

Public Document Pack

MEETING:	Cabinet
DATE:	Wednesday, 24 February 2021
TIME:	10.00 am
VENUE:	THIS MEETING WILL BE HELD VIRTUALLY
PUBLIC WEB LINK:	https://barnsley.public-tv/core/portal/webcasts

AGENDA

1. Declaration of pecuniary and non-pecuniary interests
2. Leader - Call-in of Cabinet decisions

Minutes

3. Minutes of the previous meeting held on 10 February 2021 (Cab.24.2.2021/3) (Pages 3 - 8)

Items for Noting

4. Decisions of Cabinet Spokespersons (Cab.24.2.2021/4) (Pages 9 - 10)
5. Action Taken under Paragraph B6 of the Responsibility for Executive Functions - Officer Delegations Contained in the Council Constitution (Cab.24.2.2021/5) (Pages 11 - 12)

Petitions

6. Petitions received under Standing Order 44 (Cab.24.2.2021/6)

Items for Decision/Recommendation to Council

Adults and Communities Spokesperson

7. Public Space Protection Order for Dog Control (Cab.24.2.2021/7) (Pages 13 - 32)

Children's Spokesperson

8. School Term Times and Holiday Dates for Community and Voluntary Controlled Schools 2022-2023 (Cab.24.2.2021/8) (Pages 33 - 36)

To: Chair and Members of Cabinet:-

Councillors Houghton CBE (Chair), Andrews BEM, Bruff, Cheetham, Gardiner, Howard, Lamb and Platts

Cabinet Support Members:

Councillors T. Cave, Cherryholme, Franklin, Frost, McCarthy and Tattersall

Chair of Overview and Scrutiny Committee
Chair of Audit Committee

Sarah Norman, Chief Executive
Matt Gladstone, Executive Director Place
Melanie John-Ross, Executive Director Children's Services
Wendy Lowder, Executive Director Adults and Communities
Shokat Lal, Executive Director Core Services
Julia Burrows, Director Public Health
Neil Copley, Service Director Finance (Section 151 Officer)
Martin McCarthy, Service Director Governance, Member and Business Support
Garry Kirk, Service Director Legal Services
Michael Potter, Service Director Business Improvement and Communications
Katie Rogers, Head of Communications and Marketing
Anna Marshall, Scrutiny Officer

Corporate Communications and Marketing

Please contact Martin McCarthy on email governance@barnsley.gov.uk

Tuesday, 16 February 2021

MEETING:	Cabinet
DATE:	Wednesday, 10 February 2021
TIME:	10.00 am
VENUE:	THIS MEETING WILL BE HELD VIRTUALLY

MINUTES

Present Councillors Houghton CBE (Chair), Andrews BEM, Bruff, Cheetham, Gardiner, Howard, Lamb and Platts

Members in Attendance: Councillors T. Cave, Cherryholme, Franklin, Frost, McCarthy and Tattersall

62. Declaration of pecuniary and non-pecuniary interests

Cllr Tattersall declared a non-pecuniary interest in the matters to be considered at minute number 67 by virtue of being a Board Member of Berneslai Homes, Metrodome, and Springwell and Greenacre Schools.

63. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 27 January 2021 had been called in.

64. Minutes of the previous meeting held on 27 January 2021 (Cab.10.2.2021/3)

The minutes of the meeting held on 27 January 2021 were taken as read and signed by the Chair as a correct record.

65. Decisions of Cabinet Spokespersons (Cab.10.2.2021/4)

There were no Records of Decisions by Cabinet Spokespersons under delegated powers to report.

66. Petitions received under Standing Order 44 (Cab.10.2.2021/5)

It was reported that no petitions had been received under Standing Order 44.

Core Services Spokesperson

67. The Council's Medium Term Financial Strategy 2021/22 - 2023/24 (Cab.10.2.2021/6)

A) 2021/22 BUDGET RECOMMENDATIONS

RECOMMENDED TO FULL COUNCIL ON 25 FEBRUARY 2021

- a) that the report of the Service Director Finance (S151 Officer), **under section 25 of the Local Government Act 2003 at Section 1** be noted, that the 21/22 budget proposals be agreed and that the Chief Executive and Senior Management Team

(SMT), in consultation with Cabinet Spokespersons, submit, for early consideration, detailed plans from 'Our Be Even Better Strategy' that ensure the Council's ongoing financial sustainability in 22/23 and beyond.

- b) that the revised Medium Term Financial Strategy (MTFS) and Budget Forecast for 21/22 to 23/24 contained at **Section 3** (supported by the suite of background papers in **Sections 3a – 3f**) be noted and monitored as part of the arrangements for the delivery of the MTFS.
- c) that the specific ongoing investment in relation to the Glassworks and the resources set aside to address the anticipated ongoing service pressures caused by COVID 19 highlighted in **Section 2** are considered and approved.
- d) that the proposed efficiency savings in 21/22 highlighted in **Section 3** and detailed at **Section 5a** be approved for implementation and that the 22/24 efficiency savings stemming from 'Our Be Even Better Strategy' at **Section 5b** be noted with final approval to take place as part of the 22/23 budget setting process.
- e) that the £12.7M of one-off resources identified following the 21/22 local government finance settlement highlighted in **Section 3** be set aside to support the ongoing COVID recovery and to provide additional financial resilience to deal with any challenges posed by the UK's exit from the European Union.
- f) that the Council's updated reserves position at **Section 3c** be noted.
- g) that the Capital Investment Strategy at **Section 3d** be approved.
- h) that the proposed changes to the 21/22 fees and charges policy and accompanying schedule of charges set out at **Section 3f** be approved.
- i) to submit to Council for approval the cash limited budgets for each service with overall net expenditure for 21/22 of £186.2M as highlighted in **Section 6a**.
- j) to consider the budgets for all services and approve, for submission into Council, the 21/22 – 23/24 budget proposals presented at **Sections 6a – 6c**, subject to Cabinet receiving detailed implementation reports where appropriate.
- k) to consider and approve the changes to the schools funding formula including the transfer of funding from the schools block to the high needs block and approve the proposed 21/22 schools block budget as set out at **Section 6d**.
- l) that the capital investment schemes totalling £6.8M (**Section 7 Appendix 1**), be included within the capital programme and released subject to receiving further detailed business cases where appropriate.
- m) to note the capital investment proposals of £116.6M (**Section 7 Appendix 2**) which are currently the subject of live external funding bids / specific Government announcements and thereafter to receive regular updates on their progress.
- n) that the capital investment proposals totalling £96.4M (**Section 7 Appendix 3**) be progressed for further detailed feasibility work / business case development.

- o) that the Aggregated Equality Impact Assessment (**Section 9**) of the budget proposals be noted and the proposed mitigation actions in the report be approved.
- p) that the Chief Executive and SMT, in consultation with Cabinet Spokespersons, be required to submit reports into Cabinet, as a matter of urgency, in relation to the detailed General Fund Revenue Budget for 21/22 on any further action required to achieve an appropriately balanced budget in addition to those proposals set out above.
- q) that the Chief Executive and SMT be responsible for managing their respective budgets including ensuring the implementation of all approved saving proposals.
- r) that the Authority's SMT be charged with ensuring that the budget remains in balance and report regularly into Cabinet on budget/ savings monitoring including any action required.
- s) that Cabinet and the Section 151 Officer be authorised to make any necessary technical adjustments to form the 21/22 budget.
- t) that appropriate consultation on the budget proposals takes place with the Trade Unions and representatives of Non-Domestic Ratepayers and that the views of consultees be considered by Cabinet and the Council.
- u) that the budget papers be submitted for the consideration of the full Council.

B) Council Tax 2021/22

RECOMMENDED TO FULL COUNCIL ON 25 FEBRUARY 2021

That Cabinet note the contents of **Section 3b** (21/22 Council Tax options) and that:

- a) the Council Tax Collection Fund net surplus as at 31st March 2020 relating to BMBC of £3.2M be used to reduce the 21/22 Council Tax requirement, in line with statute.
- b) the 21/22 Band D Council Tax increase for Barnsley MBC services be set at 2.90% (1.4% for core Council services and an additional 1.5% for the Chancellor's Adult Social Care precept).
- c) the Band D Council Tax for Barnsley MBC's areas be determined following confirmation of the South Yorkshire Police and Crime Commissioner and South Yorkshire Fire Authority precepts for 21/22.
- d) the Band D Council Tax for areas of the Borough with Parish / Town Councils be determined following confirmation of individual parish precepts for 21/22.
- e) additional support be provided to all working age claimants of Local Council Tax Support in the form a flat payment of £125 per claimaint.

C) TREASURY MANAGEMENT STRATEGY AND POLICY STATEMENT 2021/22

RECOMMENDED TO FULL COUNCIL ON 25 FEBRUARY 2021

That Cabinet approve the 21/22 Treasury Management Strategy and Policy Statement (included in the main papers at Section 3e) and specifically:

- a) approve the 21/22 Treasury Management Policy Statement **(Section 3e Appendix A)**.
- b) approve the 21/22 Minimum Revenue Provision (MRP) Statement **(Section 3e Appendix B)**.
- c) approve the 21/22 Borrowing Strategy at Section 3e including the full suite of Prudential and Treasury Indicators **(Section 3e Appendix C)**.
- d) approve the 21/22 Annual Investment Strategy at **Section 3e**.

Environment and Transportation Spokesperson

68. Neighbourhood Road Safety Initiative – Proposed Pilot 2021/22 (Cab.10.2.2021/7)

RESOLVED:- The creation of the Neighbourhood Road Safety Initiative Pilot with immediate effect, with a view to delivery of interventions commencing 1 April 2021 was approved.

69. Exclusion of Public and Press

RESOLVED that the public and press be excluded from the meeting during consideration of the following items, because of the likely disclosure of exempt information as described by the specific paragraphs of Part I of Schedule 12A of the Local Government Act 1972 as amended, as follows:-

<u>Item Number</u>	<u>Type of Information Likely to be Disclosed</u>
9 (Minute No 70)	Paragraph 3

Joint Regeneration and Culture and Core Services Spokesperson

70. The Glass Works - Scheme Update (Cab.10.2.2021/9)

RESOLVED:-

1. The continued delivery of the individual elements of the Glass Works scheme was approved and the projected scheme opening date of September 2021 was noted.
2. To progress / accept external funding bids to enable the identified scheme enhancements to take place at no additional call on the Council's resources was approved.

3. The Executive Director Core services be authorised to apply for any necessary consents, license arrangements, footpath diversions, traffic regulation orders, closure orders and side road orders that may be required to complete the scheme.
4. The Executive Director Core Services be authorised to extend the Development Management contract with Turner and Townsend to reflect the revised construction completion and scheme opening dates.
5. The Executive Directors Core Services and Place, in consultation with Cabinet Spokespersons for Core Services and Place, be authorised to enter into contract with external funding bodies awarding funding to support the delivery of the Glass Works project.
6. The appointment of a contractor to build the Market Gate Bridge as set out in section 5.5 to 5.9 of the report be approved
7. Progress with the leasing of the Glass Works scheme was noted and the forward strategy as set out in section 5:10 to 5:16 of the report was approved.

.....
Chair

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BARNSLEY METROPOLITAN BOROUGH COUNCIL

CABINET SPOKESPERSONS' DECISIONS

Schedule of Decisions taken for weeks ending 5 and 12 February 2021

<u>Cabinet Spokesperson</u>	<u>Item</u>	<u>Decisions</u>
1. Place (Regeneration and Culture)	The Remodelling of Gateway Offices in Support of Agile Working	(i) that the re-modelling of the Gateway office be approved; and, (ii) that the project be commenced as an urgent action decision.
2. Place (Environment and Transportation)	Strategic Transportation Service Restructure	(i) that the proposed staff restructure be endorsed; (ii) that the expenditure on the proposed structure, subject to the controls on expenditure and recruitment laid out in this report be approved; and (iii) that the Head of Service in consultation with Human Resources be authorised to undertake the recruitment exercise to the proposed restructure in line with para 7.6.

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BARNSELY METROPOLITAN BOROUGH COUNCIL

REPORT OF THE EXECUTIVE DIRECTOR CORE SERVICES

Action Taken under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations Contained in the Council Constitution

1. Purpose of Report

To inform Cabinet of action taken as a matter of urgency under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations contained in the Council Constitution.

2. Recommendations

That the action taken under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations, as contained within the Appendix attached to the report, be noted.

3. Background

Individual actions taken following consultation with the appropriate Cabinet Spokesperson are detailed by Cabinet Portfolio in the Appendix to this report. In accordance with Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations contained in the Council Constitution these actions are reported into the next available Cabinet meeting.

4. Implications

There are no local area, crime and disorder, financial, employee or human rights implications arising directly from this report.

5. Background Papers

Decision notices of action taken under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations contained in the Council Constitution available for inspection in the Council Governance Unit, subject to the notice not containing personal information as defined by the Data Protection Act 1998 or exempt information as described in Schedule 12A of the Local Government Act 1972.

Officer Contact: Martin McCarthy
Date: 12 February 2021

Email: governance@barnsley.gov.uk

**Action Taken under Paragraph B6 of the Responsibility for Executive Functions –
Officer Delegations Contained in the Council Constitution**

	<u>Date of Decision</u>
1. <u>Approval of Covid Memorial Sculpture and associated consultation and works</u>	12 February 2021
(i) that progress on the development of the sculpture and associated engagement programme be noted; and	
(ii) that the sum of £450,000 net be set aside to cover the cost of the memorial and its installation.	

BARNSELEY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan

**REPORT OF THE EXECUTIVE DIRECTOR
OF ADULTS & COMMUNITIES
TO CABINET**

PUBLIC SPACE PROTECTION ORDER FOR DOG CONTROL

1. PURPOSE OF REPORT

- 1.1 This report is to provide Cabinet with the relevant information in order to allow for a decision to be made relating to the implementation of a boroughwide public space protection order for Dog Control.

2. RECOMMENDATIONS

- 2.1 **It is recommended that Cabinet review the conditions and implementation approach documented within the report and consider whether they are suitable for implementation across the borough and if so, agree them based on the evidence and feedback from the public consultation.**

3. INTRODUCTION

- 3.1 Since the development of the Anti-Social Behaviour, Crime and Policing Act 2014, previous legislation for the control of dogs has been removed and replaced with the ability for Local Authorities to apply a boroughwide PSPO. The development of a boroughwide PSPO for this matter is the new way of dealing with offences such as dog-fouling and other topics covered in more detail within this report.
- 3.2 Currently, within Barnsley Metropolitan Borough Council there are no controls placed on the owners of dogs. The only enforcement action available is to issue a Fixed Penalty Notice (FPN) for Dogs fouling on land under the Dog Fouling on Land Act 1996 which has since been repealed. Local Authorities can use this legislation until they move to a new enforcement method such as a Public Space Protection Order.
- 3.3 The Dog Fouling on Land Act 1996 currently used within Barnsley Metropolitan Borough Council has further limitations in addition to the fact it has been repealed, such as the fine levels are a maximum of £50 and any offences committed on highways with a speed limit exceeding 40MPH cannot be dealt with.
- 3.4 Many Local Authorities across England and Wales have now taken advantage of the Anti-Social Behaviour, Crime and Policing Act 2014 for dealing with dog related issues by introducing a boroughwide PSPO with a range of conditions. It is these conditions where consideration needs to be applied in-line with appropriate

governing bodies and legislation such as The Kennel Club and the Animal Welfare Act 2006.

- 3.5 Since the previous report (*Reference Cab.9.9.2020/11*) was submitted to Cabinet, a public consultation has taken place, and the responses have been analysed to ensure that conditions imposed as part of any order are based on what the public of Barnsley would like to see.
- 3.6 Currently, the enforcement for Dog Fouling is the responsibility of the Safer Neighbourhood Service (SNS); however, it is currently discharged by third party contractors working on behalf of the Local Authority to deal with environmental offences with a Fixed Penalty Notice in the first instance.
- 3.7 The order can be enforced by any person authorised by the delegated authority holder. This could be a Barnsley Council officer, a commissioned enforcement officer or a relevant person from other partnership agency.

4. PROPOSAL AND JUSTIFICATION

- 4.1 A public consultation was carried out between Friday 18 September 2020 and Friday 16 October 2020, which received 1089 responses from the public.
- 4.2 Appendix A outlines the common themes associated with consultation responses and, it is these responses that have shaped the proposed conditions.
- 4.3 It is proposed that any restrictions to be imposed on any specific parks will form separate orders to clarify what orders apply where within the borough. As such, this report seeks approval for a full, boroughwide PSPO which contains conditions that will apply to the whole borough, regardless of location.
- 4.4 Where specific parks/locations require tailored conditions, further cabinet reports will be submitted alongside the relevant consultation information.
- 4.5 Based on the above points, the proposed conditions for the boroughwide order are as follows:
- A person in charge of a dog must remove faeces from any public open land across Barnsley immediately.
 - A person in charge of a dog must put the dog on a lead when requested to do so by an authorised officer.
 - A person must keep a dog on a lead in a Cemetery.
 - A person must not take a dog into or keep it within a fenced/enclosed children's play area.
 - A person in charge of a dog must carry suitable means to remove any dog fouling.
- 4.6 The associated order in relation to the above conditions can be seen in Appendix B of this report.

4.7 Non-compliance with the conditions set out by the order will result in an offence being committed. This offence will initially be dealt with by the issuing of a Fixed Penalty Notice. The initial penalty notice is £100, and failure to comply with this penalty notice could result in a maximum penalty of £1000 being imposed by the Courts.

4.8 It is important to note that there would be an exemption applied to the above prohibitions based on the following:

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

Where a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects and who relies upon a dog trained by a prescribed charity for assistance.

4.9 If approval is granted on the implementation of the PSPO with the conditions outlined above then the process to put it in to force will take approximately four to six weeks.

4.10 The conditions set out above are nothing more than what would be expected of a responsible dog owner.

5. CONSIDERATION OF ALTERNATIVE APPROACHES

5.1 One alternative approach to a borough wide PSPO is dog fouling enforcement continues under the current, repealed legislation. However, this is not recommended due to its limitations and the fact it has been repealed pending Local Authorities adopting new processes.

5.2 The secondary alternative approach is that the Council do nothing; however, this is not recommended as there would be no enforcement available for those individuals who fail to manage and control their dog appropriately.

6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

6.1 For the vast majority of local people across Barnsley, this will not have any adverse effects on them, and the implications against the law-abiding citizens and responsible dog owners across Barnsley will be limited.

6.2 The implementation of a PSPO will mean that it provides authorised officers with the ability to challenge irresponsible dog ownership where appropriate.

7. FINANCIAL IMPLICATIONS

7.1 Consultations have taken place with representatives of the Service Director Finance (S151 Officer)

7.2 There is limited costings involved in developing the order. The creation and development of signage to be installed at key locations across the Borough will not exceed £8,000.00

- 7.3 These signs will be developed in conjunction with internal departments within the Council, and the costs will be contained within the service's current budget.
- 7.4 Safer Neighbourhood Services would be responsible for the proposed PSPO. However, a third-party contractor may be commissioned on behalf of the Local Authority to deal with offences through FPNs in the first instance. The income generated through FPNs would be used to commission the third-party contractor.

8. EMPLOYEE IMPLICATIONS

- 8.1 The policing of any orders across the Borough requires resource, and there are currently limited resources available within the Safer Neighbourhood Service to deal with these additional breaches.
- 8.2 It is proposed that this type of enforcement may be dealt with on behalf of the Council by a commissioned contractor to allow limited Council employed resource to deal with the subsequent higher-level enforcement action required should an initial Fixed Penalty Notice remain unpaid.
- 8.3 While it is proposed the day to day enforcement of the order would sit with a potential commissioned contractor all front-line staff within the Safer Neighbourhood Service and other relevant services would have the ability to deal with any breaches of the order when witnessed.

9. LEGAL IMPLICATIONS

- 9.1 In the development of any order associated with dog control, consideration needs to be applied to existing legislation and governance around animals' welfare. As part of the initial consultation and survey, the Safer Neighbourhood Service will liaise closely with Legal Services.
- 9.2 There will be consideration applied to ensure the order remains proportionate and legitimate in-line with Environmental Enforcement Policies.

10. CUSTOMER AND DIGITAL IMPLICATIONS

- 10.1 The customer implications associated with this are that local communities will see that the Local Authority is taking positive action to deal with environmental blight and nuisance caused by irresponsible dog owners.

11. COMMUNICATIONS IMPLICATIONS

- 11.1 A communications plan will be created to inform and update the public on the decision of cabinet and any ongoing changes.

There will be some key communication messages delivered as part of the development and any subsequent implementations of an order.

- Communications and marketing team will help develop clear signage linking with our borough-wide campaigns such as EverybodyThink and Joining Forces.
- Consistent communication will be required across the borough to ensure that residents know and understand the order's relevant conditions.
- Communication material to be created to inform residents of any changes, delivered with a multi-channel approach.
- Clear guidance for residents with dogs, to be provided on the council website and social media linking in with partners.

12. CONSULTATIONS

- 12.1 A formal public consultation has been carried out which took place over a four week period. There were over 1000 responses to this which included a response from the Kennel Club. It is important to note that the public consultation directly shaped the order conditions proposed within this report.
- 12.2 Further consultation has also taken place with elected members across the borough who have shown an interest in this order.

13. REDUCTION OF CRIME AND DISORDER

- 13.1 Environmental Crime is a blight on local communities whether this is dog fouling, fly-tipping or littering. With all other offences such as littering and fly-tipping there is current, suitable legislation available for the enforcement; however, there is no current legislation for dog fouling or dog control without developing a PSPO.
- 13.2 It is important to note that enforcement for dog fouling has taken place and still does; however, the legislation for it is now old and no longer suitable due to being repealed. Even on this basis enforcement staff have issued a high number of Fixed Penalties for dog fouling offences across the borough.

14. RISK MANAGEMENT ISSUES

- 14.1 A highlighted risk is the enforcement of the order, as highlighted in section 8 above. The current resources available in-house to enforce the order are limited by opting to utilise the current commissioned environmental enforcement contractor, and any others in the future to enforce the order mitigates the associated risk.
- 14.2 An additional risk associated with the development of a PSPO is a legal challenge against the conditions. As part of the consultation into the development of a boroughwide order, best practice will be considered in conjunction with key organisations associated with animal welfare. The conditions included within this cabinet report take into account the Kennel Club's views to avoid any legal challenges as a result.

15. HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES

- 15.1 Concerning Health, dog fouling is a significant concern to many people, not just because of the mess it causes, but because it can be a health risk. Dogs may deposit roundworm eggs (*Toxocara Canis*) in their faeces, which become infections after about three weeks and can remain for up to two years.

Anyone, but particularly children playing near the ground, can risk picking up and swallowing the eggs. The eggs can then pass into the bloodstream into the body, creating a range of symptoms related to toxocaral infection.

16. LIST OF APPENDICES

Appendix A – Financial Implications
Appendix 1 - PSPO Consultation Summary
Appendix 2 – Draft Order

17. BACKGROUND PAPERS

None

If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

Report author: Mark Giles

Report of the Executive Director of Adults and Communities Directorate

FINANCIAL IMPLICATIONS

i)	<u>Capital Expenditure</u>	<u>2020/21</u>	<u>2021/22</u>	<u>2022/23</u>	TOTAL
		£	£		
					0
		0	0	0	0
	To be financed from:				
					0
		0	0	0	0
ii)	<u>Revenue Effects</u>	<u>2020/21</u>	<u>2021/22</u>	<u>2022/23</u>	<u>FYE</u>
		£	£	£	£
	<u>Expenditure</u>				
	Signage		8,000	0	0
	Total Expenditure	0	8,000	0	0
	To be financed from:				
	From current Safer Revenue Resources		8,000	0	0
		0	8,000	0	0

<u>Impact on Medium Term Financial Strategy</u>	<u>2020/21</u>	<u>2021/22</u>	<u>2022/23</u>
	£	£	£
MTFS	0.000	0.031	3.879
Effect of this report	0	0	0
Revised Medium Term Financial Strategy	0.000	0.031	3.879

Agreed by:  On behalf of the Service Director and Section 151 Officer -Finance

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Dog Control Public Spaces Protection Order (PSPO)

Introduction

Barnsley Council launched a public consultation to help shape a borough-wide Public Spaces Protection Order (PSPO) regarding the control of dogs.

The consultation took the format of an online survey which asked seven questions. The survey ran for one month from 16 September 2020 to 16 October 2020 and was promoted via social media and the Council website.

There were 1,089 responses to the survey from respondents largely living in the borough. The results were analysed and responses to freetext questions were coded into themes with each freetext response having a maximum of two themes. The themes can be seen in appendix A.

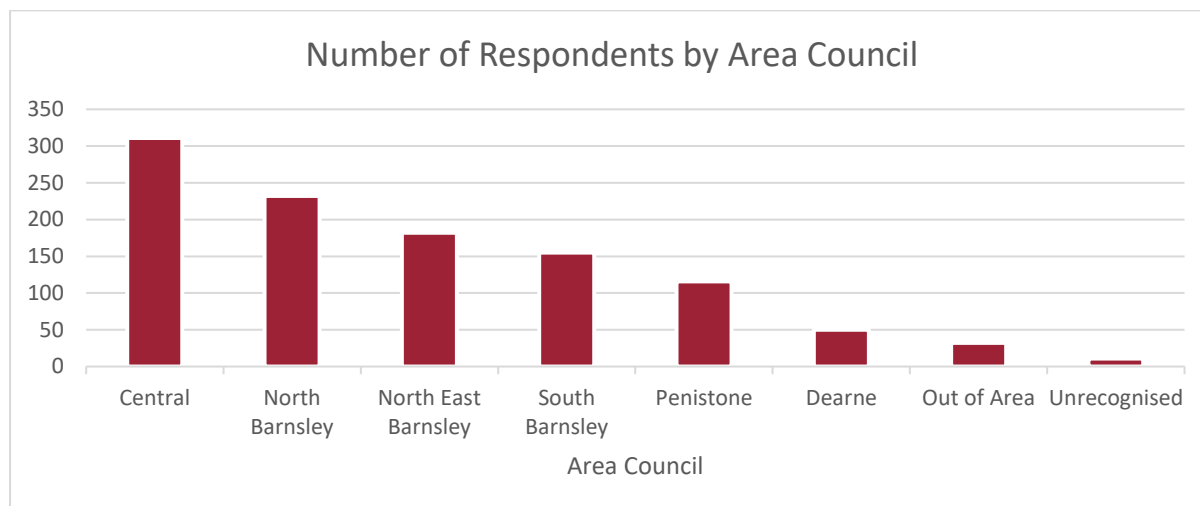
In this report where percentages are shown the actual number of respondents are shown in brackets.

Key Findings

- There was broad agreement with the proposed measures
- 96% (1,048) of respondents agreed that a person in charge of a dog must remove the faeces from any public open land across Barnsley immediately (question 1)
- 91% (987) of respondents agreed that a person in charge of a dog must put the dog on a lead when requested to do so by an authorised officer (question 2)
- 88% (963) of respondents agreed that dogs should be kept on leads at cemeteries and church yards including green burial grounds (question 3)
- 72% (779) agreed that dogs should be kept on leads at sports grounds, fields, parks and pitches when in use for officiated sporting matches (question 3)
- The least favoured location for dogs to be kept on leads was on footpaths around lakes and ponds where only 38% (411) of respondents agreed (question 3)
- In response to the question are there any individual parks in Barnsley where you feel dogs must be on leads at all times the majority of respondents said Locke Park (question 4)
- 79% (862) of respondents said yes to question 5, that a person in charge of a dog must not take it into or keep it within a fenced/enclosed children's play area
- 98% (1,063) of respondents agreed that a person in charge of a dog must carry the means to pick up dog faeces deposited by that dog (question 6)
- 28% (309) of respondents felt walkers should be limited to 2 dogs at any one time (question 7)

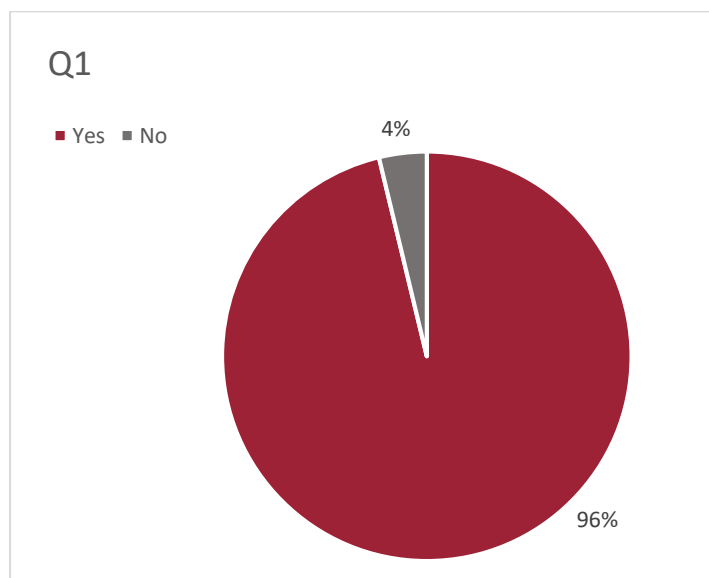
Detailed Findings

The majority of respondents (311) were from Central Area Council, followed by North Barnsley Area Council (232). A small number of respondents (32) were from outside the borough of Barnsley and 11 respondents provided unrecognised postcodes.



Whilst responses to each of the survey questions were considered by the area council a respondent was from care should be taken when viewing results at this level due to the limited number of responses. It was not possible to analyse the results at a lower geography due to the limited number of responses.

Q1. Dog Fouling: A person in charge of a dog must remove the faeces from any public open land across Barnsley immediately. Do you agree with this?

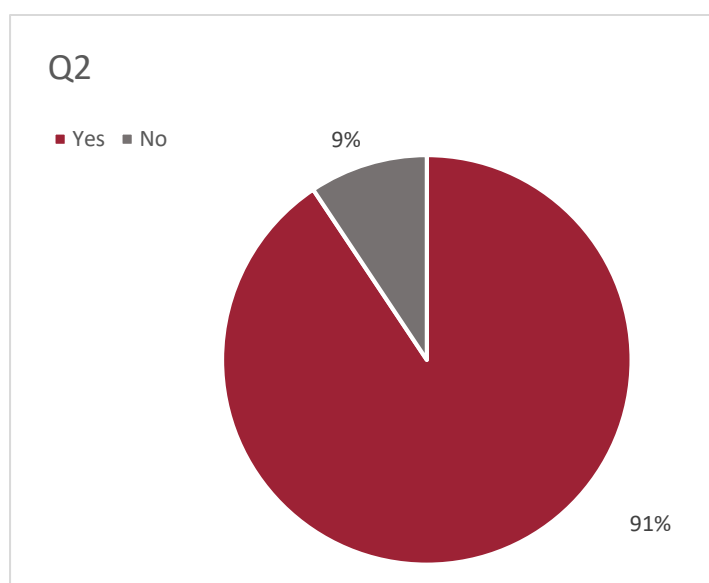


There was broad agreement with 96% (1,048) of respondents saying yes, that a person in charge of a dog must remove the faeces from any public open land across Barnsley immediately. There was little variation in response by area council.

Q1 Freetext themes

249 respondents chose to provide a freetext response to question 1. The majority of responses related to the fact that responsible dog owners already pick up after their dogs. The next most popular theme related to the perception that more bins are needed across the borough to allow for responsible disposal of this waste, followed by a perception that picking up after a dog is particularly important in certain areas such as footpaths and near schools.

Q2. Dogs on leads by order: A person in charge of a dog must put the dog on a lead when requested to do so by an authorised officer. This doesn't mean you must have your dog on a lead at all times. It is simply a requirement that should an authorised officer ask you to place a dog in your control on a lead then you would be in breach of the order if you refused. You would only be asked to do this if a dog was causing a nuisance/harassment or was a danger to another animal or person. Do you agree with this?



91% (987) of respondents said yes to question 2, that a person in charge of a dog must put the dog on a lead when requested to do so by an authorised officer. Respondents from Dearne Area Council area were least likely to be in favour of this with 86% (43) answering yes to this question.

Q2 Freetext themes

267 respondents chose to provide a freetext response to question 2. The majority of responses related to the perception that dogs should be on leads in public places, particularly in the presence of people and other dogs. The second most popular theme was that owners know their own dogs and should be trusted to know when to put their dog on a lead.

Q3. Dogs on leads: A person in charge of a dog on the land below must keep their dog on a lead at all times: Do you agree?

Question 3 asked respondents to consider whether dogs should be on the lead at specific locations, the table below shows responses by location.

Location	Yes %	No %
All cemeteries and church yards including green burial grounds	88	12
All footpaths around lakes and ponds	38	62
All sports grounds, fields, parks, and pitches but only when in use for officiated sporting matches.	72	28

- 88% (963) agreed that dogs should be on leads at cemeteries and church yards. This was echoed in freetext responses where respondents said it was respectful for dogs to be kept on leads in these locations.
- 72% (779) agreed that dogs should be kept on leads at sports grounds, fields, parks and pitches when in use for officiated sporting matches.
- The least favoured location for dogs to be kept on leads was on footpaths around lakes and ponds where only 38% (411) of respondents agreed.

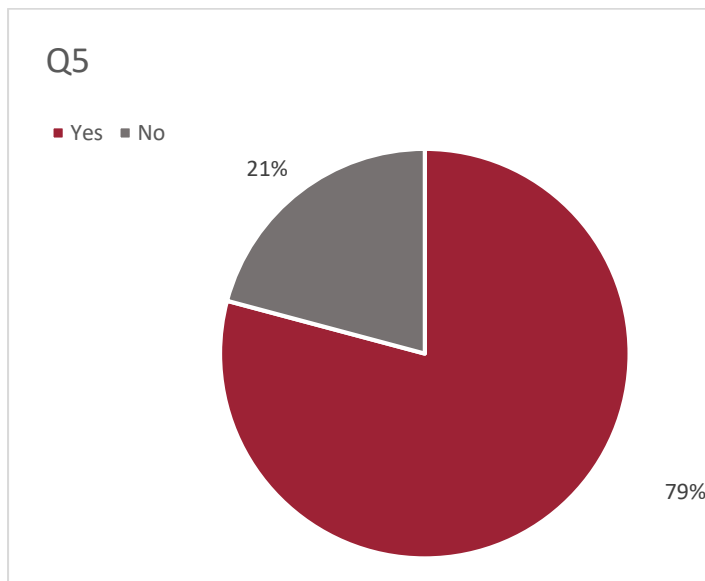
Q3 Freetext themes

There were 304 freetext responses to question 3. The majority freetext theme was 'don't penalise the dogs' with respondents stating that dogs need time off the lead to exercise and that responsible owners know when and where this is appropriate. Conversely the second most popular theme was that dogs should be kept on a lead at all times, showing a divide in opinion.

Q4. Restrictions: Are there any individual parks in Barnsley where you feel dogs must be on leads at all times? If yes, please specify the park name below.

There were lots of parks mentioned in response to this question however of those who specified a park where dogs should be on a lead the vast majority of people said Locke Park. Equally many respondents felt dogs should be on leads at all parks or at parks where there are children's play areas.

Q5 A person in charge of a dog must not take it into or keep it within a fenced/enclosed children's play area. Do you agree with this?

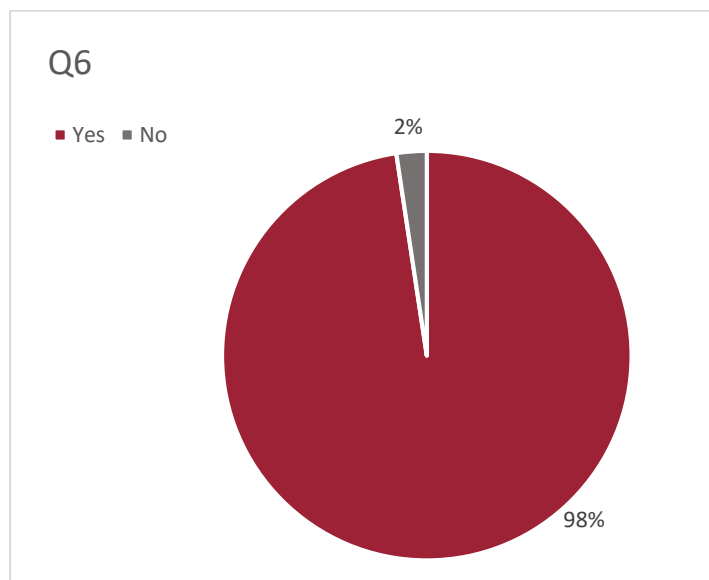


79% (862) of respondents said yes to question 5, that a person in charge of a dog must not take it into or keep it within a fenced/enclosed children's play area. Respondents from South Area Council were most likely to be in favour of this with 86% (136) answering yes to this question.

Q5 Freetext themes

Of the freetext responses to question 5 the majority suggested it was ok for a dog to be in a fenced or enclosed children's play area providing it was under control and that the person in charge picked up after it. The second most common theme was around safety, with respondents saying that it wouldn't be safe to have a dog in an enclosed area, particularly an area designated for children. The health hazard of faeces was also mentioned. The third most common theme was around family trips to the park and that if those in charge of a dog with a child weren't able to take the dog into an enclosed area the child may miss out.

Q6 Means to pick up: A person in charge of a dog must carry the means to pick up dog faeces deposited by that dog. Do you agree with this?



98% (1,063) of respondents agreed that a person in charge of a dog must carry the means to pick up dog faeces deposited by that dog. There was little variation in responses by area council.

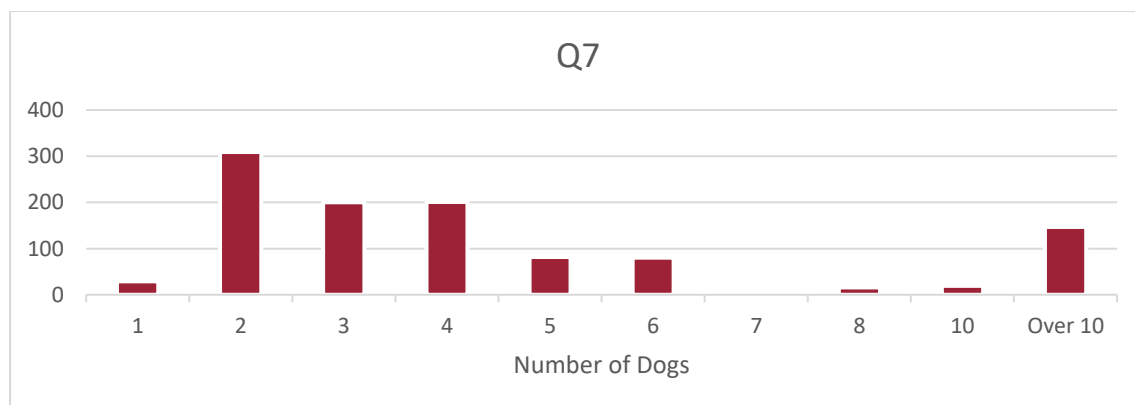
Q6 Freetext themes

The most common response theme for question 6 was that responsible people would always do this and there was no excuse not to. The second most common theme was around circumstances in which exceptions to this would apply, such as when the person in charge of a dog had already used their last bag or had given one to another dog walker.

Q7 Amount of dogs: A person walking alone with dogs must be limited to how many?

28% (309) of respondents felt dog walkers should be limited to 2 dogs. When combined 83% of respondents felt no more than six dogs should be walked by any one person.

Of those who selected 10 plus many went on to add comments to say the number walked at any one time should be based on owners discretion.



Q7 Freetext themes

The majority theme in response to the question a person walking alone with dogs must be limited to how many was that this is dependant on the person in control of the dog at the time. Professional dog walkers were mentioned and it was generally perceived they were trained sufficiently to allow for walking multiple dogs. The next most common theme was that it was dependant on the dog, the breed, temperament and size.

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ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PUBLIC SPACE PROTECTION ORDER

Barnsley Council has exercised its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and hereby makes a Public Space Protection Order for dog fouling and control borough wide.

1. This Order shall come into operation on XXXXXX and shall have an effect for 3 years thereafter, unless extended by any further order as set out in the Act.
2. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely, that activities carried out in a public place within the authority's area have had or it is likely that they will have a detrimental effect on the quality of life of those in the locality.
3. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

The Order:-

Dog Fouling

It will be an offence under this part of the order if any person in control of a dog fails to remove its faeces from the land forthwith unless:

- (a) The dog owner has reasonable excuse for failing to do so.

This condition applies to any land within the borough of Barnsley, which is:

- (a) Open to the air (which includes land that is covered but open to the air on at least one side)
and
- (b) to which the public are entitled or permitted to have access (with or without payment)

Means to pick up

A person in charge of a dog must have and produce on request the appropriate means to pick up dog faeces deposited by that dog. The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces unless:

- (a) The dog owner has reasonable excuse for failing to do so.

This condition applies to any land within the borough of Barnsley, which is:

- (a) Open to the air (which includes land that is covered but open to the air on at least one side)
and
- (b) to which the public are entitled or permitted to have access (with or without payment)

Dogs on a lead in a cemetery

A person in charge of a dog within a cemetery must keep the dog on a lead at all times unless:

- (a) The dog owner has reasonable excuse for failing to do so.

This condition applies to all cemeteries across Barnsley.

Dogs on lead by order

A person in charge of a dog must place it on a lead when requested to do so by an authorised officer.

This condition applies to any land within the borough of Barnsley, which is:

- (a) Open to the air (which includes land that is covered but open to the air on at least one side)
and
- (b) to which the public are entitled or permitted to have access (with or without payment)

Dog Exclusion

A person in charge of a dog must not take it into, or keep it within a specified or signed area. This applies at all times unless:

- (a) The dog owner has reasonable excuse for failing to do so.

This condition applies to any fenced/enclosed children's play area and where there is a sign at its entrance(s) demonstrating it is a "dog exclusion area." Whether the sign uses those particular

words or words and/or symbols having like effect this condition applies within designated areas marked for children's play.

Additional notes and definitions for the purpose of the Order:

- **A person who habitually has a dog in their 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” means an employee, partnership agency or contractor of Barnsley Council who is authorised in writing by Barnsley Council for the purposes of giving directions under the Order.**

Fixed Penalty Notices and offences

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this order.
2. In accordance with section 67 of the above named Act, a person found to be in breach of this Order is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice of £100.

Appeals

In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

Dated: XXXXX

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BARNSELEY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan.

Report of the Executive Director
(Children's Services) to Cabinet

SCHOOL TERM TIMES AND HOLIDAY DATES FOR COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS 2022-2023

1 Purpose of Report

- 1.1 To seek approval for the term times and holiday dates pattern for the 2022-2023 school year to maintain the three-year rolling programme of dates.

2 Recommendations

It is recommended that:

- 2.1 The draft proposed term times and holiday dates for 2022-2023 as outlined in the Appendix to this report, be approved.

3 Introduction

- 3.1 The setting of the three-year rolling programme of term times was introduced to enable schools to plan strategically over a longer period.
- 3.2 It was agreed that in each successive year the pattern will be extended by a further year to maintain the rolling three-year programme
- 3.3 Term dates are determined by a set of agreed principles adopted by 26 Local Authorities in the North East of England and the proposed draft is compliant with these.
- 3.4 For 2018-19, consideration was given to a proposed change from the traditional model and Barnsley Council undertook discretionary consultation with a wider group of stakeholders than was required statutorily.
- 3.5 Following analysis of the responses, Cabinet determined that the 'traditional' pattern of a long summer break would remain and that full consultation would not be required for the following years unless there was a significant demand for change, to acknowledge that the overall response previously was to remain with the traditional pattern.

4 Proposals and Justification

- 4.1 It is proposed that the continuation of the current 'traditional' pattern of school term and holiday dates be adopted for the academic year 2022-2023.

5 Consultation

- 5.1 Discussions have also taken place between the four South Yorkshire Local Authorities, as they do on an annual basis, in order to co-ordinate holiday dates as far as possible.
- 5.2 A number of authorities are now adopting a fixed Easter pattern (Sheffield and Doncaster) but for the 2022-2023 school year this pattern is the same as the traditional pattern due to when the Easter period falls this year. All South Yorkshire Authorities will, therefore, be proposing a very similar pattern for 2022-2023.
- 5.2 The relevant Trade Unions have been consulted and responses have been received from NEU and NASUWT with no objections to the drafts circulated.

6 Risk Management

- 6.1 The statutory duty for determining term times and holiday dates for community and voluntary controlled schools remains that of the Local Authority although informal consultation in order to maintain an open and transparent process has been undertaken as above.
- 6.2 There are often minor variances at voluntary aided schools and academies since it is the responsibility of their respective governing bodies to determine their individual dates.

8 Financial and Employee Implications

- 8.1 There are no implications arising from this report.

9 List of Appendices

Appendix 1 - Draft Proposed Term and Holiday Dates 2022-2023

10. Background Papers

Background papers can be viewed by contacting governance@barnsley.gov.uk

Author: Beverley Sadler (School Admissions and Access Manager)

Financial Implications/Consultation



Joshua Amahwe (11/02/2021)

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(To be signed by senior Financial Services officer
where there are no financial implications)

SCHOOL CALENDAR FOR THE 2022/23 ACADEMIC YEAR

September (22 Days)

M	T	W	T	F	S	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

October (16 Days)

M	T	W	T	F	S	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

November (22 Days)

M	T	W	T	F	S	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

December (12 Days)

M	T	W	T	F	S	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

January (21 days)

M	T	W	T	F	S	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

February (15 days)

M	T	W	T	F	S	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

March (23 days)

M	T	W	T	F	S	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April (10 Days)

M	T	W	T	F	S	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May (19 Days)

M	T	W	T	F	S	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

June (20 Days)

M	T	W	T	F	S	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

July (15 Days)

M	T	W	T	F	S	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August

M	T	W	T	F	S	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			



Denotes Bank Holidays



Denotes School Holidays

195 days – including 5 days to be taken as professional development days for teaching staff

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