

Report to	-	Cabinet
Date	-	4 September 2017
Report of the	-	Executive Director of Business Operations
Subject	-	Enforcement of Public Spaces Protection Orders by Hastings Borough Council (HBC) Staff on HBC owned land within Rother

Recommendation: It be **RESOLVED:** That arrangements be entered into with Hastings Borough Council pursuant to section 101 of the Local Government Act 1972, whereby any person duly authorised by them is thereby also authorised by this Council to take any steps necessary for or incidental to discharge of the enforcement function, in relation to any Public Spaces Protection Order for the time being in force on any land occupied by Hastings Borough Council located within Rother District. Such arrangements to include indemnification by Hastings Borough Council in respect of any claim or costs thereby arising and retention by them of any fixed penalty or other income arising out of the exercise of these powers.

Service Manager: Richard Parker-Harding
Lead Cabinet Member: Councillor Hollidge

1. The Council has now brought into force Public Spaces Protection Orders, pursuant to the Anti-social Behaviour, Crime and Policing Act 2014 (Minute CB16/14 refers) in relation to removal of faeces by the owners of dogs, excluding them from certain areas and requiring them to be on leads in certain areas. Certain land lying within Rother District is actually owned by Hastings Borough Council (HBC) and used by them for their own statutory purposes. They have requested that their staff, and contractors, should be authorised to enforce the Orders on such land in the same terms as this Council's own staff and contractors. In principle this appears a reasonable request, which could enhance the level of enforcement in the public interest and contribute to the working partnership between the two authorities. The Council had a similar arrangement with HBC in relation to Dog Control Orders (Minute CB10/36 refers).
2. Under section 101 of the Local Government Act 1972, a local authority may arrange for the discharge of any of their functions by any other local authority. It would be fair that HBC met any claims arising out of the activities of their personnel, but also that they kept any fixed-penalty or other proceeds arising from those activities.

Dr Anthony Leonard
Executive Director of Business Operations

Risk Assessment Statement

Unless these arrangements are put in place, Hastings personnel would not legally be able to take action in respect of breaches of the Rother Public Spaces Protection Order on their land situated within Rother District. The legal agreement should ensure that no cost or liabilities fell upon this Council.