



**Oversight and Governance**

Chief Executive's Department

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## Delegated Decisions

### Delegated Executive/Officer Decisions

Delegated Executive and Officer decisions are published every Wednesday and are available at the following link - <https://tinyurl.com/ms6umor>

Cabinet decisions subject to call-in are published at the following link - <http://tinyurl.com/yddrql6>

Notice of call-in for non-urgent decisions must be given to the Democratic Support Unit by 4.30 pm on Wednesday 04 October 2023. Please note – urgent decisions and non-key Council Officer decisions cannot be called in. Copies of the decisions together with background reports are available for viewing as follows:

- on the Council's Intranet Site at <https://modgov/mgDelegatedDecisions.aspx>
- on the Council's website at <https://tinyurl.com/jhnax4e>

The decisions detailed below may be implemented on Thursday 05 October 2023 if they are not called-in.

## **Delegated Decisions**

### **1. Councillor Tudor Evans OBE (Leader of the Council):**

1.1. L 20 23/24 - UK Shared Prosperity Fund Project – Love Plymouth **(Pages 1 - 16)**

1.2. L 21 23/24 - Disabled Facilities Grant Autumn Budget and recharge to Plymouth Community Homes **(Pages 17 - 32)**

### **2. Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Cemeteries & Crematoria):**

2.1. CSLCC03 23/24 - Public Spaces Protection Order – Control of Dogs 2023 **(Pages 33 - 68)**

# EXECUTIVE DECISION

## made by a Cabinet Member



### REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER


Executive Decision Reference Number – L20 23/24

Decision	
1	<b>Title of decision:</b> UK Shared Prosperity Fund Project – Love Plymouth
2	<b>Decision maker:</b> Councillor Tudor Evans OBE, Leader of the Council
3	<p><b>Report author and contact details:</b></p> <p>Victoria Glennon - <a href="mailto:Victoria.Glennon@plymouth.gov.uk">Victoria.Glennon@plymouth.gov.uk</a></p> <p>Toby Hall - <a href="mailto:Toby.Hall@plymouth.gov.uk">Toby.Hall@plymouth.gov.uk</a></p> <p>Julia Blaschke - <a href="mailto:Julia.Blaschke@plymouth.gov.uk">Julia.Blaschke@plymouth.gov.uk</a></p>
4	<p><b>Decision to be taken:</b></p> <ol style="list-style-type: none"> <li>1. To agree to use £460,812 (of which consists of £400,812 revenue and a £60,000 capital allocation as listed below) of UK Shared Prosperity Funds for the delivery of the UK Shared Prosperity Fund Love Plymouth project.               <ol style="list-style-type: none"> <li>1.1 To agree to allocate £60,000 (the same capital allocation from the sum listed above) of UK Shared Prosperity Funds into the capital programme for the delivery of the UK Shared Prosperity Love Plymouth project.</li> </ol> </li> <li>2. To authorise the S151 Officer to enter into and sign any funding agreements and claim forms in relation to the Love Plymouth Project, where they would not already have authority to do so.</li> </ol>
5	<p><b>Reasons for decision:</b></p> <ul style="list-style-type: none"> <li>• Plymouth were allocated £3,131,412 for three years (2022/23 - 2024/25) to support a mix of revenue and capital spend;</li> <li>• Plymouth City Council is the Accountable Body for the delivery and management of the UK Shared Prosperity Fund (UKSPF) and as such needs to follow Plymouth City Council processes;</li> <li>• As part of the investment plan submitted to Government on the 01 August 2022 there was a requirement to utilise an existing group or form a Key Partnership Group that would act as an advisory group in order to provide recommendations on the delivery of potential projects. The Plymouth Growth Board was invited to act as this key partnership group and after consultation with the Board, the group has given its positive recommendation on the delivery of the Cattewater Harbour - Port Development Feasibility Study project;</li> <li>• To meet Plymouth City Council governance frameworks and thresholds. The project is requesting £460,812 hence above the threshold for an Officer to do so and therefore, in order to award the amount being requested requires an executive decision;</li> <li>• To allow and ensure that the project can deliver and spend the UKSPF allocation of money to year 2 and 3 (2023/24 -2024/25) before the end of the financial year;</li> <li>• To meet the timelines set out by Government to deliver the UK Shared Prosperity Fund.</li> </ul>

	<p><b>Project Summary</b></p> <p><b>Love Plymouth – A Place Marketing Project</b></p> <p>A joint project by Plymouth City Center Company, Destination Plymouth and Plymouth Waterfront; to attract more visitors, workers and residents into the city, restore pride and revive the high street with a particular emphasis on the city centre and a greener waterfront.</p> <p>The project will look to deliver and target the following activities; Increasing footfall and spend, growing the visitor economy, place making and restoring pride through enhancing the look and feel of the high street and public spaces. The project intends to install five vehicle charging points for electric ice cream vans.</p>			
6	<p><b>Alternative options considered and rejected:</b></p> <p>Do nothing option: failing to deliver our UKSPF contractual agreements with Government and negative financial implications for applicants.</p> <p>Less funding provided: The project would not be able to proceed and achieve the required contractual targets.</p>			
7	<p><b>Financial implications and risks:</b></p> <p>The funding is received from Government for the purpose of delivering the UK Shared Prosperity Fund and is underpinned by a Memorandum of Understanding and further funding agreements that binds Plymouth City Council into an agreement with the Department for Levelling Up, Housing &amp; Communities (DLUHC) and further funding agreements and service level agreements between the Accountable Body and projects outlining that the funds is shouldered by the applicant as such is contractually obliged to deliver and spend according to the Fund parameters and requirements. Projects are subject to Accountable Body processes involving but not limited to procurement regulations, monitoring and governance, as such, failure to follow requirements from either the Accountable Body or DLUHC runs the risk of remedial action. Plymouth City Council will provide dedicated resources to manage and oversee the fund. UKSPF offers a 4% top slice to cover management costs of the fund. We will maintain robust programme management protocols through regular monitoring and review to ensure that the projects are delivered within the grant terms and conditions. Remedial action will be taken where necessary.</p>			
8	<p><b>Is the decision a Key Decision?</b> (please contact <a href="#">Democratic Support</a> for further advice)</p>	<p><b>Yes</b></p>	<p><b>No</b></p>	<p><b>Per the Constitution, a key decision is one which:</b></p> <p>X in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total</p> <p>X in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1 million</b></p> <p>X is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.</p>
	<p><b>If yes, date of publication of the notice in the <a href="#">Forward Plan of Key</a></b></p>	<p>N/A</p>		

<b>Decisions</b>			
<b>9</b>	<b>Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:</b>	This decision highlights how this potential UK Shared Prosperity Fund project is relevant to some chapters of the Plymouth Plan, including Growing City and International City as well as other frameworks including the Climate Emergency Action Plan.	
<b>10</b>	<b>Please specify any direct environmental implications of the decision (carbon impact)</b>	The UK Shared Prosperity Fund process incorporates high levels of net zero ambition. This project has the potential to positively impact upon and encourage net zero initiatives; with activities that promote a cleaner and vibrant city centre and blue green water front.	
<b>Urgent decisions</b>			
<b>11</b>	<b>Is the decision urgent and to be implemented immediately in the interests of the Council or the public?</b>	<b>Yes</b>	(If yes, please contact Democratic Support ( <a href="mailto:democraticsupport@plymouth.gov.uk">democraticsupport@plymouth.gov.uk</a> ) for advice)
		<b>No</b>	X (If no, go to section 13a)
<b>12a</b>	<b>Reason for urgency:</b>		
<b>12b</b>	<b>Scrutiny Chair Signature:</b>		<b>Date</b>
	<b>Scrutiny Committee name:</b>		
	<b>Print Name:</b>		
<b>Consultation</b>			
<b>13a</b>	<b>Are any other Cabinet members' portfolios affected by the decision?</b>	<b>Yes</b>	
		<b>No</b>	X (If no go to section 14)
<b>13b</b>	<b>Which other Cabinet member's portfolio is affected by the decision?</b>		
<b>13c</b>	<b>Date Cabinet member consulted</b>		
<b>14</b>	<b>Has any Cabinet member declared a conflict of interest in relation to the decision?</b>	<b>Yes</b>	If yes, please discuss with the Monitoring Officer
		<b>No</b>	X
<b>15</b>	<b>Which Corporate Management</b>	<b>Name</b>	Anthony Payne

	<b>Team member has been consulted?</b>	<b>Job title</b>	Strategic Director for Place						
		<b>Date consulted</b>	05 September 2023						
<b>Sign-off</b>									
16	<b>Sign off codes from the relevant departments consulted:</b>	<b>Democratic Support (mandatory)</b>	DS40 23/24						
		<b>Finance (mandatory)</b>	DJN.23.24.102						
		<b>Legal (mandatory)</b>	LS/02281/JP/060923.						
		<b>Human Resources (if applicable)</b>	N/A						
		<b>Corporate property (if applicable)</b>	N/A						
		<b>Procurement (if applicable)</b>	N/A						
<b>Appendices</b>									
17	<b>Ref.</b>	<b>Title of appendix</b>							
	<b>A</b>	Supporting paper							
	<b>B</b>	Equalities Impact Assessment							
<b>Confidential/exempt information</b>									
18a	<b>Do you need to include any confidential/exempt information?</b>	<b>Yes</b>		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in <b>18b</b> below.  (Keep as much information as possible in the briefing report that will be in the public domain)					
		<b>No</b>	x						
		<b>Exemption Paragraph Number</b>							
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	
18b	<b>Confidential/exempt briefing report title:</b>								
<b>Background Papers</b>									
19	Please list all unpublished, background papers relevant to the decision in the table below.  Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.								

Title of background paper(s)	Exemption Paragraph Number						
	1	2	3	4	5	6	7
<b>Cabinet Member Signature</b>							
<b>20</b>	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act (2010) and those who do not.						
<b>Signature</b>			<b>Date of decision</b>		25 September 2023		
<b>Print Name</b>	Councillor Tudor Evans, OBE – Leader of Plymouth City Council						

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# UK SHARED PROSPERITY FUND PROJECT

Project overview



## Project Summary

### Love Plymouth – A Place Marketing Project


A joint project by Plymouth City Centre Company, Destination Plymouth and Plymouth Waterfront; to attract more visitors, workers and residents into the city, restore pride and revive the high street with a particular emphasis on the city centre and a greener waterfront.

The project will look to deliver and target a wide range of activities with the main objectives of: Increasing footfall and spend, growing the visitor economy, place making and restoring pride through enhancing the look and feel of the high street and public spaces. These will include: National and international destination marketing and city brand positioning, creating or enhancing events (such as Flavour Fest, Christmas Market and West End Carnival and two new Waterfront events). The project will also carry out streetscape improvements to the West End, following a small scheme last year with the introduction of six pavement planters and a community planting event in Frankfort Gate, following business and public demand for a more inviting high street in the area. Working on high street branding and marketing, street art and performance and other cultural activities such as the recent collaboration with the Barbican Theatre with outdoor city centre performances. In addition, there will be a business support grant scheme aimed at helping existing businesses to grow and new ones to set up with the aim of reducing the number of empty units which will help increase business confidence, attract more customers and protect and create jobs. The project intends to install five vehicle charging points on Hoe Road/Madeira for electric ice cream vans.

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# EQUALITY IMPACT ASSESSMENT – [UKSPF LOVE PLYMOUTH PROJECT]

## SECTION ONE: INFORMATION ABOUT THE PROPOSAL

<b>Author(s):</b> This is the person completing the EIA template.	Victoria Glennon	<b>Department and service:</b>	Economic Development - Place	<b>Date of assessment:</b>	31/08/2023
<b>Lead Officer:</b> Please note that a Head of Service, Service Director, or Strategic Director must approve the EIA.	Amanda Ratsey	<b>Signature:</b>		<b>Approval date:</b>	07/09/2023
<b>Overview:</b>	<p>This EIA assesses the potential impact of agreeing to use £460,812 of UK Shared Prosperity Funds for the delivery of the UK Shared Prosperity Fund Love Plymouth project.</p> <p><b>Background</b></p> <ul style="list-style-type: none"> <li>• Plymouth were allocated £3,131,412 for three years (2022/23 - 2024/25) to support a mix of revenue and capital spend.</li> <li>• Plymouth City Council is the Accountable Body for the delivery and management of the UK Shared Prosperity Fund (UKSPF) and as such needs to follow Plymouth City Council processes.</li> <li>• As part of the investment plan submitted to Government on the 01 August 2022 there was a requirement to utilise an existing group or form a Key Partnership Group that would act as an advisory group in order to provide recommendations on the delivery of potential projects. The Plymouth Growth Board was invited to act as this key partnership group and after consultation with the Board, the group has given its positive recommendation on the delivery of the Cattewater Harbour - Port Development Feasibility Study project.</li> <li>• To allow and ensure that the project can deliver and spend the UKSPF allocation of money to year 1 (2022/23) before the end of the financial year.</li> <li>• To meet the timelines set out by Government to deliver the UK Shared Prosperity Fund.</li> </ul> <p><b>Project Summary</b></p> <p><b>Love Plymouth – A Place Marketing Project</b></p>				

	<p>A joint project by Plymouth City Center Company, Destination Plymouth and Plymouth Waterfront; to attract more visitors, workers and residents into the city, restore pride and revive the high street with a particular emphasis on the city centre and a greener waterfront.</p> <p>The project will look to deliver and target the following activities; Increasing footfall and spend, growing the visitor economy, place making and restoring pride through enhancing the look and feel of the high street and public spaces. The project intends to install five vehicle charging points for electric ice cream vans.</p>
<p><b>Decision required:</b></p>	<ol style="list-style-type: none"> <li>1. To agree to use £460,812 (of which consists of £400,812 revenue and a £60,000 capital allocation as listed below) of UK Shared Prosperity Funds for the delivery of the UK Shared Prosperity Fund Love Plymouth project.             <ol style="list-style-type: none"> <li>1.1 To agree to allocate £60,000 (the same capital allocation from the total project award listed above) of UK Shared Prosperity Funds into the capital programme for the delivery of the UK Shared Prosperity Love Plymouth project.</li> </ol> </li> <li>2. To authorise the S151 Officer to enter into and sign any funding agreements and claim forms in relation to the Love Plymouth Project.</li> </ol>

**SECTION TWO: EQUALITY IMPACT ASSESSMENT SCREENING TOOL**

<p><b>Potential external impacts:</b> Does the proposal have the potential to negatively impact service users, communities or residents with protected characteristics?</p>	<p><b>Yes</b></p>		<p><b>No</b></p>	<p>X</p>
<p><b>Potential internal impacts:</b> Does the proposal have the potential to negatively impact Plymouth City Council employees?</p>	<p><b>Yes</b></p>		<p><b>No</b></p>	<p>X</p>
<p>Is a full Equality Impact Assessment required? (if you have answered yes to either of the questions above then a full impact assessment is required and you must complete section three)</p>	<p><b>Yes</b></p>		<p><b>No</b></p>	<p>X</p>
<p>If you do not agree that a full equality impact assessment is required, please set out your justification for why not.</p>	<p>This project and the expected activities it will deliver can be considered as not expected to negatively impact upon internal or external groups with protected characteristics. The project has a great potential to positively impact groups of people. This will be reviewed throughout the project's duration.</p>			

**SECTION THREE: FULL EQUALITY IMPACT ASSESSMENT**

Protected characteristics (Equality Act, 2010)	Evidence and information (e.g. data and consultation feedback)	Adverse impact	Mitigation activities	Timescale and responsible department
<b>Age</b>	<p>Plymouth</p> <ul style="list-style-type: none"> <li>• 16.4 per cent of people in Plymouth are children aged under 15.</li> <li>• 65.1 per cent are adults aged 15 to 64.</li> <li>• 18.5 percent are adults aged 65 and over.</li> <li>• 2.4 percent of the resident population are 85 and over.</li> </ul> <p>South West</p> <ul style="list-style-type: none"> <li>• 15.9 per cent of people are aged 0 to 14, 61.8 per cent are aged 15 to 64.</li> <li>• 22.3 per cent are aged 65 and over.</li> </ul> <p>England</p> <ul style="list-style-type: none"> <li>• 17.4 per cent of people are aged 0 to 14.</li> <li>• 64.2 per cent of people are aged 15 to 64.</li> <li>• 18.4 per cent of people are aged 65 and over.</li> </ul> <p>(Data sourced from the 2021 Census)</p>	<p>Due to some elements of the project involving work in the high street and public spaces there is a chance this could negatively impact accessibility to these areas. This work could also lead to additional noise and pollution in the area.</p>	<p>Care provided to ensure that as much accessibility can be retained to these areas as possible, despite the work taking place. Work will be done to keep the additional noise and pollution to a minimum.</p>	<p>Economic Development 2023/24- 2024/25</p>

<p><b>Care experienced individuals</b></p> <p>(Note that as per the Independent Review of Children's Social Care recommendations, Plymouth City Council is treating care experience as though it is a protected characteristic).</p>	<p>It is estimated that 26 per cent of the homeless population in the UK have care experience. In Plymouth there are currently 7 per cent of care leavers open to the service (6 per cent aged 18-20 and 12 per cent of those aged 21+) who are in unsuitable accommodation.</p> <p>The Care Review reported that 41 per cent of 19-21 year old care leavers are not in education, employment or training (NEET) compared to 12 per cent of all other young people in the same age group.</p> <p>In Plymouth there are currently 50 per cent of care leavers aged 18-21 Not in Education Training or Employment (54 per cent of all those care leavers aged 18-24 who are open to the service).</p> <p>There are currently 195 care leavers aged 18 to 20 (statutory service) and 58 aged 21 to 24 (extended offer). There are more care leavers aged 21 to 24 who could return for support from services if they wished to.</p>	<p>No adverse impacts are anticipated.</p>	<p>Not applicable. This will be reviewed and updated if or when any adverse impacts arise as a result of the project.</p>	<p>Economic Development 2023/24- 2024/25</p>
<p><b>Gender reassignment</b></p>	<p>0.5 per cent of residents in Plymouth have a gender identity that is different from their sex registered at birth. 0.1 per cent of residents identify as a trans man, 0.1 per cent identify as non-binary and, 0.1 per cent identify as a trans women (2021 Census).</p>	<p>No adverse impacts are anticipated.</p>	<p>Not applicable. This will be reviewed and updated if or when any adverse impacts arise as a result of the project.</p>	<p>Economic Development 2023/24- 2024/25</p>
<p><b>Marriage and civil partnership</b></p>	<p>40.1 per cent of residents have never married and never registered a civil partnership. 10 per cent are divorced, 6 per cent are</p>	<p>No adverse impacts are anticipated.</p>	<p>Not applicable. This will be reviewed and updated if or when any adverse impacts</p>	<p>Economic Development 2023/24- 2024/25</p>

	widowed, with 2.5 per cent are separated but still married.  0.49 per cent of residents are, or were, married or in a civil partnerships of the same sex. 0.06 per cent of residents are in a civil partnerships with the opposite sex (2021 Census).		arise as a result of the project.	
<b>Pregnancy and maternity</b>	3. The total fertility rate (TFR) for England was 1.62 children per woman in 2021. The total fertility rate (TFR) for Plymouth in 2021 was 1.5	No adverse impacts are anticipated.	Not applicable. This will be reviewed and updated if or when any adverse impacts arise as a result of the project.	Economic Development 2023/24- 2024/25
<b>Race</b>	In 2021, 94.9 per cent of Plymouth's population identified their ethnicity as White, 2.3 per cent as Asian and 1.1 per cent as Black. (2021 Census)  People with a mixed ethnic background comprised 1.8 per cent of the population. 1 per cent of the population use a different term to describe their ethnicity. (2021 Census)	No adverse impacts are anticipated.	Not applicable. This will be reviewed and updated if or when any adverse impacts arise as a result of the project.	Economic Development 2023/24- 2024/25
<b>Religion or belief</b>	48.9 per cent of the Plymouth population stated they had no religion. 42.5 per cent of the population identified as Christian (2021 Census).  Those who identified as Muslim account for 1.3 per cent of Plymouth's population while Hindu, Buddhist, Jewish or Sikh combined totalled less than 1 per cent (2021 Census).	No adverse impacts are anticipated.	Not applicable. This will be reviewed and updated if or when any adverse impacts arise as a result of the project.	Economic Development 2023/24- 2024/25
<b>Sex</b>	51 per cent of our population are women and 49 per cent are men (2021 Census).	No adverse impacts are anticipated.	Not applicable. This will be reviewed and updated if or when any adverse impacts	Economic Development 2023/24- 2024/25

			arise as a result of the project.	
<b>Sexual orientation</b>	88.95 per cent of residents aged 16 years and over in Plymouth describe their sexual orientation as straight or heterosexual. 2.06 per cent describe their sexuality as bisexual, 1.97 per cent of people describe their sexual orientation as gay or lesbian. 0.42 per cent of residents describe their sexual orientation using a different term (2021 Census).	No adverse impacts are anticipated.	Not applicable. This will be reviewed and updated if or when any adverse impacts arise as a result of the project.	Economic Development 2023/24- 2024/25

**SECTION FOUR: HUMAN RIGHTS IMPLICATIONS**

Human Rights	Implications	Mitigation Actions	Timescale and responsible department
	No adverse human rights implications are anticipated.	Not applicable. This will be reviewed and updated if or when any adverse impacts arise as a result of the project.	Not applicable.

**SECTION FIVE: OUR EQUALITY OBJECTIVES**

Equality objectives	Implications	Mitigation Actions	Timescale and responsible department



<b>Celebrate diversity and ensure that Plymouth is a welcoming city.</b>	The project presents no direct negative implications to this objective.	Not applicable.	Economic Development 2023/24- 2024/25
<b>Pay equality for women, and staff with disabilities in our workforce.</b>	The project presents no direct negative implications to this objective.	Not applicable.	Economic Development 2023/24- 2024/25
<b>Supporting our workforce through the implementation of Our People Strategy 2020 – 2024</b>	The project presents no direct negative implications to this objective.	Not applicable.	Economic Development 2023/24- 2024/25
<b>Supporting victims of hate crime so they feel confident to report incidents, and working with, and through our partner organisations to achieve positive outcomes.</b>	The project presents no direct negative implications to this objective.	Not applicable.	Economic Development 2023/24- 2024/25
<b>Plymouth is a city where people from different backgrounds get along well.</b>	The project presents no direct negative implications to this objective.	Not applicable.	Economic Development 2023/24- 2024/25

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# EXECUTIVE DECISION

made by a Cabinet Member



## REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER


Executive Decision Reference Number – L 21 23/24

Decision	
1	<b>Title of decision:</b> Disabled Facilities Grant Autumn Budget and recharge to Plymouth Community Homes
2	<b>Decision maker:</b> Councillor Tudor Evans OBE, Leader of the Council
3	<b>Report author and contact details:</b> Dave Ryland (Community Connections Strategic Manager) 01752 304 823 <a href="mailto:dave.ryland@plymouth.gov.uk">dave.ryland@plymouth.gov.uk</a> Matt Garrett (Service Director of Community Connections), <a href="mailto:matt.garrett@plymouth.gov.uk">matt.garrett@plymouth.gov.uk</a> , 01752 306733
4	<b>Decision to be taken:</b> <ol style="list-style-type: none"> <li>1. Approve the Briefing Note;</li> <li>2. Allocate an additional £245,531 to the Capital Programme funded by Better Care Funding for the provision of mandatory Disabled Facilities Grants and assistance offered through the Independent Living Policy in 2023/24;</li> <li>3. Approve up to a maximum £400,000 during financial year 2023/24 (limited to actual funding received from Plymouth Community Homes) to be added to the capital programme to replenish funding used from the DFG capital programme for the provision of mandatory DFG adaptations in PCH properties;</li> <li>4. Delegate the approval of spend and the award of contracts to the Strategic Director for People where they would otherwise not have authority to do so.</li> </ol>
5	<b>Reasons for decision:</b> DFG's are mandatory governed by the 1996 Housing Grants, Construction and Regeneration Act. DFG's greatly improve quality of life for clients, their careers and family members and effective use of the grants will help contain the potential increase in associated costs to Social Care Services. The likely consequences for the council in not providing DFG's will be increasing complaints of maladministration, with resulting fines, and negative perceptions and media coverage. Plymouth Community Homes have agreed to fund the first £5,000 to all DFG adaptations in their properties excluding installation of stairlifts, with an annual maximum of £400,000 in year 2023/2024. In year 2022/2023, £360,463.62 was invoiced to PCH as a result of the completion of 107 adaptations in their properties facilitated by Plymouth City Council. Invoices are produced retrospectively each quarter upon completion of works. DFG's are mandatory governed by the 1996 Housing Grants, Construction and Regeneration Act. DFG's greatly improve

	quality of life for clients, their careers and family members and effective use of the grants will help contain the potential increase in associated costs to Social Care Services.			
<b>6</b>	<p><b>Alternative options considered and rejected:</b></p> <p>DFG's are mandatory and must be delivered in accordance with statutory requirements. Eligible applicants are entitled to apply to the council for a DFG. Plymouth Community Homes funding the first £5,000 of adaptations in their properties permits an extended reach of Better Care Funding thus increasing the number of people's lives improved.</p> <p>This is a unique arrangement and as such doing nothing would result in limitations in the number of adaptations delivered across the city as it would reduce access to funding</p>			
<b>7</b>	<p><b>Financial implications:</b></p> <p>For 2023/2024, the approved budget of £2,813,781 is wholly supported from government grant, ring fenced to the Better Care Fund. The cost of appropriate staff time associated with the delivery of DFG works is currently capitalised, and therefore partly funded within the above Capital allocation.</p> <p>There are no other direct revenue implications associated with the provision of these grants. However, there is evidence to suggest that the provision of DFG's reduces revenue pressures within other services, including Adult Social Care Packages, Residential Care and Health Services. The Better Care Fund (BCF) has centralised all funding for DFGs since 2015.</p> <p>The BCF is pooled funding between health, social care and housing, which focuses on the integration of health and social care in a way that supports person-centred care, sustainability and better outcomes for people and carers.</p> <p>The Autumn Budget announcement offers direct additional funding to the 2023/24 budget and permits a further 21 adaptations at current average costs. This funding is ring fenced to the Better Care Fund.</p> <p>If maximised to the full allocation of £400,000 in 2023/24 a further 80 plus adaptations could be conducted as a result of this arrangement.</p> <p>Agreement to fund DFG as indicated within the BCF settlement has been provided and supported through Integrated Health and Wellbeing Board (IHWB)</p>			
<b>8</b>	<p><b>Is the decision a Key Decision?</b> (please contact <a href="#">Democratic Support</a> for further advice)</p>	<p><b>Yes</b></p>	<p><b>No</b></p>	<p><b>Per the Constitution, a key decision is one which:</b></p> <p>x in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total</p> <p>x in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1 million</b></p> <p>x is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.</p>
	<p><b>If yes, date of publication of the notice in the <a href="#">Forward Plan of Key Decisions</a></b></p>			
<b>9</b>	<p><b>Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the</b></p>	<p>The provision of DFG's contributes to the corporate plan by promoting independence and reducing health and social inequality, helping people to take control of their lives and to be treated with dignity and respect. DFG funded major</p>		

	<b>revenue/capital budget:</b>	adaptations enable people to remain in their own homes, thereby helping to contain the potential for increases in costs to health and care services and minimising risks to disabled people, their family and carers. Wellbeing is a guiding principle throughout the Care Act 2014 which sets out the framework for the future provision of adult social care. Suitability of living accommodation is one of the matters local authorities must take into account as part of its duty to promote wellbeing. The provision of major adaptations is a preventative measure which can promote someone's wellbeing allowing them to live as independently as possible and for as long as possible.		
<b>10</b>	<b>Please specify any direct environmental implications of the decision (carbon impact)</b>	N/A		
<b>Urgent decisions</b>				
<b>11</b>	<b>Is the decision urgent and to be implemented immediately in the interests of the Council or the public?</b>	<b>Yes</b>		(If yes, please contact Democratic Support ( <a href="mailto:democraticsupport@plymouth.gov.uk">democraticsupport@plymouth.gov.uk</a> ) for advice)
		<b>No</b>	X	<b>(If no, go to section 13a)</b>
<b>12a</b>	<b>Reason for urgency:</b>			
<b>12b</b>	<b>Scrutiny Chair Signature:</b>		<b>Date</b>	
	<b>Scrutiny Committee name:</b>			
	<b>Print Name:</b>			
<b>Consultation</b>				
<b>13a</b>	<b>Are any other Cabinet members' portfolios affected by the decision?</b>	<b>Yes</b>	X	
		<b>No</b>		<b>(If no go to section 14)</b>
<b>13b</b>	<b>Which other Cabinet member's portfolio is affected by the decision?</b>	Councillor Chris Penberthy, Cabinet Member for Housing, Cooperative Development, and Communities		
<b>13c</b>	<b>Date Cabinet member consulted</b>	08 September 2023		
<b>14</b>	<b>Has any Cabinet member declared a conflict of interest in relation to the decision?</b>	<b>Yes</b>		If yes, please discuss with the Monitoring Officer
		<b>No</b>	X	
<b>15</b>	<b>Which Corporate Management</b>	<b>Name</b>	Gary Walbridge	

	<b>Team member has been consulted?</b>		<b>Job title</b>	Interim Strategic Director for People					
			<b>Date consulted</b>	11 August 2023					
<b>Sign-off</b>									
16	<b>Sign off codes from the relevant departments consulted:</b>		<b>Democratic Support (mandatory)</b>	DS 45 23/24					
			<b>Finance (mandatory)</b>	DJN.23.24.108					
			<b>Legal (mandatory)</b>	LS/00001312/2/AC/19/9/23.					
			<b>Human Resources (if applicable)</b>						
			<b>Corporate property (if applicable)</b>						
			<b>Procurement (if applicable)</b>						
<b>Appendices</b>									
17	<b>Ref.</b>	<b>Title of appendix</b>							
	A	Briefing Note DFG additional funding 2023							
	B	DFG Equalities Impact Assessment 2023							
<b>Confidential/exempt information</b>									
18a	<b>Do you need to include any confidential/exempt information?</b>		<b>Yes</b>		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in <b>18b</b> below.  (Keep as much information as possible in the briefing report that will be in the public domain)				
			<b>No</b>	x					
			<b>Exemption Paragraph Number</b>						
			<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
18b	<b>Confidential/exempt briefing report title:</b>								
<b>Background Papers</b>									
19	<p>Please list all unpublished, background papers relevant to the decision in the table below.</p> <p>Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</p>								

Title of background paper(s)	Exemption Paragraph Number						
	1	2	3	4	5	6	7
<b>Cabinet Member Signature</b>							
<b>20</b>	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.						
<b>Signature</b>			<b>Date of decision</b>	25 September 2023			
<b>Print Name</b>	Councillor Tudor Evans OBE, Leader of the Council						

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## Disabled Facilities Grant PCH Recharge briefing

2023/2024 – Community Connections



This Executive Decision relates to Disabled Facilities Grant allocation specified via the Better Care Fund for 2023/24.

The Council has a statutory duty to approve mandatory Disabled Facilities Grants (DFG's) for major adaptations. This work supports people of all ages to live in suitable housing so they can remain independent, thereby helping to contain the potential increase in costs to Social Care Services whilst also striving to reduce hospital admissions.

The legislation governing DFGs is the 1996 Housing Grants, Construction and Regeneration Act. DFGs are mandatory and are available from local authorities in England and Wales, subject to a means test unless in scope of discretionary works. The grants are to provide adaptations, to the home environment to enable independence and keep people living in their own homes, in safety and with dignity.

The DFG allocation is specified via the Better Care Fund (BCF) and is for the provision of adaptations to disabled people's homes to help them to live independently for longer. Following the approach taken by the Department of Health in 2015-16, the DFG has again been included within the BCF for 2023/24. This continual commitment is to encourage areas to think strategically about the use of home aids/adaptations, use of technologies to support people in their own homes, and to take a joined-up approach to improving outcomes across health, social care and housing.

At the start of financial year 2023/24, Plymouth's allocation was maintained at the same level as 22/23 at £2,813,781. Notification received by Plymouth City Council on 07/09/23 from the Department of Levelling up Housing and Communities shows a further financial commitment into Plymouth from the Autumn Budget via the BCF of £245,531.

In addition to this additional funding Plymouth Community Homes have continued their agreement to fund the first £5,000 to all DFG adaptations in their properties excluding installation of stairlifts, with an annual maximum of £400,000 in year 2023/2024.

In year 2022/2023, £360,463.62 was invoiced to PCH as a result of the completion of 107 adaptations in their properties facilitated by Plymouth City Council

Invoices are produced retrospectively each quarter upon completion of works. DFG's are mandatory governed by the 1996 Housing Grants, Construction and Regeneration Act. DFG's greatly improve quality of life for clients, their careers and family members and effective use of the grants will help contain the potential increase in associated costs to Social Care Services.

The recording of case completion is a display of the amount of homes where all adaptations required have been completed and final payment made. A referral received frequently requires multiple adaptations to be conducted to achieve this status and as such it is worth noting that in every completion multiple adaptations are likely to have been facilitated by Community Connections. Adaptations range depending on client need, however examples range from bathroom, stair lift, through floor lift, ramp, kitchen adaptation and door widening to full extensions and loft conversions.


The Dynamic Purchasing System embedded in 2019 has continually been developed with our partner in delivery INCIC and will continue to be used in 2023/24. The system encourages local tradespeople, who have displayed that they are competent and professional, to tender for works offered by the local authority on behalf of the client. Works carried out are done so with an insurance backed warranty for 2 years and clients are given the opportunity to extend this cover, outside of the grant, should they wish. Utilising this system coming out of the current COVID-19 crisis will enable registered contractors to begin their business recovery. Works being undertaken currently by Community Connections will see a large upload of works to the system, enabling contractors to be prepared, supply chains checked and clients to be given piece of mind.

Looking forwards in 2023/24 we understand that the demand for DFG's is going to be significant. Community Connections are continually reviewing this demand and in preparation are bringing in 2 additional resources to ensure that complex cases continue to get the oversight they require and other cases remain progressed as swiftly and seamlessly as possible. We will continually review this during the year to ensure where possible the team meets the city's need.

Community Connections will continue to use a priority rating based up the date of referral and the priority of need rating given to the client by our partner Livewell South West.

# EQUALITY IMPACT ASSESSMENT – DISABLED FACILITIES GRANT 2023

## SECTION ONE: INFORMATION ABOUT THE PROPOSAL

<b>Author(s):</b> This is the person completing the EIA template.	Steve Evans, Technical Lead	<b>Department and service:</b>	Disabled Facilities Grant Team, Community Connections	<b>Date of assessment:</b>	10/08/2023
<b>Lead Officer:</b> Please note that a Head of Service, Service Director, or Strategic Director must approve the EIA.	Matt Garrett, Service Director for Community Connections	<b>Signature:</b>		<b>Approval date:</b>	08/09/2023
<b>Overview:</b>	<p>The Council has a statutory duty to approve mandatory Disabled Facilities Grants (DFGs) for major adaptations. This work helps people to live independently in their own homes, thereby helping to contain the potential increase in costs to Social Care Services.</p> <p>The legislation governing DFGs is the Housing Grants, Construction and Regeneration Act 1996. DFGs are mandatory and are available from Local Authorities in England and Wales, subject to a means test. The purpose of the Grant is to provide adaptations to the home environment to promote independence and allow people to remain in their own homes.</p>				
<b>Decision required:</b>	<ol style="list-style-type: none"> <li>1. Approve the Briefing Note;</li> <li>2. Allocate an additional £245,531 to the Capital Programme funded by Better Care Funding for the provision of mandatory Disabled Facilities Grants and assistance offered through the Independent Living Policy in 2023/24;</li> <li>3. Allocate £400,000 for the project within the Capital Programme funded by Better Care Funding for the provision of mandatory Disabled Facilities Grants and assistance offered through the Independent Living Policy in 2023/24;</li> <li>4. Delegate the approval of spend to the Strategic Director for People, where they do not already have the authority to do so.</li> </ol>				

**SECTION TWO: EQUALITY IMPACT ASSESSMENT SCREENING TOOL**

<b>Potential external impacts:</b> Does the proposal have the potential to negatively impact service users, communities or residents with protected characteristics?	<b>Yes</b>	X	<b>No</b>	
<b>Potential internal impacts:</b> Does the proposal have the potential to negatively impact Plymouth City Council employees?	<b>Yes</b>		<b>No</b>	X
Is a full Equality Impact Assessment required? (if you have answered yes to either of the questions above then a full impact assessment is required and you must complete section three)	<b>Yes</b>	X	<b>No</b>	
If you do not agree that a full equality impact assessment is required, please set out your justification for why not.				

**SECTION THREE: FULL EQUALITY IMPACT ASSESSMENT**

<b>Protected characteristics (Equality Act, 2010)</b>	<b>Evidence and information (e.g. data and consultation feedback)</b>	<b>Adverse impact</b>	<b>Mitigation activities</b>	<b>Timescale and responsible department</b>
<b>Age</b>	<p>Plymouth</p> <ul style="list-style-type: none"> <li>16.4 per cent of people in Plymouth are children aged under 15.</li> <li>65.1 per cent are adults aged 15 to 64.</li> <li>18.5 percent are adults aged 65 and over.</li> <li>2.4 percent of the resident population are 85 and over.</li> </ul> <p>South West</p>	<p>Older people and younger people are recognised as potentially vulnerable groups.</p> <p>The DFG is means tested.</p> <p>Homes that cannot be adapted to meet the occupier's need. Owner occupiers are encouraged and supported to</p>	<p>Advice for those with a contribution to make towards the cost of the works given by Community Connections.</p>	<p>Ongoing, Community Connections Strategic Manager</p>

	<ul style="list-style-type: none"> <li>• 15.9 per cent of people are aged 0 to 14, 61.8 per cent are aged 15 to 64.</li> <li>• 22.3 per cent are aged 65 and over.</li> </ul> <p>England</p> <ul style="list-style-type: none"> <li>• 17.4 per cent of people are aged 0 to 14.</li> <li>• 64.2 per cent of people are aged 15 to 64.</li> <li>• 18.4 per cent of people are aged 65 and over.</li> </ul> <p>(2021 Census)</p>	<p>move to a more suitable home. Tenants are supported to find more suitable accommodation either via Community Connections or Devon Home Choice.</p> <p>Services offered in lieu of DFG – NIL Grant Application (please see Plymouth City Council Independent Living Assistance Policy 2019, section 3.7) with a fee of 1% of the cost of the works payable to Independence Community Interest Company (INCIC) for the use of the Dynamic Purchasing System (DPS) and a further 1% of the cost of the works payable to Plymouth City Council (PCC) to cover administration costs.</p>		
<p><b>Care experienced individuals</b> (Note that as per the Independent Review of Children’s Social Care recommendations, Plymouth City Council is treating care experience as though it is a protected characteristic).</p>	<p>It is estimated that 26 per cent of the homeless population in the UK have care experience. In Plymouth there are currently 7 per cent of care leavers open to the service (6 per cent aged 18-20 and 12 per cent of those aged 21+) who are in unsuitable accommodation.</p> <p>The Care Review reported that 41 per cent of 19-21 year old care leavers are not in education, employment or training (NEET) compared to 12 per cent of all other young people in the same age group.</p> <p>In Plymouth there are currently 50 per cent of care leavers aged 18-21 Not in Education Training or Employment (54 per cent of all</p>	<p>No adverse impact anticipated</p>	<p>Not Applicable</p>	<p>Not Applicable</p>

	<p>those care leavers aged 18-24 who are open to the service).</p> <p>There are currently 195 care leavers aged 18 to 20 (statutory service) and 58 aged 21 to 24 (extended offer). There are more care leavers aged 21 to 24 who could return for support from services if they wished to.</p>			
<b>Disability</b>	<p>9.4 per cent of residents in Plymouth have their activities limited 'a lot' because of a physical or mental health problem.</p> <p>12.2 per cent of residents in Plymouth have their activities limited 'a little' because of a physical or mental health problem (2021 Census)</p>	<p>Limitations of the approved budget potentially result in some disabled people waiting for their adaptations. If the disabled person is considered eligible (i.e. means testing) for grant funded adaptation works they will receive works to their home environment, however, they may have to wait.</p> <p>A prioritisation system has been employed to ensure those most in need receive their adaptation soonest (please see Independent Living Assistance Policy 2019).</p>	<p>Continued monitoring of prioritisation scheme to ensure fairness and compliance by officers.</p> <p>Notification to customers of the anticipated wait time.</p>	Ongoing, Community Connections Strategic Manager
<b>Gender reassignment</b>	0.5 per cent of residents in Plymouth have a gender identity that is different from their sex registered at birth. 0.1 per cent of residents identify as a trans man, 0.1 per cent identify as non-binary and, 0.1 per cent identify as a trans women (2021 Census).	No adverse impact anticipated	Not Applicable	Not Applicable
<b>Marriage and civil partnership</b>	40.1 per cent of residents have never married and never registered a civil partnership. 10 per cent are divorced, 6 percent are widowed, with 2.5 per cent are separated but still married.	No adverse impact anticipated.	Not Applicable	Not Applicable

	0.49 per cent of residents are, or were, married or in a civil partnerships of the same sex. 0.06 per cent of residents are in a civil partnerships with the opposite sex (2021 Census).			
<b>Pregnancy and maternity</b>	The total fertility rate (TFR) for England was 1.62 children per woman in 2021. The total fertility rate (TFR) for Plymouth in 2021 was 1.5.	No adverse impact anticipated.	Not Applicable	Not Applicable
<b>Race</b>	In 2021, 94.9 per cent of Plymouth's population identified their ethnicity as White, 2.3 per cent as Asian and 1.1 per cent as Black (2021 Census) People with a mixed ethnic background comprised 1.8 per cent of the population. 1 per cent of the population use a different term to describe their ethnicity (2021 Census) 92.7 per cent of residents speak English as their main language. 2021 Census data shows that after English, Polish, Romanian, Chinese, Portuguese, and Arabic are the most spoken languages in Plymouth (2021 Census).	No impact anticipated.  Customers for whom English is a second language may be disadvantaged as Application form and associated paperwork is to be published in English.	Work with Policy team to promote services to BME community.  Review application rates from BME communities.  Monitor the impact of promotion to BME	Ongoing, Community Connections Strategic Manager
<b>Religion or belief</b>	48.9 per cent of the Plymouth population stated they had no religion. 42.5 per cent of the population identified as Christian (2021 Census). Those who identified as Muslim account for 1.3 per cent of Plymouth's population while Hindu, Buddhist, Jewish or Sikh combined totalled less than 1 per cent (2021 Census).	No adverse Impact.  Small number of applicants from minority religions identified.	Work to promote services to minority groups.  Review application rates from BME communities.  Monitor the impact of promotion to BME communities.	Ongoing, Community Connections Strategic Manager

<b>Sex</b>	51 per cent of our population are women and 49 per cent are men (2021 Census).	No adverse impacts anticipated	Not Applicable	Not Applicable
<b>Sexual orientation</b>	88.95 per cent of residents aged 16 years and over in Plymouth describe their sexual orientation as straight or heterosexual. 2.06 per cent describe their sexuality as bisexual, 1.97 per cent of people describe their sexual orientation as gay or lesbian. 0.42 per cent of residents describe their sexual orientation using a different term (2021 Census).			

#### SECTION FOUR: HUMAN RIGHTS IMPLICATIONS

Human Rights	Implications	Mitigation Actions	Timescale and responsible department
	<p>Disabled Facilities Grant is aimed at improving health and safety within the home. This will help reduce hospital admissions and reduce the risk of admission to residential care.</p> <p>The Disabled Facilities Grant is contained within the Independent Living Assistance Policy 2019 which is written in line with the Equalities Act 2010. It therefore adheres to the UN Convention of the Human Rights as part of UK law.</p> <p>Plymouth City Council recognises Article 14 of the Human Rights Act – The right to receive Equal Treatment and prohibits discrimination including sex, race, religion and economic and social status in conjunction with the</p>	Not Applicable	Not Applicable



	<p>Equalities Act which includes age and disability.</p> <p>All staff and service users will be treated fairly and their human rights will be respected.</p> <p>No adverse impact on human rights has been identified.</p>		
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**SECTION FIVE: OUR EQUALITY OBJECTIVES**

Equality objectives	Implications	Mitigation Actions	Timescale and responsible department
<b>Celebrate diversity and ensure that Plymouth is a welcoming city.</b>	No Implications	Not Applicable	Not Applicable
<b>Pay equality for women, and staff with disabilities in our workforce.</b>	No implications	Not Applicable	Not Applicable
<b>Supporting our workforce through the implementation of Our People Strategy 2020 – 2024</b>	No implications	Not Applicable	Not Applicable
<b>Supporting victims of hate crime so they feel confident to report incidents, and working with, and through our partner organisations to achieve positive outcomes.</b>	No implications	Not Applicable	Not Applicable
<b>Plymouth is a city where people from different backgrounds get along well.</b>	No implications	Not Applicable	Not Applicable

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# EXECUTIVE DECISION

made by a Cabinet Member



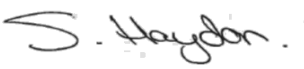
## REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – CSLCC03 23/24

Decision	
1	<b>Title of decision:</b> Public Spaces Protection Order – Control of Dogs 2023
2	<b>Decision maker:</b> Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Cemeteries' and Crematoria)
3	<b>Report author and contact details:</b> Lindsay McClean lindsay.mcclean@plymouth.gov.uk
4	<p><b>Decision to be taken:</b></p> <ol style="list-style-type: none"> <li>1. That the current Public Spaces Protection Order (PSPO) – Control of Dogs 2020 is replaced with the PSPO – Control of Dogs Order 2023 which: <ul style="list-style-type: none"> <li>• retains the current general restrictions; and</li> <li>• includes a new restriction that a person should be in charge of no more than six dogs at any time in a public place.</li> </ul> </li> <li>2. That the restriction relating to Efford and Weston Mill Cemeteries is changed, such that dogs must be kept on a lead in these areas.</li> </ol>
5	<p><b>Reasons for decision:</b></p> <ol style="list-style-type: none"> <li>1. The current PSPO – Control of Dogs 2020 expires on the 19 October 2023 and if this is not replaced dog fouling and dog control measures can no longer be enforced.</li> <li>2. The Council is satisfied that irresponsible dog walking continues to have a detrimental effect on the quality of life of the local community and that the conditions set out in Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 are met (see Appendix B Briefing Report).</li> <li>3. A consultation process has been undertaken to explore the views of statutory consultees and the public in relation to dog control in Plymouth and these will be reflected in the PSPO – Control of Dogs 2023.</li> </ol>
6	<p><b>Alternative options considered and rejected:</b></p> <ol style="list-style-type: none"> <li>1. No changes to the current restrictions.</li> <li>2. The removal of all current restrictions.</li> <li>3. Some changes to specific restrictions, which have been rejected after consultation.</li> </ol>

<b>7</b>	<b>Financial implications and risks:</b> When restrictions change at Efford and Weston Mill Cemeteries new signage will be required. Appropriate signs are already available. Installing the signs will be part of ongoing maintenance on the relevant sites. Therefore, there are no financial implications.		
<b>8</b>	<b>Is the decision a Key Decision?</b> <b>(please contact <a href="#">Democratic Support</a> for further advice)</b> Please type an X into the relevant boxes	<b>No</b>	<b>Per the Constitution, a key decision is one which:</b>
		x	in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total
		x	in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1million</b>
		x	is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.
	<b>If yes, date of publication of the notice in the <a href="#">Forward Plan of Key Decisions</a></b>	n/a	
<b>9</b>	<b>Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:</b>  Reducing dog fouling is a priority of the Council. Having areas where dog controls are in place improves the safety of all users of the parks and open spaces within the city, relating to the priority on the Corporate Plan: Keeping children, adults and communities safe.  Enforcement of these offences is essential to encourage compliant behaviour by dog owners/walkers.  If the PSPO – Control of Dogs 2020 is not extended, these offences will not be able to be enforced in Plymouth after 19 October 2023.  The PSPO – Control of Dogs 2023 will continue to make dog fouling and not complying with dog control measures an offence.		
<b>10</b>	<b>Please specify any direct environmental implications of the decision (carbon impact)</b>  There is no adverse carbon impact.		
<b>Urgent decisions</b>			
<b>11</b>	<b>Is the decision urgent and to be implemented immediately in the interests of the Council or the public?</b> Please type an X into the relevant box	<b>Yes</b>	(If yes, please contact Democratic Support ( <a href="mailto:democraticsupport@plymouth.gov.uk">democraticsupport@plymouth.gov.uk</a> ) for advice)
		<b>No</b>	<b>X</b> <b>(If no, go to section 13a)</b>
<b>12a</b>	<b>Reason for urgency:</b>		
<b>12b</b>	<b>Scrutiny</b>	<b>Date</b>	

	<b>Chair Signature:</b>			
	<b>Scrutiny Committee name:</b>			
	<b>Print Name:</b>			
<b>Consultation</b>				
<b>I3a</b>	<b>Are any other Cabinet members' portfolios affected by the decision?</b> Please type an X into the relevant box	<b>Yes</b>	<input checked="" type="checkbox"/>	
		<b>No</b>	<input type="checkbox"/>	<b>(If no go to section I4)</b>
<b>I3b</b>	<b>Which other Cabinet member's portfolio is affected by the decision?</b>	Councillor Tom Briars-Delve (Cabinet Member for Environment and Climate Change) Councillor Sue Dann (Cabinet Member for Customer Services, Sport, Leisure and HR &OD)		
<b>I3c</b>	<b>Date Cabinet member consulted</b>	Cllr Briars-Delve 25 May 2023 Cllr Sue Dann 5 June 2023		
<b>I4</b>	<b>Has any Cabinet member declared a conflict of interest in relation to the decision?</b> Please type an X into the relevant box	<b>Yes</b>	<input type="checkbox"/>	If yes, please discuss with the Monitoring Officer
		<b>No</b>	<input checked="" type="checkbox"/>	
<b>I5</b>	<b>Which Corporate Management Team member has been consulted?</b>	<b>Name</b>	Ruth Harrell	
		<b>Job title</b>	Director of Public Health	
		<b>Date consulted</b>	28 July 2023	
<b>Sign-off</b>				
<b>I6</b>	<b>Sign off codes from the relevant departments consulted:</b>	<b>Democratic Support (mandatory)</b>	DS43 23/24	
		<b>Finance (mandatory)</b>	CH 21.09.23 1728	
		<b>Legal (mandatory)</b>	LS/00001312/1/AC/2 2/9/23	
		<b>Human Resources (if applicable)</b>		
		<b>Corporate property (if applicable)</b>		
		<b>Procurement (if applicable)</b>		
<b>Appendices</b>				
<b>I7</b>	<b>Ref.</b>	<b>Title of appendix</b>		
	A	Equalities Impact Assessment		
	B	Briefing Report		

	C	Briefing Report Appendix 1 PSPO Consultation						
	D	Briefing Report Appendix 2 Results of PSPO Public Consultation						
	E	Draft PSPO Control of Dogs						
<b>Confidential/exempt information</b>								
<b>18a</b>	<b>Do you need to include any confidential/exempt information?</b> Please type an X into the relevant box	<b>Yes</b>		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in <b>18b</b> below.  (Keep as much information as possible in the briefing report that will be in the public domain)				
		<b>No</b>	X					
		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>18b</b>	<b>Confidential/exempt briefing report title:</b>							
<b>Background Papers</b>								
<b>19</b>	Please list all unpublished, background papers relevant to the decision in the table below. Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
<b>Title of background paper(s)</b>		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>Cabinet Member Signature</b>								
<b>20</b>	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act (2010) and those who do not. For further details please see the EIA attached.							
<b>Signature</b>			<b>Date of decision</b>	22.09.2023				
<b>Print Name</b>	Councillor Sally Haydon							

# **PUBLIC SPACES PROTECTION ORDER – CONTROL OF DOGS 2023**

Office of the Director of Public Health



## **1.0 Executive Summary**

The existing Public Spaces Protection Order (PSPO) – Control of Dogs 2020 expires on the 19 October 2023. A PSPO needs to be reviewed every 3 years. A consultation process has been undertaken to explore residents' views on restrictions and dog control measures in specific locations in Plymouth. The consultation also sought views on some new and amended proposals (see Appendix I for consultation questions).

Summary of respondents:

- 1,948 responses were received in total
- 73% of respondents said that they owned dog/s
- 76% of respondents said that they walk a dog/s in Plymouth
- 29% of respondents indicated that they play sports on a pitch where currently dogs must be kept on a lead
- 31% respondents indicated that they visit Efford and/or Weston Mill Cemeteries regularly

A summary of the results of the consultation can be found in section 7, below. Further details can be found in Appendix 2.

It is intended that a new PSPO – Control of Dogs 2023 will come into effect on the 20 October 2023 to reflect the outcomes of both the internal review and those of the public consultation.

## **2.0 Background to Public Spaces Protection Orders**

Public Spaces Protection Orders (PSPOs) were introduced in the Anti-social Behaviour, Crime and Policing Act 2014. The primary purpose of the PSPO is to empower local authorities to deal with anti-social behaviour that adversely affects other people using the same public space.

A PSPO may only prohibit or impose requirements that are reasonable to prevent or reduce the detrimental effect from continuing, occurring or recurring. Under Section 59, a local authority may make a PSPO if they are satisfied that the following 2 conditions are met:

1. Activities carried out in a public place within the authority's area are having or have had a detrimental effect on the quality of life of those in the locality, or it is likely that the activities will be carried out in a public place within that area and they will have such an effect
2. The effect or likely effect of the activity:
  - Is or is 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 notice

Local authorities should consider that the requirements and prohibitions are reasonable. When drafting an Order placing restrictions on dogs, Councils should consider the need for owners to

exercise their dogs. If a PSPO restricts access to land used to exercise dogs, it would be reasonable that there is sufficient other land available for exercise without restrictions. (LGA Public Spaces Protection Order Guidance for Councils)

A person will commit an offence if they do something that is prohibited or fails to comply with a PSPO. Anyone who has breached a PSPO can be issued with a Fixed Penalty Notice of £100 giving the person 14 days to pay the fine.

A PSPO can be put in place for up to 3 years. Then the PSPO must be reviewed to ensure it is still necessary. Before extending or varying the PSPO, local authorities must consult with the local chief of police, the police and crime commissioner, owners or occupiers of land within any affected area and appropriate community representatives. The new PSPO will remain in force for a further 3 years.

In accordance with the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014, the local authority must publish the order as made, extended or varied on its website and erect appropriate notices on or adjacent to the public place to which the order relates.

### **3.0 Current Public Spaces Protection Order – Control of Dogs 2020**

The current dog control measures in Plymouth can be found in the Public Spaces Protection Order – Control of Dogs 2020. Most of the restrictions have been in place since 2008 previously enacted within the Dog Control Orders 2008.

The PSPO – Control of Dogs 2020 specifies five offences:

1. Failing to remove dog poo straight away
2. Not putting a dog on a lead when ordered to do so by an authorised officer
3. Allowing a dog to enter land from which they are excluded
4. Not keeping a dog on a lead where this is required
5. Not carrying something to pick up dog poo

The land to which these restrictions apply are detailed in the Order. The published 2020 Order can be found on the Council's website: [Dog control | PLYMOUTH.GOV.UK](https://www.plymouth.gov.uk/dog-control)

### **4.0 Internal review of the PSPO – Control of Dogs 2020**

An internal review was undertaken with relevant Plymouth City Council department, Ward Councillors and Cabinet members. The outcome of this review resulted in a consensus that the existing offences relating to dog fouling and the control of dogs in the specified locations in Plymouth should remain in place in a new PSPO and that the Council should consult on the following new/amended proposals:

1. To change the restriction at Efford and Weston Mill cemeteries to dogs being required to be on a lead, in line with the new crematorium site.
2. To consider what the dog control restriction should be on sports facilities when they are marked up in the sports season.
3. To restrict the number of dogs in the control of one person to six.



## 5.0 Reasons for the proposed changes to the PSPO – Control of Dogs 2020

1. To change the restriction at Efford and Weston Mill Cemeteries to dogs being required to be on a lead.

Currently dogs are excluded from Efford and Weston Mill Cemeteries. However, the Council considered that this restriction should be changed to allowing dogs that were kept on a lead into these areas. This would be consistent with the restriction at the new crematorium site, Plymouth Crematorium at The Park, Haye Road, Plymouth.

The Council decided to consult with the public to gather views about the proposed change to the restrictions. The consultation asked whether dogs should remain excluded from Efford and Weston Mill cemeteries or allowed on leads in these area.

2. To consider what the dog control restriction should be on sports facilities when they are marked up in the sports season.

Currently dogs must be kept on a lead on a marked sports pitch. Sports pitches are only marked up during the playing season for that specific sport. This requirement has been in place in Plymouth since the 2008 Dog Control Order.

Despite the restrictions being in place for 15 years, the Council regularly receives enquiries about the restriction of dogs on sports pitches, including when and where the restrictions apply. There has also been a recent campaign on social media lobbying for no restrictions on sports pitches.

The internal review with relevant Councillors and departments indicated that it was the Council's view that some restrictions should continue to apply to dogs being walked on a sports pitch, to safeguard the health of all sports pitch users.

Therefore, it was agreed that the Council should consult with the public to gather views on the proposed restrictions. The consultation asked whether dogs should be excluded from a marked sports pitch or allowed on leads within a marked sports pitch.

3. To restrict the number of dogs in the control of one person to six.

A person who holds an Animal Activities Licence to care for other people's dogs during the day or overnight is only allowed to walk up to six dogs at a time. However, this restriction does not currently apply to those running a dog walking business or individual members of the public walking their own dogs or other people's dogs when not in a business arrangement.

The Council considered that the restricting the number of dogs in the control of one person to six should apply across the city to everyone, irrespective of whether they hold a Licence, run a business or walk dogs as a personal pastime.

It was agreed the Council should consult with the public to gather views on this proposal. The consultation asked whether someone should be in charge of no more than six dogs at any time in a public place or any number of dogs.

## 6.0 Public consultation for extending and/or varying the PSPO – Control of Dogs 2020

The public consultation has been carried out in accordance with the LGA Public Spaces Protection Order Guidance for Councils. Any proposed extension or variation of the existing PSPO requires consultation with statutory consultees and the public.

Consultation details were sent to statutory consultees and interested stakeholders, including the Devon and Cornwall Police and Crime Commissioner, the Chief Officer of Police, the Kennel Club and Gables Farm Dogs and Cats Home.

Details were sent to all Councillors and relevant internal departments, including the Anti-Social Behaviour Team, Street Services Department, Natural Infrastructure Team, Sports Development Unit and Plymouth City Council's Legal Department.

The details of the consultation were put on the Council's website and promoted through local media and social media. Links were sent to local community groups.

## 7.0 Results of Consultation

Summary of respondents:

- 1,948 responses were received in total
- 73% of respondents said that they owned dog/s
- 76% of respondents said that they walk a dog/s in Plymouth
- 29% of respondents indicated that they play sports on a pitch where currently dogs must be kept on a lead
- 31% respondents indicated that they visit Efford and/or Weston Mill Cemeteries regularly

### 7.1 Dog control at Efford and Weston Mill Cemeteries

Table I

Question	Result	Recommendation
Dogs should remain excluded from Efford and Weston Mill Cemeteries	25%	That the new PSPO is amended such that dogs must be kept on a lead in Efford and Weston Mill Cemeteries
Dogs should be allowed on leads in Efford and Weston Mill Cemeteries	75%	

Table I shows that a significant majority (75%) of respondents selected the option for allowing dogs on leads in Efford and Weston Mill Cemeteries.

## 7.2 Dog control on sports pitches

Table 2

Question	Result	Recommendation
Dogs should be excluded from a marked sports pitch	46%	That the new PSPO retains the current restrictions requiring dogs to be on a lead within a marked sports pitch
Dogs should be allowed on leads within a marked sports pitch	54%	

Table 2 shows that the majority of respondents (54%) indicated that the current restriction requiring dogs to be on a lead within a marked sports pitch should be retained.

## 7.3 Number of dogs in control of one person

Table 3

Question	Result	Recommendation
Someone should be in charge of no more than six dogs at any time in a public place	89%	That the new PSPO contains a new restriction, such that a person should be in charge of no more than six dogs at any time in a public place
Someone can be in charge of any number of dogs in a public place (unless Licenced to six)	11%	

Table 3 shows that there was significant support (89%) for introducing a new restriction relating to the number of dogs being controlled by one person.

## 8.0 Conclusions

The Council has undertaken the required consultation process to extend and vary the existing PSPO – Control of Dogs 2020.

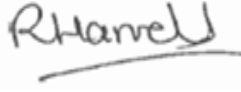
The views of the respondents have been taken into account. The recommendations have been accepted and will be reflected in the PSPO – Control of Dogs 2023.

The PSPO – Control of Dogs 2023 will be published on the Council's website. Signage will be installed in appropriate places to highlight the new restrictions.

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# EQUALITY IMPACT ASSESSMENT – PUBLIC SPACES PROTECTION ORDER – CONTROL OF DOGS 2023

## SECTION ONE: INFORMATION ABOUT THE PROPOSAL

<b>Author(s):</b> This is the person completing the EIA template.	Lindsay McClean	<b>Department and service:</b>	Environmental Protection Service Office of the Director of Public Health	<b>Date of assessment:</b>	13.09.2023
<b>Lead Officer:</b> Please note that a Head of Service, Service Director, or Strategic Director must approve the EIA.	Ruth Harrell	<b>Signature:</b>		<b>Approval date:</b>	21/09/2023
<b>Overview:</b>	<p>The existing Public Spaces Protection Order – Control of Dogs 2020 expires on the 19 October 2023. A PSPO needs to be reviewed every 3 years in order to extend and/or vary it.</p> <p>In 2017, the PSPO replaced the Dog Control Orders 2008, which enacted the original dog control measures in Plymouth. The majority of the proposed control measures have now been in place for 15 years.</p> <p>A consultation process has been undertaken to seek views on changing some of the dog control measures in specific locations in Plymouth.</p> <p>A new PSPO will be enacted on the 20 October 2023. Fixed Penalty Notices of £100 may be served on a dog owner/walker who does not comply with the Order in relation to dog fouling or dog control offences.</p>				
<b>Decision required:</b>	<ol style="list-style-type: none"> <li>1. That the current Public Spaces Protection Order (PSPO) – Control of Dogs 2020 replaced with the PSPO – Control of Dogs Order 2023;</li> <li>2. That the current general restrictions are retained in the PSPO – Control of Dogs 2023;</li> <li>3. That the restriction relating to Efford and Weston Mill Cemeteries is changed, such that dogs must be kept on a lead in these areas;</li> <li>4. That a new restriction is included, such that a person should be in charge of no more than six dogs at any time in a public place.</li> </ol>				

**SECTION TWO: EQUALITY IMPACT ASSESSMENT SCREENING TOOL**

<p><b>Potential external impacts:</b> Does the proposal have the potential to negatively impact service users, communities or residents with protected characteristics?</p>	<p><b>Yes</b></p>	<p>X</p>	<p><b>No</b></p>	
<p><b>Potential internal impacts:</b> Does the proposal have the potential to negatively impact Plymouth City Council employees?</p>	<p><b>Yes</b></p>		<p><b>No</b></p>	<p>X</p>
<p>Is a full Equality Impact Assessment required? (if you have answered yes to either of the questions above then a full impact assessment is required and you must complete section three)</p>	<p><b>Yes</b></p>	<p>X</p>	<p><b>No</b></p>	
<p>If you do not agree that a full equality impact assessment is required, please set out your justification for why not.</p>	<p>The Policy has impact on individuals not groupings. The legislation only applies where an individual has committed a criminal offence. The legislation specifically details the circumstances where the legislation does not apply to an individual.</p>			

**SECTION THREE: FULL EQUALITY IMPACT ASSESSMENT**

<p><b>Protected characteristics (Equality Act, 2010)</b></p>	<p><b>Evidence and information (e.g. data and consultation feedback)</b></p>	<p><b>Adverse impact</b></p>	<p><b>Mitigation activities</b></p>	<p><b>Timescale and responsible department</b></p>
<p><b>Age</b></p>	<p>Plymouth</p> <ul style="list-style-type: none"> <li>16.4 per cent of people in Plymouth are children aged under 15.</li> </ul>	<p>FPNs are not served on those under 18. Policy has impact on individuals over 18 not groupings and only then if they commit an offence.</p>	<p>N/A</p>	<p>N/A</p>

	<ul style="list-style-type: none"> <li>• 65.1 per cent are adults aged 15 to 64.</li> <li>• 18.5 percent are adults aged 65 and over.</li> <li>• 2.4 percent of the resident population are 85 and over.</li> </ul> <p>South West</p> <ul style="list-style-type: none"> <li>• 15.9 per cent of people are aged 0 to 14, 61.8 per cent are aged 15 to 64.</li> <li>• 22.3 per cent are aged 65 and over.</li> </ul> <p>England</p> <ul style="list-style-type: none"> <li>• 17.4 per cent of people are aged 0 to 14.</li> <li>• 64.2 per cent of people are aged 15 to 64.</li> <li>• 18.4 per cent of people are aged 65 and over.</li> </ul> <p>(2021 Census)</p>	<p>The Council will consider the individual circumstances of the offence and the individual prior to a Fixed Penalty Notice being served.</p> <p>Therefore, no adverse impact is anticipated.</p>		
<p><b>Care experienced individuals</b></p> <p>(Note that as per the Independent Review of Children’s Social Care recommendations, Plymouth City Council is treating care experience as though it is a</p>	<p>It is estimated that 26 per cent of the homeless population in the UK have care experience. In Plymouth there are currently 7 per cent of care leavers open to the service (6 per cent aged 18-20 and 12 per cent of those aged 21+) who are in unsuitable accommodation.</p> <p>The Care Review reported that 41 per cent of 19-21 year old care leavers are not in education, employment or training (NEET) compared to 12 per cent of all other young people in the same age group.</p> <p>In Plymouth there are currently 50 per cent of care leavers aged 18-21 Not in Education</p>	<p>Policy has impact on individuals not groupings and only then if they commit an offence.</p> <p>The Council will consider the individual circumstances of the offence and the individual prior to a Fixed Penalty Notice being served.</p> <p>Therefore, no adverse impact is anticipated.</p>	<p>N/A</p>	<p>N/A</p>

<p>protected characteristic).</p>	<p>Training or Employment (54 per cent of all those care leavers aged 18-24 who are open to the service).</p> <p>There are currently 195 care leavers aged 18 to 20 (statutory service) and 58 aged 21 to 24 (extended offer). There are more care leavers aged 21 to 24 who could return for support from services if they wished to.</p>			
<p><b>Disability</b></p>	<p>9.4 per cent of residents in Plymouth have their activities limited ‘a lot’ because of a physical or mental health problem.</p> <p>12.2 per cent of residents in Plymouth have their activities limited ‘a little’ because of a physical or mental health problem (2021 Census)</p>	<p>Policy has impact on individuals not groupings and only then if they commit an offence.</p> <p>The Council will consider the individual circumstances of the offence and the individual prior to a Fixed Penalty Notice being served.</p> <p>Therefore, no adverse impact is anticipated.</p> <p>Extract from the proposed Public Spaces Protection Order – Control of Dogs 2023:</p> <p>Nothing in paragraph 5 (Fouling) or paragraph 7 (Exclusion of Dogs) or paragraph 9 (Means to remove dog faeces) of this Order applies to a person who –</p> <p>is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or</p> <p>has a disability which requires being in charge of an Assistance Dog registered with Assistance Dogs UK (registered charity number 1119538) and upon which he relies for assistance.</p> <p>Nothing in paragraph 7 (Exclusion of Dogs) of this Order applies to a person who –</p> <p>is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance.</p>	<p>N/A</p>	<p>N/A</p>



<b>Gender reassignment</b>	0.5 per cent of residents in Plymouth have a gender identity that is different from their sex registered at birth. 0.1 per cent of residents identify as a trans man, 0.1 per cent identify as non-binary and, 0.1 per cent identify as a trans women (2021 Census).	Policy has impact on individuals not groupings and only then if they commit an offence.  The Council will consider the individual circumstances of the offence and the individual prior to a Fixed Penalty Notice being served.  Therefore, no adverse impact is anticipated.	N/A	N/A
<b>Marriage and civil partnership</b>	40.1 per cent of residents have never married and never registered a civil partnership. 10 per cent are divorced, 6 percent are widowed, with 2.5 per cent are separated but still married.  0.49 per cent of residents are, or were, married or in a civil partnerships of the same sex. 0.06 per cent of residents are in a civil partnerships with the opposite sex (2021 Census).	Policy has impact on individuals not groupings and only then if they commit an offence.  The Council will consider the individual circumstances of the offence and the individual prior to a Fixed Penalty Notice being served.  Therefore, no adverse impact is anticipated.	N/A	N/A
<b>Pregnancy and maternity</b>	The total fertility rate (TFR) for England was 1.62 children per woman in 2021. The total fertility rate (TFR) for Plymouth in 2021 was 1.5.	Policy has impact on individuals not groupings and only then if they commit an offence.  The Council will consider the individual circumstances of the offence and the individual prior to a Fixed Penalty Notice being served.  Therefore, no adverse impact is anticipated.	N/A	N/A
<b>Race</b>	In 2021, 94.9 per cent of Plymouth's population identified their ethnicity as White, 2.3 per cent as Asian and 1.1 per cent as Black (2021 Census)  People with a mixed ethnic background comprised 1.8 per cent of the population. 1 per cent of the population use a different term to describe their ethnicity (2021 Census)	Policy has impact on individuals not groupings and only then if they commit an offence.  The Council will consider the individual circumstances of the offence and the individual prior to a Fixed Penalty Notice being served.  Persons who do not speak English may not understand notices.	Visual notices will be put up in relevant places in accordance with the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection	October 2023 by Street Services

	92.7 per cent of residents speak English as their main language. 2021 Census data shows that after English, Polish, Romanian, Chinese, Portuguese, and Arabic are the most spoken languages in Plymouth (2021 Census).		Orders) Regulations 2014	
<b>Religion or belief</b>	48.9 per cent of the Plymouth population stated they had no religion. 42.5 per cent of the population identified as Christian (2021 Census).  Those who identified as Muslim account for 1.3 per cent of Plymouth's population while Hindu, Buddhist, Jewish or Sikh combined totalled less than 1 per cent (2021 Census).	Policy has impact on individuals not groupings and only then if they commit an offence.  The Council will consider the individual circumstances of the offence and the individual prior to a Fixed Penalty Notice being served.  Therefore, no adverse impact is anticipated.	N/A	N/A
<b>Sex</b>	51 per cent of our population are women and 49 per cent are men (2021 Census).	Policy has impact on individuals not groupings and only then if they commit an offence.  The Council will consider the individual circumstances of the offence and the individual prior to a Fixed Penalty Notice being served.  Therefore, no adverse impact is anticipated.	N/A	N/A
<b>Sexual orientation</b>	88.95 per cent of residents aged 16 years and over in Plymouth describe their sexual orientation as straight or heterosexual. 2.06 per cent describe their sexuality as bisexual, 1.97 per cent of people describe their sexual orientation as gay or lesbian. 0.42 per cent of residents describe their sexual orientation using a different term (2021 Census).	Policy has impact on individuals not groupings and only then if they commit an offence.  The Council will consider the individual circumstances of the offence and the individual prior to a Fixed Penalty Notice being served.  Therefore, no adverse impact is anticipated.	N/A	N/A

**SECTION FOUR: HUMAN RIGHTS IMPLICATIONS**

Human Rights	Implications	Mitigation Actions	Timescale and responsible department
	<p>Policy has impact on individuals not groupings and only then if they commit an offence.</p> <p>The Council will consider the individual circumstances of the offence and the individual prior to a Fixed Penalty Notice being served.</p> <p>Therefore, no adverse impact is anticipated.</p>	N/A	N/A

**SECTION FIVE: OUR EQUALITY OBJECTIVES**

Equality objectives	Implications	Mitigation Actions	Timescale and responsible department
<p><b>Celebrate diversity and ensure that Plymouth is a welcoming city.</b></p>	<p>Policy has impact on individuals not groupings and only then if they commit an offence.</p> <p>The Council will consider the individual circumstances of the offence and the individual prior to a Fixed Penalty Notice being served.</p> <p>Therefore, no adverse impact is anticipated.</p>	N/A	N/A
<p><b>Pay equality for women, and staff with disabilities in our workforce.</b></p>	<p>Policy has impact on individuals not groupings and only then if they commit an offence.</p> <p>The Council will consider the individual circumstances of the offence and the</p>	N/A	N/A

	<p>individual prior to a Fixed Penalty Notice being served.</p> <p>Therefore, no adverse impact is anticipated.</p>		
<p><b>Supporting our workforce through the implementation of Our People Strategy 2020 – 2024</b></p>	<p>Policy has impact on individuals not groupings and only then if they commit an offence.</p> <p>The Council will consider the individual circumstances of the offence and the individual prior to a Fixed Penalty Notice being served.</p> <p>Therefore, no adverse impact is anticipated.</p>	<p>N/A</p>	<p>N/A</p>
<p><b>Supporting victims of hate crime so they feel confident to report incidents, and working with, and through our partner organisations to achieve positive outcomes.</b></p>	<p>Policy has impact on individuals not groupings and only then if they commit an offence.</p> <p>The Council will consider the individual circumstances of the offence and the individual prior to a Fixed Penalty Notice being served.</p> <p>Therefore, no adverse impact is anticipated.</p>	<p>N/A</p>	<p>N/A</p>
<p><b>Plymouth is a city where people from different backgrounds get along well.</b></p>	<p>Policy has impact on individuals not groupings and only then if they commit an offence.</p> <p>The Council will consider the individual circumstances of the offence and the individual prior to a Fixed Penalty Notice being served.</p> <p>Therefore, no adverse impact is anticipated.</p>	<p>N/A</p>	<p>N/A</p>

## Appendix I

### Public Spaces Protection Order – Control of Dogs Consultation 2023

#### Introduction

Every 3 years the Council consults on the Public Spaces Protection Order which is in place to balance the needs of dog owners with other people who also use the parks, open spaces and sports facilities in Plymouth. Most of these restrictions have been in place since 2008, under the old Dog Control Orders. Similar restrictions are in place in most local authorities across the country.

Details of the current PSPO and the dog controls in Plymouth can be found on the Council's website. It also tells you that you will receive a Fixed Penalty Notice of £100 if you do not comply with the Order.

[Dog control | PLYMOUTH.GOV.UK](#)

The purpose of the PSPO is primarily to prevent dog fouling, but also to ensure dogs are controlled at all times. Therefore, the Council intends to keep most of these restrictions in the new PSPO 2023.

However, we want your views on some changes the Council is proposing which apply to specific areas or facilities used by different people, e.g. dog walkers, families and sports people.

The consultation is open from 28<sup>th</sup> July 2023 to 28<sup>th</sup> August 2023.

#### Part A – Dog controls at specific locations

This is a control measure to protect the health and safety of people using some of our specific facilities in Plymouth, so dogs are currently excluded from them. It is intended to keep the existing controls relating to most of these facilities.

Dogs are currently excluded from Efford Cemetery and Weston Mill Cemetery. However, it is proposed that dogs should be allowed on a lead in these areas. This means that these areas would have the same restriction as the new crematorium at Haye Road.

I. Please select a statement:

	Please tick
Dogs should be excluded from Efford and Weston Mill Cemeteries	
Dogs should be allowed on leads in Efford and Weston Mill Cemeteries	

**Part B – Dogs on leads**

This is a control measure to assist with tackling dog fouling in specific areas in Plymouth, which are used by dog owners and others who do not own or walk dogs.

Currently, dog owners must keep their dogs on a lead within the marked playing area of a sports pitch. This requirement has been in place in Plymouth since 2008, and helps prevent dog fouling in areas specifically designated for sporting activities.

It is in place to help ensure that these areas are kept safe for the people using them for sport. Keeping dogs on a lead, or excluding them totally, will help to minimise residual dog poo that can be left even after someone has picked up after their dog.

There are no restrictions on the land surrounding the individual pitches or when the sports pitches are not marked up for matches.

The main sports pitches are used for football, rugby and cricket. They are used for formal matches within a league structure and informally by children and adults at other times.

It is essential that these areas are kept clear from dog poo to minimise the risk to health at all times, not just when sports are taking place.

2. Please select a statement:

	Please tick
Dogs should be excluded from a marked sports pitch	
Dogs should be allowed on leads within a marked sports pitch	

**Part C – Maximum number of dogs**

A person who holds an Animals Activities Licence to care for other people's dogs during the day or overnight is only allowed to walk up to six dogs at a time.

We want your views on whether this should apply to anyone who is in charge of dogs in a public place, whether they hold a Licence or not.

3. Please select a statement:

	Please tick
Someone should be in charge of six dogs or less in a public place	
Someone can be in charge of any number of dogs in a public place	

**Part D – Additional questions**

4. Are there any other areas in the city that you feel should have restrictions?

Yes/No

Please comment

5. Are there any adverse impacts to the proposals that you wish to highlight?

Yes/No

Please comment

6. Do you own a dog/s?

Yes / No

7. Do you walk dogs in Plymouth?

Yes / No

8. Do you play sports on the pitches where currently dogs must be on a lead?

Yes / No

9. Do you visit Efford and/or Weston Mill Cemeteries regularly?

Yes / No

10. What is your postcode?

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**Appendix 2****Public Spaces Protection Order – Control of Dogs Consultation 2020****Results of Public Consultation**

1,948 responses were received in total.

**Part A – Dog control at Efford and Weston Mill Cemeteries**

<b>Question</b>	<b>Result</b>
Dogs should remain excluded from Efford and Weston Mill Cemeteries	25%
Dogs should be allowed on leads in Efford and Weston Mill Cemeteries	<b>75%</b>
<p>Detailed analysis of results:</p> <p>In total 31% of respondents visit the cemeteries regularly</p> <p><b>69% of respondents who visit the cemeteries regularly said dogs should be allowed on leads.</b></p> <p>31% of respondents who visit the cemeteries regularly said dogs should be excluded.</p> <p>In total 69% of respondents do not visit the cemeteries regularly.</p> <p><b>78% of respondents who do not visit the cemeteries regularly said dogs should be allowed on leads.</b></p> <p>22% of respondents who do not visit the cemeteries regularly said dogs should be excluded.</p>	

**Part B – Dog control on Sports Pitches**

<b>Question</b>	<b>Result</b>
Dogs should be excluded from a marked sports pitch	46%
Dogs should be allowed on leads within a marked sports pitch	<b>54%</b>

Detailed analysis of results:

In total 73% of respondents own a dog.

**70% of dog owners said dogs should be allowed on leads within a marked sports pitch**

30% of dogs owners said dogs should be excluded from marked sports pitches

In total 27% of respondents do not own a dog.

14% of non-dog owners said dogs should be allowed on leads within a marked sports pitch

**86% of non-dog owners said dogs should be excluded from marked sports pitches**

In total 76% of respondents said they walk dogs in Plymouth.

**68% of dog walkers said dogs should be allowed on leads within a marked sports pitch.**

32% of dog walkers said dogs should be excluded from marked sports pitches

In total 29% of respondents play sport on the pitches where dogs are currently required to be on a lead.

**63% of sports pitch users said dogs should be allowed on leads within a marked sports pitch.**

37% of sports pitch users said dogs should be excluded from a marked sports pitch

In total 71% of respondents do not play sport on the pitches where dogs are currently required to be on a lead.

**51% of non-pitch users said dogs should be on a lead within a marked sports pitch.**

49% of non-pitch users said dogs should be excluded from a marked sports pitch.

**Part C – Number of dogs in control of one person**

Question	Result
Someone should be in charge of no more than six dogs at any time in a public place	<b>89%</b>
Someone can be in charge of any number of dogs in a public place (unless Licenced to six)	11%

**Part D – Additional questions**

Question	Response
<p>1. Are there any other areas in the city that you feel should have restrictions?</p> <p>Summary of Comments: The top 4 places where respondents thought restrictions should be in place were beaches, The Hoe, city centre, near schools. Each of these area were mentioned by between 30 to 50 respondents. Other places (mentioned by up to 6 respondents) included: Beaumont Park Freedom Fields Devonport Park Hartley Park Oreston Other parks were mentioned, but these areas already have restrictions in place or were only mentioned by one respondent.</p>	<p>Yes – 26%</p> <p><b>No – 74%</b></p>
<p>2. Are there any adverse impacts to the proposals that you wish to highlight?</p> <p>Summary of Comments: There was a wide variety of comments ranging from no restrictions to support for current and proposed restrictions to requesting more restrictions.</p> <p>Comments generally related to: Dog owners were generally responsible Good walkers are diligent Minority are irresponsible Benefits to mental health of dog ownership Dog fouling in many places across the city H&amp;S of children is priority Need more bins Improve signage</p>	<p>Yes – 30%</p> <p><b>No – 70%</b></p>

<p>Have a publicity campaign  Encourage responsible dog ownership  Work with professional dog walkers  Licence dog walkers  More enforcement by dog wardens  Uniformed wardens only  Heavier fines required  Council should deal with other issues, anti-social behaviour, littering, travellers</p>	
3. Do you own a dogs?	<b>Yes – 73%</b> No – 27%
4. Do you walk dogs in Plymouth?	<b>Yes – 76%</b> No – 24%
5. Do you play sports on the pitches where currently dogs must be on a lead?	Yes – 29% <b>No – 71%</b>
6. Do you visit Efford and/or Weston Mill Cemeteries regularly?	Yes – 31% <b>No – 69%</b>

# **PUBLIC SPACES PROTECTION ORDER – CONTROL OF DOGS 2023**



## **Plymouth City Council**

### **The Anti-Social Behaviour, Crime and Policing Act 2014**

### **Public Spaces Protection Order – Control of Dogs 2023**

This Order is made by Plymouth City Council (“the Council”) under the Anti-Social Behaviour, Crime and Policing Act 2014 section 59 (“the Act”) for the Control of Dogs in its area (“the Order”).

This Order comes into force on the 20<sup>th</sup> October 2023 for a period of 3 years.

#### **General provision**

1. “Public Place” means all land in the administrative area of the Council to which the public or a section of the public has access, on payment or otherwise, as a right by virtue of express or implied permission.
2. “Authorised Person” means a person authorised by the Council for the purposes of giving directions under this Order.
3. 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.

#### **Penalty**

4. 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 Act and liable to a fine on summary conviction not exceeding level 3 on the standard scale.

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

##### **5. Fouling**

- 5.1 If a dog defecates at any time in any Public Place a person who is in charge of the dog at that time must remove the faeces forthwith unless -
  - (a) they have a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the Public Place has consented (generally or specifically) to his failing to do so.

- 5.2 Placing the faeces in a receptacle which is provided for the purpose, or the disposal of waste, shall be sufficient removal from the Public Place.
- 5.3 Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

## **6. Dog on Leads by Direction**

- 6.1 An Authorised Person may in any Public Place other than those specified in Schedules 1 and 2 of this Order (which dogs are excluded from or must be kept on a lead in any event) direct a person in charge of a dog to put and keep the dog on a lead if such restraint is in the opinion of the Authorised Person reasonably necessary to prevent a nuisance or if its behaviour is likely to cause alarm, distress or disturbance to any other person or animal or bird.
- 6.2 A person issued with a direction under 6.1 must comply unless –
- (a) they have a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the Public Place has consented (generally or specifically) to his failing to do so.

## **7. Exclusion of Dogs**

- 7.1 A person in charge of a dog must not take it onto, or permit the dog to enter or to remain on any Public Place specified in Schedule 1 to the Order unless –
- (a) they have a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the Public Place has consented (generally or specifically) to his failing to do so.

## **8. Dogs on Leads**

- 8.1 A person in charge of a dog in any Public Place specified in Schedule 2 to this Order must keep the dog on a lead unless –
- (a) they have a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the Public Place has consented (generally or specifically) to his failing to do so.

## **9. Means to Remove Dog Faeces**

- 9.1 A person in charge of a dog in any Public Place must produce a device, or other suitable means, for removing dog faeces and transporting it to a bin (whether or not the dog has defecated) when asked to do so by an authorised officer unless –
- (a) they have a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the Public Place has consented (generally or specifically) to his failing to do so

## **10.1 Maximum number of dogs to be walked at any time**

- 10.1 A person in charge of more than one dog in any Public Place must not walk more than 6 dogs at any one time unless –
- (a) they have reasonable excuse in failing to do so; or
  - (b) the owner, occupier or other person having control of the land has consented (generally or specifically) to his failing to do so

## **11. Exemptions**

- 11.1 Nothing in paragraph 5 (Fouling) or paragraph 7 (Exclusion of Dogs) or paragraph 9 (Means to remove dog faeces) of this Order applies to a person who –
- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
  - (b) has a disability which requires being in charge of an Assistance Dog registered with Assistance Dogs UK (registered charity number 1119538) and upon which he relies for assistance.
- 11.2 Nothing in paragraph 7 (Exclusion of Dogs) of this Order applies to a person who –
- (a) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance.

## **12. Challenging the validity of the Order (section 66 of the Act)**

- 12.1 An interested person may apply to the High Court to question the validity of—
- (a) a public spaces protection order, or
  - (b) a variation of a public spaces protection order.

“Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area.

- 12.2 The grounds on which an application under this section may be made are—
- (a) that the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
  - (b) that a requirement under this Chapter was not complied with in relation to the order or variation.
- 12.3 An application under this section must be made within the period of 6 weeks beginning with the date on which the order or variation is made.

The Common Seal of  
The Council of the City of Plymouth  
was hereunto affixed in the presence of

Authorised Signatory

Dated

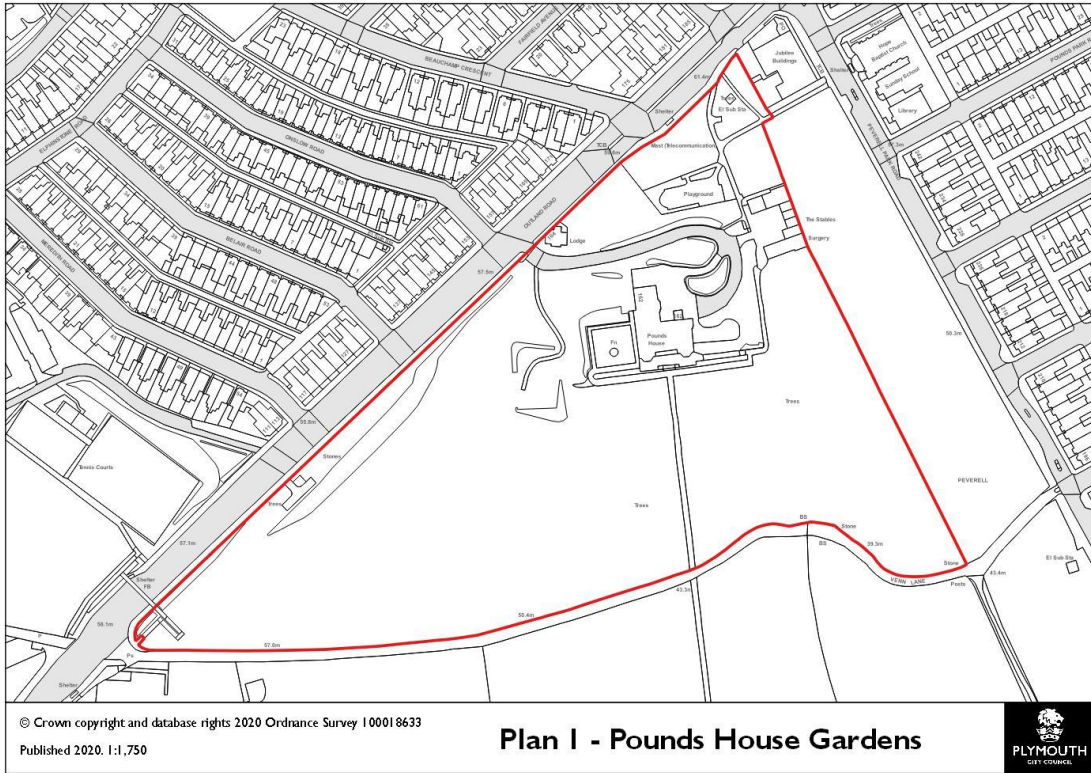


**Schedule 1 – Dog Exclusion**

1. All Public Places within the Council's administrative area signed at its entrance(s) as a 'dog exclusion area' (whether the sign uses those particular words and/or symbols having like effect) comprising of any fenced, hedged, walled or otherwise enclosed children's play area (owned and/or managed by the Council), bowling green, croquet lawn, tennis court, skate park, putting green, crazy golf or school grounds.

**Schedule 2 – Dogs on Leads**

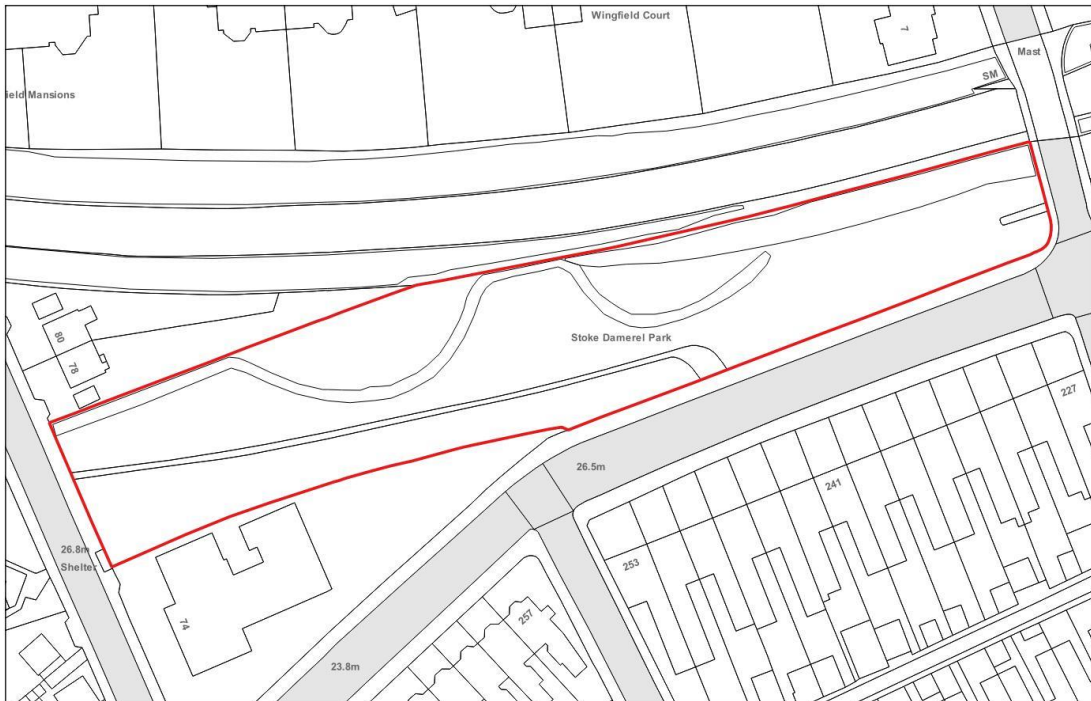
1. All Public Places within the administrative area of Plymouth City Council comprising of all Plymouth City Council owned and/or managed sports pitches when within the marked pitch/playing area.
2. Pounds House Gardens, Plymouth (shown on Plan 1 attached)
3. West Hoe Park, Plymouth (shown on Plan 2 attached)
4. Moor View Park, Mutley, Plymouth (shown on Plan 3 attached)
5. Stoke Damerell Park, Stuart Road, Stoke, Plymouth (shown on Plan 4 attached)
6. Houndiscombe Park, Mutley, Plymouth (shown on Plan 5 attached)
7. Thorn Park, Mutley, Plymouth (shown on Plan 6 attached)
8. Specified area within Central Park, Plymouth (shown on Plan 7 attached)
9. Plymouth Crematorium at The Park, Haye Road, Plymouth (shown on Plan 8 attached)
10. Efford Cemetery, Efford, Plymouth (shown on Plan 9 attached)
11. Weston Mill Cemetery, Weston Mill, Plymouth (shown on Plan 10 attached)





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**Plan 3 - Moor View Park**



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**Plan 4 - Stoke Damerell Park**





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### Plan 5 - Houndiscombe Park



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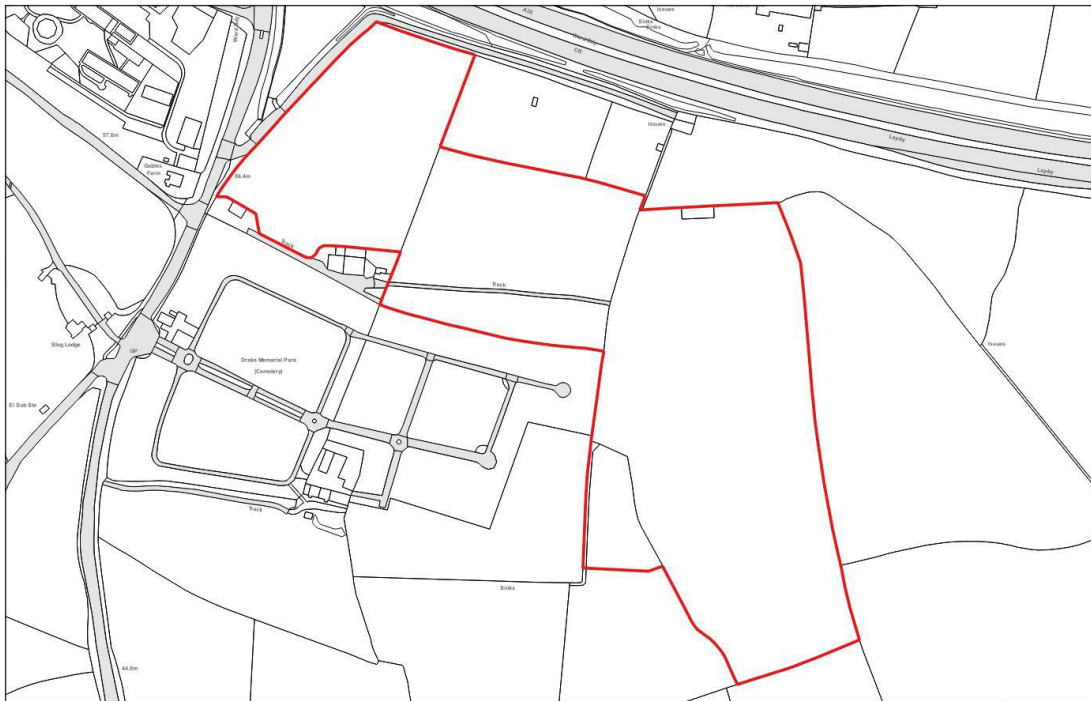
### Plan 6 - Thorn Park





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**Plan 7 - Central Park Area**



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**Plan 8 - Plymouth Crematorium at The Park**



