

EXECUTIVE CABINET

THURSDAY, 5TH OCTOBER 2017, 6.30 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES FOR ABSENCE

1 **MINUTES OF MEETING THURSDAY, 3 AUGUST 2017 OF EXECUTIVE CABINET**

(Pages 3 - 8)

2 **DECLARATIONS OF ANY INTERESTS**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3 **PUBLIC QUESTIONS**

Members of the public who have requested the opportunity to ask a question(s) on an item(s) on the agenda will have three minutes to put their question(s) to the respective Executive Member(s). Each member of the public will be allowed to ask one short supplementary question.

ITEM OF DEPUTY EXECUTIVE LEADER AND EXECUTIVE MEMBER (RESOURCES) (INTRODUCED BY COUNCILLOR PETER WILSON)

4 **ELECTORAL REVIEW**

(Pages 9 - 16)

Report of Chief Executive.

ITEM OF EXECUTIVE MEMBER (PUBLIC PROTECTION) (INTRODUCED BY COUNCILLOR PAUL WALMSLEY)

5 **PUBLIC SPACES PROTECTION ORDER CONSULTATION**

(Pages 17 - 22)

Report of Deputy Chief Executive/Director (Early Intervention and Support).

6 **EXCLUSION OF THE PUBLIC AND PRESS**

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

By Virtue of Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information)
Condition:

Information is not exempt if it is required to be registered under-

The Companies Act 1985

The Friendly Societies Act 1974

The Friendly Societies Act 1992

The Industrial and Provident Societies Acts 1965 to 1978

The Building Societies Act 1986 (recorded in the public file of any building society, within the meaning of the Act)

The Charities Act 1993

Information is exempt to the extent that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town & Country Planning General Regulations 1992(a).

ITEM OF EXECUTIVE MEMBER (HOMES AND HOUSING) (INTRODUCED BY COUNCILLOR GRAHAM DUNN)

7 **SELECTMOVE POLICY UPDATE**

(Pages 23 - 28)

Report of Deputy Chief Executive/Director (Early Intervention and Support).

8 **ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR**

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Executive Cabinet Councillor Alistair Bradley (Chair), Councillor Peter Wilson (Vice-Chair) and Councillors Beverley Murray, Paul Walmsley, Adrian Lowe and Graham Dunn.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

To view the procedure for public questions/ speaking click here
<https://democracy.chorley.gov.uk/documents/s60977/Appendix%203%20Standing%20Orders%20Jan%2016.pdf> and scroll to page 49

To view the procedure for "call-in" of Executive Decisions click here
<https://democracy.chorley.gov.uk/ieListMeetings.aspx?CId=117&Year=0>

**MINUTES OF****EXECUTIVE CABINET****MEETING DATE****Thursday, 3 August 2017****MEMBERS PRESENT:**

Councillor Alistair Bradley (Chair), Councillor Peter Wilson (Vice-Chair) and Councillors Beverley Murray, Paul Walmsley, Adrian Lowe and Graham Dunn

OFFICERS:

Gary Hall (Chief Executive), Jamie Carson (Director (Early Intervention and Support)), Chris Sinnott (Director (Policy and Governance)), Mark Lester (Director (Business, Economic and Growth)), Chris Moister (Head of Legal, Democratic & HR Services), Rebecca Huddleston (Head of Customer Transformation), Victoria Willett (Performance and Partnerships Manager) and Ruth Rimmington (Democratic and Member Services Officer)

OTHER MEMBERS:

Councillors Eric Bell, Charlie Bromilow, Alan Cullens, Gordon France, Margaret France, Danny Gee, Tom Gray, Marion Lowe, June Molyneaux, Greg Morgan, Alistair Morwood and John Walker

17.EC.84 Minutes of meeting Thursday, 22 June 2017 of Executive Cabinet

DECISION: The meeting of the Executive Cabinet meeting held on 22 June were confirmed as a correct record for signature by the Executive Leader.

17.EC.85 Declarations of Any Interests

There were no declarations of interest received.

17.EC.86 Public Questions

There were no public questions.

17.EC.87 Overview and Scrutiny Task Group - Rollout of Superfast Broadband

The Chair of the Overview and Scrutiny Committee presented the report of the Overview and Scrutiny Task Group.

Decision:

- 1. Approval granted that the report of the Overview and Scrutiny Task Group be received and accepted for consideration, with a view to the Executive**

Cabinet's recommended response to the recommendations being reported to a future meeting.

2. **Approval granted to update recommendation 4 to "To utilise different technologies available to provide Superfast Broadband to white areas, as defined as having minimal coverage and open market review failure".**

17.EC.88 Chorley Council Performance Monitoring - First Quarter 2017/18

The Executive Member for Resources presented the report of the Director of Policy and Governance.

The report set out performance against the Corporate Strategy and key service delivery measures for the first quarter of 2017/18, 1 April to 30 June 2017. Performance was assessed based on the delivery of key projects and against the measures in the 2016 Corporate Strategy along with key service delivery measures for individual services.

Overall, performance of key projects was good, with seven (50%) of the projects rated as green and four (29%) of projects were currently rated amber. Two projects (14%) were now complete and outcomes had been recorded. One project (7%) was now closed relating to the delivery of the Westway integrated sports facility. A full explanation was provided within the report.

Performance of the Corporate Strategy indicators and key service delivery measures was also good. 50% of Corporate Strategy measures were performing on or above target and 80% of key service delivery measures were performing on or above target or within the 5% threshold.

Those indicators performing below target had action plans outlined with measures which will be put into place to improve performance.

Members discussed the indicator relating to homelessness preventions and noted that the Council had given additional funding to Cotswold Supported Housing in light of Supporting People changes. The roll out of Universal Credit full digital would also have an impact. A decision will be taken in the future as to the level of resources required in this service area.

Members noted that the "Average working days per employee (FTE) per year lost through sickness absence" indicator was below target, but that there was no consistent trend as to why. This will be kept under review.

Decision: Approval granted that the report be noted.

Reasons for recommendation(s)

To facilitate the on-going analysis and management of the Council's performance in delivering the Corporate Strategy.

Alternative options considered and rejected

None.

17.EC.89 Revenue and Capital Budget Monitoring 2017/18 Report 1 (end of June 2017)

The Executive Member for Resources presented the report of the Chief Executive which set out the provisional revenue and capital outturn figures for the Council as compared against the budgets and efficiency savings targets set for the financial year 2017/18.

The Council's Medium Term Financial Strategy proposed that working balances were to reach £4.0m over the 3 year lifespan of the MTFs to 2018/19 due to the financial risks facing the Council. A budgeted contribution into General Balances of £500k was contained within the budget for 2017/18. The current forecast to the end of June shows that the General Fund balance could be around £3.75m by the end of the financial year. The additional in-year contribution to general balances of £259,000 will increase the year-end forecast to £4m and be on target to achieve £4m a year early.

The Council recently implemented the introduction of the new subscription based garden waste collection service. A cautious approach was taken in setting the initial budget to determine the level of estimated income this service would generate and an estimated participation rate of 40% was used in calculating the annual net income of £400,000. The scheme has proved to be hugely successful with the actual take-up closer to 55%, generating income of around £684,000 for the full year subscription.

Members noted that the Council's capital contribution to Chorley Youth Zone would be part-funded through a £1.1m contribution from LCC, although this has not yet been received.

Decision

- 1. Approval granted that the full year forecast position for the 2017/18 revenue budget and capital investment programme be noted.**
- 2. Approval granted the forecast position on the Council's reserves be noted.**
- 3. To request Council approval for the contribution of £259,000 from in-year revenue underspends to General Balances in 2017/18. This will put the Council on target to achieving the goal of increasing general fund balances to £4m, and will achieve this one year earlier than set out in the Medium Term Financial Strategy. This would therefore replace the proposed budgeted contribution to balances in 2018/19 as previously detailed in the Medium Term Financial Strategy and also help reduce the budget deficit in 2018/19.**
- 4. To request Council note the capital programme to be delivered in 2017/18 to 2019/20.**

Reasons for recommendation(s)

To ensure the Council's budgetary targets are achieved.

Alternative options considered and rejected

None.

17.EC.90 Executive Cabinet's Response to the Overview and Scrutiny Task Group - Child Sexual Exploitation

The Executive Member for Early Intervention presented the report of the Director of Early Intervention and Support.

Members noted that Safeguarding is everyone's responsibility. The recommendations will keep CSE awareness at the forefront of people's minds and the checks and balances will ensure that the Council does not become complacent about its responsibilities and role in the community.

Decision: Approval granted that all ten recommendations be accepted and implemented.

Reasons for recommendation(s)

The recommendations are practical and achieve the outcomes of:

- Greater understanding across the Council of the definition and issues surrounding Child Sexual Exploitation;
- To gain an understanding of the Council's policies and procedures and how they complement those of our partners;
- Identify those services that were most likely to receive intelligence about service users who were potentially at risk or those perpetrating the abuse and understand the reporting mechanisms officers use to report such intelligence.

Alternative options considered and rejected

No alternatives considered.

17.EC.91 Integrated Community Wellbeing Service - Update

The Executive Member for Early Intervention presented the report of the Director of Early Intervention and Support.

This was the first update report to Executive Cabinet on progress with the new service. The report explained that the first enabling phase had been completed and the staff were colocated and the service operational. Lancashire Care Foundation Trust (LCFT) contribute to the costs of running the offices at Union Street.

Having put the foundations in place, the focus is now on Phase Two – the Transformation Phase. To guide the transformation, 11 work streams have been identified. There have been lots of case studies where the service had been able to provide a more joined up response to residents when they have requested support.

Progress reports will continue to be presented to the Executive Cabinet, Chorley Public Service Reform Executive and the Group Executive. The service will be evaluated in October 2018. Overview and Scrutiny Committee will be looking at the service in more detail in the New Year.

Decision: Approval granted that the progress made with the service be noted.

Reasons for recommendation

When Council agreed to the establishment of the Integrated Community Wellbeing Service it was also agreed that there would be regular update reports to Executive Cabinet.

Alternative options considered and rejected

None.

17.EC.92 Digital Inclusions - Annual Update Report

The Executive Member for Customer, Advice and Streetscene Services presented the report of the Director of Customer and Digital.

The report provided details about digital training delivery, digital access points, digital support provision, a new project regarding digital hubs and also a summary of the digital inclusion projects which were approved by Executive Cabinet in June 2017, as part of the approval of the Council's digital strategy (2017-2020).

Decision: Approval granted that the report be noted.

Reasons for recommendation(s)

To raise awareness of the Council's ongoing work to address digital exclusion in the borough.

Alternative options considered and rejected

None.

17.EC.93 Exclusion of the Public and Press

Decision: Approval granted to exclude the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

17.EC.94 Key Partnerships Monitoring Report

The Executive Member for Resources presented the confidential report of the Director of Policy and Governance.

Decision: Approval granted that the report be noted.

Reasons for recommendation(s)

To ensure effective monitoring of the council's key partnerships.

Alternative options considered and rejected

No alternative options considered.

17.EC.95 Legal, Democratic and HR Services - Succession planning

The Executive Member for Resources presented the confidential report of the Director of Policy and Governance.

Decision:

- 1. Approval granted that the request of the Elections Manager to take ERVS in autumn 2019 be accepted.**
- 2. Approval granted that the proposed changes to the structure of Legal Democratic and HR Services be approved for consultation.**
- 3. Approval granted that authority be delegated to the Executive Member for Resources to receive the results of the consultation and, if appropriate, approve the proposed changes for implementation.**

Reasons for recommendation(s)

The proposals contained in the report will ensure that the Council structure will continue to be resilient and will ensure continued delivery after the loss of two senior key members of staff.

Alternative options considered and rejected

Other structures have been considered, including direct replacement of staff, but these do not meet the council's transformation agenda.

Chair

Date



Report of	Meeting	Date
Chief Executive (Introduced by the Executive Member for Resources)	Executive Cabinet	5 October 2017

ELECTORAL REVIEW

PURPOSE OF REPORT

- To inform members about the Local Government Boundary Commission for England's (LGBCE) decision to hold an electoral review of Chorley Council and proposed timetable of implementation. The letter from the LGBCE has been appended to this report for information (appendix 1).

RECOMMENDATION(S)

- To note this report and that further information will be provided to members as it becomes available.

EXECUTIVE SUMMARY OF REPORT

- The LGBCE has informed the Council of its decision to carry out an Electoral Review of the council size (number of elected Councillors) the number of wards and ward boundaries for Chorley Council.
- The review is due to commence in June 2018 and expected to be completed by March 2019. Elections on the new electoral arrangements will take place on the ordinary day of elections 2020 when it will be a whole-council election that is every seat up for election.
- Although the review is at a very early stage, this report sets out an overview of the processes and timescale involved.

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	No
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REASONS FOR RECOMMENDATION(S) (if the recommendations are accepted)

- The electoral arrangement of every principal local authority in England must, by law (Section 56 of the Local Democracy, Economic Development and Construction Act 2009), be reviewed from time to time. It is the responsibility of the LGBCE to decide when those reviews are conducted.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 7. By not undertaking the electoral review the authority would not be complying with Section 56 of the Local Democracy, Economic Development and Construction Act 2009.

CORPORATE PRIORITIES

- 8. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	X

BACKGROUND

- 9. The last Electoral Review for Chorley Council was conducted by the Local Government Commission for England under the Local Government Act 1992, in 1999/2000. The final recommendations were published September 2000. The outcome of the review resulted in a reduction in the number of councillors from 48 to 47, and the number of wards from 22 to 20.
- 10. Since the last review the LGBCE has taken over responsibility for conducting reviews of the electoral arrangements of local authorities. Each year the LGBCE calculates the levels of electoral imbalance arising in each local authority area to establish whether there is a need for an electoral review.
- 11. By law, the LGBCE have to take into account three main considerations in the conduction an electoral review as set out in Schedule 2, Local Democracy, Economic Development and Construction Act 2009:
 - *Improve electoral equality by equalising the number of electors each councillor represents*
 - *Reflect community identity*
 - *Provide for effective and convenient local government*
- 12. Electoral reviews are initiated primarily to improve electoral equality. This means ensuing as far as is reasonable, that for any principal authority the ratio of electors to councillors in each electoral ward or division is approximately the same.
- 13. Under the criteria adopted by the LGBCE, either of the following conditions are considered to warrant a review if the imbalance is unlikely to be corrected by foreseeable changes to the electorate within a reasonable period:
 - *Any local authority with an electoral division or ward that has an electoral variance of 30% or over. This means a division or ward having 30% more or fewer electors per councillor than is average for the council as a whole.*
 - *Any local authority where more than 30% of divisions or wards have an electoral variance of over 10% from the average for that authority.*
- 14. Based on the electoral data given to the LGBCE by this authority:
 - 6 (30%) of the electoral wards have a variance greater than 10%
 - 1 of the electoral wards has a variance of over 30%

15. The data used to calculate the variance is based on the number of local government electors (including attainers) in each electoral area at 1 December 2016.

TIMETABLE

16. In advance of the review formally starting the Commission will undertake a preliminary period, during which time it will gather further information from the authority including detailed mapping and electronic forecasts.
17. A meeting is being arranged between the Chair and Chief Executive of the LGBCE and the Executive Leader and Chief Executive of the Council in October. If that meeting goes ahead, it has been proposed that the representatives from the LGBCE will spend an afternoon in Chorley speaking to group leaders, officers, councillors and parish/town council representatives on the 21 November, which is the same day as the next full Council meeting.
18. The LGBCE have set out the following timetable for the review:

Stage starts	Description
June 2018	Number of councillors decided
June 2018	Start of consultation seeking views on new wards
September 2018	End of consultation; we begin analysing submissions and forming draft recommendations
November 2018	Publication of draft recommendations, start of second consultation
January 2019	End of consultation; we begin analysing submissions and forming final recommendations
March 2019	Publication of final recommendations
Ordinary day of elections 2020	Election on new electoral arrangements

IMPACT OF THE REVIEW

19. The review is likely to mean a change in the number of Councillors and significant change to ward boundaries or numbers of wards and also potentially polling stations. The link under background documents is to LGBCE guidance on Electoral Reviews which Members may find useful. Appendix 2 in a list of FAQs which also may be of interest.
20. As part of the review, a Boundary Committee will need to be established to oversee the review and implementation of the recommendations. The membership for this Committee will need to be appointed at the annual Council meeting in May 2018. The Committee will need to be politically balanced.
21. The first borough election on the new electoral arrangements will be a whole-council election to bring the new wards into force. Unless the Council decides otherwise, it is anticipated that elections will return to elections by thirds as soon as practicable afterwards and in 3 member wards for example, those who poll lowest will serve 2 years, those who poll second will serve 3 years and those who poll the highest will serve 4 years.
22. Members should note that this review has an impact on those Councillors elected in May 2018 as they will only serve a term of 2 years (and in 2019, a term of 1 year).

POLLING STATION CHANGES

23. A report was due to be presented at the Council meeting on 21 November about potential changes to polling stations. Due to the electoral review taking place earlier than anticipated, with the exception of Gillibrand Primary School being replaced by Buttermere Community Centre, it is suggested that changes to polling stations should not be introduced until after the outcome of review is known, in order to avoid confusion to electors.

PARISH COUNCILS

24. Parish electoral arrangements may also be considered as part of this review.

IMPLICATIONS OF REPORT

25. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	X	Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

26. No comments.

COMMENTS OF THE MONITORING OFFICER

27. No comments.

GARY HALL
CHIEF EXECUTIVE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Cathryn Filbin	5123	21/09/17	https://www.lgbce.org.uk/_data/assets/pdf_file/0006/10410/technical-guidance-2014.pdf

The
Local Government
Boundary Commission
for England

Gary Hall
Chief Executive
Chorley Borough Council
Town Hall
Market Street
Chorley
PR71DP

Dear Mr Hall

ELECTORAL REVIEW OF CHORLEY

The Local Government Boundary Commission for England (LGBCE) is an independent body responsible for determining the electoral arrangements of local authorities across England. We recently wrote to you informing you that your Council met the LGBCE's intervention criteria for conducting an electoral review. The LGBCE has now had the opportunity to consider your and other councils' responses to our correspondence and I am writing to you to inform you that the Commission has decided to include an electoral review of Chorley in its 2018/19 review programme.

The purpose of an electoral review is to consider the number of councillors elected to the council, the names, number and boundaries of the wards, and the number of councillors to be elected to each ward.

In advance of the review formally starting, the Commission will undertake a preliminary period during which it will gather information from your Council, including detailed mapping and electorate forecasts. We will also brief your members and officers on the detail of the review process. We intend to start these briefings off with a discussion between Colin Mellors and Jolyon Jackson, Chair and Chief Executive respectively of the LGBCE, the Leader of Chorley and yourself. My colleagues will be in touch to make the arrangements for this meeting which I would anticipate taking place at the end of this calendar year.

Stage starts	Description
June 2018	Number of councillors decided
June 2018	Start of consultation seeking views on new wards

September 2018	End of consultation; we begin analysing submissions and forming draft recommendations
November 2018	Publication of draft recommendations, start of second consultation
January 2019	End of consultation; we begin analysing submissions and forming final recommendations
March 2019	Publication of final recommendations
Ordinary day of elections 2020	Election on new electoral arrangements

This review will give you an opportunity to examine how many councillors you now need to provide the governance and representation requirements for the next 15 years. We have examples of best practice that we would be happy to share with you.

Councils play a major part in promoting local democracy and provide pathways by which people can influence decision-making. We see our task as establishing and maintaining the conditions for a fair and representative democracy at a local level. During an electoral review, we will work closely alongside your members and officers in order to determine the best electoral arrangements that will work to support your Council's ambitions for the people of Chorley.

If you need further information regarding the review, please get in touch with myself or the Review & Programme Manager at the Commission, Alison Evison. Her contact details are: telephone - 0330 500 1270
email - alison.evison@lgbce.org.uk

Yours sincerely

Jolyon Jackson
Chief Executive
0330 500 1290
jolyon.jackson@lgbce.org.uk

9 Frequently Asked Questions

Is the Local Government Boundary Commission for England affiliated to any political party or Government department?

No. We are a completely independent body, and are not part of a Government department. Commission members are not permitted to conduct any political activity or have any party affiliation.

Will an electoral review affect my house value, council tax, insurance premium, stamp duty, postcode, school catchment area or hospital?

No. The review is concerned with electoral matters only; all the above factors are decided by other organisations or factors.

Will an electoral review affect who I can vote for?

Yes. The review will determine your ward or division and, in some cases, your parish ward and you can only vote for candidates who stand for election in those electoral areas. It is for the local political organisations, however, to decide who they want to stand as their candidate in any particular ward or for individuals to stand as independent candidates.

Will an electoral review affect the polling station I can vote at?

It may do. Following the making of our order, your council will need to redefine its polling districts, then identify the most appropriate polling station for each polling district. Councils are already under a statutory obligation to review polling districts and places at regular intervals.

Will an electoral review affect the dates or years of elections?

We can only implement new electoral arrangements in the authority's normal year of election. However, we can make necessary changes to the years in which parish and town council elections take place to ensure that they do so in the same years as district elections in associated district wards. The Secretary of State has separate powers to alter when local elections take place.

My ward is not changing so why do we need an election? Can we not just make the change at a by-election?

We believe that a fresh mandate is necessary for a council that has had an electoral review. Also, even if a new ward has the same boundaries as an old ward, the new ward may return a different share of the total number of councillors on the council. Therefore, we will abolish all of the existing wards and establish new ones that will come into force at a whole-council election.

When the wards are changed what happens to the county division and parliamentary constituency boundaries?

Each review will be of one local authority and we will only look at the electoral arrangements of that authority. Consequently, if we are reviewing a district we will not be altering any county division boundaries, and vice versa. We have no involvement with parliamentary constituency boundaries, which are reviewed by the Boundary Commission for England – a separate body.

When will the changes to district or county electoral arrangements, i.e. wards or divisions and numbers of councillors, come into force?

As soon as practicable at an election of the whole district or county council. If the district normally elects by halves or by thirds there will be a whole-council election to bring the new wards into force, but they will return the district council to elections by halves or by thirds, as soon as practicable afterwards.

When will the changes to parish electoral arrangements, i.e. parish wards and numbers of parish councillors, come into force?

At the next scheduled whole-council elections in the relevant parishes, unless we decide that there can be whole-council elections in those parishes before those scheduled elections. Parish electoral arrangements come into force at the same time as county or district electoral arrangements only if the parish elections take place at the same time as the county or district elections.

Can the external boundaries of the parish, district or county change?

Not as part of an electoral review. For parish boundary changes, the local district council can conduct a review and implement the recommendations, under the provisions of the Local Government and Public Involvement in Health Act 2007. We can conduct boundary reviews of district or county councils, either at the request of the Secretary of State, at the request of the relevant authority or if we identify boundary anomalies which in our view warrant a review.

Can I see the boundaries proposed in your mapping more clearly?

We suggest that you view them on the webpage for your review at:

<https://consultation.lgbce.org.uk/node>

This site enables you to zoom in on the maps to see more detail than you can see on the printed versions. You may find it helpful to compare our draft and final recommendations maps with the current electoral boundaries. We will provide councils with mapping data files for use with Geographic Information Systems (GIS). We will also provide these files on request to other organisations which are party to the Public Sector Mapping Agreement (PSMA).



Report of	Meeting	Date
Director of Early Intervention and Support (Introduced by the Executive Member (Public Protection))	Executive Cabinet	5 October 2017

PUBLIC SPACES PROTECTION ORDERS

PURPOSE OF REPORT

1. Chorley Council is required to replace the current Dog Control Orders (DCO's) and Designated Public Place Order (DPPO's) with Public Spaces Protection Order (PSPO's). This report outlines the process that will be followed by the Intervention and Prevention Officers. The report also presents the results from the public consultation.

RECOMMENDATION(S)

2. The report recommends that Executive Cabinet support PSPO's to replace Dog Control Orders and Designated Public Place Orders with delegate power to the head of Legal, Democratic and HR Services to amend as appropriate the wording of the orders.

EXECUTIVE SUMMARY OF REPORT

3. Following the introduction of the Anti-Social Behaviour, Crime and Policing Act 2014, the Council's current DCO's and DPPO's are required to be replaced by PSPO's by October 2017.
4. Chorley Council currently has 3 DCO's and 2 DPPO's, therefore this report establishes the process that will be completed in order to replace the current orders.

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	No
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Reason Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- 5. To update the existing orders to Public Spaces Protection Orders and introduce new provisions for the Town Centre and Coppull PSPO’s allowing more flexibility for authorised officers.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 6. That the Town Centre and Coppull PSPO be extended to include other areas outside the current PSPO zone

CORPORATE PRIORITIES

- 7. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	X	A strong local economy	
Clean, safe and healthy communities	x	An ambitious council that does more to meet the needs of residents and the local area	x

BACKGROUND

- 8. Following the introduction of the Anti-Social Behaviour, Crime and Policing Act 2014, the Council’s current DCO’s and DPPO’s are required to be replaced by PSPO’s

Public Spaces Protection Orders – replacing the current Dog Control Orders

- 9. There are 4 new orders to come into force (draft orders enclosed within the Appendix for comments). These being Dog Exclusion, Dog Fouling, Dog on Lead and Dog on Lead by Direction. The expectations and prohibitions within the Orders are similar to the existing orders; however the Fixed Penalty Notice (FPN) fine for a PSPO is £100, which is an increase from the current fine (£75).
- 10. An online consultation took place between 10th May 2017 and 21st June 2017. There were 764 responses to the consultation.
- 11. Summary of consultation responses: 73% owned or walked a dog, 90% agreed to the introduction of the PSPO for dog fouling, 72% agreed to a PSPO for dogs on a lead by direction, 79% agree to a PSPO for dogs on a lead in designated areas and 60% did not think the current signage for Dog Control Orders was clear and visible.
- 12. Following Executive Cabinet on 5th October 2017, if all four Orders are approved the signage, new Fixed Penalty Notice (FPN) books, Communications and training for staff will be completed.

Signage

- 13. It has been suggested that due to there being no changes to the prohibitions / behaviours and the changes being to the FPN fine, that the current signage will remain the same, but the FPN fine amount being changed via a sticker. Taking into consideration the consultation and high percentage of residents indicating the signage not being visible a number of new signs will be ordered and distributed around the borough at appropriate areas including play areas, parks and open spaces.

FPN Books

14. New books are currently being designed to incorporate the changes in legislation and fine amount. The design will be similar to previous books and will incorporate the other legislation that Neighbourhood Officers and Police Community Support Officers are authorised to issue on behalf of Chorley Council.

Training

15. Awareness training for authorised officers will be completed by Intervention & Prevention Officers to make them aware of the changes in legislation.

Communications

16. Comms will run a campaign leading up to the PSPO's going live to inform the general public about the changes in relation to the Dog Control Orders. Chorley Council will use social media tools and the local press to support the campaign to explain how the new powers replace Dog Control Orders enabling a more comprehensive and consistent approach. We will use The Loop and In the Know to inform Council Employees of the changes also. As the campaign gathers momentum the focus will be on the 4 dog orders and what they actually mean to Chorley residents. There will also be a focus on signage, fines and reporting incidents. The campaign would be launched at the beginning of October giving enough time for the campaign to travel across the Borough.

Public Spaces Protection Orders – replacing the current DPPO's – Town Centre & Coppull

17. The two areas currently have DPPO's in place that cover alcohol consumption in the designated areas. With the new orders we have proposed additional prohibitions (also see attached draft orders in Appendix for specific wording):

Town Centre

- stop and shall not refuse to stop drinking or refuse to hand over any containers which are believed to contain alcohol
- shout, swear or act in a manner as to cause annoyance, harassment, alarm or distress
- begging

Coppull

- stop and shall not refuse to stop drinking or refuse to hand over any containers which are believed to contain alcohol
- shout, swear or act in a manner as to cause annoyance, harassment, alarm or distress

18. **Summary of consultation responses for Coppull:** An online consultation took place between 3rd July 2017 and 13th September 2017. 93% of the respondents were connected to the area, 100% agreed the PSPO was a good idea, 66% agreed Anti-Social Behaviour (ASB) in Coppull had stayed the same, and 60% did not think that the Police had sufficient powers to deal with ASB.
19. **Summary of consultation responses for Town Centre:** 73% lived in the area and 39% worked in the area, 100% agreed that the PSPO was a good idea, 47% said that ASB in the Town Centre had increased and 39% agreed ASB had stayed the same, 52% disagreed that the Police had sufficient powers to deal with ASB, 56% agreed begging is a problem in the Town Centre.

Signage

20. A refresh of signage for both Town Centre and Coppull is currently being designed in order to incorporate the additional prohibitions and to bring the signage in line with corporate design. The designs will be shared with appropriate management and staff for approval when

completed. Increased amount of signs will be displayed in the town centre due to the additional prohibitions of ASB and begging.

FPN Books and Training

- 21. The new FPN books that are being designed will include the penalty for breach of the PSPO for both Town Centre and Coppull and authorised officers will be trained in relation to the new legislation in order for them to appropriately issue the FPN's.

Communications

- 22. Chorley Council Comms will use social media tools and the local press to advertise the implementation of the new PSPO's, prohibitions and penalties. We will use The Loop and In the Know to inform Council Employees of the changes.

IMPLICATIONS OF REPORT

- 23. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	X	Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	X
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

- 24. There are financial implications resulting from the recommendations set out above with regards to additional signage and FPN books that will be required. A budget of £20k to fund these works has already been approved as part of the 2015/16 budget setting process and it is anticipated that the costs will be accommodated within the existing budgetary resource.

COMMENTS OF THE MONITORING OFFICER

- 25. The Council may make a PSPO if activities carried on in a public place have had a detrimental effect on quality of life or it is likely that they will be carried out. The effect of the activities must be persistent or continuing, be unreasonable and justify the restrictions imposed. A PSPO must be published on the Council's website and by notice on land affected by the PSPO.
- 26. Before making a PSPO the Council must consult with the police, community representatives and the owners of land affected by the PSPO. Any relevant parish council and Lancashire County Council must be notified
- 27. Orders last for up to three years before requiring a review, although they can be reviewed sooner. Orders may be extended on more than one occasion for up to another three years
- 28. Breach of an order is punishable by a fixed penalty of £100 issued by a constable, PCSO or an authorised officer or prosecution with a fine of up to £1,000. The maximum fine for failing to comply with a request to cease drinking is £500. The alcohol may also be confiscated by an authorised officer, constable or PCSO.
- 29. Once made a PSPO may be varied by increasing or reducing the restricted area to which it applies or by altering or removing or adding a prohibition.

30. Prohibitions on consumption of alcohol do not apply to licensed premises, other than to council operated licensed premises when the latter are not being used for the supply of alcohol.
31. A person who lives in or regularly works or visits the restricted area may challenge in the High Court the validity of a PSPO when it is made or varied on the grounds that the Council lacked the power to make the order or lacked the power to include prohibitions or requirements or if there was a failure to follow procedure required when introducing or varying the order. Such a challenge must be made within six weeks of the date of the order or variation.
32. When making a PSPO the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in Article 10 and 11 of the European Convention on Human Rights.

CHRIS SINNOTT
DIRECTOR OF EARLY INTERVENTION AND SUPPORT

There are no background papers to this report.

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Rachel Austen	5756	18 September 2017	PSPO2017

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