



## Environment Overview and Scrutiny Committee

<b>Date:</b>	<b>Thursday, 30 January 2020</b>
<b>Time:</b>	<b>6.00 p.m.</b>
<b>Venue:</b>	<b>Committee Room 1 - Wallasey Town Hall</b>

This meeting will be webcast at  
<https://wirral.public-i.tv/core/portal/home>

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## AGENDA

- 1. APOLOGIES FOR ABSENCE**
- 2. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST / PARTY WHIP**

Members are asked to consider whether they have any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

Members are reminded that they should also declare whether they are subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

- 3. MINUTES (Pages 1 - 6)**

To approve the accuracy of the minutes of the meeting held on 28 November 2019.

- 4. SCRUTINY OF BUDGET PROPOSALS 2020/21 (Pages 7 - 16)**
- 5. ALLOTMENT PROVISION IN THE BOROUGH (Pages 17 - 32)**
- 6. PROPOSED DOG CONTROL MEASURES (Pages 33 - 40)**

**7. ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE WORK PROGRAMME UPDATE (Pages 41 - 48)**

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## ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 28 November 2019

Present: Councillor T Anderson (Chair)

Councillors	T Cottier	S Spoor
	G Davies	H Cameron
	K Greaney	A Brame
	B Kenny	S Hayes
	L Rennie	

### 23 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST / PARTY WHIP

There were no declarations of interests or of a Party Whipping arrangement.

The Monitoring Officer reminded Councillors that the country was in a pre-election period where the Councillors should avoid overtly political comments and the Chair would intervene and could adjourn the meeting until after the election if necessary.

### 24 MINUTES

The Corporate Director for Delivery Services updated Members on some issues since the last meeting. A briefing note about garden waste had been circulated to Members, and there had been a comments about the use of the word 'storm' in the Hilbre island presentation. At the meeting it was stated that there was no storm, just heavy seas and this was re-emphasised. There had been no complaints in the previous few weeks about anything on Hilbre Island.

**Resolved - that the minutes of the meetings of the Environment Overview and Scrutiny Committee held on 24 September 2019 be approved as correct record and signed by the Chairman.**

### 25 FINANCIAL MONITORING REPORT QUARTER 2 2019/20

The Principal Accountant introduced this report which provided detail for Members to scrutinise budget performance for this area of activity. The financial information was dated as quarter 2, 2019/20.

The Capital programme was around £32 million less than planned, mostly due to the reprofiling of schemes to the next financial year and LED street lighting replacement costs.

The Revenue programme had a projected adverse variance of £2.5 million, mainly in delays or reversals of key decisions relating to income generation. There were efforts to correct the variance before the end of the financial year.

Members questions about the financial performance raised issues including that the uptake of garden waste services was below the ambitious target which had been set despite promotional activity.

**Resolved – that the Financial Monitoring Report Quarter 2 29019/20 be noted.**

26 **WIRRAL COUNCIL ENFORCEMENT POLICY**

The Lead Commissioner introduced this report which introduced the updated Wirral Council Enforcement Policy following changes in the Council's approach to enforcement. The key changes to the document included: the removal of references to a robust approach to litter and dog fouling by authorised third parties; and expanded scope to include safety within sports grounds. There was also a move away from zero tolerance to a more subjective approach. The policy would subsequently go to Cabinet for approval.

**Resolved – That the updated Wirral Council Enforcement Policy be endorsed.**

27 **NOTICE OF MOTION - VERGES & POLLINATORS**

The Assistant Director for Community Services introduced this report to Members which had been requested through a Motion at the Council meeting in July 2019.

Officers had researched a model for planting native wildflowers used in Rotherham, and the report detailed potential areas for trials to consider the costs, visual impact, viability and residents views. It was recognised that there were potential positives for habitat diversity and lower maintenance.

Members questions also raised detail issues including:

- Some plants considered as weeds in other areas may also have wildlife benefits
- In other areas, such as Lever Causeway, there had been agreement to delay the mowing of some verges whilst pollinating plants flowered
- Motorways came under the national Highways Agency, who cut less than they used to

- There were benefits from reduced mowing and it made maintenance easier in areas such as dual carriageways where the organising of mowing was difficult

**Resolved - That the contents of the report to provide guidance on future work regarding pollinator verges be noted.**

## 28 MARINE LAKE MANAGEMENT

The Assistant Director for Community Services introduced this report which informed the Committee of the environmental and civil engineering issues affecting the water and sea wall of the West Kirby Marine Lake. Two independent sets of specialist companies had detailed the steps required to provide solutions for the council to consider.

Three options were presented: doing nothing; doing the minimum work which had previously been done in 2009; and engaging a civil contractor to complete the job. The report detailed risks, legal issues and impact on activities.

Members debated the options presented, and noted various points, including:

- That the weed and silt issue had been raised previously
- The beach level in the Dee estuary had been increasing which had led to more sand blowing into the Lake
- Dropping dredged sand on to the Dee estuary was no longer allowed because of the risk of spreading the invasive weed, and this raised costs as the sand had to go to a waste site
- Any work would have to be timed with the activities of the various clubs as well as with the life cycle of the invasive weed, and Autumn 2020 seemed the most appropriate time
- Previously the lake had been emptied and dredged, but weaknesses in the walls made this a more costly solution
- So far, no other similar facility had been found with the same problem so advice had been difficult to obtain

**Resolved – That the report on Marine Lake management be noted and the Cabinet Member be requested to begin the works as soon as possible.**

## 29 USE OF GLYPHOSATE FOR WEED CONTROL

The Assistant Director for Community Services introduced this report which presented the position regarding Wirral Council's use of glyphosate and proposed measures to reduce its usage, whilst developing and monitoring the Council's weed control strategy - balancing the operational challenges with the commitment to protecting the environment and the Glyphosate Free Wirral motion as passed by Council in July 2019.

The report proposed longer term measures that would eliminate the use of glyphosate in some areas of high public footfall and recreational activity, whilst maintaining local environmental quality on streets and highways, recognising that, in the short term, the continued use of glyphosate may be essential. Officers were mindful that a long-term plan (post 2022) would need consideration in the event that licensing of glyphosate-based products was withdrawn. This report did not consider the management of Hoylake Beach which was being managed as a separate issue. A twelve-month trial was proposed for non-use in parks and crematoriums unless a persistent weed such as Japanese Knotweed was present.

Members questions drew out other details, including:

- The palm oil in the product was cross contamination and not an ingredient
- There was a steam alternative but that had more expensive elements for the equipment and water needed and may not provide the wide area coverage required. A demonstration was planned for January 2020
- There were conversations with Biffa about removing live weeds as well as their responsibility for removing dead ones.
- Previously, residual weed-killers were used that lay in the soil and prevented plant growth over a longer period, but these had been banned

The Chairman proposed that glyphosate use continue until a viable option was identified. This was seconded by Councillor Mike Collins and put to the vote and declared lost.

**Resolved - That**

- (1) **the intention to utilise the next 12 months to examine all potential weed control solutions as alternatives to glyphosate be noted.**
- (2) **it be noted that this research will form the basis of a further report to this committee in November 2020 identifying the outcomes.**
- (3) **it be noted that a 12-month trial ceasing glyphosate use in some settings will commence with immediate effect.**

**30 2019/20 QUARTER 2 WIRRAL PLAN PERFORMANCE**

The Committee considered the report which provided the 2019/20 Quarter 2 (July - September 2019) performance report for the Wirral Plan pledges under the remit of Environment Overview and Scrutiny Committee.

The relevant Wirral Plan 20/20 pledge(s) were:

- Leisure and culture opportunities for all
- Wirral residents live healthier lives

- Community services are joined up and accessible
- Good quality housing that meets the needs of residents
- Wirral's neighbourhoods are safe
- Attractive Local Environment for Wirral residents

**RESOLVED – That the 2019/20 Quarter 2 Wirral Plan Performance report be noted.**

**31 ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE WORK PROGRAMME UPDATE**

The Committee considered the updated work programme for the remainder of the Municipal Year and discussed some forthcoming items.

**Resolved – That the proposed Environment Overview & Scrutiny Committee work programme for 2019/20 be approved.**

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## Environment Overview and Scrutiny Committee Thursday, 30 January 2020

<b>REPORT TITLE:</b>	<b>OSS Environment Scrutiny Budget Proposals for 2020/21</b>
<b>REPORT OF:</b>	<b>Director for Finance and Investment</b>

### REPORT SUMMARY

This report is part of the Council's formal budget process, as set out in the constitution and in accordance with the legal requirements to set a balanced and sustainable budget for 2020/21.

This report also presents an update on the Medium Term Financial Plan (MTFP) covering the period from 2021/22 to 2024/25.

### RECOMMENDATION/S

That scrutiny be requested to:

1. Review and comment on the financial proposals for 2020/21 that will be subject to consultation and further consideration by Cabinet in February 2020; and
2. Note the financial challenges facing the Council in setting a sustainable and balanced budget for the MTFP period from 2021/22 to 2024/25.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 The Council has a legal requirement to set a balanced budget in March 2020 for the 2020/21 financial year. This report sets out the proposals relating to Environment portfolio in order to set a balanced budget for 2020/21.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 The Council has a legal obligation to set a balanced budget in March each year for the following financial year and this report sets out proposals and initiatives that increase income or reduce expenditure to assist in decisions regarding budget setting within Environment Portfolio. The Cabinet could however choose alternative options to delivering a balanced budget before the budget is finalised in March 2020.

### **3.0 BACKGROUND INFORMATION**

- 3.1 In September 2019, the Government announced the Local Government Finance Settlement for 2020/21 budgets, in the form of a single year Spending Round. A multi-year Spending Review will now follow in 2020.

- 3.2 This single year Spending Round forms the basis for updating the MTFP and sets out a 4.3% real-term increase in overall Government funding for Local Authorities - against a backdrop of consistent cuts in the previous three Spending Reviews since 2010 and continuing pressures in social care.

- 3.3 Details of how the overall announcement will affect the specific funding settlements for individual Local Authorities are not expected to be available at the time of writing the report, December 2019 at the earliest.

- 3.4 The Spending Round settlement for 2020/21 represents an improvement in funding in comparison to previous assumptions for 2020/21, given:

- No loss of the Council's equivalent of the Revenue Support Grant or Public Health Grant;
- A £6.4m increase in funding for Adult and Children's Social Care;
- A proposed £2.8m increase in Council Tax - resulting from permission to include a 2% Adult Social Care Precept in 20/21, over and above an inflationary increase of up to 2%;
- A (£0.8m) reduction in Council Tax due to the Council's review of the Local Council Tax Reduction Scheme; and
- A new round of the New Homes Bonus allocations for 2020/21 only.

- 3.5 The latest MTFP position for 2020/21 to 2024/25 – which takes into account changes in funding assumptions and actions taken in 2019/20 – is set out in the table below:

	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>
	£m	£m	£m	£m	£m
<b>MTFP gap</b>	-	28	30	29	28

- 3.6 The full Council position for 2020/21 is now balanced and includes pressures of £34.9m, offset by savings of £32.9m, the individual components of these are included in Appendices 2 and 3
- 3.7 The pressures and savings relating to Environment portfolio are summarised in Appendix 1.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 Any proposed reduction or withdrawal of a savings plan or increase to a pressure may result in either:
- Services within other portfolios having their budgets cut.
  - A potential overall budget shortfall.

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 The Council is required to agree a budget for 2020/21 by March 2020. As part of agreeing the budget, the Chief Financial Officer is required under Section 25 of the Local Government Act 2003 to produce a report on the robustness of the estimates made for the Council budget.
- 5.2 The duty of the Council is to avoid a budget shortfall. The Chief Financial Officer of a Local Authority has a personal duty, under the Local Government Finance Act 1988 Section 114A, to make a report to the Executive if it appears that the expenditure of the authority incurred (including expenditure it is proposed to incur) in a financial year is likely to exceed the resources (including sums borrowed) which are available to meet that expenditure.

#### **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 6.1 No additional resource requirements directly result from this report.

#### **7.0 RELEVANT RISKS**

- 7.1 There is a risk that the agreed savings will not be delivered or will be delayed. Progress on delivery of agreed savings will be monitored using Budget Monitoring reports presented to Cabinet. As such the Council continues to hold a General Fund reserve of £10m. This represents a minimum level of contingency to support the organisation if savings cannot be delivered and no other options for mitigation can be identified.

- 7.2 The Council's ability to use one-off funding to bridge funding gaps has reduced significantly over recent years and is only a temporary solution.

## **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 Views are being sought on the Council's future budget and spending priorities, which will be delivered through an extensive programme of community and stakeholder consultation.
- 8.2 The majority of this year's financial proposals can be implemented without changing existing Council policies and procedures, as they do not impact on public facing services and do not require wider public consultation.
- 8.3 Should any financial proposals agreed by Cabinet require specific consultation, the Council will commence appropriate consultation directly with any service users and stakeholders who are affected and will feedback their views before final decisions are taken.
- 8.4 The Council will work with staff and Trade Unions where required to ensure obligations in relation to statutory staff consultation is delivered appropriately and within agreed guidelines.

## **9.0 EQUALITY IMPLICATIONS**

- 9.1 It is recognised that some of the developing proposals could have equality implications. Any implications will be considered, and any negative impacts will be mitigated where possible.
- 9.2 Equality implications will be assessed during planning, decision and implementation stages and will be recognised as an ongoing responsibility. Equality issues will be a conscious consideration and an integral part of the process

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

- 10.1 The content and/or recommendations contained within this report are expected to have no impact on emissions of CO<sub>2</sub>

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## **APPENDICES**

- APPENDIX 1 – Proposed financial proposals for OSS Environment Scrutiny  
APPENDIX 2 – Total Organisational proposed Savings and Pressures  
APPENDIX 3 – Budget Gap

## **BACKGROUND PAPERS**

### **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Council:</b> - Wirral Plan	13 July 2015
<b>Cabinet:</b> - Medium Term Financial Strategy 2019-20 – 2022/23 - Revenue Budget 2019/20 & Medium Term Financial Strategy 2019/20 to 2022/23 - Council Budget 2020/21 & Medium Term Financial Strategy	16 July 2018 19 February 2018 23 December 2019
<b>Council:</b> - Revenue Budget 2019/20 & Medium Term Financial Strategy 2019/20 to 2022/23	4 March 2019

## APPENDIX 1

### Proposed financial proposals for OSS Environment Scrutiny

Directorate	Lead Director	Title of savings proposal	Description of savings proposal	2020/21 Budget saving £m
Regeneration & Place	Alan Evans	West Kirby Marine Lake Food Operator Lease	The income opportunity for leasing a catering space to an external provider	0.10
Regeneration & Place	Alan Evans	Release of lease currently paid on a non council building	The intention is to manage the Council's estate to accommodate staff who are currently based within non Council buildings. This is dependent on a strategic acquisition which needs to take place but will realise savings accordingly.	0.03
Delivery Services	David Armstrong	LED Phase 2 Project	Savings will be realised through a reduction in energy costs from the Council's LED streetlighting programme, which sees on average a 50% energy reduction compared to conventional sodium streetlights.	0.13
Delivery Services	Nicki Butterworth	3G Pitches Income	The new artificial turf pitch (ATP) at Leasowe Leisure Centre will attract local community, along with other, football teams to play at the Leisure Centre. Using the current Council fees and charges rates for playing on an ATP, it is anticipated that the new facility will generate £2,500 per week in additional income, which will be offset in part by additional running costs.	0.10

**APPENDIX 2**  
**FULL ORGANISATION FINANCIAL PRESSURES**

Item	Description	Value £m	Perm/ Temp
<b>Adult Care &amp; Health</b>			
Demand Factors	Increasing demand and acuity in care packages in Adult Social Care	3.80	P
Contract Increases	Agreed increase for contracts with Cheshire & Wirral Partnership	0.17	P
Contract Increases	Agreed increase for contracts with Wirral Community Foundation Trust	0.27	P
Demographic Growth	Additional demand associated with increasing population	1.91	P
Fee Rate Increase	Increased provider free rate associated with the actual cost of care	3.00	P
Specialist Fee Rate Increase	Increased provider free rate associated with the actual cost of care	0.65	P
ACH reserve	Replacing adult care & health one off reserves	4.00	P
<b>Total Adult Care &amp; Health</b>		<b>13.80</b>	
<b>Children &amp; Families</b>			
EDT	Increased costs relating to the resourcing of the Emergency Duty Team (out of hours service)	0.14	P
EHPHA	Contractual increased for Environmental Port Health Authority	0.09	P
Residential Placement numbers & rate	Increased costs of additional forecast looked after children and fee increases	2.97	P
Troubled Families	Grant reduction to support Troubled Families programme	1.61	P
<b>Total Children &amp; Families</b>		<b>4.81</b>	
<b>Delivery Services</b>			
Assisted Travel	Costs associated with growth in demand for assisted travel	0.37	P
Market Income	Reduction in income from Birkenhead Market	0.20	P
Barrowman	Street cleansing barrowman	0.20	P
Car Parking	Reduction in income from supermarket car parking	0.35	P
Energy	Increased energy costs of Council owned buildings	0.50	P
Garden Waste Recycling	Decreased income from household for garden waste recycling take-up	0.20	P
Golf Courses	Reversal of the transfer of two golf courses to expert provider	0.11	P
Enforcement	Loss of income from termination of enforcement contract	0.50	P
Leisure Income	Reduction of income from take up of leisure centre facilities	0.54	P
Waste Contract Inflation	Contractual inflation on waste management contract	0.30	P
Winter Maintenance	Additional costs of winter gritting	0.20	P
Waste Levy	Contractual increases on the Merseyside Waste Development Levy	0.90	P
Health and Safety	Additional works required to ensure Health & Safety standards are met	0.10	P
PFI Support	Additional resources to support PFI contract	0.05	P
<b>Total Delivery Services</b>		<b>4.52</b>	
<b>Business Management</b>			
Coroners Service	Additional demand and legacy cost increases	0.27	P
New Committee System	Additional cost associated with moving to a Committee System	0.10	P
Housing Benefit Grant	Reduction in Government Housing Benefit Administration Grant	0.60	P
Grads & Apprentices	Funding for graduates and apprenticeship scheme for cohort II	0.39	P
Traded Services Income	Legacy of unachievable income from traded services	0.42	P
Communications	Unachievable income from advertising	0.16	P
<b>Total Business Management</b>		<b>1.94</b>	
<b>Economic and Housing Growth</b>			
Wirral Growth Company	Re-phased income from regeneration developments	3.48	P
Planning Posts	Additional posts in Planning Department	0.30	P
Regeneration Growth	Investment for regeneration to generate future income	0.50	P
Regen Posts	Funding for new posts	0.30	P
Local Plan	Posts associated with local plan	0.40	P
Culture Events	Underpinning of cultural events programme following Borough of Culture Year	0.50	P
<b>Total Economic &amp; Housing Growth</b>		<b>5.48</b>	
<b>Cross Cutting &amp; Corporate</b>			
Welfare Assistance	Additional resource for the Local Welfare Assistance Scheme	0.20	P
Climate Emergency	Investment to support Climate Emergency Declaration	0.25	P
Staff Pay	Increased resources to meet the staff pay rise	2.88	P
Capital Financing	Cost of financing the Capital Programme	1.00	P
<b>Total Cross Cutting &amp; Corporate</b>		<b>4.33</b>	
<b>Total Pressures</b>		<b>34.88</b>	

## FULL ORGANISATION FINANCIAL SAVINGS PROPOSALS

Item	Description	Value £m	Perm/ Temp
<b>Adult Care &amp; Health</b>			
New Housing	Housing for Independence including Extra Care Housing	0.50	P
Better use of technology	Use of Technology to increase Independence and reduce falls	0.50	P
Review of Care	Care Package Review for Independence	2.30	P
Provider efficiencies	Wirral Evolutions increasing employment and reducing cost	0.50	P
Financial Assessment	Use of Electronic Financial Assessments to ensure accelerated income collection times	0.20	P
<b>Total Adult Care &amp; Health</b>		<b>4.00</b>	
<b>Children &amp; Families</b>			
Looked After Children reductions	Managed movement of looked after children from high cost services to lower cost/better outcomes	1.27	P
<b>Total Children &amp; Families</b>		<b>1.27</b>	
<b>Delivery Services</b>			
3G Pitches	Additional income from use of new 3G pitches	0.10	P
Marine Lake	Lease of Marine Lake food and drink offer	0.10	P
LED Lighting	Reduction in energy costs from low energy LED Street Lighting	0.13	P
<b>Total Delivery Services</b>		<b>0.33</b>	
<b>Economic and Housing Growth</b>			
Release of Leases	Cost reduction as a result of exiting leased office accommodation	0.03	P
<b>Total Economic &amp; Housing Growth</b>		<b>0.03</b>	
<b>Cross Cutting &amp; Corporate</b>			
Minimum Revenue Provision	Reduction in the amount set aside for the future repayment of debt	2.59	P
Pensions Valuation	Reduction in employers pension contributions following the triennial	7.29	P
Cash Flow Investments	Investing in ethical and commercial opportunities	2.00	P
Pension Strain	Capitalisation of pension strain from exits	1.18	P
Lobo refinancing	Interest rate savings from refinancing of high interest legacy loans	2.00	P
New Council Model	Council wide structural modernisation model	5.00	P
Contracts review	Reduction in cost from renegotiating/ceasing council wide contracted supply	5.00	P
Zero based budgeting		1.12	P
Capitalisation of salaries		1.12	P
<b>Total Cross Cutting &amp; Corporate</b>		<b>27.29</b>	
<b>Total Savings</b>		<b>32.92</b>	

**APPENDIX 3**  
**2020/21 BUDGET GAP**

	£m
<b>2019/20 Baseline Budget</b>	<b>285.21</b>
<b>2020/21 Funding:</b>	<b>£m</b>
2020/21 Council Tax	146.66
Adult Social Care Precept	2.85
Change in CTRS	(0.80)
Business Rates	70.73
Section 31 Grants	12.47
Top up Grant	34.40
BCF	16.87
New Homes Bonus	0.65
Capital receipts	4.50
<b>Total 2020/21 Funding</b>	<b>288.33</b>
<b>2020/21 Budget:</b>	<b>Budget 19/20</b>
	285.21
Add: 20/21 Pressures	34.88
Less: 20/21 Savings	(32.92)
Less: Social Care Grant income	(6.38)
Plus:	
2019/20 unachieved savings	6.03
BCF grant	1.50
<b>Total budget 20/21</b>	<b>288.33</b>
<b>Budget Gap/(Surplus)</b>	<b>(0.00)</b>

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## ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

30<sup>TH</sup> JANUARY 2020

REPORT TITLE	<i>Allotment Provision in the Borough</i>
REPORT OF	<i>Colin Clayton Assistant Director for Community Services</i>

### REPORT SUMMARY

This report provides a note on current provision of council allotments in the borough, the number of available plots, information about current waiting lists, areas of particular pressure and shortfalls, and outlines the actions being considered to increase availability of allotments in order to decrease length of time people have to wait to take up an opportunity to participate allotment gardening.

The current Council's Joint Partnership Allotments Strategy and Improvement Plan runs from 2015 – 2020 and sets out several actions to be processed by this time, the progress against actions is summarised in this report.

### RECOMMENDATION/S

Members of the Environment Overview & Scrutiny Committee are requested to note the content of this report.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

There is an extensive demand for allotments across the borough, unfortunately we have had to close some of the waiting lists where the number of waiting applicants is considered too high. The waiting lists are closed when the waiting list exceeds 100 people. At this present time there are insufficient allotment plots to meet the current demand.

### **2.0 OTHER OPTIONS CONSIDERED**

The option to continue to operate at the current level was considered. However, given the significant unmet demand for allotments and given the potential benefits for our residents this option is not being recommended.

### **2.0 BACKGROUND INFORMATION**

See Appendix 1 for locations of plots.

See Appendix 2 for number of plots.

See Appendix 3 for summary of progress: 2015-2020 5-year Joint Partnership Allotments strategy.

There are 46 Wirral Council Allotment sites, of which five are self-managed allotment sites on council land. Some sites have provision for half plots, and some have facilities adapted for use by people with disabilities. Some sites have community plots, school plots or animal plots.

We do encourage sites to become self-managed, however we have found there not to be much interest to do so, we have had several new site secretaries that have been very proactive and a great assistance to the allotment community, we also inform site secretaries and societies if they were to go self-managed we would be delighted to help in any way we can.

Wirral Council's commitment to providing allotments which help achieve the following important aims set out in the allotment strategy:

- Enhance people's health and wellbeing
- Contribute to nature conservation and the sustainability of the environment
- Help increase people's pride in the places where they live
- Achieve objectives in a cost-effective manner

This commitment is reinforced within Wirral's 2020 vision: Wirral has an attractive and sustainable environment where good life and an excellent quality of life is enjoyed by everyone who lives here. Working to reduce levels of inequality, particularly in relation to health, remains of paramount importance to this Council. We want all our residents to have a good quality of life and live healthy lifestyles in clean and safe environments.

Across the country, allotments are available to all sections of the community including the old, young, disabled and people from ethnic communities. Allotments are a unique and valuable aspect of the local area contributing to the quality of the urban built environment and a range of local leisure provision. They also provide opportunities for wildlife and can contribute to the retention of traditional skills. Gardening is the single biggest leisure activity undertaken by the public in recent years with an increasing amount of attention has been shown to allotment gardening.

Allotment gardening is a pursuit that provides wide ranging benefits to local communities and the environment and can make a positive change to the quality of people's lives. In addition to the advantages of producing good quality, local, low cost, fresh food gardeners gain the benefits of healthy exercise that is active, socially inclusive and reflects the ideals of sustainability and well-being.

Allotment gardening is beneficial for mental health and wellbeing. Studies have found that the mental health benefits of gardening are extensive, not only can regular gardening reduce mental health problems like depression and anxiety, but it can also reduce stress and combat high blood pressure, as well as improving overall physical fitness.

We have in the past received public health funding to create allotment sites such as The Warrens (Thingwall Allotments), Leasowe Allotments and Bentwick Street, The Warrens (Thingwall Allotments) and Leasowe allotments has been successful and we are currently seeking partners for the Bentwick Street site project.

Further public health funding for new allotment sites will be explored again where appropriate, as allotment gardening benefits mental health, wellbeing and social inclusion.

In Wirral, Allotment gardening has formed an important part of many local people's lives for generations. They played a key role during the war years and have continued to make a significant contribution within neighbourhoods and more widely. The distribution of Wirral's allotments reflects the history of allotment gardening provision, with more sites in the historically more built up areas to the east of the peninsula.

Today, allotment gardening also has an important role to play throughout the borough, helping people 'grow their own', take part in healthy pastimes and share allotment related advice and support. Wirral has a proud and independent tradition of allotment gardening. The important role of Site Secretary is carried out by allotment plot holders as volunteers, who in return for their services do not pay the annual fee for their plot. Each site secretary plays an integral role in assisting with the effective running of Wirral's allotment sites. In addition to the self-managed sites, several Wirral's allotment sites also have their own allotment site society, which helps plot holder members and can also assist the council in the overall care of the allotment site.

The overall objective of the Wirral Allotments Partnership Strategy 2015-2020 is to help create and maintain a high standard of allotment provision for the benefit of Wirral residents.

This is done by improving the infrastructure, facilities, security and quality of allotment sites and ensuring optimum use is made of existing allotment provision through reducing the number of vacant and 'unusable' plots.

To achieve this objective, the following short- and longer-term aims were selected. These aims had been selected to be realistic and achievable assuming all aforementioned and relevant parties work together in a reasonable and coherent manner.

See appendix 3 for a summary of progress against these aims.

### **Immediate and short term aims Years 1 and 2 (2015-2017)**

- Implement the use of a new Allotment Computer system and keep it up to date,

include all relevant allotment documentation.

- Revise (and regularly update) the allotment pages of Wirral's website, to provide appropriate information for plot holders and people interested in taking on an allotment.
- Update the sectional maps of each site, with a site map and a diagrammatical sketch plan of each site, on a regular basis.
- Implement effective administration and maintenance of allotment sites in line with this strategy and the procedures set out in the appendices.
- Create a 5-year allotment site improvement plan for each non self-managed site with input from the site secretary, plot holders, the site's allotment society (where one exists), neighbours and other interested parties. Prioritising the sites needing most attention (e.g. Sumner Road, St James, Lansdowne Place, Carrodus, Bedford Road).
- Introduce use of secure keys that cannot have copies cut to stop dumping and reduce vandalism.
- Provide updated information regarding waiting lists for each site on a regular basis, including providing a copy to the Wirral Allotment Society, so that this information can assist people considering applying for an allotment.
- Carry out piloting of a range of cost effective methods of bringing unusable plots back into productive use, evaluate the pilots with input from the site in question's site secretary (and site society if one exists) and then select the most suitable methods for further use on an ongoing basis, in order to reduce the waiting lists.

#### **Longer term aims: 1 – 5 years. (2015-2020)**

- Encourage the role of the site secretaries, site societies and allotment tenant participation in the care of allotment sites.
- Highlight the role that allotments play in developing a more sustainable environment, encouraging biodiversity and conservation.
- Develop a health agenda for allotments focussing on improving the health of the borough.
- Support groups to develop areas of potential new allotment provision where appropriate.
- Implement the allotment site improvement plans in partnership.
- Encouraging sites to ensure that the provision of allotments can be continued into the

future in a cost effective and financially sustainable manner, for example applying for external funding for site improvements, thereby allowing more improvements to be made.

- Improve directional signing to the main access point of each site.
- Review and develop a changing structure that reflects the size of plots and available facilities to ensure a fairer charging system for plots.
- Acquire further software modules to further enhance the new system and ensure a much more effective and efficient handling of all allotments data.

Many of these aims we have achieved and still strive to achieve by 2020, the Colony computer system we now have is very effective and has improved the administration of the allotments, Improvement plans have been created, this year Sumner Road and Shakeshaft a once derelict site is now fully tenanted.

A pilot scheme at Bebington Road was carried out and unlettable plots were brought back into action, there is contact correspondence with site secretaries and societies regarding waiting lists, We have created a bi-monthly newsletter which has highlighted the role that allotments play in developing a more sustainable environment, encouraging biodiversity and conservation. Also, the guidance and information packs we send out to plot holders provides information on composting, beekeeping, organic and non-organic methods and many other ways in which they can be more sustainable and biodiverse.

We are now working on putting together another allotment partnership strategy and improvement plans, all site secretaries and societies will be contacted to arrange a working group to set new short and long term aims for the next five years.

As of November 21<sup>st</sup>, 2019, there were 1248 applicants with a total number of 2053 applications (as customers can apply for two allotment sites).

The largest number on the waiting list are in the Wallasey area, closely followed by the Wirral West area, this is largely the West Kirby and Newton area which have huge waiting lists.

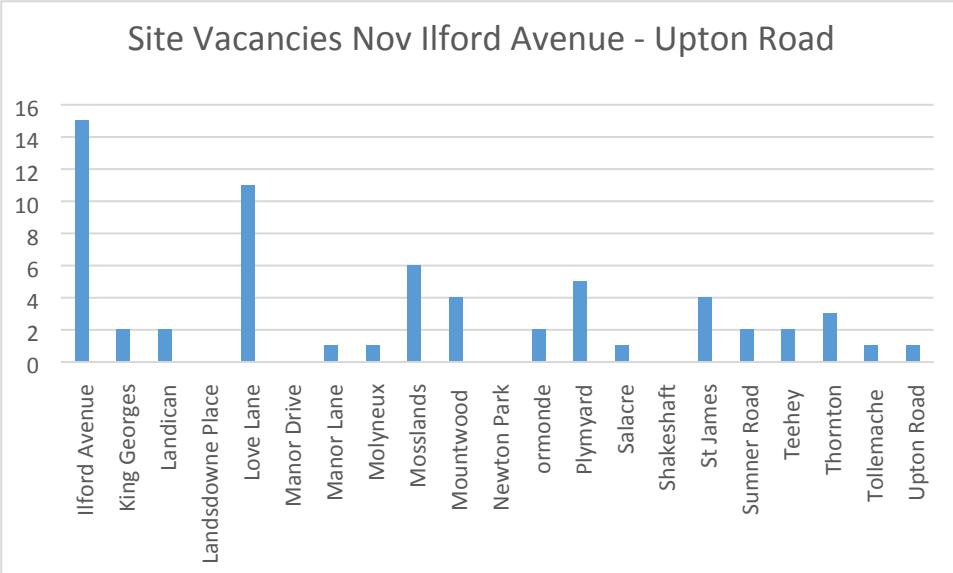
**Numbers of Applications on  
waiting lists by Areas**

<b>Birkenhead</b>	494
<b>Wallasey</b>	861
<b>Wirral South</b>	105
<b>Wirral West</b>	593
<b>Amount of Applications</b>	2053

This shows that we do need more allotment plots in the Wallasey area and West Kirby area as they have the highest waiting lists, Birkenhead area is also high however we have 20 sites in this area. Currently we have 108 Vacant plots, with the most being at the following sites:

- Bebington Road- 27 – Birkenhead Area
- Ilford Avenue – 15 - Wallasey
- Love Lane -11 – Wallasey
- Harris- 9 - Birkenhead
- Beaconsfield – 7 – Wirral South





We have 1763 available plots on the Wirral, and we have 1659 that are tenanted, we have worked hard to make sure all vacant plots have been taken, we will continue to engage with allotment site secretaries to ensure full capacity.

45 plots are unlettable, these areas are being looked at to see if any of the land could be used for an allotment plot as part of our work to increase numbers of useable allotments and decrease times on waiting lists.

We have identified the following locations where we could create new plots:

- Cross Lane 20+ new plots,
- Dawson Allotments 50+ Plots
- Mosslands 20+ plots
- Love Lane possibly, needs to be looked at further.

It may take 12 to 18 months before additional plots are lettable, as land needs to be assessed and appropriately planned and fencing erected on some of the sites. We are working alongside site secretaries to identify any other suitable land that can be used for allotments, and any wasteland that could be transformed into allotment plots.

Overgrown unlettable plots are being brought back into action, Plots need to be cleared of rubbish and debris, marked accordingly and fencing supplied where it is not already applied. We are also creating quarter sized plots and half plots on some sites, when plots become available.

We are seeking to improve allotment sites in Birkenhead, where a lot are overgrown or run down, we struggle to keep tenants on these sites, and we aim to use funds from the allotments budget to improve them overtime.

## **2.0 FINANCIAL IMPLICATIONS:**

Capital bids for increasing allotment provision are likely to be required.

## **3.0 LEGAL IMPLICATIONS:**

Works undertaken are monitored and follow the Council's procedures applicable to the works undertaken and management of the sites in question.

- Health and Safety Act
- Management of Health and Safety Act
- Planning constraints if Known
- Removal of hazardous substances
- Tenancy agreement and administration

## **4.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

- Possible increase in number or size of some allotment sites, subject to capital bids, section 106 agreements or grant aid funding.
- Increased administration duties for secretaries and council administration

## **5.0 RELEVANT RISKS**

If insufficient increase in allotment provision is made, there may be an increase in complaints from customers on waiting lists.

## **6.0 ENGAGEMENT/CONSULTATION**

The allotments strategy working group and site secretaries were involved in the creation of the 2015-2020 allotment strategy. Progress is reviewed at site secretary meetings and with the Wirral Allotment Society.

## **7.0 EQUALITY IMPLICATIONS**

Form to be completed

## **8.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

Allotments provide an important opportunity for local cultivation of food and associated learning and can thus play a useful role in our local response to the climate emergency. Through the Cool 2 strategy residents will be encouraged to grow their own food and the Council will facilitate this through the provision of allotment sites and access to advice and support.

Changing to a lower energy intensity diet, e.g. consumption of local and seasonal food, is recognised as a way to limit our climate impacts as set out in the new climate strategy for Wirral, Cool 2 <https://wirralenvironmentalnetwork.org.uk/wp-content/uploads/2020/01/Cool2WirralClimateStrategyByCoolWirralPartnershipPDF.pdf>.

Allotments provide an important opportunity for composting, compost not only helps the allotments to grow and flourish, it is also contributes to a cleaner environment, it reduces the need for bonfires, cuts down on waste going to landfill and also is less need for manufactured and packaged products.

Wirral Council actively promotes composting and offer free “Get Composting!” workshops to beginners as well as a range of subsidised compost bins and food caddies. Visit [www.wirral.gov.uk/composting](http://www.wirral.gov.uk/composting) for more information.

Allotments enable plots to house bees, Beekeeping will not only lead to healthy and vibrant plants, it will ensure that bees continue to play their critical role in our ecosystem, Bee keeping can be a very positive activity, helping with pollination and providing honey. All plot holders are encouraged to grow suitable plants to support pollinators and exercise restraint in the use of pesticides.

Pollinators like bees play a key role in one out of every three bites of food we eat. Without them, many plants we rely on for food would die off, Bees are responsible for the production of many seeds, nuts, berries and fruit, which serve as a vital food source for wild animals.

Bees play a part in every aspect of the ecosystem, they support the growth of trees, flowers, and other plants, which serve as food and shelters for creatures large and small, Bees contribute to complex, interconnected ecosystems that allow a diverse number of different species to co-exist.

Increasing the provision of allotments, bee keeping, and composting is recognized as a way to contribute to a cleaner environment.

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## APPENDICES

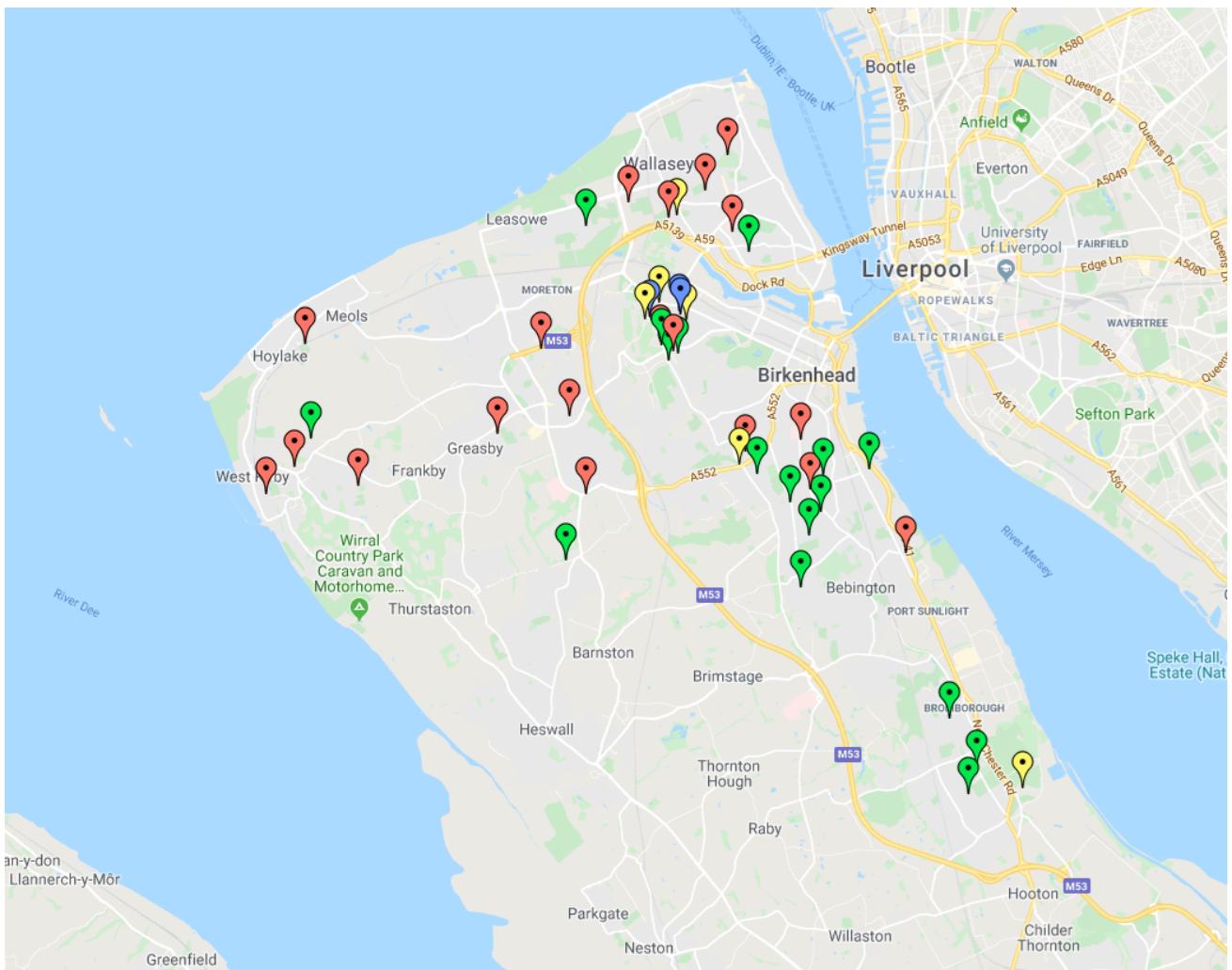
### Appendix 1

SITE	ADDRESS	ENTRANCE
Ashton Park	Westbourne Road, West Kirby	By 83 Westbourne Road
Beaconsfield Road	Beaconsfield Road, New Ferry	In Mayfields South
Bebington Road	Bebington Road, Bebington	By 186 Bebington Road
Bedford Avenue	Bedford Avenue, Tranmere	By 69 Bebington Road
Belvidere Road	Belvidere Road, Wallasey	By 48 Belvidere Road
Boundary Road	Boundary Road, Bidston	Opposite Flaybrick Cemetery
Buckingham Road	Buckingham Road, Wallasey	By 11 Buckingham Road
Carlett Park	St David Road, Eastham	By 33 St. David's Road
Carrodus	Hoylake Road, Bidston	By 77 Hoylake Road
Church Road	Church Road, Tranmere	Corner of Church Rd/Elm Rd
Coronation Park	Greasby Road, Greasby	In Coronation Park
Cross Lane	Cross Lane, Wallasey	Cross Lane
Dawson	Kings Lane, Bebington	By 89 Kings Lane
Earlston	Earlston Road, Wallasey	In Earlston Gardens
Fairview Road	Fairview Road, Oxton	By 47 Storeton Road
Forwood Road	Forwood Road, Bromborough	Forwood Road
Grange Hill	Grange Old Road, West Kirby	On Grange Hill
Harris	Prenton Road West, Prenton	By 59 Prenton Road West
Hill Road	Hill Road, Bidston	Opposite 12 Hill Road
Ilford Avenue	Ilford Avenue, Poulton	By 31 Ilford Avenue
King George's Way	Boundary Road, Bidston	Opposite 32 Boundary Road
Landican	Woodchurch Road, Woodchurch	By Arrowe Park traffic lights
Lansdowne Place	Lansdowne Place, Bidston	By 1 Lansdowne Place
Love Lane	Love Lane, Liscard	By Central Park bowling greens
Manor Drive	Manor Drive, Upton	By motorway flyover
Manor Lane	Manor Lane, Rock Ferry	By 23 Bedford Road
Molyneux	Moore Avenue, Rock Ferry	By 9 Moore Avenue
Mosslands	Mosslands Drive, Wallasey	By 160 Mosslands Drive

Mountwood	Borough Road, Prenton	By 970 Borough Road
Newton Park	Newton Park Road, West Kirby	By 39 Newton Park Road
Ormonde	Storeton Road, Prenton	By Traffic lights by Corfe Stone
Plymyard	Bridle Road, Bromborough	By Plymyard Cemetery
Salacre	Salacre Lane, Upton	By St. Mary's churchyard
Shaftesbury	Mendip Close, Prenton	By 2 Mendip Close
Shakeshaft	Observatory Road, Bidston	Bidston by 43 Observatory Road
St James	Tollemache Road, Bidston	By 192 Tollemache Road
Sumner Road	Sumner Road, Bidston	By 41 Sumner Road
Teehey Lane	Teehey Lane, Bebington	By 259 Teehey Lane
Thornton	Vyner Road North, Bidston	Vyner Road North
Tollemache	Tollemache Road, Bidston	By 27 Tollemache Road
Upton Road	Hill Road, Bidston	By 34 Hill Road

### **Self-managed sites:**

- Sandringham Avenue
- Gilroy Road
- Wingate
- Leasowe Allotments
- Thingwall Allotments (The Warrens)



## **Appendix 2**

### **List of Allotments**

Site	No of Plots	No Lettable	No Unlettable
Ashton Park	10	10	0
Beaconsfield	27	27	0
Bebington	263	253	10
Bedford Avenue	13	13	0
Belvidere Road	20	20	0
Boundary Road	43	43	0
Buckingham Road	49	49	0
Carlett Park	38	38	0

Carrodus	36	35	1
Church Road	21	21	0
Coronation Park	58	58	0
Cross Lane	30	30	0
Dawson	76	76	0
Earlston	12	12	0
Fairview Road	31	31	0
Forwood Road	35	35	0
Grange Hill	23	23	0
Harris	174	157	17
Hill Road	51	51	0
Ilford Avenue	84	84	0
King Georges Way	18	18	0
Landican	26	26	0
Lansdowne Place	5	5	0
Love Lane	100	95	5
Manor Drive	18	18	0
Manor Lane	10	10	0
Molyneux	19	18	1
Mosslands Drive	48	45	3
Mountwood	25	25	0
Newton Park	62	62	0
Ormonde	44	39	5
Plymyard	111	109	2
Salacre	43	43	0
Shaftsbury	2	2	0
Shakeshaft	11	10	1
St James	5	5	0
Sumner Road	13	13	0
Teehey Lane	71	71	0
Thornton	34	34	0
Tollemache	36	36	0
Upton Road	18	18	0
<b>Total</b>	<b>1813</b>	<b>1763</b>	<b>45</b>

### Appendix 3

#### Short term aims of the Allotment Strategy

Five-year aim	Comments
Implement the use of a new Allotment Computer system and keep it up to date, include all relevant allotment documentation.	This has been completed, Colony has now been installed as the new allotment computer system.

Revise (and regularly update) the allotment pages of Wirral's website, to provide appropriate information for plot holders and people interested in taking on an allotment.	The allotments pages are regularly updated, the Wirral allotment society are notified of numbers on waiting lists.
Update the sectional maps of each site, with a site map and a diagrammatical sketch plan of each site, on a regular basis	This is still an ongoing process, all sites have been renumbered and some sites have new site maps.
Implement effective administration and maintenance of allotment sites in line with this strategy and the procedures set out in the appendices.	This is completed on a daily basis; the colony system has helped implement effective administration as it is a lot more advanced than the previous system.
Create a 5-year allotment site improvement plan for each non self-managed site with input from the site secretary, plot holders, the site's allotment society (where one exists), neighbours and other interested parties. Prioritising the sites needing most attention (e.g. Sumner Road, St James, Lansdowne Place, Carrodus, Bedford Road).	Team Leaders have created improvement plans for each of their sites, prioritising sites where works needs carrying out and those that need attention.
Introduce use of secure keys that cannot have copies cut to stop dumping and reduce vandalism.	We have introduced a combi lock trial, where tenants are given the combination and it is changed when new influx of tenants, it has been successful on sites to avoid dumping and vandalism and reduces money spent on keys.
Provide updated information regarding waiting lists for each site on a regular basis, including providing a copy to the Wirral Allotment Society, so that this information can assist people considering applying for an allotment.	This is done regularly, lists are sent to site secretaries, this is to provide them with all their tenants details, waiting lists and vacant plots, the Wirral allotment Society is also provided with waiting lists and vacant plots.
Carry out piloting of a range of cost effective methods of bringing unusable plots back into productive use, evaluate the pilots with input from the site in question's site secretary (and site society if one exists) and then select the most suitable methods for further use on an ongoing basis, in order to reduce the waiting lists.	We carried out several pilot schemes on Bebington Road and Harris Allotments, people on the waiting list were invited to an open day to see plots that were considered unusable. This was a successful scheme with many plots being brought back into use. Also, Shakeshaft and Sumner Road, these were derelict and run-down sites they were brought back into use and are now fully tenanted.

### Long term aims of the allotment strategy

Five-year aim	Comments
Encourage the role of the site secretaries, site societies and allotment tenant participation in the care of allotment sites	We hold regular allotment site secretary meetings alongside team leaders, this is to address any concerns and encourage their participation in the care of allotment sites.

Highlight the role that allotments play in developing a more sustainable environment, encouraging biodiversity and conservation	We have created a bimonthly newsletter which has highlighted the role that allotments play in developing a more sustainable environment, encouraging biodiversity and conservation.
Develop a health agenda for allotments focussing on improving the health of the borough.	This was created as part of the Allotment Strategy.
Support groups to develop areas of potential new allotment provision where appropriate	We have been working alongside allotment groups, actions have been taken for the creation of new allotment sites and we have identified a few locations where more plots could be created.
Implement the allotment site improvement plans in partnership.	This is being implemented on sites in partnership with site secretaries.
Encouraging sites to ensure that the provision of allotments can be continued into the future in a cost effective and financially sustainable manner, for example applying for external funding for site improvements, thereby allowing more improvements to be made.	This is encouraged to all site secretaries and associations, many sites have applied for external funding to pay for site improvements, also some sites have created water saving resources to help reduce the amount we spend on water each year.
Improve directional signing to the main access point of each site.	Most of the allotment sites have had new signage to the main access point.
Review and develop a changing structure that reflects the size of plots and available facilities to ensure a fairer charging system for plots.	Size of plots are being looked at and measured accordingly to make sure people are being charged the right amount, this is still an ongoing process.
Acquire further software modules to further enhance the new system and ensure a much more effective and efficient handling of all allotments data.	Invoicing software has been updated, which has ensured invoicing is processed on time and any issues can be easily addressed.

## BACKGROUND PAPERS

### SUBJECT HISTORY (last 3 years)

Council Meeting	Date



## ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE 30<sup>TH</sup> JANUARY 2020

<b>REPORT TITLE</b>	<b>Proposed Dog Control Measures</b>
<b>REPORT OF</b>	<b>Mike Cockburn – Lead Commissioner - Environment</b>

### REPORT SUMMARY

During 2018, the Council embarked on a review of dog control measures across Wirral, this included full public and stakeholder consultation about proposals for future dog control measures. Such proposals were considered by this Committee at a special meeting in January 2019 and Committee made several recommendations in response to the proposals. The recommendations included the use of existing bylaws to deal with the minority of dog owners who act in an irresponsible manner.

These recommendations were reviewed, and a report was presented to this Committee in July 2019, recommending that Members note the Government and legal guidance for the use of PSPOs to replace bye laws when required.

Current bylaws include the prohibition of dogs from cemeteries and some play areas. The Council therefore proposes to introduce a dog control PSPO to replace these bylaws, to include:

- Cemeteries – dogs to be under control via use of a lead.
- Play areas, Multi Use Games Areas (MUGA) and Kickabouts – dogs prohibited from entering, subject to conditions.

The review of dog control measures in place across Wirral was brought about because of public concern about issues such as dog fouling and the apparent inadequacy of existing dog control measures in place. The Residents Survey of 2017 carried out by Ipsos Mori on behalf of the Council found that dog fouling was a major concern among residents. The Residents Survey analysis report said:

“We know that the appearance of the borough is very important to Wirral residents. Area cleanliness is a key driver to local area satisfaction and also of the Council representing value for money, so it is important to understand what shapes perceptions of litter issues. Dog fouling comes out as the top issue across the board, with all constituencies bar Wirral West naming it as the top issue in their area.” Ipsos Mori, 2017.

Members will also be aware that dog fouling and dog nuisance issues continue to prompt hundreds of complaints from residents every year, either direct to the Council, on social media, through the local press or through Member surgeries and community outreach work. The review of dog control measures was therefore carried out in response to this feedback and resident concern about keeping defined areas of Wirral’s parks and open spaces free of dog fouling and dog nuisance.

The original proposals included provisions that Council’s then environmental enforcement contractor, Kingdom Securities Ltd, were to enforce the measures as part of the Environmental Enforcement Contract (provisional contract item prior to any decision made to establish the PSPO). However, the Council terminated the contract with Kingdom by

mutual consent in March 2019 and have been developing a new approach to driving behaviour change and addressing environmental crime.

Offences against the dog control PSPO will be dealt with in an advisory capacity, using positive engagement and education.

This matter affects all wards within the Borough.

## **RECOMMENDATION**

Committee are requested to:

Consider the contents of the report and provide comments to the Cabinet Member – Environment and Climate Change, regarding the establishment of a Wirral dog control public spaces protection order for:

- a. Cemeteries – dogs to be under control via use of a lead.
- b. Play areas, Multi Use Games Areas (MUGA) and Kickabouts – dogs prohibited from entering, subject to conditions (including concessions for working assistance and therapy dogs).

## **SUPPORTING INFORMATION**

### **1.0 REASON FOR RECOMMENDATION**

- 1.1 The evidence base compiled as part of the review of dog control measures and the outcomes of the public and stakeholder consultation exercise carried out in Summer 2018, highlighted that there was a need to address the irresponsible actions of a minority of dog owners and levels of dog nuisance in Wirral. The Council initially proposed a Borough-wide dog control PSPO to address such irresponsible dog ownership and to improve the experience of Wirral's open spaces for all. However due to the termination of the enforcement contract with Kingdom and the decision to pursue a new approach to driving behaviour change, the Council has been looking at alternative approaches to addressing issues such as dog control and protecting the local environment.
- 1.2 Establishing the dog control PSPO in areas where current bylaws are inadequate (cemeteries and play areas), will benefit Wirral's local communities and help support safe and healthy neighbourhoods, through:
  - Creating high levels of enjoyment and user experience of Wirral's play areas for all users.
  - Providing a safe environment for all users of Wirral's play areas, including dog owners and their pets.
  - Providing a safe and respectful environment for all visitors to Wirral's cemeteries.
  - Increasing responsible dog ownership and the promotion of excellent dog care and control.
- 1.3 Government guidance recommends the use of PSPOs to replace bye laws when required.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 Following receipt of the proposals to establish a dog control PSPO at a special meeting in January 2019, this Committee made subsequent recommendations regarding future dog control measures. Committee recommended that the Cabinet Member should withdraw the dog control PSPO proposal and instead instruct officers to use the Council's existing powers to their full extent to deal with the minority of dog owners who act in an irresponsible manner.
- 2.2 Officers subsequently investigated the opportunity to update the Council's existing bylaws for dogs in cemetery grounds and children's play areas. Currently the bylaw for cemeteries prohibits dogs from entering and the bylaw for children's play areas does not cover all play areas. The current bylaws are also inadequate in that they do not apply to a range of facilities where it may be appropriate to apply dog control measures to enhance public safety and enjoyment.
- 2.3 Having taken advice and undertaken research, officers have found that the powers to make or amend bylaws affecting dogs (to change the current measure for cemeteries and include all bounded play areas) cannot be used in relation to

offences where alternative legislative measures already exist that could be used to address the problem. Government guidance advises the use of PSPOs to replace bylaws when required. This was the main reason the PSPO for dog control was proposed in the first place.

### **3.0 BACKGROUND INFORMATION**

- 3.1 Following a full review of the PSPO evidence base, the outcomes of the consultation exercise, consultation with all parties and stakeholders and scrutiny by this Committee, it is proposed that the following measures will be contained within the PSPO:
- The exclusion of dogs from listed land locations (play areas, MUGAs and Kickabouts);
  - Dogs on leads at all times at listed locations (cemeteries).
- 3.2 The Council terminated the contract with Kingdom Securities Ltd in March 2019 by mutual consent, having received criticism about the way environmental enforcement was being carried out. When announcing the decision to terminate the contract, the Cabinet Member for Environment acknowledged that a change in approach was required and the Council will take the time necessary to determine what the new approach should involve.
- 3.3 This has included working with all parties and stakeholders collaboratively to identify effective ways to drive behaviour change in relation to the local environment and to develop proposals for making it happen.
- 3.4 The Council is developing the new approach to driving behaviour change in relation to the local environment. There will be more emphasis in the future on educating and supporting residents to take pride in their local environment. For the foreseeable future there will be no enforcement activity for the offences specified in the former Environmental Enforcement Contract (littering, dog fouling and smoke free).
- 3.5 The Dogs (Fouling of Land) Act 1996 allows Councils to enforce against dog fouling. The Council is considering action against dog fouling as part of the wider approach for driving behaviour change, but action is expected to be in an advisory capacity in the first instance, as with the proposed dog control PSPO. In the meantime, the Council is embarking on a series of pilot exercises at hot spot locations for dog fouling. Officers will work with Councillors and residents to raise awareness of the local dog fouling problems and consider issues such as adequacy and proximity of litter bin provision. The outcomes of this exercise will be fed into the review of the approach to behaviour change.

### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 The implementation and coordination of the dog control PSPO will be met within existing resources from several service areas.

4.2 The communications and promotions campaign that will be delivered prior to and following the PSPO's implementation will utilise the Love Wirral branding and funding.

## **5.0 LEGAL IMPLICATIONS**

5.1 A PSPO is a local authority power introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. A PSPO can be made if, on reasonable grounds, the local authority is satisfied that two conditions are met.

5.2 The first condition is that:

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

5.3 The second condition is that the effect, or likely effect, of the activities:

- a) is, or is likely to be, of a persistent or continuing nature,
- b) is, or is likely to be, such as to make the activities unreasonable, and
- c) justifies the restrictions imposed by the notice.

5.4 PSPOs can last for up to three years once approved. An existing PSPO can be varied and it can be extended more than once. Orders can be enforced by council officers and delegated third party partners, police officers and police community support officers through delegated authority. A breach of the order is a criminal offence and can be dealt with through the issuing of a Fixed Penalty Notice (FPN) to discharge the offender's liability for the offence or a fine of up to £1000 on prosecution.

5.5 In the past many local authorities introduced byelaws to deal with the issue of dog fouling. However, the Dogs (Fouling of Land) Act 1996, came into force on 17th August 1996 and local authorities were then expected to use their powers under that act to deal with dog fouling. In 2005 the Clean Neighbourhoods and Environment Act 2005 was enacted and introduced Dog Control Orders to replace the previous system of byelaws for the control of dogs, and also the Dogs (Fouling of Land) Act 1996, which was repealed. In 2014 Dog Control Orders were replaced by Public Spaces Protection Orders under the Anti-Social Behaviour Crime and Policing Act 2014.

5.6 Following the implementation of the Dog Control Order Regulations under the 2005 Act no new dog byelaws could be made relating to any of the offences set out in the Regulations. Existing byelaws remained in force indefinitely and could continue to be enforced as normal. However, if an Authority made a Dog Control Order in respect of an offence on a specified area of land, any bylaw dealing with the same offence on the same land lapsed.

5.7 Government guidance states "Bylaws are considered measures of last resort after a local council has tried to address the local issue the bylaw applies to through other means. A bylaw cannot be made where alternative legislative measures already exist that could be used to address the problem." Therefore, bylaws affecting dogs (to change the current measure for cemeteries and include all bounded play areas)

cannot be made or amended in relation to offences where alternative legislative measures already exist that could be used to address the problem.

- 5.8 Guidance issued by DEFRA on irresponsible dog ownership has the following to say about the dog fouling aspect of PSPOs:
- “Existing designations under the Dogs (Fouling of Land) Act 1996 are not affected by the introduction of PSPOs, however, as before, no new designations may be made under this repealed Act. It is recommended that local authorities keep these designations under review and consider subsuming them into PSPOs where appropriate.”

## **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

One of the considerations for the development of proposals for the future approach to driving behaviour change will be the identification of the resource needed to deliver educational programmes and public awareness and advisory campaigns.

## **7.0 RELEVANT RISKS**

A risk assessment exercise will be undertaken as part of the development of proposals for the new approach to driving behaviour change and future dog control measures.

## **8.0 ENGAGEMENT/CONSULTATION**

The Council carried out a full public consultation and stakeholder engagement exercise over a 6-week period In Summer 2018, regarding proposed dog control measures. The statutory consultees for this exercise included the Chief Constable of Merseyside Police, the Police and Crime Commissioner's Office, landowners in Wirral and national and local stakeholders.

As part of the development of the proposals for the new approach to driving behaviour change the Council has consulted with stakeholders to seek views on new approaches.

## **9.0 EQUALITY IMPLICATIONS**

A full Equality Impact Assessment will be carried out as part of the development of proposals for the new approach to behaviour change to consider the implications on identified protected groups.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

The proposed PSPO focuses primarily on dog control or exclusion from designated areas, highlighted to help ensure the safety of service users. However, this will also help to ensure a clean environment, clear of dog fouling.

The content and/or recommendations contained within this report are expected to have no impact on emissions of carbon dioxide or other greenhouse gases.

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**APPENDICES**

None

**BACKGROUND PAPERS**

Not applicable

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
Special Environment Overview & Scrutiny Committee	<b>15 January 2019</b>
Environment Overview & Scrutiny Committee	<b>2 July 2019</b>

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## Environment Overview and Scrutiny Committee Thursday 30<sup>th</sup> January 2020

<b>REPORT TITLE:</b>	<b>Environment Overview &amp; Scrutiny Committee Work Programme Update Report</b>
<b>REPORT OF:</b>	<b>Head Of Intelligence (Statutory Scrutiny Officer) Business Services</b>

### REPORT SUMMARY

The Environment Overview & Scrutiny Committee, in co-operation with the other three Overview & Scrutiny Committees, is responsible for proposing and delivering an annual scrutiny work programme. This work programme should align with the corporate priorities of the Council, in particular the delivery of the Wirral Plan pledges which are within the remit of the Committee.

It is envisaged that the work programme will be formed from a combination of scrutiny reviews, standing items and requested officer reports. This report provides the Committee with an opportunity to plan and regularly review its work across the municipal year. The work programme for the Environment Overview & Scrutiny Committee is attached as Appendix 1 to this report.

### RECOMMENDATION/S

Members are requested to approve the proposed Environment Overview & Scrutiny Committee work programme for 2019/20, making any required amendments.

## SUPPORTING INFORMATION

### 1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 To ensure members of the Environment Overview & Scrutiny Committee have the opportunity to contribute to the delivery of the annual work programme.

### 2.0 OTHER OPTIONS CONSIDERED

- 2.1 Not Applicable

### 3.0 BACKGROUND INFORMATION

#### 3.1 THE SCRUTINY WORK PROGRAMME AND STRATEGIC OBJECTIVES

The work programme should align with the priorities of the Council and its partners. The programme will be informed by:

- The Wirral Plan pledges
- The Council Plan
- The Council's transformation programme
- The Council's Forward Plan
- Service performance information
- Risk management information
- Public or service user feedback
- Referrals from Cabinet / Council

The specific Wirral Plan pledges and associated strategies of particular relevance to the Environment Overview & Scrutiny Committee are:

Pledge	Strategies
Leisure and cultural opportunities for all	Wirral's Leisure Strategy Wirral's Culture Strategy
Wirral residents live healthier lives	Wirral's Residents Live Healthier Lives Strategy
Community services are joined up and accessible	Wirral Together Strategy (in development)
Good quality housing that meets the needs of residents	Housing Strategy
Wirral's neighbourhoods are safe	Ensuring Wirral's Neighbourhoods are Safe Strategy
Attractive local environment for Wirral residents	Managing our Waste Strategy Loving our Environment Strategy

### 3.2 PRINCIPLES FOR PRIORITISATION

Good practice suggests that, in order to maximise the impact of scrutiny, it is necessary to prioritise proposed topics within the work programme. Members may find the following criteria helpful in providing a guideline towards ensuring that the most significant topics are prioritised:

Principles for Prioritisation	
Wirral Plan and Council Plan Priorities	Does the topic have a direct link with one of the 2020 pledges?
	Will the review lead to improved outcomes for Wirral residents?
Public Interest	Does the topic have particular importance for Wirral Residents?
Transformation	Will the review support the transformation of the Council?
Financial Significance	Is the subject matter an area of significant spend or potential saving?
	Will the review support the Council in achieving its savings targets?
Timeliness / Effectiveness	Is this the most appropriate time for this topic to be scrutinised?
	Will the review be a good use of Council resources?

By assessing prospective topics using these criteria, the Committee can prioritise an effective work programme that ensures relevance and the highest potential to enhance outcomes for residents.

### 3.3 DELIVERING THE WORK PROGRAMME

It is anticipated that the work programme will be delivered through a combination of:

- Scrutiny reviews undertaken by task & finish groups
- Evidence days and workshops
- Committee reports provided by officers
- Standing committee agenda items, for example, performance monitoring and financial monitoring
- Standing panels (where deemed necessary)

As some of the selected topics may well cut across the Wirral Plan themes and Council Plan priorities, it is anticipated that some of the scrutiny topics may be of interest to members of more than one committee. In these circumstances, opportunities for members of more than one committee to work jointly on an item of scrutiny work will be explored.

Regular work programme update reports will provide the committee with an opportunity to plan and regularly review its work across the municipal year.

The governance arrangements of the Council have recently been reviewed and as of May 2020, the current scrutiny model and committee structure will change. The Chairs of all four current Overview & Scrutiny Committees have

worked collaboratively to address cross-cutting matters and ensure that the necessary prioritisation and scheduling of Committee work programme items has taken place.

#### **4.0 SCRUTINY WORK PROGRAMME ITEMS**

##### **4.1 Tree Policy Task & Finish Scrutiny Review**

Further to the initial evidence session held on 30<sup>th</sup> October 2019, Members agreed that an additional focus group was necessary, this time with the inclusion of planning officers to discuss the links between the Tree Policy and the Local Plan. It is anticipated that this session will take place in January 2020, with a full scrutiny report presented to a future meeting of this Committee.

##### **4.2 Cool 2 Climate Strategy**

Public consultation on the Cool 2 Climate Strategy took place in October 2019, and an amended strategy has been produced. It is proposed that this is presented to Members alongside the Council's climate emergency plan at the March 2020 Committee.

##### **4.3 Key Regeneration Project Workshop**

The Business Overview & Scrutiny Committee are undertaking pre-decision scrutiny on key regeneration projects including Birkenhead Market, Birkenhead Commercial District and the Wirral Growth Company Partnership. Due to the cross-cutting nature of this review, Members of the Environment Overview & Scrutiny Committee are invited to attend a workshop on these projects on 4<sup>th</sup> February 2020.

##### **4.4 5G and Public Health**

Following interest from Members, and a public question at the Council meeting of 14<sup>th</sup> October 2019, a workshop for all Members on the implications of the roll out of 5G will be arranged for early 2020. The session will be led by the Adult Care and Health Overview & Scrutiny Committee, with further information on the content and format of the workshop provided in due course.

#### **5.0 FINANCIAL IMPLICATIONS**

##### **5.1 Not Applicable**

#### **6.0 LEGAL IMPLICATIONS**

##### **6.1 Not Applicable**

#### **7.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

##### **7.1 The delivery of the scrutiny work programme will be met from within existing resources.**

#### **8.0 RELEVANT RISKS**

8.1 Not Applicable

## **9.0 ENGAGEMENT/CONSULTATION**

9.1 Not Applicable

## **10.0 EQUALITY IMPLICATIONS**

10.1 This report is for information to Members and there are no direct equality implications.

## **11.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

11.1 Not Applicable

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## **APPENDICES**

**Appendix 1:** Environment Overview & Scrutiny Committee – Work Programme

## **BACKGROUND PAPERS**

### **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Environment Overview &amp; Scrutiny Committee</b>	<b>2<sup>nd</sup> July 2019</b>
<b>Environment Overview &amp; Scrutiny Committee</b>	<b>24<sup>th</sup> September 2019</b>
<b>Environment Overview &amp; Scrutiny Committee</b>	<b>28<sup>th</sup> November 2019</b>

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## **ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE WORK PROGRAMME**

### **PROPOSED AGENDA – Thursday 30<sup>th</sup> January 2020**

Item	Format	Lead Departmental Officer
Minutes from Environment OSC (28 <sup>th</sup> November)	Minutes	
Scrutiny of Budget Proposals 2020/21	Report	Finance Team
Allotment Provision in the Borough	Report	Colin Clayton
PSPO Update	Report	Mike Cockburn
Environment Overview & Scrutiny Committee Work Programme Update	Report – Standing Item	Scrutiny Officer
<b>Deadline for cleared reports: Tuesday 7<sup>th</sup> January 2020</b>		

### **STANDING AGENDA ITEMS**

Item	Format	Lead Departmental Officer
2019/20 Quarterly Financial Monitoring Report	Report	Peter Molyneux
2019/20 Wirral Plan Performance Monitoring	Report	David Armstrong/Nicola Butterworth
Environment Overview & Scrutiny Committee Work Programme Update	Report	Scrutiny Officer

### **FUTURE AGENDA ITEMS TO BE SCHEDULED**

Item	Format	Proposed Timescale	Lead Departmental Officer
Marine Lake Management – Progress Update	Report	TBC	Colin Clayton
Hoylake Beach Maintenance Options	Report	TBC	Colin Clayton
Homelessness Update	Report	TBC	Lisa Newman
Smokefree Strategy Update	Report	March 2020	Julie Webster
Cool 2 – Wirral Climate Change Strategy	Report	March 2020	Mike Cockburn

Climate Emergency Action Plan	Report	March 2020	Mike Cockburn
Provision of Floral Pavilion	Pre-Decision Scrutiny/Report	TBC	Colin Clayton
Flood Risk Management Annual Report	Report	March 2020	Mark Smith
Property Pool Plus Housing Allocations Policy	Report	2020/21	Lisa Newman

## WORK PROGRAMME ACTIVITIES OUTSIDE COMMITTEE

Item	Format	Timescale	Lead Departmental Officer
Tree Policy Development	Task & Finish	2019/20	David Armstrong
Transformation Programme	TBC	As and when	Tim Games
Public Health Impact of 5G (Lead Committee – Adult Care and Health OSC)	All Member Workshop	Early 2020	Julie Webster
Wirral Flood and Water Management Partnership	Meeting	TBC	Mark Smith