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Date: 17th January, 2017

Dear Sir/Madam,

A meeting of the **CABINET** will be held in the Committee Room A, Town Hall, Nuneaton on Wednesday, 25th January, 2017 at **6.00 p.m.**

Please note that meetings may be recorded for future broadcast.

Yours faithfully,

ALAN FRANKS

Managing Director

To: Members of Cabinet

Councillor D. Harvey	(Finance and Civic Affairs (Leader))
Councillor J.A. Jackson	(Housing (Deputy Leader))
Councillor D. Aldington	(Planning and Development)
Councillor I.K. Lloyd	(Arts and Leisure)
Councillor G.D. Pomfrett	(Central Services)
Councillor B.J. Longden	(Health and Environment)

AGENDA

PART I

PUBLIC BUSINESS

1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside the Yorkshire Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

I would also advise you that the meeting if all or part of the meeting will be recorded for future broadcast.

2. APOLOGIES - To receive apologies for absence from the meeting.

3. DECLARATIONS OF INTEREST

To receive declarations of Disclosable Pecuniary and Other Interests, in accordance with the Members' Code of Conduct.

Declaring interests at meetings

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non-pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (**Page 7**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.

Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

Note: Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.

Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.

4. MINUTES - To confirm the minutes of the Cabinet meeting held on the 30th November, 2016 **(Page 9)**
5. PUBLIC CONSULTATION - **Members of the public will be given the opportunity to speak on specific agenda items if notice has been received.**
6. ADOPTION OF SPORT, RECREATION AND COMMUNITY FACILITY AND PLAYING PITCH STRATEGIES – report of Director – Governance and Recreation attached **(Page 17)**
7. BOROUGH PLAN SUBMISSION CONSULTATION – report of Director – Regeneration and Public Protection attached. **(Page 22)**
8. SHELTERED HOUSING – report of Director – Housing and Communities **to follow**
9. DOG CONTROL PUBLIC SPACE PROTECTION ORDER – report of the Director – Regeneration and Public Protection **(Page 924)**
10. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY PANELS

(1) Economic and Corporate Overview and Scrutiny Panel – 24th November, 2016

The Panel considered the report of the Principal Democratic Services Officer (Elections) which provided an update on the outcome on the Electoral Register, as a result of the introduction of the Individual Electoral Registration Scheme introduced by the Electoral Registration and Administration Act (Transitional Provisions Order) 2015. During the meeting the issue was raised that the Borough had not had a Commission Boundary Review for some considerable time and that this was overdue. However, given the proposed growth that will be identified in the Borough Plan it was recommended that consideration be given by Cabinet to requesting a Borough Boundary Review once the Borough Plan has been finalised.

(2) Planning and Environment Overview and Scrutiny Panel – 8th December, 2016

The Panel considered information on the problems caused by illegal encampments by Gypsies and Travellers and the legislative processes/procedures followed by the Council and Warwickshire Police to enable their eviction.

The Panel RESOLVED that it be recommended to Cabinet that the following suggested changes in the legislation to the proposed enforcement powers be referred to the relevant Government Minister:

- i) the council believes that the law must change to enable a council to remove Travellers from their areas without further need to go to the courts where a Court Order has been previously made against them, or the Police serve a Section 61 Notice under the Criminal Justice and Public Order Act 1994 or where an unauthorised encampment occurs on land that has been subject to a Court Order or Section 61 Direction in the preceding period of twelve months. Additionally, the criteria for the use of Section 61 should be reviewed with its use being compulsory when the criteria are met.
- ii) the council believes that the power should be available to it and other councils to serve a Direction on trespassers on land within their area. The council also believes strongly that the Direction should last for a period of twelve months.
- iii) when a council has sufficient transit sites further powers/duties should be available to enable the council to remove unauthorised encampments without the need to go to the courts.
- iv) where a transit site in a council's area is full or where Travellers in an unauthorised encampment will not move to the designated transit site the council should be able to direct the Travellers to leave its area and prohibited from returning for twelve months.

- v) failure of the Travellers to move on or if they return within twelve months the punishment should be comparable to that under Section 61 and Section 62 A to E of the Criminal Justice and Public Order Act 1964 i.e. imprisonment for up to three months and or a fine.
 - vi) the Section 77 Order should be capable of enforcement for the full 3 months against all trespassers in Direction/Order posted on the land.
 - vii) Part 55 should be extended to take any land in the application owned by the applicant that is considered at risk (and there is some evidence to support the belief).
 - viii) all criminal offences under the 1994 Act should be arrestable offences; and
 - ix) provisions to enable costs to be recovered by securing them to the vehicle registrations.
11. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

- Aim 1** - To improve the quality of life and social justice for residents so it is much closer to that enjoyed by the rest of Warwickshire.
- Priority 1** - To provide a choice of housing to meet the needs of the residents of the Borough.
- Priority 2** - To create a healthy, diverse and robust economy which provides employment opportunities for local people.
- Priority 3** - To work in partnership to improve health and reduce health inequalities for residents in the Borough.
- Priority 4** - To develop a confident, cohesive and diverse community.
- Aim 2** - To work in partnership to reduce the level of crime and disorder so that the community is and feels safer.
- Priority 1** - Dealing with anti-social behaviour by working in partnership and provide diversionary activities to engage with youngsters.
- Priority 2** - Environmental improvements and support for selective CCTV to reduce fear of crime.
- Priority 3** - Use of the Council's enforcement powers to support community safety initiatives.
- Aim 3** - To provide a pleasant environment for those living, working and visiting the Borough.
- Priority 1** - To create a greener and cleaner environment.
- Priority 2** - To lead in environmental issues addressing climate change and protection of the environment.
- Aim 4** - To provide quality services which represent value for money.
- Priority 1** - To continue to improve the performance and quality of key services.
- Priority 2** - To improve access arrangements for all Council services and the way that those who use them are treated.
- Priority 3** - To use value for money procedures to test the way all services are delivered.

Cabinet - Schedule of Declarations of Interests

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments
	D. Harvey		Non-Executive Director with Nuneaton and Bedworth Community Enterprises Limited	Dispensation to speak & vote
	D. Harvey		Director on the Pride of Camphill Board	
	G. Pomfrett		Warwickshire Police and Crime Panel	
	J. Jackson	Any matter relating to the Employment policies and procedures of Nuneaton & Bedworth Borough Council or SLM Community Leisure (by reason of her		Dispensation to speak and vote on matters that do not relate specifically to her husband's contract of employment or the service unit in which he is employed

		husband's employment with Nuneaton and Bedworth Borough Council and Sport and Leisure Management)		
	J. Jackson		Member of Warwickshire County Council	
	J. Jackson		Non-Executive Director with Nuneaton and Bedworth Community Enterprises Limited	Dispensation to speak & vote
	B.J. Longden		Daughter and son-in-law work in the NHS	

NUNEATON AND BEDWORTH BOROUGH COUNCIL

CABINET

30th November, 2016

A meeting of the Cabinet was held at the Town Hall, Nuneaton, on Wednesday, 30th November, 2016.

Present

Councillor D. Aldington	(Planning and Development)
Councillor D. Harvey	(Finance and Civic Affairs (Leader))
Councillor J.A. Jackson	(Housing and Communities (Deputy Leader))
Councillor I.K. Lloyd	(Arts and Leisure)
Councillor B.J. Longden	(Health and Environment)
Councillor G.D. Pomfrett	(Central Services)

CB46 **Minutes**

RESOLVED that the minutes of the meeting held on the 2nd November, 2016 be approved and signed by the Chair.

CB47 **Declarations of Interest**

The Declarations of Interest for this meeting are as set out in the Schedule attached to these minutes.

CB48 **Quarterly Review of Strategic Performance Report (End of September 2016)**

A report from the Governance, Risk Management and Performance Officer was submitted which provided the Council's Strategic Performance Report for quarterly review by Cabinet.

RESOLVED that

- (a) the report be noted; and
- (b) Cabinet's thanks be extended to the officers for continuing to maintain high standards of service, despite increasing budget cuts.

Speakers:

Michele Kondakor
Councillor Keith Kondakor

Options:

1. To note the report
2. To note the report and request feedback on action being taken to improve indicators.

Reasons:

Concern over under-performance.

CB49 **General Fund and Housing Revenue Account Quarterly Budget Monitoring Report – Quarter 2 2016/17 Update**

A report from the Director – Finance and Procurement presented the 2016/17 forecast outturn position as at 30th September, 2016 for the General Fund and Housing Revenue Accounts budgets.

RESOLVED that

- (a) the forecast outturn position for 2016/17 for the General Fund and HRA be noted with regard to the key variances; and
- (b) it be recommended to Council that the updated General Fund capital budget for 2016/17, as attached at Appendix C, be approved.

Speakers:

Mr Baxter
Michele Kondakor
Councillor Keith Kondakor

Options:

1. To accept the recommendations within the report
2. To request further information on the forecast outturn position.

Reasons:

To achieve a balanced budget each year.

CB50 **Treasury Management 2016/17 – Mid Year Review**

The report of the Director – Finance and Procurement informing Cabinet of the requirement through the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management to report to full Council a mid-year review report, which was adopted by the Council on 17th February, 2016 was considered.

RESOLVED that it be recommended to Council that:

- (a) the report be noted;
- (b) the changes to the prudential indicators, as detailed within the report and summarised at Appendix A to the report be approved; and

- (c) Cabinet's thanks be extended to officers for their work on treasury management.

Speakers:

Councillor Keith Kondakor

Options:

None – statutory requirement for treasury and prudential indicators to be approved by full Council.

Reasons:

To comply with the CIPFA Code of Treasury Management.

CB51 Local Council Tax Support Scheme for 2017/18

The Director – Finance and Procurement submitted a report which updated Cabinet on the administration of the Local Council Tax Support Scheme (LCTS) for 2016/17 and sought approval for the final LCTS scheme to take effect from 1st April, 2017.

RESOLVED that

- (a) it be recommended to Council that the proposed Local Council Tax Support Scheme for 1st April, 2017 onwards be approved; and
- (b) as the recommendations from the report require Council approval on 7th December, 2016, this report be marked not for call-in on the grounds of urgency.

Speakers:

Councillor Keith Kondakor

Options:

1. To accept the recommendations.
2. To propose an alternative scheme for 2017/18, taking into consideration timescales for consultation and implementation.

Reasons:

The Council is required to publish a Local Council Tax Support Scheme each year by 31st January.

CB52 Borough Plan Working Party

The report from the Director – Regeneration and Public Protection sought amendments to the composition of the Borough Plan Working Party.

RESOLVED that

- (a) the composition of the Borough Plan Working Party be amended to comprise six representatives from Labour Group (plus two substitutes) and

two representatives from the Conservative Group (plus one substitute);

- (b) the Leaders of both groups forward nominations for the Working Party to the Managing Director; and
- (c) the report be marked not for call in on the grounds of urgency.

Speakers:

Mr. J. Foster
Mr. K. Mayer
Councillor Keith Kondakor

Options:

1. Agree the recommendations.
2. Propose an alternative composition.
3. Disband the Working Party.

Reasons:

To reflect the political composition of the Council following the local elections on 5th May, 2016.

CB53 Regulation of Investigatory Powers Act 2000 – Policy Review

A report from the Director – Governance and Recreation sought approval of the Council policy on the use of surveillance pursuant to the Regulation of Investigatory Powers Act 2000.

RESOLVED that the Policy attached at Appendix A to the report be approved.

Speakers:

Councillor Keith Kondakor

Options:

1. To approve the Policy.
2. Not to approve the Policy.
3. To amend the Policy prior to approval.

Reasons:

The Policy sets out the legal requirements and Council's procedures for complying with surveillance under the legislation.

CB54 Review of Parliamentary Constituency Boundaries in England

A report from the Managing Director was submitted to Cabinet which presented further information regarding the proposed review of the Nuneaton Constituency following receipt of the report from the Boundary Commission for England (BCE).

RESOLVED that it be recommended to the Boundary Commission for England that Option A be the preferred Constituency for the Nuneaton and Bedworth Electoral Area i.e. that the wards of Nuneaton and Bedworth form a Parliamentary Constituency and be renamed the Nuneaton and Bedworth Parliamentary Constituency based on the criteria contained in the report with an electorate based on December 2015 of 94,500.

Speakers:

Councillor Keith Kondakor

Options:

1. To approve the recommendation
2. Do not approve the recommendation
3. Amend the recommendation

Reasons:

There is an opportunity to influence the shape of the Constituencies affecting the Borough. Option A best satisfies the community ties between Nuneaton and Bedworth, gives greater clarity for residents and the interests of residents are best served by one MP.

CB55 Recommendations from Overview and Scrutiny Panels

There were no recommendations from Overview and Scrutiny Panels.

CB56 Exclusion of Public and Press

RESOLVED that under section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item, it being likely that there would be disclosure of exempt information of the description specified in paragraph (iii) of Part 1 of Schedule 12A to the Act.

CB57 Grounds Maintenance Contracts Extension

A report from the Director – Governance and Recreation was submitted which outlined the proposal to extend the existing grounds maintenance contracts until 31st October, 2019.

RESOLVED that the proposals for an extension to the current grounds maintenance contracts as set out in the report be approved.

Options:

1. To approve the recommendation.
2. To not approve the recommendation.

Reasons:

The proposal would allow for the continuation of the existing level of service with an additional saving to the Council.

Chair

PUBLICATION DATE: 2ND DECEMBER, 2016

DECISIONS COME INTO FORCE: 12TH DECEMBER, 2016

Cabinet - Schedule of Declarations of Interests

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments
	D. Harvey		Non-Executive Director with Nuneaton and Bedworth Community Enterprises Limited	Dispensation to speak & vote
	D. Harvey		Director on the Pride of Camphill Board	
	J. Jackson	Any matter relating to the Employment policies and procedures of Nuneaton & Bedworth Borough Council or SLM Community Leisure (by reason of her husband's employment with Nuneaton and		Dispensation to speak and vote on matters that do not relate specifically to her husband's contract of employment or the service unit in which he is employed

		Bedworth Borough Council and Sport and Leisure Management)		
	J. Jackson		Member of Warwickshire County Council	
	J. Jackson		Non-Executive Director with Nuneaton and Bedworth Community Enterprises Limited	Dispensation to speak & vote

CABINET

Report Summary Sheet

Date: 25th January 2017

Subject: Adoption of NBBC Sport, Recreation & Community Facility and Playing Pitch Strategies.

Portfolio: Arts and Leisure (Councillor Ian Lloyd)

From: Philip Richardson – Governance & Recreation Director

Summary: This report updates Cabinet on the completed Sport, Recreation and Community Facility and Playing Pitch strategies for NBBC. These two documents have been externally undertaken as part of the evidence required for the Borough Plan and also to provide long-term action planning for the future leisure needs of the Borough.

Recommendations:

That the Sport, Recreation and Community Facility and Playing Pitch strategies are adopted and NBBC agrees to work towards the delivery of the action plans.

Reasons: The completed strategies have been externally undertaken as part of the Borough Plan's evidence base. They also provide future consideration and action planning for the long-term delivery of leisure across the Borough. The strategies identify opportunities for the Borough to consider in its delivery of leisure provision moving forward and opportunities to consider future leisure needs with its limited financial resources.

Options: To approve the recommendation.

Subject to call-in: Yes

Forward plan: Yes

Corporate priorities: Aim 1

Relevant statutes or policy: None

Equal opportunity implications: None

Human resources implications:

The actions identified within the strategies will require Officer time to deliver the agreed priorities. This will include Officers from the Planning Policy, Development Control, Finance, Parks and Countryside, Communities and Sports Development Teams.

Financial implications:

There are significant financial implications relating to the delivery of the strategies depending upon the agreed actions developed and delivered. The adoption of the strategies and Borough Plan will support in the collection of CIL/Section 106 developer contributions to support these costs. Additionally, external funding will also be sought either for NBBC directly or through partnership working.

Capital Investment planning will also need to be considered by NBBC to support the delivery of the action plans.

Health Inequalities Implications:

The strategies support the Council's Objectives in improving health and well-being and provide opportunities and facilities for residents to access and take part in physical activity at all levels across the Borough. Identified within the strategies is statistical information relating to deprived areas and hard to reach target groups where support is required.

Section 17 - Crime and Disorder Implications:

The opportunity to increase, provide new or refurbished facilities or different leisure pursuits, will give the opportunity for more residents to take part in leisure activities. This will support improved outcomes for crime and disorder, whereby

opportunities are taken up by young people in particular instead of other less desirable activities.

Risk management implications:

There are risk management issues which will be forthcoming depending upon the delivery of the action plans detailed within the two strategies. These will need to be managed at the time of the individual projects.

Environmental implications:

If facilities are refurbished or new build, these will conform to the latest building regulations and consequently will provide a greener footprint and a more environmentally friendly impact on utilities going forward.

Legal implications: None	

Contact details:

Philip Richardson

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AGENDA ITEM NO.6

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Cabinet 25th January 2017

From: Philip Richardson – Director Governance & Recreation

Subject: Adoption of NBBC Sport, Recreation & Community Facilities and Playing Pitch Strategies

Portfolio: Arts and Leisure (Councillor Ian Lloyd)

1. Purpose of Report

1.1 This report updates Cabinet on the completed Sport, Recreation & Community Facility and Playing Pitch strategies.

2. Recommendations

2.1 That the Sport, Recreation and Community Facility and Playing Pitch strategies are adopted and NBBC agrees to work to towards the delivery of the action plans.

3. Background

3.1 The Sport, Recreation & Community Facility and Playing Pitch Strategies have been undertaken by external consultants as part of the evidence for the Borough Plan. These two documents have been externally consulted upon by Sport England and several National Governing Bodies of Sport.

3.2 The NBBC Planning Policy team, working with a small group of internal officers, have been working on the above strategies over the past 18 months in order to support NBBC. This has assisted with future evidence for not only the Borough Plan but also to seek CIL/Developers contributions as part of any new housing development.

3.4 The formal adoption of the strategies and the Borough Plan are required in order to evidence and negotiate with future housing developers, their contributions are required for any planning applications to meet NBBC needs.

4. Financial Implications

- 4.1 The strategies identify a number of actions within the two action plans which support NBBC moving forward, meeting the changing environment of leisure provision across the Borough.
- 4.2 Both strategies have capital investment implications for future years, in order to refurbish, maintain current facilities and increase facilities to meet additional demands of the growing Borough.
- 4.3 The two strategies once adopted, along with the Borough Plan, will provide evidence for negotiation with developers to seek CIL/Section 106 contributions to support the delivery of the plans.

5. Summary

- 5.1 Attached to this report is Appendix (A) which is the summary finding from the Sport, Recreation and Community Facility strategies, Appendix (B) provides the executive summary from the Playing Pitch strategy.
- 5.2 Appendix (C and D) are the current identified areas for development to meet the shortfall and growth at this time.

PHILIP RICHARDSON

CABINET

Report Summary Sheet

Date: 25th January 2017

Subject: Consultation on Borough Plan Submission

Portfolio: Planning and Development - Councillor D Aldington

From: Director Regeneration and Public Protection

Summary: The purpose of this report is to seek Cabinet approval to consult on Submission version of the Borough Plan.

Recommendations:

- a. Approve the Borough Plan and accompanying Sustainability Appraisal and Infrastructure Delivery Plan for the purposes of public consultation in line with the provisions in the Council's Statement of Community Involvement.
- b. The Head of Planning Policy & Economic Development be delegated authority to make any necessary minor amendments to the consultation documents in discussion with the Portfolio Holder for Planning and Development.
- c. That the report not be subject to call-in on the grounds of urgency.

Reasons: To ensure the Council meets the requirements of the Planning and Compulsory Purchase Act 2004 and associated Regulations (as amended) and enable stakeholders to provide feedback on emerging policy.

Options:	<ol style="list-style-type: none">1. Accept the recommendations.2. Accept the recommendations with amendment.
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Subject to call-in:	No
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Forward plan:	Yes
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Corporate priorities:	Aims 1, 2, 3, 4
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Relevant statutes or policy:	The Town and Country Planning (Local Planning) (England) Regulations 2012 and the Town and Country Planning (Development Management Procedure) Order 2010 (DMPO).
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Equal opportunity implications:	<p>Since 6th April 2011, the Council has been subject to the Public Sector Equality Duty, which is part of the Equality Act 2010. This Duty requires the Council to give consideration to equalities when carrying out its services.</p> <p>Throughout the development of the Plan, equality considerations have been fully considered to assess any potential adverse impact there might be on any of the protected characteristics listed in the Equality Act 2010.</p> <p>As part of the preparation for the document, an Equality Impact Assessment (EIA) has already been conducted. Further EIA's will be carried out to ensure that no issues have been identified during the consultation period on the document.</p> <p>The consultation process will aim to reach as many areas of the community as possible, including groups which are based on a protected characteristic e.g. age, disability. Appropriate monitoring will accompany this consultation to capture who has been engaged with. The results of this consultation and the EIA's will be shared with Cabinet to inform the decision making process of the Council.</p>
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Human resources implications:	To be delivered using existing resources.
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Financial implications:	The cost of consulting on the documents will be met using existing budget allocations.
Health Inequalities Implications:	A Health Impact Assessment has been undertaken on the Borough Plan and amendments have been made to the document to reflect the findings.
Section 17 - Crime and Disorder Implications:	Policies and proposals in the Borough Plan seek to tackle crime and disorder related issues in the Borough.
Risk management implications:	Approval of the document for consultation is required to ensure that it will be delivered within identified timescales.
Environmental implications:	Policies and proposals contained in the document will have environmental implications for the whole Borough.
Legal implications:	The document must be prepared in line with regulations.

Contact details:	<p>Kelly Ford Head of Planning Policy & Economic Development Tel: 024 7637 6335 Email: kelly.ford@nuneatonandbedworth.gov.uk</p>
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NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Cabinet, 25th January 2017

From: Director – Regeneration and Public Protection

Subject: Consultation on Borough Plan Submission

Portfolio: Planning and Development – Councillor D Aldington

1. Purpose of Report

1.1 The purpose of this report is to seek Cabinet approval to consult on the Borough Plan and accompanying Sustainability Appraisal and Infrastructure Delivery Plan.

2. Recommendations

- a. Approve the Borough Plan and accompanying Sustainability Appraisal and Infrastructure Delivery Plan for the purposes of public consultation in line with the provisions in the Council's Statement of Community Involvement.
- b. The Head of Planning Policy & Economic Development be delegated authority to make any necessary minor amendments to the consultation documents in discussion with the Portfolio Holder for Planning and Development.
- c. That the report not be subject to call-in on the grounds of urgency.

3. Borough Plan

3.1 The Council is in the process of preparing a Borough Plan to replace the Local Plan adopted in 2006. The Plan will outline a strategic vision and objectives for the future of Borough in response to the economic, social and environmental issues facing the area. Policies and land allocations contained within the Plan will create a strategy that will coordinate the future actions of the public and private sector. Ensuring that change happens in the right place at the right time, the Borough Plan will link together the Council's other plans and strategies along with those of service delivery partners. It is therefore a key corporate document.

3.2 The preparation and proposed publication of the Submission version of the Borough Plan for consultation (attached as appendix A) follows on from consultation on a Preferred Options document during the summer of 2013 and consultation on the initial version of the Submission

document at the end of 2015. The revised Submission version of the Plan is the version the Council would like to see adopted as policy, subject to any changes following the consultation and at examination when the document will be assessed by an independent Inspector.

- 3.3 The content of the Submission version of the Plan takes on board feedback received during the last round of consultation (see appendix B for details) as well as the views of the Borough Plan Working Party and updated evidence, as is required by Government guidance. It also deals with the previously unresolved matter of the extent to which Nuneaton and Bedworth can assist Coventry in ensuring the housing and employment needs of the sub region are met in full, as is required by the National Planning Policy Framework (NPPF).
- 3.4 Under the Duty to Cooperate Nuneaton and Bedworth has been asked to make provision for an additional 4020 dwellings and 26ha of employment land as part of a sub-regional redistribution of growth which cannot be accommodated in Coventry. Following an update to the Strategic Housing Land Availability Assessment (SHLAA) and other evidence based work it has been identified that the Borough can accommodate an extra 2330 dwellings and 16.6 hectares of employment land during the life of the Plan. This brings the total provision within the Borough during the Plan period to 13,374 dwellings and 103.6ha of employment land. Further discussions with the rest of the sub-region will now be required to determine how the shortfall of 2092 dwellings and 9.4ha of employment land will be addressed within the sub-region.
- 3.5 A number of documents will be published alongside the Submission document for consultation. They include a Sustainability Appraisal, Habitat Regulations Assessment (HRA) and Infrastructure Delivery Plan (see appendix C and D). The Sustainability Appraisal reports on the likely social, economic and environmental effects of the Plan while the HRA assesses the impact on sites of European importance, namely Ensor's Pool and the River Mease. The Infrastructure Delivery Plan outlines information gathered from service delivery partners as part of work to identify the infrastructure implications of the proposals contained within the Plan.
- 3.6 In addition to the above documents the studies forming the evidence base for the Plan will also be available to view for the purposes of information during the consultation.

4 Consultation Proposals

- 5.1 The aim of public engagement on the Planning Policy documents is to give interested parties the opportunity to comment on the content of the documents prior to commencing work on the next stages of the plan making process.

5.2 A consultation action plan has been prepared (attached as appendix E) which complies with the Statement of Community Involvement. If approved by Cabinet, officers will seek to arrange events with the interested parties at the locations identified in tables 2 and 3 of the plan.

6. Next Steps

6.1 If approved by Cabinet, consultation will commence on 30th January for a period of 6 weeks ahead of a report being submitted to Cabinet and Council seeking authority to submit the Borough Plan for examination. It is expected that the Borough Plan will be examined in September/ October 2017. In order to meet this timescale it is recommended that this report not be subject to call-in.

7. Appendices

Appendix A: Borough Plan Submission version for consultation

Appendix B: Borough Plan Consultation 2015 Responses and Feedback

Appendix C: Sustainability Appraisal/ HRA

Appendix D: Infrastructure Delivery Plan

Appendix E: Consultation Action Plan

8. Background Papers

None

IAN POWELL

CABINET

Report Summary Sheet

Date:	25 th January 2017
Subject:	Dog Control Public Space Protection Order
Portfolio:	Health and Environment (Councillor B Longden)
From:	Director – Regeneration and Public Protection

Summary:	For Cabinet to consider the draft Dog Control Public Space Protection Order (PSPO), based on the existing Dog Control Orders, and to authorise a consultation process. The report also explains the procedure that the Council must follow to introduce the PSPO.
Recommendations:	That the Council implements a formal consultation on the making of the Dog Control Public Space Protection Order and increasing, or not, the current fixed penalty of £80 (reduced to £60 if paid within the first 10 days) to £100 (reduced to £80 if paid within the first 10 days).
Reasons:	The introduction of the Anti-Social Behaviour, Crime and Policing Act 2014 in October 2014 created the requirement to replace the existing Dog Control Orders with Public Space Protection Orders by October 2017.
Options:	Replace the existing Dog Control Orders with the Dog Control Public Space Protection Order or allow the existing Dog Control Orders to lapse.

Subject to call-in:	Yes
Forward plan:	No, as the report relates only to authorising a formal consultation and not the introduction of the Orders.
Corporate priorities:	Aim 1, Aim 3 and Aim 4

Relevant statutes or policy:	Environmental Protection Act 1990 Clean Neighbourhoods and Environment Act 2005 The Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations 2006 Anti-Social Behaviour, Crime and Policing Act 2014
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Equal opportunity implications:	None
Human resources implications:	None
Financial implications:	The cost of the consultation process and implementation can be met from current revenue budgets and it is expected that future enforcement will become part of the Council's routine regulatory activity.
Health Inequalities Implications:	None
Risk management implications:	None
Environmental implications:	Aim of reducing concern regarding dog control.
Legal implications:	Need for consultation.

Contact details:	Ian Powell (Director – Regeneration and Public Protection) 024 7637 6889
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AGENDA ITEM NO.

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Cabinet – 25th January 2017

From: Director – Regeneration and Public Protection

Subject: Dog Control Public Space Protection Order

Portfolio: Health and Environment (Councillor B Longden)

1. Purpose of Report

1.1 For Cabinet to consider the draft Dog Control Public Space Protection Order (PSPO), based on the existing Dog Control Orders, and to authorise a consultation process. The report also explains the procedure that the Council must follow to introduce the PSPO.

2. Recommendations

2.1 That the Council implements a formal consultation on the making of the Dog Control Public Space Protection Order and increasing, or not, the current fixed penalty of £80 (reduced to £60 if paid within the first 10 days) to £100 (reduced to £80 if paid within the first 10 days).

3. Background

3.1 The Dog Control Orders made under the Clean Neighbourhoods and Environment Act 2005 came into force in Nuneaton and Bedworth on 1st February 2014. The Dog Control Orders require dog owners to:

- **Clear up when a dog has fouled** – there is a requirement for owners to remove faeces deposited by their dog from any land to which the public have access in the area of Nuneaton and Bedworth Borough Council and which is open to the air (including land which is covered but open to the air on at least one side).
- **Keep dogs on a lead in some areas** – to keep a dog on a lead at all times in the following areas: Oaston Road Cemetery, Bucks Hill Cemetery, Attleborough Cemetery, Coventry Road Cemetery, Marston Lane Cemetery, all roads within the Borough of Nuneaton and Bedworth (as defined by Section 142 of the Road Traffic Regulation Act 1984) and all sports grounds, fields, parks and pitches not subject to the Dogs Exclusion (Nuneaton and Bedworth Borough Council) Order 2014, when in use for authorised sporting activities.

- **Put dogs on a lead when asked to do so** – to keep a dog on a lead when told to do so by an authorised officer on any land to which the public have access in the area of Nuneaton and Bedworth Borough Council and which is open to the air (including land which is covered but open to the air on at least one side).
 - **Keep dogs out of some areas** – any enclosed children's play areas, multi-use games areas, BMX tracks, Green Gyms, basketball courts, tennis courts, 5-a-side or skate park sites signed as a 'dog exclusion zone', and the Heart of England Crematorium.
- 3.2 The existing Dog Control Orders were developed in consultation and collaboration with a number of internal departments and external agencies including the Dogs Trust, the RSPCA and Nuneaton Dog Training Club who all promote responsible ownership. There was a full public consultation in April and May 2013 on the Orders that was publicised on the Council's website, the Council's Twitter page, the Council's In Touch newspaper, and also through editorial pieces and within the public notices pages of the press. The response was, in general, positive and the aforementioned dog-related organisations were supportive of the proposals. When these Orders came into force on 1st February 2014 there was a successful publicity campaign to inform the public. This was done in the same way as the public consultation but also included coverage on local radio.
- 3.3 The sites included in the Dog Control Orders were nominated through the Planning and Environment Overview and Scrutiny Panel. The group consulted with the public, internal departments of the Council, including Parks and Housing, and external bodies, including the Police, Dogs Trust, RSPCA and Nuneaton Dog Training Club.
- 3.4 The penalty in relation to any offence in the above four Dog Control Orders is a fixed penalty notice to the sum of £80 to be paid within 14 days, reduced to £60 if paid within 10 days. If the fixed penalty notice is not paid or is not the appropriate amount, the Council may prosecute the offender in the Magistrates court where the maximum fine is currently £1000 and where the recovery of costs can also be sought.
- 3.5 On the 20th October 2014 the Anti-Social Behaviour, Crime and Policing Act 2014 came into force. This legislation introduced Public Space Protection Orders (PSPOs) which will supersede the Dog Control Orders in 2017. The Public Space Protection Orders allow us to create Orders based on an existing problem or the likelihood of a problem to occurring. The existing Dog Control Orders are required to be reviewed by 20th October 2017, at which point they will become Public Space Protection Orders.
- 3.6 The proposed Dog Control PSPO seeks to retain the same controls as currently available under the existing Dog Control Orders as we continue to receive service requests relating to all of the issues covered. Dog fouling continues to generate most complaints from the

public, followed by complaints about dogs off lead and dogs in exclusion zones. The main change proposed is to increase the fixed penalty notice to £100, the maximum available, reduced to £80 if paid within the first 10 days. If the fixed penalty notice is not paid or is not the appropriate amount, the Council may prosecute the offender in the Magistrates court where the maximum fine is currently £1000 and where the recovery of costs can also be sought.

- 3.7 The process for introducing a PSPO is less prescriptive than that previously required for the introduction of Dog Control Orders. There is a requirement that there must be an existing problem or the likelihood of a problem occurring and that the effect of this is detrimental to quality of life. As previously mentioned we still receive service requests relating to all of the current Dog Control Orders. There is also a requirement that the Council consults with the local Police and any community representatives the Council deems appropriate. A PSPO can only be made for a period of three years but can be reviewed and renewed.
- 3.8 It is therefore recommended that a full public consultation is undertaken for a period of four weeks. The duration of the consultation has been discussed with the Council's legal team and considered to be acceptable on the following grounds:
- the extensive consultation undertaken in relation to the existing Dog Control Orders,
 - the positive feedback received during that process,
 - the limited changes to the existing orders, and
 - the less prescriptive requirements for consultation within the legislation.
- 3.9 Enforcement of the orders will primarily be undertaken by Council officers but Police Community Support Officers can take evidence of an offence. The Council may also authorise other staff such as officers of other local authorities (county or parish) to act on its behalf. It is also an observation that the Council could authorise the NSL officers currently utilised to enforce other offences to enforce the Dog Control PSPO.
- 3.10 A report relating to the Dog Control PSPO was taken to the Planning and Environment Overview and Scrutiny Panel on 12th January 2017 and their comments will be reported verbally to the Cabinet meeting.

Ian Powell

Appendix 1

The Anti-social Behaviour, Crime and Policing Act 2014

The Dog Control Public Spaces Protection Order - (Nuneaton and Bedworth Borough Council) 2017

Nuneaton and Bedworth Borough Council (in this order called “the Authority”) hereby makes the following Order:

This Order comes into force on for a period of 3 years.

Offences

1. Fouling

If within the administrative area of the Authority a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless

(a) he has reasonable excuse for failing to do so;

or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

2. Leads by order

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority he does not comply with a direction given to him by an authorised officer of the authority to put and keep the dog on a lead unless

(a) he has reasonable excuse for failing to do so;

or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

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

3. Leads

A person in charge of a dog shall be guilty of an offence if, at any time, on land detailed in Schedule 1 below he does not keep the dog on a lead unless

(a) he has reasonable excuse for failing to do so;

or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

4. Exclusion

A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land detailed in Schedule 2 below unless

(a) he has reasonable excuse for failing to do so;

or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

5. Exemptions

Nothing in this order shall apply to a person who –

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or

(b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or

(c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

For the purpose of this order –

- A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;

- Being unaware of 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
- 'an authorised officer of the Authority' means an employee, partnership agency or contractor of Nuneaton and Bedworth Borough Council who is authorised in writing by Nuneaton and Bedworth Borough Council for the purposes of giving directions under the Order.
- Each of the following is a 'prescribed charity' - Dogs for the Disabled (registered charity number 700454), Support Dogs Limited (registered charity number 1088281) and Canine Partners for Independence (registered charity number 803680)

6. Penalty

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

The COMMON SEAL of the)
NUNEATON AND BEDWORTH BOROUGH COUNCIL was)
hereunto affixed this [Insert Date]
in the presence of:-)

Schedule 1
The keeping of dogs on leads

1. Oaston Road Cemetery, Nuneaton
2. Bucks Hill Cemetery, Stockingford, Nuneaton
3. Attleborough Cemetery, Nuneaton
4. Coventry Road Cemetery, Bedworth
5. Marston Lane Cemetery, Bedworth
6. All public roads, pavements and footways and the pedestrianised roads within the Borough of Nuneaton and Bedworth, or any grass verge which is adjacent to the carriageway or footway and is maintainable at public expense.
7. All other sport grounds, fields and pitches not subject to the Dog Exclusion Schedule of the Dog Control Public Spaces Protection Order - (Nuneaton and Bedworth Borough Council) 2017, when in use for authorised sporting activities.

Schedule 2
Dog Exclusion

1. Any clearly demarcated children's play areas, multi-use game areas, skate parks, BMX tracks or Green Gyms signed as a 'dog exclusion zone' (whether the sign uses those particular words and/or symbols having like effect); and
2. Heart of England Crematorium, Eastboro Way, Nuneaton, Warwickshire, CV11 6WZ.

Enclosed Areas Subject to Dog Exclusion

Children's Play Areas	M.U.G.A Sites	Tennis Courts	Skate Parks	Basketball Courts
Nuneaton Rec./Pool Bank Street	Nuneaton Rec./Pool Bank Street	Miners Welfare Park	Greenmoor Road	Bailey Park
Cornish Crescent	Pauls Lands	Stockingford		
Pauls Land	Vale View (Whittleford Park)	The Pingles		
Sterling Way	Heckley Rec	Bulkington Rec		
Greenmoor Road	Keresley Rec			
Tomkinson Road	St. Giles Rec			
Vale View (Whittleford Park)	Sherbourne Avenue			
Stubbs Pool	Newdigate Road			
Heckley Rec	Heath Road			
Keresley Rec	Middlemarch Road			
St. Giles Rec	Bulkington Rec			
Bucks Hill Marl	Stockingford Rec			
Freesland Rise	Sorrell Road			
Lilleburn Drive	Heath End Road			
Sherbourne Ave	Bailey Park			
Newdigate Rec	Queen Elizabeth Road			
Ironbridge Way	The Dingle			
Johnson Road	Anderton Road POS			
Heath Road	Kingswood Road Rec			
The Alders	Tiverton Drive (Junior)			
Buttermere Ave	Crowhill Rec			
Cleaver Gardens				
Marston Lane Fields				
Middlemarch Road				
Attleborough Rec				
Montana Walk				
Bulkington Rec				
Rectory Close				
Grove Farm/Thorntons Way				
Stockingford Rec				
Miners Welfare Park				
Coronation Walk				
Sorrell Road				