consented (general or specifically) to his failing to do so

## 6. Exclusion

A person in charge of a dog must not take it into or keep it within a children's play area which are within the administrative area of the Borough of Rugby or any school land which is controlled by the Warwickshire County Council unless

- (a) He has reasonable excuse for failing to do so; or
- (b) The owner, occupier or other person or authorities having control of the land has consented (general or specifically) to his failing to do so

## 7. Fixed Penalty Notice

An authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 14 days to pay the fixed penalty of £100 (discounted to £75 if paid within 10 days).

## 8. Appeals

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council. Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with. When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part

## 9. Exemptions

Nothing in this Order shall apply to a person who –

- (a) Is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (b) A person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects and who relies upon a dog trained by a prescribed charity for assistance.

### For the purpose of this Order:

- 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;
- Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;

- Being unaware of defecation (whether by reason of not being in the vicinity of 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
- “an authorised officer of the Council” means an employee, partnership agency or contractor of the Council who is authorised in writing by the Council for the purposes of giving directions under the Order

THE COMMON SEAL of Rugby )  
Borough Council was hereunto affixed )  
the day of 2017 )  
in the presence of:- )  
Legal Services Manager

## Appendix 2 (Amended)



### ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59

#### PUBLIC SPACES PROTECTION ORDER RUGBY BOROUGH COUNCIL (INTOXICATING SUBSTANCES) ORDER 201518

**RUGBY BOROUGH COUNCIL** (*"the Council"*) make this Order, being satisfied on reasonable grounds that activities in the location described in paragraph 2 (*restricted area*) of this Order have had or are likely to have a detrimental effect on the quality of life of those in the locality, and that these activities involved various anti-social behaviours. The Council believes that the effect, or likely effect, of the activity described in paragraph 1 of this Order is (or is likely to be) persistent and continuing in nature, such as to make the activity unreasonable and justifies the restriction imposed by this Order.

#### 1. Restrictions

Person(s) within the *restricted area* will not – ingest, inhale, inject, smoke or otherwise use intoxicating substances.

*(Intoxicating substances is given the following definition (which includes Alcohol and what are commonly known as 'Legal Highs') substances with the capacity to stimulate or depress the central nervous system.*

#### 2. Location

This Order applies to the land described in the area shown edged in red on the attached plan, being a public place in the area of the Council, identified for the purposes of Section 59(4) of the *Act*, and in this Order referred to as the '*restricted area*'.

#### 3. Offence/penalties

**Alcohol** – Section 63 of the *Act* says that where a constable or authorised person reasonably believes that you:

- a) Are or have been consuming alcohol in breach of this Order; or
- b) Intends to consume alcohol in circumstances in which doing so would breach this order

The constable or authorised person may require you –

- a) Not to consume alcohol or anything they believe to be alcohol
- b) To surrender anything in your possession which is or reasonably believed to be alcohol or a container for alcohol.

If without reasonable excuse you fail to comply with a requirement imposed in paragraph 1 you commit an offence and are liable on summary conviction to a fine not exceeding level 2 on the stand scale (**currently £500**).

**Other substances** – Section 67 of the *Act* says it is an offence for a person without reasonable excuse to

- a) Do anything that is prohibited by a public place protection order or fail to comply with imposed in paragraph 1 or

b) Fail to comply with a requirement imposed in paragraph 1

A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the stand scale (**currently £1000**).

**Fixed Penalty Notice**

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 14 days to pay the fixed penalty of £100 (discounted to £60 if paid within 10 days).

**4. Appeals**

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part

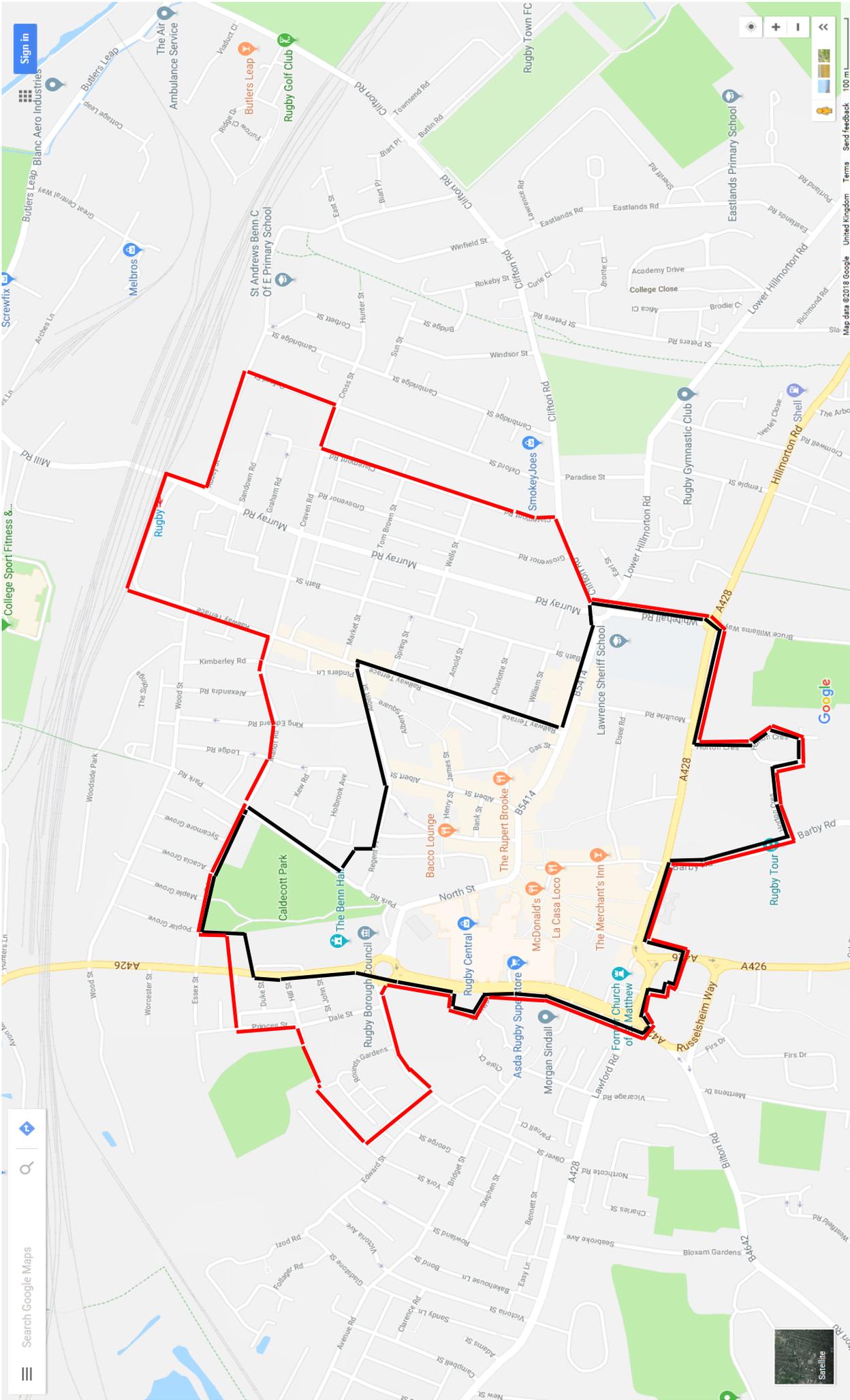
**5. Duration**

The Order will come into force on [21<sup>st</sup> August 2018] remain in place for a period of 3 years.

Restricted Area shown on attached map

THE COMMON SEAL of Rugby )  
Borough Council was hereunto affixed )  
the                            day of                            )  
in the presence of:-                            )

Legal Services Manager



— Current PSPO area  
 — Proposed PSPO area

## **Appendix 3**

### **DRAFT**

#### **Example of PSPO wording and restrictions for prevention cycling in town centre**

The Public Spaces Protection Order (PSPO) enables the Council to fulfil its statutory obligations under the Anti-Social Behaviour, Crime and Policing Act 2014 and respond in a positive manner to address the anti-social behaviour of individuals who ride bicycles through the main pedestrianised area of Rugby Town Centre.

**This is an example of PSPO should consultation on this matter go ahead.**

**IMPORTANT:** This will be subject to approval and final drafting by the legal team.

### **DRAFT**

Following extensive consultation, evidence gathered suggests that reckless riding of bicycles by cyclists is being carried out in a public place which is having a detrimental effect on the quality of life of those in the locality and it is likely that activities will be carried out in a continuing nature.

On dd/m/2018 Rugby Borough Council made a decision under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 that a PSPO be made to restrict cyclists from riding bicycles through the main pedestrian area of Rugby Town Centre between designated times [this may be a consideration], allowing both authorised Local Authority and Police Officers to enforce the restriction using a fixed penalty notice regime.

The PSPO complements an existing Traffic Regulation Order (TRO) in place which restricts cyclists from riding through the pedestrian area during the same times, however it has the additional benefit of allowing authorised Local Authority staff to enforce the restrictions in the same manner as Police Officers. [this may be a consideration if TRO applies]

The introduction of the PSPO in the main pedestrian area of Rugby Town Centre represents an opportunity to put the victim of anti-social behaviour first and reassure the community that the issues that they are experiencing are being taken seriously. The Order will enable all enforcing officers to have more power to deal with cycling restrictions in the main pedestrianised area of the town Centre.

### **RESTRICTIONS**

*No person shall cycle/ride bicycles through the main pedestrian area of the town centre between the designated times (09:00hrs and 18:00hrs) as specified on the attached map by the grey diagonal shading (see Appendix 1/Map below).*

### **PERIOD FOR WHICH THE ORDER HAS EFFECT**

This order will come into force on xxxx 2018 for a period of three years until xxxx 2021.

At any point before the expiry of this three-year period the Council can review and vary the terms of the Order. As well as varying the Order the Council can also seek to discharge it at any time, subject to their being reasonable grounds to support such a decision.

**WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?**

Section 67 Anti-Social Behaviour, Crime and Policing Act 2014 states:

- 1) It is an offence for a person without reasonable excuse:
  - a) To do anything that the person is prohibited from doing by a public spaces protection order, or
  - b) To fail to comply with a requirement to which a person is subject under a public spaces protection order.
- 2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

Therefore, where a constable or an authorised person reasonably believes that you:

*Are cycling through the main pedestrian area between the designated times (09:00hrs and 18:00hrs) as specified on the attached map by the grey diagonal shading (see Appendix 1/Map below).*

The constable or an authorised person may require you to:

*Stop cycling through the main pedestrian area between the designated times (09:00hrs and 18:00hrs), in breach of the Order.*

**FIXED PENALTY**

A constable or an authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 14 days to pay the fixed penalty of £75. If you pay the fixed penalty within 8 days the amount to pay will be reduced to £50. If you pay the fixed penalty within 14 days, you will not be prosecuted.

[Attach a map] of PSPO designated area:

**DRAFT To be added**

On the .....day of .....2018

THE COMMON SEAL of the COUNCIL

Was hereunto affixed In the presence of:

.....Authorised Officer  
..... Designation

## Appendix 4

### **Draft Public Space Protection Order for Newbold Quarry**

#### **PUBLIC SPACES PROTECTION ORDER**

Rugby Borough Council

Section 59, the Anti-Social Behaviour, Crime and Policing Act 2014

Rugby Borough Council (referred to hereafter as 'the authority') hereby makes the following Public Spaces Protection Order that applies to the public space as referred to within the marked boundary in Appendix One: to be attached

#### Restrictions

##### 1. Dogs on leads

a) Any person in charge of a dog, at any time, must keep the dog on a lead

b) Any person in charge of a dog, at any time, must not allow it to enter or remain in any children's play park, or water

c) Any person in charge of a dog, at any time, must clean up any faeces deposited by that dog

Unless subject to exemptions listed in Appendix Two: to be attached

These activities are not allowed:

No swimming or entering the water

No dogs allowed in the water

No fishing

No canoes/rafts or inflatables.

No open fires or bonfires

##### 2. Alcohol

Any person shall stop drinking alcohol, or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by a constable or an authorised person in order to prevent public nuisance or disorder.

##### 3. Psychoactive Substances

Any person shall hand over any containers (sealed or unsealed) which are believed to contain psychoactive substances, when required to do so by a constable or an authorised person in order to prevent public nuisance or disorder.

##### 4. Nuisance or anti-social behaviour

Any person shall not behave in a manner that causes or is likely to cause nuisance, harassment, alarm or distress to any other person.

#### Requirements

##### 5. Direction to Leave

Any person, when directed to do so by a constable or authorised person in order to prevent public nuisance or disorder, shall leave the designated area.

In issuing the order the authority is satisfied that:

1. (a) The named activities carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality; or

(b) it is likely that the named activities will be carried out in a public place within that area and that they will have such an effect

2. The effect, or likely effect, of the named activities:

(a) is, or is likely to be, of a persistent and continuing nature;

(b) is, or is likely to be, such as to make the activities unreasonable; and

(c) justifies the restrictions imposed by the notice

3. It has had particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.

**DRAFT**

On the .....day of .....2018

THE COMMON SEAL of the COUNCIL

Was hereunto affixed In the presence of:

.....Authorised Officer

..... Designation

**A supporting document is attached**

<b>Newbold Quarry</b>													
<b>CSW CALLS</b>													
	6												
	5												
	4												
	3												
	2												
	1												
2015	Total 7	SWIMMING	CANOEING	USAGE	MOTORBOAT	CAUSED	FIRES	NOISE	FISHING	BBQ	LITTER	DRUGS	MOTORBIKES
	6												
	5												
	4												
	3												
	2												
	1												
2016	Total 4	SWIMMING	CANOEING	USAGE	MOTORBOAT	CAUSED	FIRES	NOISE	FISHING	BBQ	LITTER	DRUGS	MOTORBIKES
	6												
	5												
	4												
	3												
	2												
	1												
2017	Total 17	SWIMMING	CANOEING	USAGE	MOTORBOAT	CAUSED	FIRES	NOISE	FISHING	BBQ	LITTER	DRUGS	MOTORBIKES
	6												
	5												
	4												
	3												
	2												
	1												
<b>POLICE</b>													
2015	20 calls	ASB/concern/damage- calls vary from groups of males drinking,swimmingin the water,nuisance youths being loud , damage to trees and bonfires.											
2016	7 calls	ASB/concern - calls vary from youths causing damage to trees and nuisance bikes.											
2017	21 calls	ASB/concerns - calls vary from groups of youths hanging around playing loud music,nuisance bikes,bbq's,people swimming in the water and youths smoking drugs.											

## **AGENDA MANAGEMENT SHEET**

<b><i>Name of Meeting</i></b>	Whittle Overview and Scrutiny Committee
<b><i>Date of Meeting</i></b>	16 July 2018
<b><i>Report Title</i></b>	Rugby Borough Council led lottery
<b><i>Ward Relevance</i></b>	All
<b><i>Contact Officer</i></b>	Michelle Dickson (Communities and Projects Manager) email: <a href="mailto:michelle.dickson@rugby.gov.uk">michelle.dickson@rugby.gov.uk</a> Tel: (01788) 533843
<b><i>Summary</i></b>	<p>This report provides:</p> <ul style="list-style-type: none"><li>• The outline business case for the implementation of a local led lottery</li><li>• A summary of consultation with the voluntary and community sector, carried out as part of the due diligence process</li></ul>
<b><i>Financial Implications</i></b>	The indicative start-up costs for launching a council led lottery for Rugby would be in the region of £8,000, with ongoing annual revenue costs of £10,000.
<b><i>Risk Management Implications</i></b>	Ticket sales may not generate the anticipated revenue. However, the piloting of the initiative for one year will be part of the risk management strategy.
<b><i>Environmental Implications</i></b>	There are no environmental implications arising from this report.
<b><i>Legal Implications</i></b>	The establishment of a local lottery must comply with the requirements of the Gambling Act 2005.
<b><i>Equality and Diversity</i></b>	Some members of the community may be opposed to any form of gambling, on moral or religious grounds

## Public Report to the Whittle Overview and Scrutiny Committee

16 July 2018

### Rugby Borough Council led lottery

#### Summary

This report provides:

- The outline business case for the implementation of a local led lottery
- A summary of consultation with the voluntary and community sector, carried out as part of the due diligence process

#### 1.0 Introduction

In December 2017, Council considered a report for the potential to introduce a Rugby Borough Council led lottery as a potential tool to generate revenue income for the voluntary and community sector. Council subsequently requested that the business case be presented to scrutiny prior to any launch of a Rugby Borough Council led lottery.

Since 2015, thirty-three councils have either set up / or are in the process of setting up local lotteries (please see appendix 1). The closest local council lottery to Rugby is Daventry District Council's which had its first draw in April 2018.

As there is no instant gratification for players, participation in a lottery can be viewed as being low-risk gambling.

It can also be viewed as an opportunity to protect current levels of council funding for the voluntary and community sector.

#### 2.0 Current funding for Rugby's voluntary and community sector

In 2017 /18 RBC committed to funding the local voluntary and community sector of £191,400, made up of:

- Community Grants – £63,400
- Community Association service level agreement funding - £37,500
- Service level agreement with the Foodbank - £2,500
- Contracts with CAB and WCAVA - £88,000

A local lottery, delivered on-line, does present a potential additional income stream opportunity to help support the community and voluntary sector, in addition to the community grant funding awarded by the council.

### **3.0 Mechanisms for delivering a lottery**

The simplest way for a council to operate a lottery is to engage the services of an external lottery manager (ELM) defined in the Gambling Act 2005 as:

*Someone that makes arrangements for a lottery on behalf of a society or local authority but is not a member, officer or employee of the society or local authority. A society or local authority and an ELM must be separate entities and be able to demonstrate that they are independent of one another*

There would be a contractual arrangement between the appointed ELM and the council. The ELM would manage the lottery on the council's behalf, including website management, administering ticket payments, prize management, licensing and the provision of marketing materials.

ELM's are not primarily to be a vehicle for the creation of profit for commercial organisations. The intention is that they enable societies and local authorities to raise funds for their own non-commercial purposes.

### **4.0 The Gatherwell ELM model**

Gatherwell (please see appendix 2) is the main provider of council lotteries, managing all but one of the established council lotteries. It is worth considering the Gatherwell model as a means to understand how a lottery could potentially operate.

Gatherwell manage all aspects of the on-line lottery on the local authority's behalf. They also have an insurance policy in place to cover jackpot wins and suspension/ failure of the lottery.

Tickets cost £1 each and each £1 is split as follows:

- 60% (more than double that of the National Lottery) goes toward good causes
- 20% goes towards prizes
- 17% ELM costs
- 3% VAT

Individual supporters have two choices as to how the 60% for good causes, generated by the purchase of their ticket is distributed:

1. The whole 60% can go to a *central community fund*, set up by the council. This fund can be defined as a centralised pot of funding that the Council will allocate, at its own discretion, to the voluntary and community sector. This fund can potentially be administered as part of the wider community grants programme.
2. 50% to a specified local good cause that is registered with the lottery, with the remaining 10% going to the Council's central community fund (to be allocated as per above).

Players select a line made up of 6 numbers running from 0-9. Numbers can be used more than once within the line. There is a 1:50 chance of winning a prize (free tickets; £25; £250; £1,000, £2,000 and a maximum prize of £25,000. All prizes are paid by direct debit.

The council would determine:

- The terms and conditions that good causes would need to agree to
- Applications from organisations seeking the status of a local good cause to benefit from lottery funding

### 5.0 Potential income from a local lottery

Based on the model of 60% of ticket sales going direct to good causes, table 1 highlights the potential income generated for good causes through ticket sales:

Weekly ticket sales	Annual amount generated for good causes (£'s)
500	15,600
1,000	31,200
1,500	46,800
2,000	62,400
2,500	78,000

### 6.0 potential start-up costs for establishing a local lottery

Aylesbury Vale allowed £4,000 as initial start-up costs (licensing and marketing) for their lottery, with the on-going costs to be met from ticket sales. However, Daventry have allowed £10,000 for their initial start-up costs.

Gatherwell have advised that the indicative start-up costs for launching a council led lottery for Rugby would be in the region of £8,000:

- £5,000 start-up costs, including both the Gambling Licence and Lotteries Council membership fee for the first year
- £3,000 minimum marketing to launch the lottery

### 7.0 Potential running costs for a Rugby lottery

Other councils have told us that they are allowing for between £750 and £3,500 per annum in respect of additional marketing costs, alongside £1,000 for the required annual license fee. In addition, they have allowed for approximately £5,000 per annum in officer time to run the lottery.

Based on the data currently available, it is estimated that on-going minimum costs of £10,000 be allowed for:

- £5,000 licencing and additional marketing to make people aware of the lottery
- £5,000 in officer time to administer the lottery and contract management of the ELM. This will be met from existing staff resources.

## 8.0 Potential risks and benefits to consider

There are a number of risks to consider:

- The voluntary and community sector does not engage
- The lottery does not perform and income is not as expected. The worst-case scenario is that initial start-up costs are effectively written off
- The ticket sales fall short of what was expected or decrease
- Marketing costs – the communications team has highlighted this as a key issue
- The ELM fails to perform as expected
- Although the ELM will promote the lottery, more promotion maybe required to sign-post people to the lottery in the first place
- Reputational issues in the event that the lottery initiative does not work out

There are also potential benefits to be considered:

- It is an opportunity to review how the council resources the community and voluntary sector. By setting the criteria for the lottery beneficiaries it can ensure that it ties this in with meeting its corporate objectives and those of the Rugby Borough Regeneration Strategy.
- Checks can be established, similar to those already in place for the administration of the council's community grants programme, to ensure that beneficiaries are safe organisations, as far as is practicably and reasonably possible

## 9.0 Consultation with the voluntary and community sector

Informal discussions have taken place with the community associations who have been receptive to the idea of a lottery for local good causes. Feedback suggests that organisations are becoming increasingly aware of the potential to derive income from sources that they would not have potentially considered or engaged with in the past.

In spring 2018, Warwickshire Community and Voluntary Action enabled a consultation of the local voluntary and community sector, to establish their appetite for a council led lottery. There were 40 respondents from a variety of not-for profit organisations, faith groups and parish councils. The results from the consultation are summarised below:

- 65% were *very likely* or *likely* to sign up to RBC's community lottery scheme.
- 82% of those that were *very likely* or *likely* to sign up to RBC's community lottery scheme would promote the lottery to their supporters.
- 57% of all respondents said that they would promote the lottery to their members and supporters.
- 50% of all respondents would not partake in the lottery if less money goes to good causes.
- 93% of respondents said that their fundraising efforts would not be affected by the introduction of the lottery.

- Respondents currently raise their funds through donations, grant funding, raffles and member subscriptions.
- The annual income of respondent organisations varied, with 36% having an annual income below £5,000.00; 35% between £5,000.00 and £20,000.00; 13% between £50,000.00 and £100,000.00 and 16% having an annual income over £100,000.00.
- Other comments made:
  - ✓ 5 respondents advised that they were against the lottery for reasons relating to their faith
  - ✓ 1 respondent felt that the 20% administration charge was too high and should be reduced
  - ✓ 1 respondent stated that other local authorities struggle to get people to sign up to the lottery and asked if RBC would promote the lottery through local volunteers
  - ✓ 2 respondents stated that it was a great idea.

## **10.0 Conclusion**

The establishment of a local lottery is a potential opportunity to provide an additional revenue stream for the voluntary and community sector in Rugby. However, until it is up and running, the take up will be unknown. The provision of ELM services for councils is dominated by Gatherwell who have a track record of expertise in this specialist area.

Title of Meeting: Whittle Overview and Scrutiny Committee

Date of Meeting: 16 July 2018

Subject Matter: Rugby Borough Council led lottery

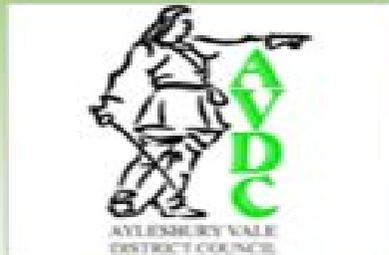
## **LIST OF BACKGROUND PAPERS**

Appendix 1 – list of Councils that have set up a lottery

Appendix 2 – Gatherwell ELM information

# Appendix 1 - organisations signed up to working with Gatherwell

A growing network of Local Authority Lotteries



**CLEAN, GREEN & SAFE**





#1 Operator of the UK's first  
online local authority lottery

## Experts in Fundraising with Lotteries

Gatherwell are an external lottery manager (ELM). We create, launch and manage the next generation of lottery systems.

You know your community, we know lotteries, and together we do great things! We pride ourselves on making fundraising easy. We do all the hard work so you can focus on what you do best.

Gatherwell was founded in 2013 by its 3 Directors with a mission to help good causes raise money. Together the directors have more than 60 years' experience in the Gambling, Marketing and Sales industries.

Since 2013 we have already made a difference to hundreds of communities. Our first product [Your School Lottery](#) is helping schools right across the UK deal with increasing austerity pressures. With our other products we have helped a wide range of causes from local community centers to Age UK.

We are also extremely proud to have been chosen as the UK's first online local authority lottery provider by Aylesbury Vale District Council. [Vale Lottery](#) launched on 28th November 2015 and is already exceeding expectations. Aylesbury Vale District Council and Gatherwell want to share this success by helping other local authorities launch similar schemes.

As seen on:



## UK's Leading Lottery Manager

We help good causes raise funds in a FUN and EFFECTIVE way

We're here

Based in Oxford UK. Gatherwell are a friendly, driven team that are committed to helping good causes raise money by delivering engaging lotteries that supporters enjoy.

Our goals are simple but powerful. We build lotteries that are:

- **Effective** - we get your community supporting and then we help you keep them
- **Ethical** - we are built to keep costs down, so the money goes where it's supposed to - the good causes!
- **Engaging** - supporters know exactly where their money is going. On top of that we offer great prizes, great marketing, social media integrations, telephone support and more!



We are already supporting 100's of great causes with more joining us every day.



## Lottery Revolution

We make it easier to harness the power of lotteries

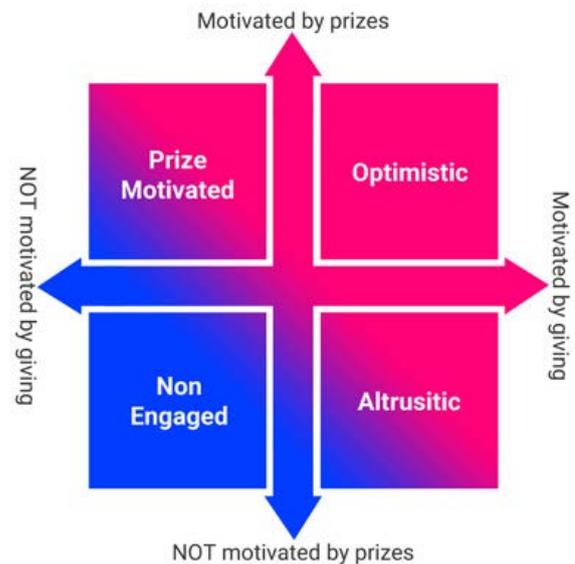
Why lotteries?

Supporters come in all shapes and sizes. At Gatherwell we believe lotteries are the best way to capture the biggest range of supporters. From the altruistic to the prize-motivated, we design lotteries that capture all of them.

The population all belong somewhere on this graph:

Traditional fundraising only targets altruistic supporters. Our lotteries target altruistic, optimistic and prize-motivated supporters.

Remember: lotteries can be used as a primary source of fundraising or used to supplement your existing fundraising. We have clients doing both.



## Ready to help

We don't sell services. We partner with great causes to make things better

Don't miss out

Lotteries are a tool that when used properly will help your cause raise more money. Get in touch to discuss how we can help you raise more money with lotteries.

Get in touch

We're happy to help and our advice is free.

Email us directly: [info@gatherwell.co.uk](mailto:info@gatherwell.co.uk)

Give us a call: 01865 582 482

## Bespoke Lotteries

We make lotteries to fit YOUR community

### A lottery that works for you

This is the part where other companies would list their “products” and ask you to wade through a feature list to try and guess which box your needs can best squeeze into. If this is your first exposure to lotteries you probably don’t even know what your needs are yet!

All of our lotteries are bespoke, we don’t put customers in a box. We have a proven track record in custom building lotteries for causes and communities (just ask any of our happy customers!).

### Costs

Launching a lottery with us is NOT a costly endeavor (in many cases it is completely free). We do not make profit from upfront costs. As a lottery manager we take a small percentage from each ticket sale to cover the running costs of your lottery. We keep this percentage as small as possible to maximize the money to your cause and prizes. We are so confident that together your lottery will succeed, we don’t need to profit from large upfront costs and you should be wary of companies that do.

### Fundamentals

Whilst each lottery is custom fit, we at Gatherwell believe there are certain fundamentals that we make sure are part of any lottery we run:

- **Dedicated Website**
  - Hosted on a domain you choose
  - Branding unique and aligned to your cause
  - Support for ALL devices: Windows, Mac, Linux, Tablets and Mobile
  - HTTPS secured across ALL pages
- **Customer Support**
  - Email support through your domain with your branding
  - Your own dedicated telephone support number
- **Social Media Support**
  - Your own branded social media accounts
  - Automatic sharing of lottery news and results across your social channels
- **Payments**
  - All payments will appear on your supporter’s statements with your brand (no customer confusion from generic branding)
- **Marketing materials**
  - We provide professional bespoke marketing materials to save you time and money. In addition these are:
    - Updated regularly to keep your marketing fresh
    - Customizable in the online dashboard
- **Online dashboard**
  - Track and manage your lottery in real time

We hope we've given you a good sense of who we are and what we do. There is more information available on request. Just get in touch!

**AGENDA MANAGEMENT SHEET**

<b><i>Name of Meeting</i></b>	Whittle Overview and Scrutiny Committee
<b><i>Date of Meeting</i></b>	16 July 2018
<b><i>Report Title</i></b>	Overview and Scrutiny Work Programme 2018/19
<b><i>Ward Relevance</i></b>	None
<b><i>Contact Officer</i></b>	Linn Ashmore, Democratic Services Officer, Tel: 01788 533522
<b><i>Summary</i></b>	The report updates the Committee on the progress of task group reviews within its remit and details the overview and scrutiny forward work programme for 2018/19.
<b><i>Financial Implications</i></b>	There is a budget of £500 available in 2018/19 to spend on the delivery of the overview and scrutiny work programme.
<b><i>Risk Management Implications</i></b>	There are no risk management implications arising from this report.
<b><i>Environmental Implications</i></b>	There are no environmental implications arising from this report.
<b><i>Legal Implications</i></b>	There are no legal implications arising from this report.
<b><i>Equality and Diversity</i></b>	No new or existing policy or procedure has been recommended.

**Public Report to the Whittle Overview and Scrutiny Committee**

**16 July 2018**

**Overview and Scrutiny Work Programme 2018/19**

**Summary**

The report updates the Committee on the progress of task group reviews within its remit and details the overview and scrutiny forward work programme for 2018/19.

**1. PROGRESS ON SCRUTINY REVIEWS**

**1.1 Public Spaces Protection Orders** – The group has completed its work and the draft review report is included at item 4 to this agenda.

**1.2 Informing and Engaging our Communities** – the membership of the task group has been refreshed and now consists of Councillors Bearne, Ms Edwards, Douglas, Gillias, Keeling (Chair), Lewis and Srivastava. The inaugural meeting was held on 21 June when the one-page strategy was reviewed and revised. A copy of the amended version is attached at appendix 1 for approval. The next meeting was scheduled for 24 July when the task group will agree the work programme for the review.

**2. FUTURE WORK PROGRAMME**

Following the annual Overview and Scrutiny Work Programme Workshop held on 7 March, the scrutiny committee chairs met with the Executive Director and Heads of Service to discuss and agree the topics for inclusion in the 2018/19 work programme. These are as follows:

**Whittle Overview and Scrutiny Committee**

<b>Topic</b>	<b>Comments</b>
<b><i>Access for disabled people</i></b>	Draft one-page strategy scheduled for consideration on 15 October 2018
<b><i>Parking at the Queen's Diamond Jubilee Leisure Centre</i></b>	Review to be refined and scoped – date to be confirmed
<b><i>Informing and Engaging Our Communities</i></b>	The task group commenced its work on 21 June.

## Joint Overview and Scrutiny Committee

Topic	Comments
<b><i>Commercialisation, Collaboration and Partnerships</i></b>	Joint meeting to be scheduled toward the end of the municipal year

## Brooke Overview and Scrutiny Committee

Topic	Comments
<b><i>Waste and Recycling</i></b>	Light touch scheduled for 13 September 2018
<b><i>Review of Trees</i></b>	Light touch scheduled for 7 February 2019
<b><i>Employee Wellbeing</i></b>	Awaiting a response from the Head of Corporate Resources and Chief Financial Officer
<b><i>Special Expenses Scheme – Council Tax</i></b>	Awaiting a response from the Head of Corporate Resources and Chief Financial Officer

A copy of the work programme is attached at appendix 2.

### 3. CONCLUSION

The committee is asked to:

- approve the revised one-page strategy for the Informing and Engaging Our Communities review;
- note the progress in the task group reviews; and
- agree the future work programme for the committee.

Name of Meeting: Whittle Overview and Scrutiny Committee

Date of Meeting: 16 July 2018

Subject Matter: Overview and Scrutiny Committee Work Programme 2018/19

**LIST OF BACKGROUND PAPERS**

There are no background papers relating to this item.

## INFORMING AND ENGAGING OUR COMMUNITIES TASK GROUP

### ONE-PAGE STRATEGY

#### What is the broad topic area?

How can we involve communities in decisions that affect them, in ways that suit them?

Can we provide information and tools to council teams and to Members, so that they can inform and engage communities where relevant?

#### What is the specific topic area?

The last five years has seen an explosion in the use of social media and the consumption of mobile content, resulting in a shift in user habits and expectations.

These new habits have also provided new opportunities for very targeted content placement, reaching specific communities at relatively low cost.

The review will look at including a range of new media ~~tools~~ that members and relevant officers can use, together with a refreshed package of traditional engagement techniques.

It will include some analysis of when it may be appropriate to use each technique, depending on the objectives of the engagement exercise.

#### What should be considered?

- Relevant best practice from other authorities, and the Local Government Association
- New trends in technology
- Changes in community expectations
- Resources
- Case studies

#### Who shall we consult?

- Communications, Consultation and Information Team
- Members
- Relevant officers
- Residents ~~who do not use social media~~
- Residents' associations
- Business community
- Schools
- Warwickshire County Council
- Parish councils

#### How long should it take?

Around six months, depending on the amount of support needed.

#### What will be the outcome?

- Understanding of a variety of methods to involve members and residents on issues that affect them.
- Recommendations to cabinet that will ensure decisions on budget proposals presented to council have been informed by timely and relevant community engagement.

## Overview and Scrutiny Work Programme 2018/19

### Brooke 13 September 2018

Topic	Description
<b>Finance and Performance Monitoring 2018/19 Q1</b>	Monitoring of finance and performance
<b>Waste and Recycling Education</b>	Light touch review

### Whittle 15 October 2018

Topic	Description
<b>Access to Council owned Facilities for People with Disabilities</b>	Provisional date to agree a draft one-page strategy

### Joint Overview and Scrutiny Meeting 8 November 2018

Topic	Description
<b>Meeting with Portfolio Holders</b>	Question and answer style discussion on performance with the portfolio holders

### Whittle 10 December 2018

Topic	Description
<b>Finance and Performance Monitoring 2018/19 Q2</b>	Monitoring of finance and performance
<b>The World Rugby Hall of Fame</b>	Progress against the recommendations in the review report.

### Joint Overview and Scrutiny Meeting 28 January 2019

Topic	Description
<b>Leader and Executive Director</b>	Discussion of performance and future strategy with Leader and Executive Director

**Brooke 7 February 2019**

<b>Topic</b>	<b>Description</b>
<b>Finance and Performance Monitoring 2018/19 Q3</b>	Monitoring of finance and performance
<b>Review of Trees</b>	Light touch review

**Work Programme Workshop TBC March 2019**

<b>Topic</b>	<b>Description</b>
<b>Work Programme Workshop</b>	Public workshop to discuss topics for review in 2019/20

**Whittle 11 March 2019**

<b>Topic</b>	<b>Description</b>
<b>Topics to be agreed</b>	