

Cabinet

- Date and Time - **Monday 9 October 2023 – 6:30pm**
- Venue - **Council Chamber, Town Hall, Bexhill-on-Sea**
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Councillors appointed to the Committee:

Councillor D.B. Oliver (Leader), C.A. Bayliss (Deputy Leader), S.M. Prochak, MBE (Deputy Leader), T.J.C. Byrne, S.J. Coleman, K.M. Field, A.K. Jeeawon, R.A. McCourt, A. Rathbone Ariel and H.L. Timpe.

AGENDA

1. MINUTES

To authorise the Leader to sign the Minutes of the meeting held on 4 September 2023 as a correct record of the proceedings.

2. APOLOGIES FOR ABSENCE

3. ADDITIONAL AGENDA ITEMS

To consider such other items as the Leader decides are urgent and due notice of which has been given to the Head of Paid Service by 9:00am on the day of the meeting.

4. URGENT DECISIONS

The Leader to give details of those reports that have been referred to the Chairman of the Council to consider designating as urgent, in accordance with Rule 17 of the Overview and Scrutiny Procedure Rules contained within Part 4 of the Council Constitution, and to which the call-in procedure will not therefore apply.

5. DISCLOSURE OF INTERESTS

To receive any disclosure by Members of personal and disclosable pecuniary interests in matters on the agenda, the nature of any interest and whether the Member regards the personal interest as prejudicial under the terms of the Code of Conduct. Members are reminded of the need to repeat their declaration immediately prior to the commencement of the item in question.

At the discretion of the Leader, the order of the items set out in the agenda may be varied

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Rother District Council putting residents at the heart of everything we do.

6. **REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMITTEE - ROTHER DISTRICT COUNCIL OWNED / LEASED ACCOMMODATION POLICIES** (Pages 3 - 34)
7. **COUNCIL TAX SUPPORT FUND** (Pages 35 - 38)
8. **CASH PAYMENT OPTIONS IN ROTHER DISTRICT COUNCIL CAR PARKS** (Pages 39 - 50)
9. **PUBLIC SPACES PROTECTION ORDER (NO 1-2024) - DOG CONTROL** (Pages 51 - 74)
10. **THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)** (Pages 75 - 86)
11. **CCTV CAMERAS** (Pages 87 - 92)

Lorna Ford
Chief Executive

Agenda Despatch Date: 29 September 2023

Rother District Council

Report to:	Cabinet
Date:	9 October 2023
Title:	Rother District Council Owned / Leased Accommodation Policies
Report of:	Joe Powell, Head of Housing and Regeneration
Cabinet Member:	Councillor McCourt
Ward(s):	All
Purpose of Report:	To consider the recommendations arising from the Overview and Scrutiny Committee meeting held on 11 September 2023, regarding the Council's proposed Owned / Leased Accommodation Policies. The report and recommendations arising are reproduced below and the Minutes of that meeting (Appendix G) should be read in conjunction with this report.
Decision Type:	Key

Overview and Scrutiny

Recommendation(s): It be **RESOLVED:** That the following Rother District Council Owned / Leased Accommodation Policies be recommended to Cabinet and full Council for adoption:

- Unacceptable Behaviour Policy; • Anti-Social Behaviour Policy; • Recharge Policy;
- Compensation Policy; • Domestic Abuse Policy; and • Window Restrictors Policy.

Reason for

Recommendations: As a Registered Provider, the Council must have a suite of policies in relation to Council accommodation, tenants and staff/contractors, in order to comply with Housing Ombudsman, Social Housing (Regulation) Act 2023 and our duties as a landlord.

Introduction

1. In 2020, Rother District Council (RDC) became a Registered Provider (RP) of accommodation. Thus far, we have 33 units of accommodation that we own and one unit of accommodation that we lease and manage. The number of units of accommodation we own and lease is set to rise further as we increase the scale of the Temporary Accommodation Support Scheme (TASS) and leasing scheme. We currently have offers on 11 houses in Bexhill and one flat in Rye.
2. As a RP, we must ensure we have a suite of policies in relation to our accommodation, tenants and staff/contractors, in order to comply with

Housing Ombudsman, Social Housing (Regulation) Act 2023 and our duties as a landlord.

3. The policies apply to RDC tenants of temporary accommodation (TA) and leased properties only. The six named policies listed above will apply to all activity undertaken by Council staff or contractors that may be involved in property management and support of tenants. The policies can be read in full at Appendices A-F.
4. A further suite of policies will be brought forward for approval next year that will focus on Health and Safety at our properties, in order to comply with the new Social Housing (Regulation) Act and those aspects that come into force in 2024.

Background

5. The Housing Ombudsman has undergone some significant changes since its introduction in July 2020. From April 2022, they updated their Complaint Handling Code to strengthen a positive complaint handling culture. Although this code is focused on complaints, as part of the self-assessment that we complete for the Housing Ombudsman we need to have an unacceptable behaviour policy (see Appendix A).
6. RPs have a responsibility to prevent anti-social behaviour by keeping the neighbourhood and communal areas under their control safe and clean. Landlords should make it easy for tenants to report anti-social behaviour (ASB), take complaints seriously and act professionally. We have to also publish documents that set out the types of behaviours that can be tackled – we have set this out in the ASB Policy (Appendix B).
7. Damage to property is often associated with anti-social behaviour. While the Council has only experienced two cases of minor damage to property since we became a RP in 2020, the more we increase our stock, the risk of damage to property may increase. When incidents of damage to property occur, we require a means of recouping the associated costs to the Council, we can better achieve this through a formalised Recharge Policy (Appendix C).
8. We aim to provide a good quality service to all our customers. However, where we fall short of meeting these standards and commitments, we will take action to put this right as quickly as possible. When putting the situation right and apologising is not sufficient, we will consider offering compensation. The compensation we offer should restore the person to the position they would be in had the service failure not occurred. The Compensation Policy sets out our approach to this (Appendix D).
9. The Domestic Abuse Act 2021 places a duty on Local Authorities to ensure they offer safe accommodation to those at risk of domestic abuse. Refuge is not a solution to housing families while awaiting suitable long-term accommodation through private rented or social housing. The majority of refuge accommodation within East Sussex is shared facilities. Our properties, although not staffed permanently, have staff on hand to support customers. We also make property adaptations to support those at risk of domestic abuse and enhance the security. This Policy (Appendix E) is designed to formalise our approach.

10. The Health and Safety Executive advises that where assessment identifies that people are at risk of falling from windows at a height likely to cause harm, then suitable precautions must be taken. RDC have installed restrictors on all windows on first floor and above, and on ground floor windows where the drop is more than the average ground floor drop and the surface is hard. All tenants will be given the window restrictor policy (Appendix F) at their initial tenancy sign up.

Conclusion

11. It is a requirement of the Housing Ombudsman, Social Housing (Regulation) 2023 and Domestic Abuse Act 2021 that we have the above listed policies adopted and we recommend that Members approve these.

Equalities and Diversity

12. An equality impact assessment has been completed for each policy.

Financial Implications

13. If we are found to be in breach of the Complaints Handling Code or Social Housing (Regulation) Act 2023, RDC could be prosecuted, which is likely to include a significant fine and may impact on future funding bids.

Legal Implications

14. All bodies registered with the Regulator for Social Housing must be in the Ombudsman's jurisdiction by effect of the 1996 Housing Act and 2011 Localism Act. Through having this membership, RDC is held accountable and if we do not follow our policies then compensation may be requested by Ombudsman or Regulator of Social Housing to our tenants.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	Yes
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

Chief Executive:	Lorna Ford
Report Contact Officer:	Joe Powell
e-mail address:	joe.powell@rother.gov.uk
Appendices:	Appendix A - Unacceptable Behaviour Policy Appendix B - Anti-Social Behaviour Policy Appendix C - Recharge Policy Appendix D - Compensation Policy Appendix E - Domestic Abuse Policy Appendix F - Window Restrictors Policy Appendix G – Extract from OSC Minutes
Relevant previous Minutes:	N/A
Background Papers:	N/A
Reference Documents:	N/A

Minutes of the Overview and Scrutiny Meeting – 11 September 2023**OSC23/21. ROTHER DISTRICT COUNCIL OWNED / LEASED
(6) ACCOMMODATION POLICIES**

Members received the report of the Head of Housing and Regeneration that outlined the proposed Rother District Council (RDC) owned / leased accommodation policies for implementation.

In 2020, RDC became a Registered Provider (RP) of accommodation and thus far, had 33 units of accommodation that it owned and one unit of accommodation that was leased and managed by the Council. The number of units of accommodation owned and leased by the Council was set to rise further as the scale of the Temporary Accommodation Support Scheme (TASS) and leasing scheme was increased.

As a RP, the Council had to ensure it had a suite of policies in relation to its accommodation, tenants and staff/contractors, in order to comply with Housing Ombudsman, Social Housing (Regulation) Act 2023 and duties as a landlord. The six proposed policies applied to RDC tenants of temporary accommodation (TA) and leased properties only and would apply to all activity undertaken by Council staff or contractors that may be involved in property management and support of tenants. The six policies, namely: Unacceptable Behaviour Policy; Anti-Social Behaviour Policy; Recharge Policy; Compensation Policy; Domestic Abuse Policy; and Window Restrictors Policy were attached to the report at Appendices A-F.

It was a requirement of the Housing Ombudsman, Social Housing (Regulation) 2023 and Domestic Abuse Act 2021 that the Council had the policies listed in the report.

The Cabinet Portfolio Holder for Housing, who had been invited to the meeting, explained that the policies complied with legislation and included details of best practice across the sector. Members of the Overview and Scrutiny Committee were happy to recommend that Cabinet consider the adoption of all six policies, for onward recommendation to full Council.

RESOLVED: That the following Rother District Council Owned / Leased Accommodation Policies be recommended to Cabinet and full Council for adoption:

- Unacceptable Behaviour Policy;
- Anti-Social Behaviour Policy;
- Recharge Policy;
- Compensation Policy;
- Domestic Abuse Policy; and
- Window Restrictors Policy.

(Councillor Burton declared a personal Interest in this matter as her son held a licence agreement with Rother District Council to provide Temporary Accommodation at a premises and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

Rother Owned/Leased Accommodation

Unacceptable Behaviour Policy

1. **Aims**

This policy sets out the Council's approach to managing unacceptable behaviour from their tenants towards Rother District Council staff and their contractors. It informs our tenants of what the Council considers unacceptable and of the actions that can be taken.

2. **Scope**

This policy applies to anyone living in a property owned or managed by Rother District Council.

This policy covers behaviour exhibited on all types of communication including:

- Letter
- Telephone
- Email
- Social media
- In person

We manage incidents of unacceptable behaviour between residents or their visitors through our anti-social behaviour policy and processes.

3. **How we define unacceptable behaviour**

We understand that in times of trouble or distress people may act out of character. We do not view behaviour as unacceptable just because an individual is assertive or determined in their approach to us. Behaviour may become unacceptable if it causes distress to Council officers or becomes so demanding or persistent that it places unreasonable demands on the Council and impacts on the level of service that can be offered to other tenants. It is these actions that we aim to manage under this Policy.

Unacceptable behaviour can be as follows:

- **Aggressive or Abusive behaviour**
Aggression is not limited to acts that may result in physical harm. It also includes behaviour or language that may cause colleagues to feel afraid, threatened, or abused.

Examples of aggressive behaviour include but are not limited to:

Threats, shouting, physical violence, personal abuse, derogatory remarks, rudeness and unsubstantiated allegations against staff

- **Unreasonable demands**
Demands become unreasonable when they start to have a negative impact on the work of the Council. This may be due to a variety of reasons, but examples include: the amount of information that is asked for or the nature and scale of service expected.
- **Unreasonable persistence/repeated contact**

Unreasonable persistence is where despite our reasonable attempts to resolve a matter, the resident continues to make repeated contact about the same issue and/or persistently refuses to accept the outcome of a decision or is seeking an outcome which we are unable to give for policy, legal or other valid reasons.

The way in which these tenants approach us may be entirely reasonable, but their persistent behaviour in continuing to do so is not.

Examples of this type of behaviour include but are not limited to:

- Demanding to only deal with, or unreasonably refusing to deal with, a particular colleague
- Asking for responses within an unreasonable time period
- Making unfounded complaints or requests for repairs
- Continual phone calls, letters, or emails to colleagues (or any other type of communication)
- Persistently approaching us through different routes, and to different colleagues, about the same issue.

4. How we will manage unacceptable behaviour

Each case of unacceptable behaviour will be considered on an individual basis. The Council recognises that in some cases such behaviour may be unintentional and what amounts to unacceptable demands will depend on the circumstances surrounding the particular issue(s) and the behaviour exhibited by the tenant.

There are a variety of options that the Council might consider using depending on the circumstances of the case. Officers will advise the tenant(s) that their behaviour is considered unacceptable together with the reasons why, so that they have the opportunity to reflect and amend their behaviour. Should the negative behaviour continue, officers will determine the course of action that is considered appropriate for the circumstance which may include putting in place restrictions. In implementing this course of action, the tenant will be advised in writing of what course of action we have determined as necessary, how long any restrictions may last for and how to appeal our decision.

A decision to exercise any sanction under this policy will usually be taken by the Head of Housing and Regeneration. Actions that may be taken include, but are not limited to:

- restricting times when we will accept telephone calls from a tenant to particular days and/or times;
- limiting communication to one type of contact (e.g. email);
- limiting contact to one particular member of staff;
- replying on a scheduled basis, for example responding once every 20 working days to any legitimate issues raised;
- entering into an agreement regarding the tenant's future behaviour before continuing with their enquiry/complaint or to provide services to them;
- placing the tenant on the Council's 'Customer of Concern' database;
- applying a "warning flag" on the service user's electronic record to classify them as using unacceptable behaviour;

- maintaining contact through someone who is independent of both the Council and the tenant;
- banning or restricting the tenant from entering the Council offices for a defined period;
- closing communication with the tenant on a specific issue where a complaint has been closed or unreasonable demands or persistence on a specific matter continues;
- reading and filing correspondence which will only be acknowledged or responded to if appropriate to do so (e.g. where new legitimate issues arise); and
- use of legal remedies to tackle anti-social, threatening or abusive behaviour towards staff or Council property.

The tenant will be advised of how long any action will remain in place. The length will depend upon the particular circumstances of the case but will be anywhere from three to twelve months, which may be extended should the situation continue.

Should the behaviour threaten the personal safety of staff, our contractors or our tenants or the individual we are trying to interact with, prior warning will not be provided. Should the behaviour become extreme, we may consider it necessary to report the matter to the Police or other relevant authorities. If we take any action to manage the unacceptable behaviour as listed, a tenant may appeal against this decision using the Formal Complaints Procedure for Rother District Council tenants.

5. Reasonable Adjustments

We understand that some of our tenants may have disabilities which may make it difficult for them to express themselves or communicate clearly, especially when they are anxious or upset. We also recognise that some disabilities can make it difficult for tenants to assess the impact that their behaviour might have on other people.

We will always consider making reasonable adjustments for a disabled tenant, based on evidence of the disability and will seek further advice from professionals involved in the tenant's care, if we are asked to do so. For example, we could consider using different methods of communication, or agree to give clear warnings when we feel that a tenant's behaviour is unacceptable so that they have the opportunity to change it.

However, we would not consider it to be reasonable to expect our staff or contractors to accept being subjected to aggressive, offensive or abusive actions, language or behaviour. Even if a tenant has a disability, we may still use the policy if there are actions or behaviours which are having a negative effect on our staff or our work.

Where a tenant needs to be represented by a third party (for example a family member or support worker), such provisions will be accepted with written consent from the tenant. The same provisions contained within this policy relating to acceptable behaviour will also apply to the advocate.

6. **Review**

We will carry out a review of this policy every three years or sooner, subject to any legal, regulatory or internal changes. We will consult and involve our tenants at these reviews through satisfaction surveys and feedback groups.

7. **Data Protection**

Rother District Council collects, holds and uses a considerable amount of information, including personal data, so that it can provide its services to you. Rother District Council is fully committed to protecting your personal data. You can find a copy of our Privacy Policy at www.rother.gov.uk/data-protection-and-foi/privacy-policy/

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Rother Owned/Leased Accommodation

Anti-Social Behaviour Policy

1. **Aims**

Rother District Council (RDC) are committed to preventing, tackling and managing anti-social behaviour (ASB), at properties they own and lease, in line with the Housing Regulator's Neighbourhood and Community Standard.

RDC have a duty, as the landlord, under the Anti-Social Behaviour Act 2003 to respond to ASB in an effective and efficient manner at properties they manage. Under the Anti-Social Behaviour, Crime and Policing Act 2014, we also have additional powers to take action against those causing ASB.

2. **Scope**

This policy applies to anyone living in a property owned or managed by RDC.

3. **Definition of Anti-Social Behaviour (ASB)**

Anti-Social Behaviour is described in the Anti-Social Behaviour, Crime and Policing Act 2014 as:

'Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person. Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises. Or conduct capable of causing housing-related nuisance or annoyance to any person.'

4. **Objectives**

Our core objectives include:

- Making people feel safer
- Preventing offending by children and young people
- Reducing adult re-offending
- Take a balanced approach to manage ASB cases
- Developing community cohesion
- Reducing crimes of all types
- Reducing the harm caused by children and young people
- Be fair and proportionate in any action taken
- Work in partnership with other agencies
- Send a clear message that we do not tolerate any form of intimidation, harassment, discrimination or victimisation because of a person's age, gender, sexual orientation, disability, race, nationality, ethnic origin or religion

5. **Reporting ASB**

RDC tenants, or people affected by their behaviour, can report ASB directly to RDC housing staff. Reports can be made via phone, in writing or in person. We will not disclose the details of those making a complaint about ASB to the alleged perpetrator, without prior consent.

When you report ASB, we will consider your needs and the harm the ASB causes you and others. We will consider the risks to you and work with other agencies to protect your immediate safety, provide you with support, investigate the ASB and take action to stop further incidents.

6. **What action will we take to deal with ASB?**

We will work in partnership with a wide range of agencies such as Police, Children's Services, Adult Social Care and Environmental Health. We will use a wide range of preventative measures, early interventions and legal action to tackle ASB.

The actions we may take are proportionate to the following:

- Seriousness, impact and frequency of the behaviour
- Level of risk the ASB poses
- Evidence available to support the case

Where a tenant causing ASB needs additional support, we will take reasonable steps to help them access that support. Their needs will be assessed against the impact of their behaviour on others.

If the tenant is housed for temporary accommodation (TA) purposes, any eviction as a result of ASB will be investigated by the Housing Needs Team. As a result of this investigation, this could result in the Duty the Council has to provide both TA and the final offer of accommodation being ended.

7. **Recording and Monitoring**

The Housing Solutions team hold a database where they maintain records of anti-social behaviour, harassment and intimidation. All information is confidential.

8. **Review**

We will carry out a review of this policy every three years or sooner, subject to any legal, regulatory or internal changes. We will consult and involve our tenants at these reviews through satisfaction surveys and feedback groups.

9. **Data Protection**

RDC collects, holds and uses a considerable amount of information, including personal data, so that it can provide its services to you. RDC is fully committed to protecting your personal data. You can find a copy of our Privacy Policy at www.rother.gov.uk/data-protection-and-foi/privacy-policy/

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Rother Owned/Leased Accommodation

Recharge Policy

1. **Aims**

This Policy sets out our approach to charging residents for repairs and related costs they are responsible for. It describes:

- When we will charge for repairs
- How we will charge for repairs
- What happens if residents do not pay recharges
- What residents can do if they are not happy with a charge

2. **Scope**

This policy covers all residential properties owned or managed by Rother District Council (RDC).

We will not tolerate malicious or intentional damage to property and promote a responsible attitude by our residents. Tenants are responsible for any accidental or deliberate damage caused by members of their household or any visitors (including children). We ensure that tenants are aware of their responsibilities when they sign their occupancy agreement. We encourage them to have contents insurance to cover accidental damage to the property.

3. **When we will charge for repairs**

We will charge for repairs when they are:

- Tenant responsibility (as detailed in their tenancy agreement and our Responsive Repairs Policy)
- The result of damage caused by the tenant, other household members or a visitor (whether deliberate, accidental or through negligence)
- Repairs that the tenant has carried out which are not to the required standard

We will charge when the works needed are the tenant's responsibility or there is deliberate damage. This includes, but is not limited to:

- Repairs due to damage or misuse: when works are due to damage or misuse by the tenant, their family or friends to fixtures or fittings in your home or communal areas. The damage can be accidental or deliberate. Examples of some communal fixtures and fittings are intercoms, windows, doors, walls, footpaths, waste pipes and lights
- Vandalism: works to rectify vandalism damage where an individual admits causing the damage or is prosecuted by the Courts
- Alterations: if you carry out improvement works not of an acceptable standard we will rectify the work ensuring the health and safety of residents and the property
- Alterations where you have not asked our permission
- Garden and property clearance when tenancy ended: gardens and communal areas should be kept clear and tidy. Properties should be left empty, including the loft space. We will recharge you for the costs of removing and storing anything left in a property or garden

- Clearing, cleaning and repairing a filthy or verminous property: terms are defined under the Public Health Act 1936 (Section 83 as amended by section 35 of the Public Health Act 1961)
- Damage to furnishings supplied by RDC

We may not charge you in exceptional circumstances, including:

- Where damage is criminal, caused either by an unknown person or in situations of domestic abuse, or harassment
- Where damage is found following the end of a tenancy and it is considered insensitive or inappropriate to pursue the former resident or their next of kin for the charges. For example, where residents have been moved into hospital, residential care, or they have died

4. How will we charge for repairs

When a tenant reports a repair to us, we will let them know who is responsible wherever possible. If it is RDC or another relevant landlord, we will follow the Responsive Repairs Policy to get the work done. If it is an emergency or your tenancy has ended, we will carry out the works and recharge the costs to you.

If it is something the tenant is responsible for, we will instruct a contractor, or use in-house maintenance where possible. Depending on cost, we may need to obtain a number of quotes, and a contractor instructed as per RDC's procurement requirements. We will notify the tenant, at the earliest we can, of the price and ask them how they would want to pay. We can accept full payment within 28 days, or we can agree a payment plan if they let us know they need to spread the cost.

5. What if the recharge is not paid

If the recharge is not paid, we will:

- Look to recover the debt in line with our Debt Management Policy
- Take court action
- Not agree a transfer while money is owed for a repair (except urgent moves)

6. Appealing a recharge

If the tenant feels they should be exempt from a recharge, they can ask us to review their case. We will review the reasons for a recharge. We will not consider altering the amount we are recharging you. A senior manager (determined by the nature of the recharge) will consider your case and let you know their decision within 10 working days.

7. Review

We will carry out a review of this policy every three years or sooner, subject to any legal, regulatory or internal changes. We will consult and involve our tenants at these reviews through satisfaction surveys and feedback groups.

8. **Data Protection**

RDC collects, holds and uses a considerable amount of information, including personal data, so that it can provide its services to you. RDC is fully committed to protecting your personal data. You can find a copy of our Privacy Policy at www.rother.gov.uk/data-protection-and-foi/privacy-policy/

Rother Owned/Leased Accommodation

Compensation Policy

1. **Aims**

This Policy outlines when we can award compensation to our customers, including:

- Residents
- People who live close to, or are affected by, a property we own or manage

2. **Scope**

We aim to provide a good quality service to all our customers. When we fail to meet these standards and commitments, we will take action to put this right as quickly as possible. When putting the situation right and apologising is not sufficient, we will consider offering compensation.

The compensation we offer should restore the person to the position they would be in had the service failure not occurred. We may make a goodwill gesture, where appropriate, to accompany an apology. This may take the form of flowers or vouchers.

We may consider practical action to provide all or part of a suitable solution to the service failure. For example, we may compensate you by:

- Agreeing a temporary solution to the problem, such as providing an alternative form of heating until there is a permanent solution
- Doing additional repair or decoration works beyond our normal service offer or contractual requirements

3. **Mandatory compensation**

We make some compensation payments as part of our contractual or statutory requirements.

These are:

- Home loss payments - If you have lived in your home for a minimum of 12 months and are required to move home permanently as a result of redevelopment or demolition (this does not apply for temporary accommodation placements)
- Disturbance payments - For reasonable moving costs if you are required to move to another property either:
 - Temporarily or
 - Permanently, if you have lived in your home for less than 12 month. This does not include temporary accommodation (TA) placements
- Improvements - If your tenancy is ending, you may be entitled to compensation for any improvements you have made to your home, providing we have approved them, although this approval in itself will not guarantee any compensating payments and the decision will be made on a case-by-case basis. This does not apply to fixed term tenancies, or TA placements

4. **Compensation for quantifiable loss**

Compensation payable for quantifiable loss is where the service failure has resulted in a measurable loss. Examples include:

- Higher energy costs of running alternative sources of heating when we have failed to repair the heating system within a reasonable timeframe
- Higher water bills due to our failure to remedy a leak
- Paying for repairs where we have failed to meet our obligations
- Reimbursing bank charges for an error in direct debit collection.

We will consider paying compensation for all or part of the loss, but you must provide evidence of the costs, which must have been reasonably incurred. We may offer discretionary compensation on top of compensation to cover your loss, if appropriate.

5. **Discretionary Compensation**

We may make discretionary compensation payments to recognise the inconvenience or loss caused by the service failure. We assess discretionary compensation on a case-by-case basis. Examples of situations where we may make a discretionary compensation payment include:

- Failure or delay providing a service, for example completing a repair
- Failure to provide a service we have charged you for
- Failure to meet target response times
- Failure to meet our standard of service
- Not following our policies or procedures
- If you lose the use of accommodation or facilities, such as being unable to use a room or having no heating or hot water
- Poor complaint handling

6. **When we will not pay compensation**

We will not pay compensation:

- For personal injury or other public liability insurance claims
- For claims of damage caused by circumstances beyond our control (e.g. through storm or flooding)
- For claims that should be covered by a home contents insurance policy, which you are responsible to obtain. This includes damage to your belongings (including floor coverings) through leaks, flood, or fire
- Where the loss is due to lack of action, neglect, wilful damage, or misuse by you, your household, or a guest
- For issues subject to legal proceedings or disrepair claims
- For loss or damage caused by a third party unrelated to Rother District Council (RDC), for example, a utility company, or another resident or visitor
- When we have fulfilled our statutory and contractual obligations
- For loss of earnings or annual leave

7. **Managing compensation claims**

You can request compensation in a variety of ways, including:

- Telephone
- Letter/email
- In person

You must make your compensation claim within six months of the failure, fault, or event unless exceptional circumstances prevented this. You must keep paying your rent and/or service charge while we consider your claim.

We will consider each case individually and calculate compensation according to what we consider is fair in the circumstances. As part of our investigation, we may request supporting information from you. Failing to provide the necessary information could affect the outcome of the investigation. When calculating an award of compensation, we will consider the extent, severity, and impact of the failure. We will account for any vulnerabilities or individual circumstances when assessing the impact of the failure.

We will make any compensation offers within 10 working days of the date we receive your claim. We will include an apology and explanation for the service failure. We will make compensation payments within 20 working days of the date you accept our offer. We can make payments by:

- Crediting your rent account or other sub-account
- BACS (electronic payment direct to your bank account)
- Retail voucher

8. **Appealing compensation decision**

If you are not satisfied with the compensation offered, you can ask us to review the offer. You must let us know within 20 working days of when we make the offer. We will manage this in line with our RDC owned accommodation complaints policy.

9. **Review**

We will carry out a review of this policy every three years or sooner, subject to any legal, regulatory or internal changes. We will consult and involve our tenants at these reviews through satisfaction surveys and feedback groups.

10. **Data Protection**

RDC collects, holds and uses a considerable amount of information, including personal data, so that it can provide its services to you. RDC is fully committed to protecting your personal data. You can find a copy of our Privacy Policy at www.rother.gov.uk/data-protection-and-foi/privacy-policy/

Rother Owned/Leased Accommodation

Domestic Abuse Policy for RDC Tenants

1. **Aims**

This policy provides a framework on how the housing team will assist and support Rother District Council (RDC) tenants, in all our accommodation types, experiencing domestic abuse.

2. **Scope**

This policy relates to all tenants of RDC owned/leased accommodation. Domestic Abuse is defined as:

“Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are personally connected to each other regardless of gender or sexual orientation. The abuse can encompass, but is not limited to: psychological, physical, sexual, economic and emotional forms of abuse.”

3. **Objectives**

- To ensure our tenants can live in a safe and secure environment
- To Offer Housing Options advice
- To help sign post our tenants to appropriate support services

4. **Identifying Domestic Abuse**

There are a number of ways in which tenants experiencing domestic abuse may come to the attention of the housing team: These may include:

- Reports of antisocial behaviour from another tenant or neighbouring resident. This is the most common way in which domestic abuse is detected
- A concern being raised by someone else to the Housing Management Officer including from neighbours
- By a routine visit by Council staff
- The victim raising their own concerns that they are/have experience domestic abuse
- Through a referral from an external partner i.e. police, social services, IDVA service
- Contractors raising a concern to us
- Through persistent repair recharges
- Through a referral to MARAC

5. **Dealing with Reports of Domestic Abuse**

Dealing with domestic abuse requires the Housing Management Officer to be sensitive and take the lead from the victim over what course of action they want to take. In all cases victims would be encouraged to report any incident to the police.

Following a report of domestic abuse (however, the report was received) the Housing Management Officer would meet or call the victim within 24 hours. At this initial meeting:

- Interviews will be carried out in a sensitive and supportive manner

- Immediate housing options and tenancy rights will be discussed
- Contact with the police and medical services will be discussed
- A Risk Assessment will be completed to ensure the safety of the victim
- A referral to MARAC will be made if the threshold is met by using the Domestic Abuse, Stalking and Honour-based Violence (DASH) Risk Identification checklist, or based on the Officer's professional opinion.
- Advice of support available both locally and nationally will be discussed
- The Housing Management Officer will agree with the victim what action will be taken and an action plan produced and agreed
- Any action required such as sanctuary/target hardening measures including new/extra locks, CCTV etc. would be discussed

Following the initial meeting the Housing Management Officer will:

- Action any sanctuary/target hardening measures including new/extra locks, CCTV etc.
- Make any referrals - Where there are any safeguarding concerns involving the victim or any children of the victim or the perpetrator the Housing Officer would notify either East Sussex County Council's Children Services or Adult Social Care departments using the appropriate referral forms
- Meet the Housing Solutions Manager (who is informed of all cases of domestic abuse by the Housing Management Officer) to review the action plan

The Housing Management Officer will ensure that contact is maintained with the victim until the victim feels that support is no longer necessary, or they have moved into accommodation that is not RDC owned/managed.

The Housing Solutions Manager, once satisfied with the action plan and proposed actions, will review the case weekly after the initial review. This process will continue until the service has done everything that they are able to do to resolve the domestic abuse and consequences of such actions.

If the victim does not want to take any action taken, does not want any other agencies involved or refuses to acknowledge that there is any domestic abuse we would:

- Respect their wishes
- Monitor their situation and complete a risk assessment form
- Notify third parties as applicable including the police and Adult Social Care or Children's Services if there were any safeguarding issues
- Ensure the victim knows of the support services available locally
- Advise the victim of housing options such as refuge
- Ensure the victim knew they could contact us if they changed their mind or the police in emergencies
- Advise the victim of what we can do as their landlord

6. Meeting our Objectives

To ensure tenants are:

- Housed in a safe and secure environment
 - The Housing Department run a Sanctuary Scheme which is a victim centred initiative that aims to make it possible for victims of domestic

abuse, other physical violence or hate crimes to remain in their homes and feel safe, if a risk assessment deems it appropriate to do so and/or the victim so wishes. It provides an alternative to relocation away from family and friends, vital support networks and key services. It seeks to prevent homelessness through the installation of enhanced security measures in a victim's property these can range from additional locks for doors and windows, to window grills and in extreme cases, a safe room (sometimes known as target hardening). The scheme is available to women and men, with or without children

- Where a tenant is in temporary accommodation, and it is not safe for the victim to stay where they are, we will complete a move to alternative temporary accommodation
- We can explore options of Refuge. As well as accommodation, the staff at the refuges are trained to provide help with practical issues as well as providing emotional support. Additionally, there are refuges located in the neighbouring Authorities, as well as nationwide, which Rother District Council also has access to if it would be safer for the victim to move out of area or if there are no vacancies locally. Unfortunately, there is no provision within the district or neighbouring areas for men.
- Offered Housing Options advice
- Anyone experiencing domestic abuse can get free housing advice from the Council's Housing Needs Team
- All non-secure tenancies, with RDC, will be in the name of the main homeless applicant (even if there is more than one adult in the household). If the victim of the domestic abuse is not the main applicant, then we will complete a separate individual homeless application, if the victim wants to, and move them to alternate temporary accommodation. If the victim of domestic abuse is the named tenant, then the perpetrator may be asked to leave the property, and if the victim requests, they will be removed from the homeless application. The perpetrator may make a new homeless application, but this will be assessed in its own rights and temporary accommodation may not be provided
- Legal remedies such as injunctions against the perpetrator might be appropriate (In cases of domestic abuse, an injunction would normally involve the perpetrator being not allowed to come into the locality of the victim's home). Therefore, the victim would be referred to Brighton Housing Trust for advice on these legal remedies
- Signposted to appropriate support services
 - The Housing Officer will sign-post the victim to support services that exist both locally and nationally to help victims of domestic abuse. The perpetrator will also be signposted to appropriate support agencies for help particularly if they are themselves vulnerable due to mental health, drugs or alcohol etc.

7. Multi-Agency Approach

We acknowledge that dealing with issues of domestic abuse requires a multi-agency approach and will work with local agencies in individual cases to ensure cases are dealt with in the most effective and efficient way. There are a number of local partnerships in place which aim to tackle domestic abuse in a more holistic way, including:

- Multi-Agency Risk Assessment Conference (MARAC) - Meets weekly to bring together representatives from a number of agencies in East Sussex to

discuss the safety, health and well-being of people experiencing domestic abuse (and their children). The Safer East Sussex Team are part of the group and offers training to statutory, voluntary and community sector partners to help ensure that frontline professionals are able to undertake risk identification and refer to the MARAC. Housing actively engages with the service and will make referrals as appropriate.

- Change Grow Live (CGL) Domestic Abuse Service is a service that can support people who have been affected by domestic abuse and violence in East Sussex. To access their service victims need to be referred by one of their partners including Sussex Police or housing provider, or they can self-refer.

8. **Review**

We will carry out a review of this policy every three years or sooner, subject to any legal, regulatory or internal changes. We will consult and involve our tenants at these reviews through satisfaction surveys and feedback groups.

9. **Data Protection**

We recognise that incidents of domestic abuse are extremely sensitive, private incidents for victims to report and will ensure total confidentiality on any cases that are reported. We may, however, share relevant information with local agencies such as the police, adult social care and children's service to deal with cases more effectively. This may either be by gathering extra evidence to carry out enforcement measures against the perpetrator, or by sharing information in the safeguarding interests of the victim and/or their children and the perpetrator. Rother District Council is fully committed to protecting your personal data. You can find a copy of our Privacy Policy at www.rother.gov.uk/data-protection-and-foi/privacy-policy/

Support Services

Organisation	Description	Contact
Change, Grow, Live (CGL – East Sussex	CGL offer support to anyone aged 16+ who has been affected by domestic abuse and violence.	Domestic Abuse Service – East Sussex Change Grow Live 0300 323 9985 ESDomesticAbuse.Info@cgl.org.uk
Refuge	Clarion Housing Association provides safe refuge accommodation for women and children fleeing domestic violence across East Sussex	Domestic abuse or violence Personal wellbeing Clarion (myclarionhousing.com) 0808 2000 247 Referrals.eastsussex@clarionhq.com
Safe Space Sussex	Provides an online directory of local victim and witness specialist support services. It also has information about what happens at each stage of the criminal justice system	Safe:Space Sussex (safespacesussex.org.uk)
Men's Aid Charity	Help to provide practical advice and support to men who have been abused	Home (mensaid.co.uk) 0333 567 0556
Rape Crisis	Provides specialist information and support to all those affected by rape, sexual assault, sexual harassment and all other forms of sexual violence and abuse in England and Wales	Rape Crisis England & Wales 0808 500 2222 rcewinfo@rapecrisis.org.uk
Shelter	Advice and support services offer one-to-one, personalised help with housing issues and homelessness	Home - Shelter England 0808 800 4444 info@survivorsnetwork.org.uk
Survivors Network	The Survivors Network provide the specialist rape and sexual violence abuse service for Sussex	Home – Survivors Network 01273 203 380

Rother Owned/Leased Accommodation

Window Restrictor Policy

1. **Aims**

This Policy outlines our approach to managing window restrictors as a way of preventing falls from height.

The Policy outlines:

- When we will install window restrictors in our homes and communal areas
- How we will inspect and maintain window restrictors
- Resident responsibilities.

2. **Scope**

This policy applies to anyone living in a property owned or managed by Rother District Council (RDC).

This policy applies to all homes and communal areas owned and/or managed by RDC, including:

- Temporary accommodation
- Leased accommodation
- Accommodation on the Rough Sleeper or Next Steps schemes

3. **Legal Requirement**

There is no specific legal requirement to fit restrictors to windows in our existing homes.

Building Regulations require windows in new homes to be at least 800mm high to prevent falls. The Housing Health and Safety Rating System (HHSRS) considers windows with an opening lower than 1100mm above the floor an increased risk to children.

Window restrictors should:

- Restrict the window opening to 100mm or less
- Be suitably robust to withstand foreseeable forces applied by an individual determined to open the window further
- Be sufficiently robust to withstand damage

4. **What we will do**

In all residential properties owned or managed by RDC, we will include window restrictors to all windows on or above the first floor, or on the ground floor if there is a significant drop outside.

We will repair or replace any defective window restrictor when reported. We will consider recharging the cost of repair/replacement where the restrictor has been deliberately damaged.

We will consider requests to fit window restrictors to existing windows on or above the ground floor on a case-by-case basis. Where the window sill or banister height is low, guarding may be more appropriate.

Where we fit window restrictors, we will make sure residents are still able to open windows.

Any staff member may request the installation of a window restrictor where they feel it would improve safety.

During inspection of empty homes, we will:

- Inspect all windows restrictors (irrespective of who fitted them)
- Repair any defective window restrictors
- Install window restrictors on or above the first floor, where they are missing

5. **Resident Responsibility**

Residents are responsible for:

- Safety within their home
- Not removing or tampering with a window restrictor we install
- Reporting defective window restrictors in their home, including communal areas, to us promptly

6. **Review**

We will carry out a review of this policy every three years or sooner, subject to any legal, regulatory or internal changes. We will consult and involve our tenants at these reviews through satisfaction surveys and feedback groups.

7. **Data Protection**

RDC collects, holds and uses a considerable amount of information, including personal data, so that it can provide its services to you. RDC is fully committed to protecting your personal data. You can find a copy of our Privacy Policy at www.rother.gov.uk/data-protection-and-foi/privacy-policy/

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Rother District Council

Report to: Cabinet

Date: 9 October 2023

Title: Council Tax Support Fund

Report of: Chris Watchman, Revenues and Benefits Manager

Cabinet Member: Councillor Jeeawon

Ward(s): ALL

Purpose of Report: To agree the discretionary element of the Council Tax Support Fund.

Decision Type: Non-Key

Officer

Recommendation(s): It be **RESOLVED:** That the:

- 1) Discretionary Council Tax Support Fund proposal outlined in the report be approved; and
- 2) the Interim Deputy Chief Executive / Section 151 Officer be granted delegated authority in consultation with the Cabinet Portfolio Holder for Finance and Governance to make any necessary changes to the policy to ensure the maximum funding is used.

Reasons for

Recommendations: To enable the maximum funding to be used to support low-income households.

Introduction

1. On 19 December 2022, the Government, as a result of the impact of rising bills, announced £100m of additional funding for local authorities to support vulnerable households, by providing additional support to those households in receipt of Council Tax Reduction (CTR).
2. The funding is for the 2023/2024 financial year only, with Rother District Council's allocation being £170,647.
3. The Government expects the Council to prioritise the funding to reduce the Council Tax liability of all CTR recipients with an outstanding balance at the start of the 2023/24 financial year by at least £25.
4. CTR recipients were not required to make a separate application to the fund with the reduction having been automatically applied to their new year bill in March 2023.
5. Where a taxpayer's liability for 2023/24 was less than £25, then their liability was reduced to zero.

6. Where a taxpayer's liability for 2023/24 was already zero, no further reduction to their Council Tax bill was applied.
7. Although authorities were asked to reduce bills by up to £25, councils have also been given the discretion to use their remaining allocation as they see fit to support economically vulnerable households.
8. At the start of the financial year 6,937 households were in receipt of CTR of which 4,538 had an outstanding balance and received Council Tax Support Fund payments totalling £112,901.57.

Discretionary Scheme

9. A remaining balance of £57,745.43 is therefore available to be used to make additional awards to CTR recipients who are identified as suffering hardship.
10. It is therefore proposed to use these funds to pay an additional award of up to £12 to CTR recipients with an outstanding Council Tax balance as of 1 September 2023. Resulting in recipients in most cases receiving an additional £37 reduction in total.
11. It is further proposed that any residual funding be used to support the Council's Exceptional Hardship Fund. Any awards would be made using the eligibility criteria for this scheme.

Conclusion

12. Members are asked to approve the discretionary element of the Council Tax support fund as detailed in the report. It is also proposed to grant delegated authority to The Interim Deputy Chief Executive, in consultation with the Cabinet Portfolio Holder for Finance and Governance, to make any further necessary amendment to the scheme to use all the available funding.

Implications

Financial Implications

13. No direct financial implications, all funding provided by Government.

Legal Implications

14. No implications.

Human Resources Implications

15. No implications.

Other Implications

16. No additional implications.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	External Consultation	No
Environmental	No	Access to Information	No
Risk Management	No	Exempt from publication	No

Chief Executive:	Lorna Ford
Report Contact Officer:	Chris Watchman, Revenues and Benefits Manager
e-mail address:	chris.watchman@rother.gov.uk
Appendices:	None.
Relevant Previous Minutes:	None.
Background Papers:	None.
Reference Documents:	None.

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Rother District Council

Report to: Cabinet

Date: 9 October 2023

Title: Cash Payment Options in Rother District Council (RDC) Car Parks

Report of: Deborah Kenneally - Head of Service Neighbourhood Services

Cabinet Member: Councillor Timpe

Ward(s): All

Purpose of Report: To set out options for parking payment methods in Rother District Council car parks and consider moving the cash payment option from pay and display machines to local PayPoints.

Decision Type: Key

Officer

Recommendation(s): It be **RESOLVED:** That the Director - Place and Climate Change be authorised to:

- 1) relocate the cash payment option from RDC 'pay and display' machines to local PayPoints, subject to the outcome of the budget consultation; and
- 2) promote the new cash payment locations by directing customers choosing to pay with cash to the nearest PayPoints.

Reasons for Recommendations:

1. To support delivery of the medium-term financial stability programme in delivering services in a more effective and efficient manner.
2. To aid the Council's carbon reduction targets as cash is currently collected three times per week from the majority of car parks.
3. The number of customers paying cash when parking in RDC car parks has fallen year on year since 2020 and is currently at its lowest level to date. The current cash collection contract costs the Council circa £30,000 per annum.
4. A new cash collection contract is likely to be more expensive due to inflationary increases.

Introduction

1. This report proposes that the Council relocates the facility for customers to pay by cash at Council owned car park 'pay and display' machines to nearby PayPoints when the current cash collection contract ends in 2024.

2. The Council operates 24 chargeable car parks, 17 of which currently offer a cash payment option via the pay and display machines, alongside card payment options (both contactless and non-contactless), and RingGo (automated telephone line, mobile phone application, or cash or card payment at a PayPoint (usually a local shop)). The remaining 7 car parks do not have 'pay and display' machines and payments are by the RingGo option only.
3. Cash collection levels have consistently fallen since COVID-19 which encouraged many people to move away from using cash and to use alternative payment methods. Currently, the breakdown across the district for car park payments is 40% RingGo, 30% cash, and 30% credit/debit card system.
4. Cash collections for quarter 1 2022-23 totalled £108,962. For quarter 1 2023-24, cash collections totalled £81,313 which equates to a 25% year on year reduction. This quarter has been selected for comparison as it avoids making comparisons during the period of disruption during the COVID-19 pandemic and takes into account changes made since February 2023 to a more simplified credit/debit card payment process in car parks.
5. Parking tariffs have not increased in most Rother District car parks since 2015 and are only likely to increase over the coming years due to inflationary pressures. Data shows that customers paying higher tariffs are more likely to pay by card or RingGo than by coin. In car parks such as Camber Central and Camber Western where tariffs are the most expensive, the percentage of those paying cash during the 2023 summer season was 2.3%, with 59.3% paying by RingGo and 38.4% paying by credit/debit card.
6. The current cash collection contract value is £30,000 per annum and it is due to end on 31 August 2024, with an option for an earlier termination date of 31 March 2024. For all options considered below, the implementation date is proposed as 31 March, but there is the option to postpone the implementation of any changes to 31 August 2024, or alternatively procure a new cash collection contract.
7. With contract uplifts and high inflation rates it is likely that procuring a new contract will cost approximately 10-15% more per annum by 2024. The current contract was procured in conjunction with Eastbourne and Hastings Councils to ensure the best value for money and should either or both choose not to renew it is likely that this would further increase the cost of a new contract. The majority of car parks with a cash payment option receive cash collection visits from the contractor three times per week under the current contract terms and there are 34 pay and display machines across 17 car parks.

Options Considered:

8. **Option 1: Relocate the cash payment option from pay and display machines in Council owned car parks to local PayPoints** – this will enable the Council to meet the savings target of £30,000 per annum and would aid the Council's carbon reduction targets by reducing travel to and around the district by the cash collectors, saving approximately 5-6 tonnes of CO2 per annum.
9. The coin mechanism would need to be removed from 34 pay and display machines across the district. There would be a one-off cost associated with this of approximately £9,500. Signage will need to be updated at a total cost of circa £500. There will also be additional credit card transaction fees due to the

increased number of transactions. If all customers who currently use the cash option switch to card payments this equates to an additional £1,000 fee per annum, and this fee may be lower as it is likely that some customers will switch to the RingGo options.

10. RingGo is happy to support these changes with additional signage promoting the mobile application and PayPoints (card and cash payments) at no cost to the Council. Detailed maps such as those in Appendix 1 (pages 7-11) can be erected in car parks to aid customers who wish to pay by cash.
11. It is recognised that this approach will be less convenient to some customers. An Equality Impact Assessment has been completed and has identified that vulnerable customers such as those who are technologically excluded or who do not have access to mobile phones or credit/debit cards would be unable to pay by cash to park within the car park. All car parks which currently have a cash payment option in Bexhill, Battle, and Rye have a PayPoint within 0.2 miles, and car parks in Camber have a PayPoint within 0.4 miles (N.B. the pay and display machines do not take notes so car parks with higher tariffs such as Camber see proportionally fewer visitors paying cash). There is a 10-minute grace period given to motorists upon arrival to enable them to pay to park. Customers do not have to return to their vehicle to display a ticket if they choose to pay at a PayPoint, therefore the current grace period should be sufficient.
12. Although officers do not recommend this, Councillors may wish to consider extending the grace period to 15 minutes. The consequence of extending the grace period will lead to inefficiency in enforcement should customers overstay or not buy a ticket as each vehicle would need to be observed by the enforcement officer for a minimum period of 15 minutes. This will potentially reduce the number of car parks enforcement officers can visit each day and therefore the number of Notices to Pay issued.
13. At present, Blue Badge holders who are in receipt of certain benefits – higher rate mobility component of Personal Independent Payment, those registered blind and those in receipt of a war pension - can apply for permits which enable them to park in any Rother District Council car park, and in any bay, without paying a parking fee therefore these customers would be unaffected by any changes to cash payment methods within car parks.
14. Signage within car parks and communication using the Council's My Alerts and social media platforms would be a key part of relocating cash payments alongside promoting other options such as parking permits which provide a more cost-effective alternative for regular parkers. The Council is currently procuring a digital permit management system which will allow customers to purchase more flexible, shorter duration permits.
15. Providing a cash payment option for parking at local PayPoints rather than within car parks is already in place or in the process of being adopted in a number of council areas including Brighton and Hove, Oxford, Slough, York, and half of the London Boroughs.
16. It is proposed to include this proposal for consideration in the budget consultation in Autumn 2023.

17. **Option 2: Procure a reduced cash collection contract from April 2024 for De La Warr, Mount Street and Upper Market car parks** - Procuring a reduced cash collection contract in 2024 would enable the Council to keep cash payment options in some car parks but this would not meet the savings target nor achieve the desired carbon emissions savings.
18. Between April 2022 and March 2023, there were 181,630 cash transactions in Rother District Council owned car parks. Three car parks account for half of the total number of cash transactions as follows:

Car Park	Number of cash transactions	Number of credit/debit card transactions	Number of RingGo transactions	Percentage of visitors choosing to pay cash
Mount Street (Battle)	48,470	22,425	46,255	41%
De La Warr (Bexhill)	30,538	32,013	50,039	27%
Upper Market (Battle)	11,721	9,062	14,083	34%

19. It may also be useful to note that Mount Street and Upper Market car parks are the only charged for car parks within the district where a 1hour stay is the most popular tariff. The most popular tariff in the remaining car parks is 1-3 hours (or 1-2 hours in De La Warr). 62% of visitors to Upper Market and 53% of visitors to Mount Street select a 1hour tariff and pay a £1 fee. The average percentage of visitors selecting a 1hour tariff across all RDC car parks is 33%. These short stays are more likely to be paid for by cash due to the value of the transaction.
20. A considerable proportion of the cash collection costs are “fixed costs” e.g., insurances, business overheads etc. so removing individual sites or reducing frequencies would not necessarily result in significant savings and a smaller contract is likely to attract fewer interested tenders.
21. **Option 3: Procure a new cash collection contract from August 2024 for all existing payment machines on similar terms as the current contract** – This would not meet the financial stability programme as no savings would be achieved and a new contract is likely to be more expensive than the current contract. With contract uplifts and high inflation rates it is likely that procuring a new contract will cost 10-15% more per annum by 2024. The current contract was procured in conjunction with Eastbourne and Hastings Councils to ensure the best value for money and should either or both choose not to renew it is likely that this would further increase the cost of a new contract. Although environmental aspects would be included as part of a procurement process, the Council may not achieve as much carbon savings with this option.
22. **Officer Recommendation: Option 1** – From 1 April 2024 officers recommend the Council relocates cash payments for parking in Council owned car parks to nearby PayPoints. All other payment methods, including credit/debit card payments (both contactless and non-contactless), automated telephone line and mobile phone application payments, will be unaffected.

Conclusion

23. The use of cash payments in car parks continues to reduce as customers turn to using 'contactless'/card payments and RingGo payments. Relocating the ability to pay by cash to local PayPoints will enable customers to continue to pay for parking by cash, remove the need for a new cash collection contract, and so support the Council in its financial stability programme and carbon emissions reduction.

Financial Implications

24. The financial implications have been discussed with the Section 151 Officer and accounts department and detailed within the report. A recommendation to discontinue the cash collection contract from car parks, saving the Council circa £30,000 per annum, is included in the medium-term financial stability plan.
25. The coin mechanism would need to be removed from 34 pay and display machines across the district. There would be a one-off cost associated with this of approximately £9,500. Signage will need to be updated at a total cost of circa £500. There will also be additional credit card transaction fees due to the increased number of transactions. If all customers who currently use the cash option switch to card payments this equates to an additional £1,000 fee per annum, and this fee may be lower as it is likely that some customers will switch to the RingGo options. RingGo is happy to support these changes with additional signage promoting the mobile application and PayPoints (card and cash payments) at no cost to the Council.

Sustainability Implications

26. It is crucial that the Council's medium-term budget position is considered when making this decision.

Environment

27. Ceasing to use a cash collection contractor may aid the Council's carbon reduction targets by reducing travel to and around the district for the purposes of cash collection, saving approximately 5-6 tonnes of CO2 per annum.

Risk Management Implications

28. An Equality Impact Assessment has been completed and for customers who choose to pay by cash, payment at a local PayPoint is a viable alternative.
29. There is a risk that relocating cash payments to local PayPoints will not be supported by Central Government due to the potential equalities impact, but officers consider this is mitigated by clearly highlighting the available option of PayPoints, and by continuing to provide credit/debit card (both contactless and non-contactless) payment options in most car parks.

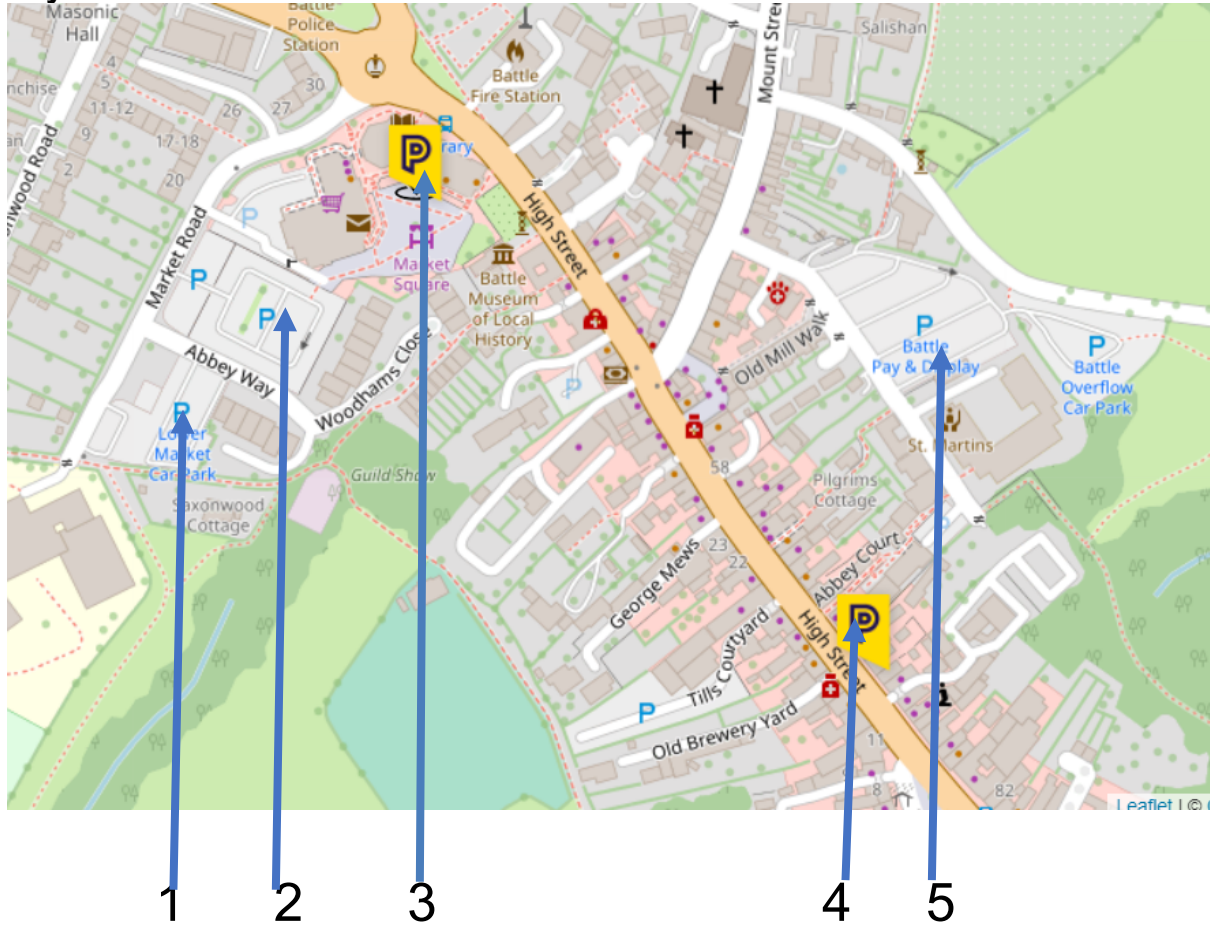
Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	Yes
Crime and Disorder	No	Consultation	Yes
Environmental	Yes	Access to Information	No
Sustainability	Yes	Exempt from publication	No
Risk Management	Yes		

Chief Executive:	Lorna Ford
Report Contact Officer:	Deborah Kenneally / Lynsey Goodwill
e-mail address:	Deborah.kenneally@rother.gov.uk / lynsey.goodwill@rother.gov.uk
Appendices:	Appendix 1 – Nearest PayPoints to RDC Car Parks
Relevant Previous Minutes:	None
Background Papers:	None
Reference Documents:	None

Nearest PayPoints to Rother District Council car parks with pay and display machines:

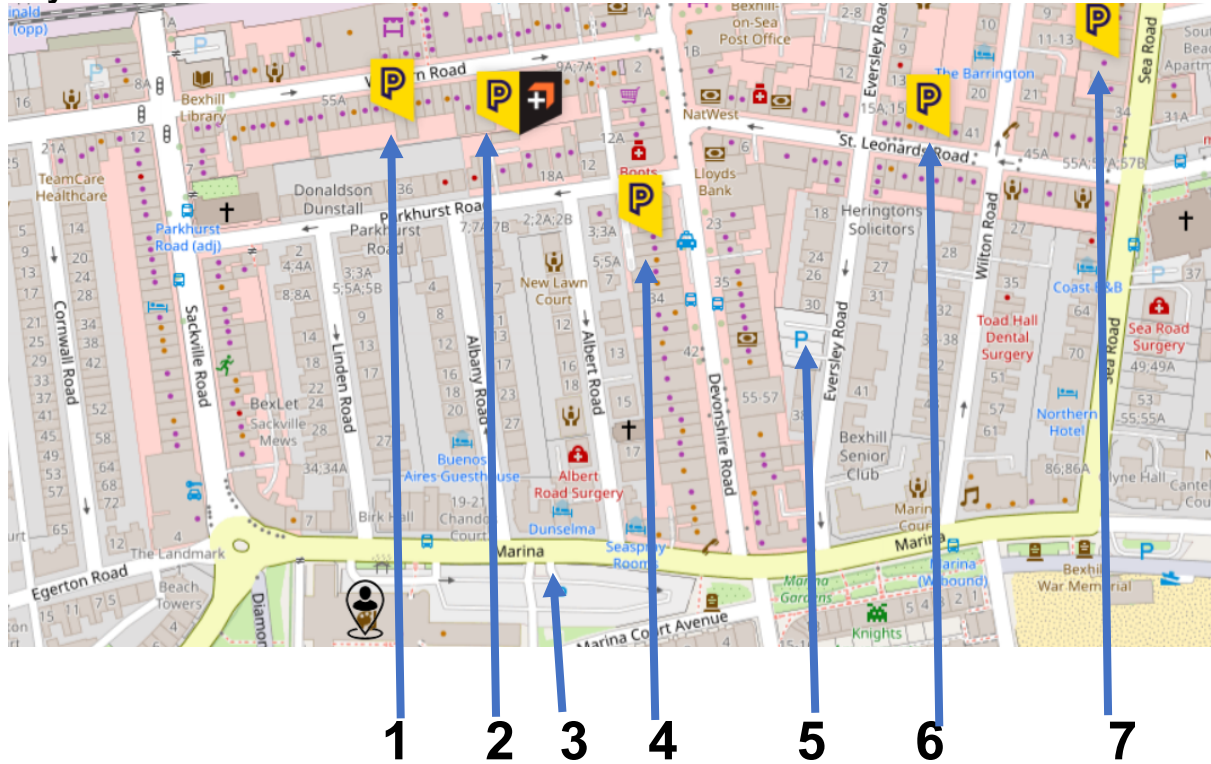
Car Park Name	Car Park Postcode	Name of Nearest PayPoint	PayPoint Postcode	Distance to PayPoint
Lower Market	TN33 0XB	Jempsons	TN33 0XB	<0.1 miles
Mount Street	TN33 0EG	Jempsons	TN33 0XB	0.08 miles
Upper Market	TN33 0XB	Jempsons	TN33 0XB	<0.1 miles
De La Warr	TN40 1DP	Co-Op	TN40 1AS	0.14 miles
Eversley Road	TN40 1HE	Co-Op	TN40 1AS	0.05 miles
Little Common	TN39 3TG	Finest Mini-Mart	TN39 4PE	0.17 miles
Manor Barn & Gardens	TN40 2JA	Manor News	TN40 2HE	0.15 miles
Camber Central	TN31 7RH	BJ's on the Beach	TN31 7RJ	0.09 miles
Camber Western	TN31 7RB	BJ's on the Beach	TN31 7RJ	0.36 miles
Bedford Place	TN31 7LP	Costcutter	TN31 7LP	<0.1 miles
Cinque Ports Street	TN31 7AN	Jempsons Budgeons Rye	TN31 7AB	0.09 miles
Gibbet Marsh	TN31 7DT	Premier	TN31 7BH	0.16 miles
Lucknow Place	TN31 7LP	Costcutter	TN31 7LP	<0.1 miles
Rye Sports Centre	TN31 7ND	Jempsons Budgeons Rye	TN31 7AB	0.15 miles
The Strand	TN31 7DB	Jempsons Budgeons Rye	TN31 7AB	0.18 miles

PayPoints in Battle



1. Lower Market car park
2. Upper Market car park
3. Jempsons (nearest PayPoint to Mount Street, Lower Market and Upper Market car parks)
4. Co-Op Battle (alternative Pay Point)
5. Mount Street car park

PayPoints in Bexhill



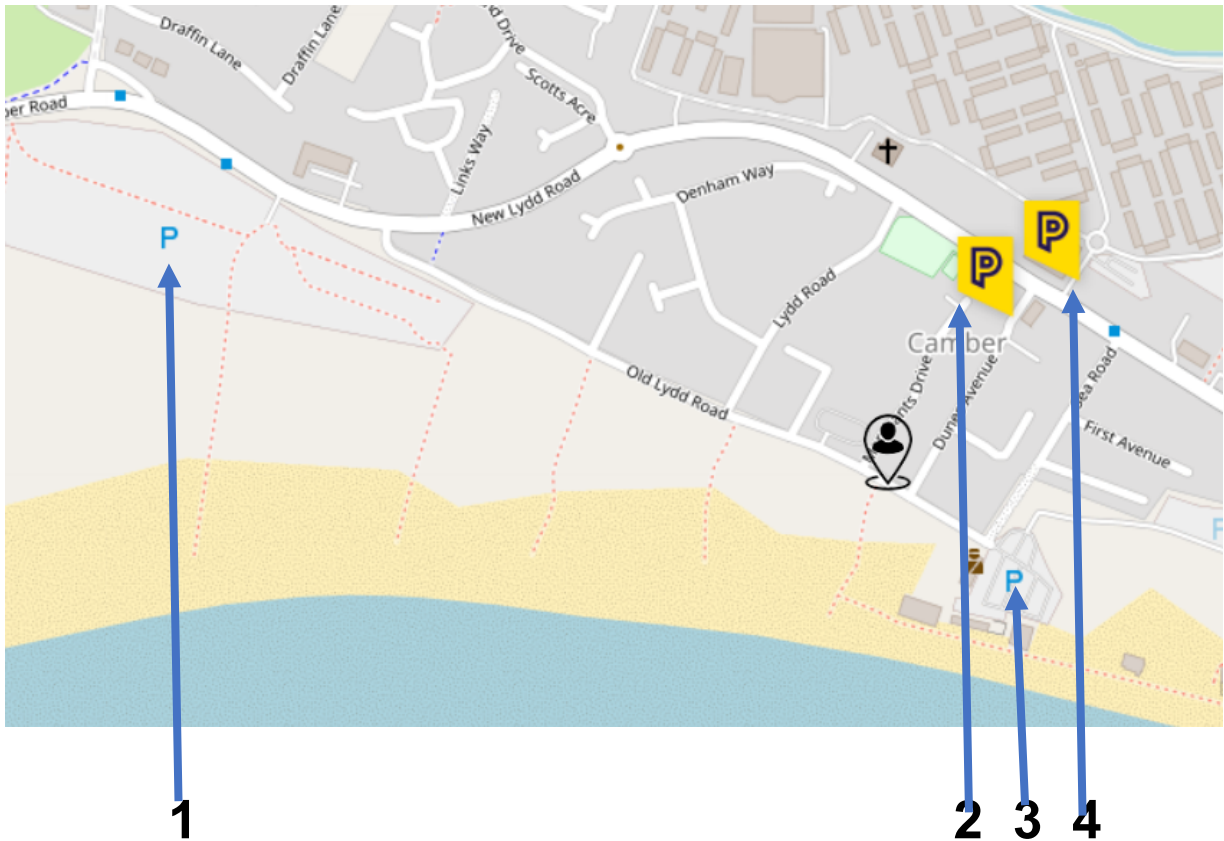
1. Crown Express (alternative PayPoint)
2. Western Road Store (alternative PayPoint)
3. De La Warr car park
4. Co-Op (nearest PayPoint to De La Warr car park)
5. Best One (alternative PayPoint)
6. One Stop (alternative PayPoint)

Pay Points in Little Common and Bexhill Old Town

1. Little Common car park
2. Finest Mini-Mart (nearest PayPoint to Little Common)
3. Manor News (nearest PayPoint to Manor Gardens)
4. Manor Barn and Gardens car park



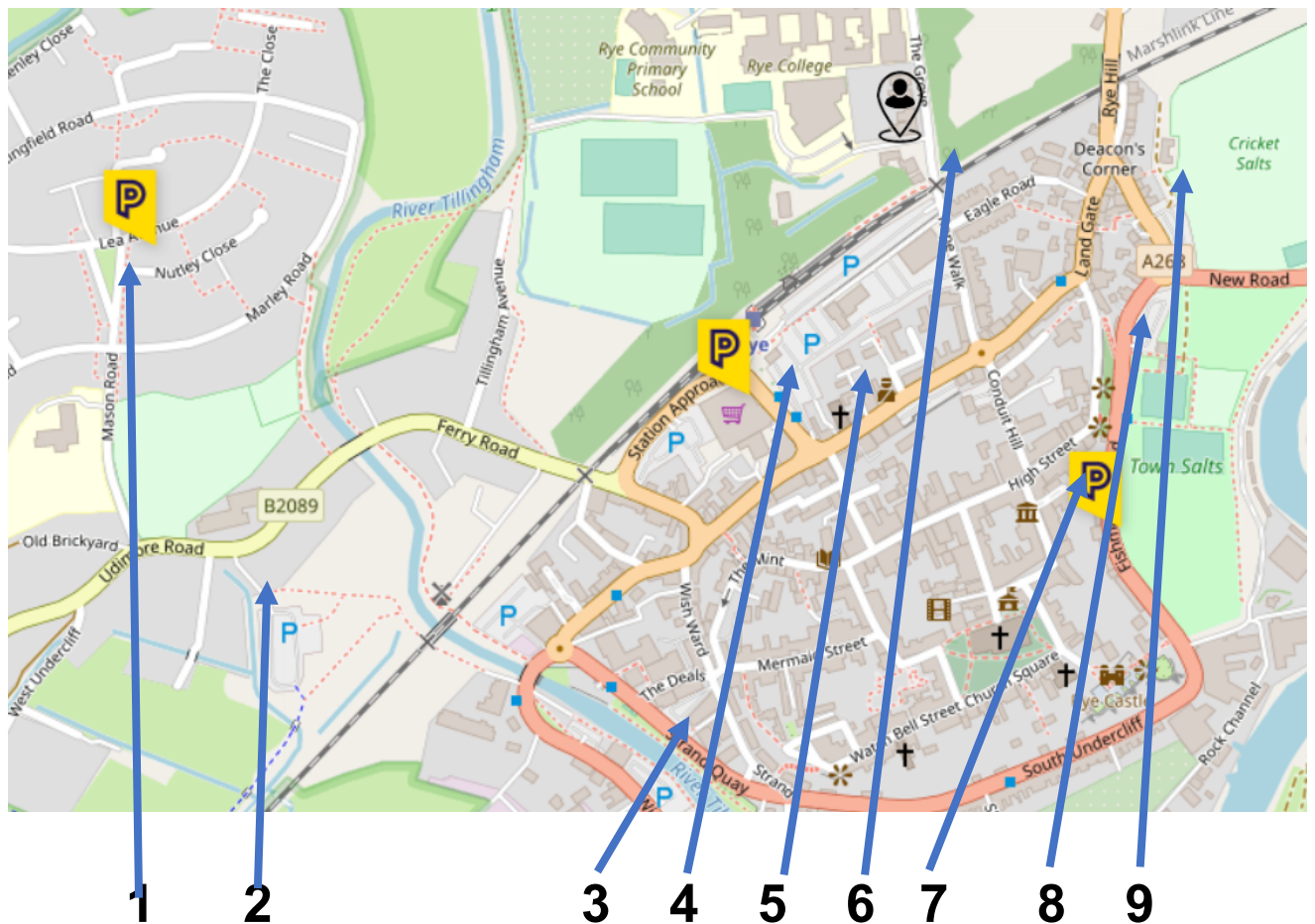
Pay Points in Camber



1. Camber Western car park
2. BJ's on the Beach (nearest PayPoint to Camber Central and Camber Western car parks)
3. Camber Central car park
4. Pontins Camber Sands (alternative PayPoint)

N.B. Camber Western car park is the only car park in the district where the nearest PayPoint is further than 0.2 miles away. Please note however that only 2.3% of visitors to Camber as a whole (and 2.9% of the visitors to Camber Western car park) during the 2023 summer season have chosen to pay by cash.

PayPoints in Rye



1. Premier (nearest PayPoint to Gibbet Marsh car park)
2. Gibbet Marsh car park
3. The Strand car park
4. Jempsons Budgeons Rye (nearest PayPoint to Rye Sports Centre, The Strand and Cinque Ports Street car parks)
5. Cinque Ports Street car park
6. Rye Sports Centre car park
7. Costcutter (nearest PayPoint to Bedford Place and Lucknow Place car parks)
8. Lucknow Place car park
9. Bedford Place car park

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Rother District Council

Report to: Cabinet

Date: 9 October 2023

Title: Public Spaces Protection Order (No 1-2024) - Dog Control

Report of: Richard Parker-Harding – Head of Environmental Services, Licensing and Community Safety

Cabinet Member: Councillor Field

Ward(s): All

Purpose of Report: To seek authority to consult Sussex Police, the Police and Crime Commissioner, East Sussex County Council (Highways) about making the Order.

Decision Type: Key

Officer

Recommendation(s): It be **RESOLVED**: That:

- 1) the Order be amended in accordance with officer recommendations (a to i), as detailed in the report;
- 2) officers be authorised to consult with Sussex Police, the Police and Crime Commissioner, East Sussex County Council (Highways) on making the Public Spaces Protection Order (No 1-2024); and
- 3) if no objections are received to make the Order for a period of three years up until January 2027.

Reasons for

Recommendations: The current Order expires in January 2024.

Introduction

1. The Council has many responsibilities regarding dogs including dealing with aggressive dogs, lost and stray dogs. It can also impose controls on dogs, including excluding dogs from certain areas, requiring dogs to be on leads, requiring owners to clean up dog fouling, and limits on the number of dogs that can be walked by one person. These functions cannot be devolved to Parish Councils.
2. In 2020, the Council approved making a Public Spaces Protection Order (PSPO) (No 1A) to control dogs. The Order expires in January 2024 and if Members want the Order to remain in force, it must be amended or renewed without amendment. Consultation took place in June and July, the results are shown in Appendix A.

Dog Control

3. The current Order was substantially first adopted in June 2008 following extensive consultation with Parish and Town Councils and the public. Several iterations to the Order were considered prior to adoption, whereby it was felt a reasonable compromise had been achieved between the requirements of the public and the needs of dog owners. The Order can be viewed at [THE PUBLIC SPACES PROTECTION ORDER \(No.1A\) ROTHER DISTRICT COUNCIL 2020 \(windows.net\)](#).

Background

4. PSPOs are made under the Anti-social Behaviour, Crime and Policing Act 2014. The current PSPO controlling dogs expires in January 2024.
5. This report seeks Cabinet approval to consult with Sussex Police, the Police and Crime Commissioner (PCC), East Sussex County Council (Highways) on a revised Order.
6. PSPOs are intended to deal with a nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can enjoy public spaces, safe from anti-social behaviour.
7. A PSPO can be made by the Council if it is satisfied on reasonable grounds that the activity/activities carried out, or are likely to be carried out, in a public space:
 - have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
 - is, or is likely to be, persistent or continuing in nature;
 - is, or is likely to be, unreasonable; and
 - justifies the restrictions imposed.
8. The restrictions specified in a PSPO can be set by the Council; these can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. They can restrict access to public rights of way where that route is being used to commit anti-social behaviour.
9. PSPOs have a maximum duration of three years but they can last for shorter periods of time where appropriate. Short-term PSPOs could be used where it is not certain that restrictions will have the desired effect, for instance, when closing a public right of way, councils may wish to make an initial PSPO for 12 months and then review the decision at that point. At any point before expiry, the Council can extend a PSPO by up to three years if they consider that it is necessary to prevent the original behaviour from occurring or recurring.
10. Failure to comply with a PSPO is a criminal offence, a maximum fine of £1,000 (level 3) can be imposed. As an alternative to prosecution enforcement officers can issue a Fixed Penalty Notice (FPN) of £100.
11. In terms of enforcement, the PSPO should be clear and unambiguous and consistent across the district.

12. PSPOs can be enforced by authorised officers of the Council, police constables, police community support officers (if authorised to do so by the Chief Constable).
13. Between January and June, six FPNs have been issued for dog fouling, 12 for dogs being in exclusion areas and 24 for dogs not being on a lead.
14. Members should not equate the level of enforcement with the effectiveness of the PSPO in controlling anti-social behaviour. It can be argued that if there were no controls and signage then more people would act in an anti-social way.

Options

15. The Council can take no action and allow the existing PSPO to expire in January 2024, renew the existing Order without amendment or amend the Order.

Possible amendments

16. Consultation on possible amendments was carried out.

Bexhill Seafront (Appendix A)

Extend the exclusion of dogs from the beach eastwards to Brassey Road, so that the beach around the Sailing Club is included. There have been complaints about dog fouling in this area. Of those responding on the online responses form, for residents and visitors 46% agree to some extent and 54% disagree to some extent:

- Strongly agree: 25%
- Agree: 12%
- Agree a bit: 9%
- Disagree a bit: 9%
- Disagree: 7%
- Strongly disagree: 34%

Bexhill Sailing Club: “the Club supports the extension of the area covered by the May to September ban”.

- a. **Officer recommendation is to extend the exclusion to Brassey Road, as it will have a minimal impact on dog owners but a benefit to the Sailing Club.**

Requirement for dogs on leads all year: 43%

Requirement for dogs to be on leads 1 May to 30 September: 57%

- b. **Officer recommendation is for control to continue to only apply from 1 May to 30 September only. This is also the status quo.**

Camber Beach (Appendix A)

Option 1: no dogs on the beach from 1 May to 30 September except west of access C in the western car park. Option 2 same conditions but allows dogs on the beach east of the eastern most part of the Broomhill car park. The extension of the dog exclusion zone at Camber was to reduce any conflict between dogs and kite surfers near Broomhill car park.

The consultation results were in favour of option 2 (71%) but many respondents asked for other options of either no change or dogs to be allowed all year. Local owners of holiday lets were concerned about the potential negative impact of any extension of current restrictions might have on their businesses because many customer/visitors are dog owners.

c. Officer recommendation is to retain the current controls.

Pett Beach

No controls:

- Strongly agree: 51%
- Agree: 15%
- Agree a bit: 2%
- Disagree a bit: 1%
- Disagree:5%
- Strongly disagree: 26%

Pett Parish Council opposed changing the current controls.

d. Officer recommendation is to continue with the current controls.

Winchelsea Beach

No controls:

- Strongly agree: 60%
- Agree: 12%
- Agree a bit: 3%
- Disagree a bit: 2%
- Disagree:3%
- Strongly disagree: 21%

Icklesham Parish Council's opinion was that these controls were difficult to enforce.

e. Officer recommendation is to remove controls.

Rye Cemetery (owned by Rother District Council)

Option 1 dogs on short leads being allowed in Rye Cemetery or Option 2 no dogs except on the right of way footpath through Rye Cemetery. The dogs on the footpath would also be required to be on short leads.

Option 1 76%

Option 2 24%

Rye Town Council proposed Option 2.

f. Officer recommendation: Option 2 because of the risk of dogs running over graves, desecrating the graves and thereby causing distress to the bereaved. This is also the status quo.

Rye Gun Garden (owned by Rother District Council)

Option 1 dogs allowed on short leads or Option 2 dogs excluded.

Option 1: 84%

Option 2: 24%

Rye Town Council proposed Option 1.

g. Officer recommendation: Option 1.

Sports and Recreational Facilities

To ban dogs from sport and recreational facilities that are available in public open spaces, such as tennis courts, cricket, football and hockey pitches, gym equipment areas, BMX and skateboard areas in all of Rother. We have received complaints from football coaches that they have to “clean” football pitches before training or a match. Unfortunately, some dog owners do not clean up after their dogs or do not do so effectively. The exclusion would apply to football and cricket pitches when in use. The exclusion would only apply to the actual sports pitch or court and not the entire green area or ground. Dogs would continue to have the same permissions to use the rest of the green space.

Residents and visitors responded:

- Strongly agree: 25%
- Agree: 11%
- Agree a bit: 8%
- Disagree a bit: 5%
- Disagree: 11%
- Strongly disagree: 40%

Parish and Town Councils that responded as follows:

- Dallington PC: strongly opposed to change, not a problem.
- Mountfield PC: strongly opposed to change, not a problem.
- Iden PC: current regulations should remain in place, no problems.
- Beckley PC: to remain with the current position.
- Catsfield PC: do not need a dog control order or assistance from RDC.
- Pett PC: opposed to the proposal.
- Camber PC: wish to retain the status quo.
- Etchingam PC: strongly disagree, no change.
- Hurst Green PC: strongly disagree, difficult to enforce, for example location of cricket facilities outfield boundary and pavilion.
- Brede PC: disagree a bit, Brede has no dog order: no change.

h. Officer recommendation is to continue with existing controls on sports and recreational facilities in the district. To exclude dogs from all tennis courts, defined children’s play areas (existing control), defined gym equipment areas and all skateparks, BMX race tracks, jump parks and trails. In addition, in Bexhill, to exclude dogs from the Little Common Football Club fenced pitch.

Leads

i. Officer recommendation is that the Order should make clear dogs should be on short leads to be under control.

Conclusion

17. The PSPO (No 1A) Dog Control expires in January 2024. There is the opportunity to amend the Order. The Police, PCC, ESCC must be consulted about renewing the Order. Consultation has taken place with the public and Parish Councils.

Risk Management

18. Failure to replace the PSPOs controlling dogs by January 2024 will mean the Council will not have any enforcement powers in relation to dog fouling, dogs on leads and dogs in prohibited places. This would have a negative impact on public health and safety.

Environmental

19. Dog fouling is detrimental to the environment and creates risks to public health and safety.

Crime and Disorder

20. Dogs that are not under control can lead to crimes and increase the fear of crime.

Consultation

21. See Appendix A. The Police, PCC, ESCC must be consulted about renewing the Order. Members should consider the consultation responses in Appendix A but are not obliged to abide by them.

Responses from Parish Councils not included in Appendix A:
RALC: should be a Parish Council matter.
Salehurst: retain existing controls.

Finance

22. Within existing budgets.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	Yes	Consultation	Yes
Environmental	Yes	Access to Information	No
Risk Management	Yes	Exempt from publication	No

Chief Executive:	Lorna Ford
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Appendices:	Appendix A - Consultation Appendix B - Maps
Relevant Previous Minutes:	CB20/53 CB17/31 CB22/73
Background Papers:	https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour
Reference Documents:	None

CONSULTATION RESULTS

Background and Introduction

1. This is a summarised report on the results for the public consultation on proposed changes to the Public Space Protection Order (PSPO) for dog control. Proposed changes were for adding more locations to the order, removing controls from two locations or changing control time periods. Comments from organisations are included but comments from residents have been condensed into the key points covered. Analysis has been undertaken of groups of respondents but only the significant variations are included in the report.
2. A PSPO order gives the Council special powers to enforce against specified behaviour that is already against a law or byelaw if that behaviour and a location are named in the order. The Council's designated officers are authorised to give warnings and issue on the spot, Fixed Penalty Notices (FPNs). The ability to go to court remains available to both the Council and the individual, just as for any other location covered by a byelaw. However, PSPOs make the process of correcting anti-social behaviour more immediate and without lengthy and expensive court proceedings.
3. This consultation was open to the public from 5 June to 31 July 2023.
4. We sent invitations to take part to all the Parish and Town Councils in the district.
5. Notices about the consultation were displayed on seafronts and at many of the green spaces, where possible to do so. We also provided copies of the notice to some Parish Councils willing to display notices on their own noticeboards. Notices were displayed on the Council's own noticeboards.
6. In addition, we notified residents through the usual media and social media posts and through My Alerts (w/c 12 June, 3 July, 24 July 2023).
7. Participation was possible through an online questionnaire available on our web article that provided information for the consultation. In addition, we accepted emailed submissions and written submissions.

Participation

8. We received 1,856 responses using the online questionnaire. In addition, we received 77 emails and two letters.
9. We had responses from four local clubs, six businesses and one local voluntary organisation. There were 12 responses from Parish and Town Councils.
10. Members of the public who responded online had the following demographics:
 - a. **Place of residence**
 - Bexhill – 1,070, 58% of respondents
 - Camber – 133, 7%
 - Rye – 147, 8%

Winchelsea – 19, 1%
Pett – 22, 1%
Battle – 49, 3%
Other village in rural Rother – 270, 15%
Visitors to Rother – 131, 7%

b. Dog owners

1 dog – 921, 50%
2+ dogs – 383, 21%
No dogs – 546, 30%

c. Age group

Under 19 – 6, 0.3%
19 to 29 – 57, 3%
30 to 39 – 159, 9%
40 to 49 – 286, 16%
50 to 59 – 466, 25%
60 to 69 – 507, 27%
70 to 79 – 321, 17%
80+ - 46, 3%

d. Children in household

Aged 0 to 10 – 177, 10%
Aged 11 to 17 – 229, 13%
No children – 78%

e. Disabled or long-term illness or condition can affect day to day living

Yes – 305 – 17%

f. Ethnic background

White British – 95%
White Irish – 2%
White Other – 2%
Mixed heritage/ethnicity (all) - 1%
Asian (all) – 1%
Black (all) – 0.3%
We did not have sufficient non-White respondents to do analysis by this group.

g. Male or Female

Male – 623, 34%
Female – 1,204, 66%

h. Regular User of Location with Dog Controls (once a month or more)

Bexhill Seafront – 62%
Camber beach – 38%
Rye Cemetery – 14%
Rye Gun Garden – 17%
Pett beach – 28%
Winchelsea beach – 33%
Sports pitches/courts/outdoor gyms/skateboard/BMX – 76%

Sports and Recreation Facilities

11. We asked respondents about the proposal to include in the new PSPO a ban on dogs on any sport or recreational facility in public open spaces, when they are in use. Unfortunately, the wording was a little ambiguous and, shortly after the launch, had to be more explicitly clarified that we did not mean the whole green, open space but the actual sports facility itself (pitch, court, etc.) and when in use. Several respondents did not differentiate between the two areas.
12. The public responded as follows, note that all figures are rounded to the nearest whole number. Comments are available to the councillors in a separate document made available in the Members' Room.

Strongly agree – 25%

Agree – 11%

Agree a bit – 8%

Disagree a bit – 5%

Disagree – 11%

Strongly disagree – 40%

13. Dog owners were more likely to strongly disagree at 53%.
14. Organisations responded as follows:
 - a. Westfield Cricket Club – strongly agree. Dog fouling is a perennial problem on Westfield cricket ground caused by irresponsible dog owners. We have a lot of young cricketing activities (5 yrs upwards) and this is not only a problem walking in dog mess and getting it on clothing but it can also be a very serious health hazard.
 - b. Old Bexhillians Walking Football – Strongly disagree. We play regular sessions at Little Common Rec. There many people and dogs who get a great deal of enjoyment. (There are few such places in the area.)
 - c. Yes we do a poo check in the area we use and we pick up dog poo, however this is probably 50% of the time and probably just the one deposit. It would be an over reaction to ban dogs. Maybe some discreet surveillance to advise errant owners.
 - d. Little Common Football Club – Strongly agree. We constantly find ourselves having to clear away dog mess before football matches and this is a health and safety concern. We also experience a huge number of dog walkers who choose to walk across our main football pitch (which we lease off the Council) allowing their dogs to run over areas where we are carrying out pitch maintenance and showing a total lack of respect for the sporting facilities when there are acres of land adjacent that they could use.
 - e. Pawtastic Gundog Adventures – Disagree a bit. I do agree with this in terms of not every owner has good recall with their dog and people should be more in control however I do feel it stops responsible owners letting their well beloved dogs off lead why should they be punished and should have freedom.

- f. We love pets Bexhill – Agree a bit. I agree that dogs should not be walked across football pitches and tennis courts/cricket pitches when they are in use. All other times dogs should be able to be exercised freely.
- g. Pett Level Preservation Trust – Strongly agree - Not all dog owners are responsible for clearing up after them. Dogs can chase people/ players.
- h. Camber Beach House Holiday Cottage – Disagree a bit. It's total overkill!
- i. Example Retreats Ltd. – Agree a bit. Will this include people attending to watch matches who have dogs on leads with them?

Council's response: No. The remainder of the area is available and would allow spectators.

- j. Marsh View Cottage – Agree.
- k. SPRC Ltd. – Agree. Sadly some dog owners are irresponsible and also they are not ensuring that any children in their families have the same beliefs. It is important that sport and leisure facilities are protected from any type of damage intentional or not from the minority of dog owners who suffer from their bad behaviour.

15. Parish and Town Councils responded as follows:

- a. Dallington Parish Council objects strongly to the proposal to impose - across the Rother District - and regardless of land ownership - an amendment to the current PSPO (1a) [Dog Control] that would ban dogs from all publicly-accessible formal sport/recreation playing surfaces. It considers that Parish Councils with their own playing fields/equipment should, instead, have been offered the option of including their facilities within the proposed updated Dog Control PSPO. Dallington Parish Council considers that it does not have a problem with dog fouling on its pitches/fields at Dallington Recreation Ground and wishes to make it clear that it would not welcome the imposition of the ban proposed.

Council's response: This appears to be a miscommunication, where the consultation itself was the Parish Councils' opportunity or option to request inclusion of their facilities within the dog control PSPO. Our interpretation of this submission is the relevance of the last sentence that there is not a need to include Dallington into the PSPO.

- b. Mountfield Parish Council objects strongly to the proposal to impose - across the Rother District - and regardless of land ownership - an amendment to the current PSPO (1a) [Dog Control] that would ban dogs from all publicly-accessible formal sport/recreation playing surfaces. It considers that Parish Councils with their own playing fields/equipment should, instead, have been offered the option of including their facilities within the proposed updated Dog Control PSPO. Mountfield Parish Council considers that it does not have a problem with dog fouling on its pitches/fields (at the King George V Playing Field, A2100 and football pitch in Solomons Lane) and wishes to make it clear that it would not welcome the imposition of the ban proposed.

- c. Iden PC: With regard to the Parish of Iden's open spaces, the Parish Council wish the current regulations to remain in place. There have been no problems with dogs or dog owners on Iden Playing Fields. It would be difficult to enforce a dog ban from sport pitches. Additionally, in the case of Iden Playing Fields, two public footpaths cross the area.
- d. Beckley PC: Beckley Parish Council considered the issues raised in the consultation and upon consideration voted that with regard to –
Beckley Sports and Recreation Ground;
Buddens Green (by Buddens Green Houses);
the School Field (Beckley CE School)
to remain with the current position which is the requirement that dogs remain on leads whilst on these facilities all year round. Signage to this effect is already in place. The Parish Council makes no comment on the other parts of the consultation.
- e. Catsfield PC: Following discussion at our Parish Council meeting, Catsfield Parish Council resolved that they would like control of their Parish and that they do not feel they have any issues with Dog Control – quite the opposite – we have constantly overflowing dog waste bins! We therefore feel that we do not need a Dog Control Order or any control/assistance from Rother.
- f. Pett PC: The proposal from Rother District Council to remove the restriction on dogs on the beach at Pett Level for part of the year, while introducing a restriction on dogs on Pett recreation ground while sports are being played. The Council agreed its opposition to both proposals. It was felt that the restriction on the beach at Pett Level was useful as it allowed families to use the beach without being concerned about dogs and their droppings, while any restriction on the recreation ground would be open to misinterpretation and it was reasonable to rely on people's common sense.
- g. Camber PC: Disagree a bit - Camber Parish Council is responsible for Jubilee Green and Johnsons Field recreational areas in Camber.
Jubilee Green has a children's play area and the parish council has NO dog signs in place and do not wish dogs to be allowed on there.
Johnsons Field has an open space with a pathway where dog walkers are allowed but they are not allowed on the Multi Use Games Area or the skate park equipment.
The Parish Council has agreed that they wish to retain the status quo and not change this to a ban on all of Johnsons Field.
Council's response: A ban on any green space was not proposed. The proposal would have applied to adding to the PSPO the MUGA and the skate park equipment.
- h. Etchingham PC: strongly disagree - Etchingham Parish Council owns a number of recreational facilities within the parish. Where appropriate a ban on dogs is already in place but it is NOT appropriate for all such sites and will be strongly resisted. This decision must be left to individual parishes to make to fit the particular circumstances pertaining.
- i. Hurst Green PC: strongly disagree,
In Hurst Green Drewetts Cricket Field is the only open green space that residents have to walk their dogs the alternative being to walk on the

pavement alongside the A21 which is not safe especially if walking more than one dog with children.

It would be very difficult to enforce and could mean that people walking their dogs in the field or picnicking could suddenly find themselves doing an illegal activity if anyone comes into the field to practice their football skills, mainly shooting into the goals provided.

It should also be noted that many cricket players also bring their dogs with them to matches and it is impossible to walk around the outside of the field without having to walk just inside the outfield boundary, notably in front of the pavilion as no access behind it.

If the concern is dog fouling this order will not prevent this as irresponsible dog owners will still not clear up after their dogs at the times they can walk the field not to mention the issue of foxes and deer fouling in the field. What it needs is enforcement of pick-ups!

If this order does come into place then Hurst Green Parish Council, as trustees of the field will seek to have the order overturned for this field.

The Council does however have concerns that Lodge Field playground, which is rightly a no dog field is not enforced and dog owners have been seen walking their dogs in there with the no dog signs having to be repeatedly replaced due to being torn down. Please enforce current policy.

Council's response: Adding a specific location to the public space protection order gives local authorities additional powers to enforce byelaws, to issue warnings and penalty notices on the spot (fines). PSPOs enable immediate enforcement action to be taken. Individuals can challenge the enforcement and take their case to court if they do not agree.

- j. Brede PC: disagree a bit, Brede has no dog order: no change.
Brede Councillors feel that each Parish should be allowed to make its own decision about whether dogs should be banned or not.
Each Recreation Ground differs, some are enclosed, some have footpaths running through or near them, some are heavily used, others not so.
Brede has a no dogs order, and has done for some time, but that is because it suits our layout and our Recreation Ground is also used by the local school. And it is the choice of the Parish, not a decision made by Rother.

16. In Use - During the consultation, it became clear that some respondents wished to debate what should be meant by 'in use'. Some respondents just asked for clarification but mainly the issue was 'in use' should mean either during actual play or training on a sporting facility or was it during the specific playing season of a particular sport. During the season would reduce dog fouling collection for the sports clubs and coaches. It appears that those few commenting did find 'in use' during actual play or other booked use to be an acceptable definition, especially in terms of the safety for all parties.

Bexhill Seafront: Dogs on the Promenade

17. We asked respondents to choose between two options. Option 1 was for dogs on leads all year around on the promenade from groyne 34 (near Pages Lane) up to the eastern end of the promenade. Option 2 was for dogs on leads from 1 May to 30 September on the promenade from groyne 34 (near Pages Lane) up to the eastern end of the promenade. Option 2 is the current arrangement.
18. For the public, 43% wanted Option 1 and 57% wanted Option 2. Dog owners responded that 27% wanted Option 1 and 73% wanted Option 2.

19. Comments are available in the supplemental documents. Briefly, comments in support of Option 1, all year, covered control over dogs, safety to other promenade users, dog fouling, unpredictable behaviour of dogs, fear of dogs, dogs should be on leads anywhere near a road, prevalence of older residents, short leads are preferable over extending leads in this location, there are nearby areas where dogs can be off-lead, would prefer complete ban of dogs on beach as well.
20. Some comments in support of Option 2 covered: during the summer is sufficient, there are other or worse things happening on the promenade that need attention, no need to over-regulate, a family area should include dogs, summer is the busiest time for the promenade so restrictions make sense during this period, dogs can go on the nearby beach and do not need to be off-lead on the promenade, with fewer people in winter it should be possible to have dogs off-lead on the promenade, gives dogs some freedom, this is safety for dogs.
21. For organisations, of those that answered this question:
 - Option 1 is selected by Bexhill Sailing Club, Westfield Cricket Club, Pawtastic Gundog Adventures, Pett Level Preservation Trust.
 - Option 2 is selected by Camber Beach House, Old Bexhillians Walking Football, Example Retreats Ltd., SPRC Ltd, We love pets Bexhill.
22. None of the Parish Councils responded on Bexhill.

Bexhill Seafront: Beach from Brockley Road to Brassey Road

23. We asked respondents if they agreed or disagreed with banning dogs on the beach between Brockley to Brassey Roads.
24. Residents and visitors said:
 - Strongly agree – 25%
 - Agree – 12%
 - Agree a bit – 9%
 - Disagree a bit – 6%
 - Disagree – 14%
 - Strongly disagree – 34%
25. Residents with children were more likely to disagree strongly at 40%. Dog owners were much more likely to strongly disagree at 45%.
26. Local organisations and businesses said:
 - Strongly agree – Westfield Cricket Club, Pett Level Preservation Trust.
 - Agree – Bexhill Sailing Club
 - Agree a bit – SPRC Ltd.
 - Disagree a bit – Old Bexhillians Walking Football
 - Disagree – We love pets Bexhill, Camber Beach House
 - Strongly disagree – Pawtastic Gundog Adventures, Example Retreats Ltd.
27. The Parish Councils did not comment on this matter.
28. Comments covered dog control, water quality, family use, swimming and water sports, inconsiderate dog owners, the difficulty of enforcement, it is difficult for

visitors to know where a ban starts and finishes on a beach, there should be a dog free area on any beach, dog fouling, other anti-social behaviour on the beach also needs addressing, it is unnecessary, penalising for the bad behaviour of a small minority.

29. Bexhill Sailing Club commented 'The Club supports the extension of the area covered by the May-September ban. It is however right to confirm that the Club House area and boat park are leased and licensed to the Sailing Club, and our normal club rules for dog owners will still apply to this area for club members.'

Camber Beach

30. We asked respondents to choose between two options. The first option was no dogs on Camber beach between 1 May to 30 September, except west of access C in the Western Car Park. The second option is no dogs on the beach from 1 May to 30 September except west of access C AND east of the eastern-most point of Broomhill car park.
31. We had 559 online responses to the questions on Camber beach. The public clearly supported Option 2 at 71%. Option 1 was supported by 29%. Dog owners were more likely to support Option 2 with 80% selecting that option.
32. Comments in support of Option 1 were about not wanting any dogs on the beach anywhere at any time. Interestingly, a number of people commented this was their preferred option because it gave more access to the beach for dogs, which it does not do. This would suggest that some of those supporting Option 1 meant to support Option 2. In addition, there are a significant number of respondents that wanted no change or neither option was acceptable.
33. Many owners of holiday accommodation were opposed to both options because it impacted on their businesses. Some residents also pointed out a negative impact on their visitors who like to bring their dogs and would be less willing to visit without them.
34. Only two organisations that used the online questionnaire comments on Camber beach and both supported Option 2 as the option with the most access for dogs.
35. From comments, including emailed responses, many public respondents queried that there is any real problem in a clash between kite surfers and dog owners and walkers. They asked the Council to consider the kite surfers are a small minority and only occasional users of the beach subject to suitable weather conditions. This means the beach is often empty, even in the summer.
36. Some respondents offered compromises or alternatives. Dog owners currently walk their dogs eastward from entrance K, as a quiet part of the beach and suitable for local dog walkers. Allowing dog walking access to part or the whole beach during quieter times of day, early mornings and evenings, was suggested by various residents as were putting in restrictions only on weekends and bank holidays or during the school summer holidays.

Pett Beach

37. We asked respondents if they agreed or disagreed with no dog controls on Pett beach. There are currently some dog controls on Pett beach.

38. Residents responded as follows:
 Strongly agree 53%
 Agree 14%
 Agree a bit 2%
 Disagree a bit 2%
 Disagree 5%
 Strongly disagree 25%
39. Dog owners were more likely to strongly agree at 67% and less likely to strongly disagree at 10%. Disabled respondents were more likely to strongly agree at 63%.
40. We had 436 responses using the online questionnaire on this subject. Those opposed did so for the usual reasons that dogs should be on leads, under control, dog fouling, given the same protection as other beaches, safety and danger to other users, have seen poor dog behaviour, already too many dogs on the beach running free, annoying other users, dog owners ignore the signs/notices for dogs on leads. Those in favour of removing controls pointed out that there isn't a problem with dogs on Pett beach, as a smaller, quiet, remote location it is suitable for fewer restrictions, it gives somewhere for local dog owners to go without restrictions, it is too easy right now to walk dogs into restricted areas without realising it.
41. Pett Level Preservation Trust strongly disagree. Pett Parish Council responded: 'The council agreed its opposition to both proposals. It was felt that the restriction on the beach at Pett Level was useful as it allowed families to use the beach without being concerned about dogs and their droppings, while any restriction on the recreation ground would be open to misinterpretation and it was reasonable to rely on people's common sense.'

Rye Cemetery

42. We offered two options for Rye Cemetery. Option A was for dogs to kept on short leads in Rye Cemetery. This allows for dogs off the footpaths as long as they are on a short lead. Option B was for no dogs in the cemetery except on short leads on the right of way footpath.
43. There were 448 responses using the online response form. Those residents responded as follows:
 Option A – 75%
 Option B – 25%
44. Dog owners were more likely to select option A at 88%.
45. Those in support of Option A commented about why those visiting the cemetery might wish to bring a dog and go to areas away from the public right of way such as helping with bereavement, assistance dogs and emotional support, visiting with the family pet and personal safety. Other comments included how dog friendly Rye is already and it would contribute.
46. Those in support of Option B commented that Option A could be disrespectful to the deceased and their family and friends, dog fouling, the need for quiet or peacefulness. There were comments supporting the use of short leads to avoid disruption and maintain control, dog fouling, marking graves, etc.

A handful of comments asking for dogs to be excluded completely.

47. We asked if respondents had anyone buried in Rye Cemetery and 23% answered yes. This is 109 respondents. Of those respondents, 77% supported Option A and 23% supported Option B.
48. Rye Town Council responded: Preference for dogs to be allowed anywhere on the site – but on a short lead.
49. Other organisations that commented on Rye Cemetery said:
 - Camber Beach House – Option A (no comment)
 - Example Retreats Ltd – Option A (no comment)
 - Pett Level Preservation Trust – Option A - They are controlled.

Rye Gun Garden

50. We asked respondents to choose between two options. Option A was for dogs permitted in the Gun Garden on short leads. Option B was for no dogs permitted in the Gun Garden.
51. Residents that responded preferred option A, at 84% compared to option B at 16%.
52. Dog owners were more likely to select option A at 96%. Disabled residents were more likely to selection Option B at 25% and less likely to select option A, although still a clear majority at 75%.
53. Most respondents commented that they preferred people to be able to bring their dogs into the Gun Garden, especially for tourists but also residents. It was a popular dog walking route and a good location for dogs and visitors as it is not near roads and is quiet. There were a lot of comments that there was no reason to ban dogs. Those who preferred a ban cited lack of control, safety and dog fouling in a location where children play and in a public space.
54. Rye Town Council said: 'Preference for dogs to be allowed on a short lead.' The other organisations that responded are the same as the ones above and all preferred Option A, dogs permitted on short leads.

Other Rye Locations

55. We asked if anyone had any comments on other green or public space in Rye in relation to dog control. The only organisation that commented was Pett Level Preservation Trust asking for more control on dogs inside where food is served.
56. The public commented on dog control in:
 - The Church Yard – allow dogs
 - Watchbell Street, end – allow dogs
 - Iron Salts – dog fouling problems, because of long grass
 - Salts, western area – could be fenced as a dog park and then ban on cricket area. More dog bins, not enough.
 - Town Salts – adjacent to Rock Channel – allow off-lead dog walking
 - All dogs should be on short leads in all open spaces, on streets: dog attacks, fouling, poor control, etc.

- Rye should be as dog friendly as possible as a tourist town.
- Rye Harbour footpath from village to nature reserve's discovery centre might merit a similar order.
- Multiple comments about dog friendly pubs, restaurants, cafes.

Winchelsea Beach

57. We asked respondents if they agreed or disagreed with no controls on dogs on Winchelsea Beach. The public responded as follows:
 Strongly agree – 61%
 Agree – 7%
 Agree a bit – 6%
 Disagree a bit – 6%
 Disagree – 1%
 Disagree strongly – 19%
58. Dog owners were more likely to strongly agree at 74% and less likely to strongly disagree at 7%. Residents with dependent children were a little more likely to disagree strongly at 24%.
59. Those that agreed made comments that this was a good idea and what a good area it was to walk a dog as it was quiet and spacious, controls were not necessary, makes it more dog friendly.
60. Those that disagreed wanted to retain controls, were concerned for the safety and comfort of children and the public, felt dogs should be on leads in public areas, there should be a dog free area of the beach and there should be some controls in proximity to roads and path on sea wall.
61. Pett Level Preservation Trust strongly disagreed. Example Retreats Ltd strongly agree.

Where Should Dogs Be on Leads

62. We asked respondents their thoughts on when and where dogs should be on leads. Here are some of the main themes or comments.
63. Icklesham Parish Council feel that dogs should be kept on a lead at all times when in a public place. Pett Level Preservation Trust said all dogs should be on leads except on private land.
64. Comments from the public were:
- Leads are preferable to a dog ban.
 - Dogs should be on lead: by roads, on streets, by schools, children's playgrounds, in all public places, in busy towns, by shops, in cemeteries, markets, on footpaths, around other animals or livestock, when other dogs around, where it would protect the environment, on promenades, where sports are being played, around children, main beach areas, in car parks.
 - Dogs should not be banned anywhere.
 - Long leads are good for dogs, happy with their use, down to owner to judge their use. Doesn't matter if on short lead or long lead it is about being under control and holding to account.
 - Long leads/flexi-leads should be banned – cause problems for people with mobility problems, trip people up, dangerous for cyclists, not proper control, near traffic, owners should be trained in their use.

- Dogs need somewhere to run, to be off the lead, area/section of beaches. There are lots of woods, fields, winter beaches for off lead walking.
- Rother/Bexhill/Rye needs a dog park.
- Only need restrictions in the summer period. Easter to end of September.

Should Dogs be on Short Leads

65. We asked if dogs are required to be on leads should 'on lead' always be on short leads. Answers from the public covered these themes:
- Depends on the location and risks to dog and people, such as roads compared to green spaces, or respect such as cemetery.
 - Depends on the dogs and owners should use their own judgement. It should always be the owners' discretion.
 - Any lead is acceptable, it is still control. It makes little difference.
 - Always on short lead, there are added hazards with long leads.
 - Should be an 8 metres maximum length.
66. Icklesham Parish Council said 'Yes although this would be very hard to enforce.'

Current Dog Controls in Public Space Protection Order

67. We asked respondents for any comments on the current PSPO on dog control, with a view to any other changes that could be made.
68. Most comments were in support of no change for the current controls or for more active enforcement of the current controls. A number of the comments were clearly confusing the bye-laws with the PSPO. This was from organisations and the public. Signs for the bye-laws and enforcement was associated with the PSPO. Some respondents were commenting about enforcement in locations where the PSPO was not in operation, for example, where the Council did not have powers to issue penalty notices.

Conclusion

69. In summary, the following options were supported as changes to the public space protection order on dog control:
- Bexhill seafront – dogs on leads May to September.
 - Camber beach – no dogs on beach in summer except to west of access C and east of Broomhill car park.
 - Pett beach – no controls.
 - Rye Cemetery - dogs permitted anywhere in cemetery if on short leads.
 - Rye Gun Garden – dogs permitted on short leads.
 - Winchelsea beach – no controls.
70. We would like to thank all the individuals and organisations that responded to this consultation for their time and trouble. This subject engaged a lot of people and has been one of the most successful consultations that the Council has carried out in terms of number of responses. This meant we could do analysis by many different groups to look for differences.

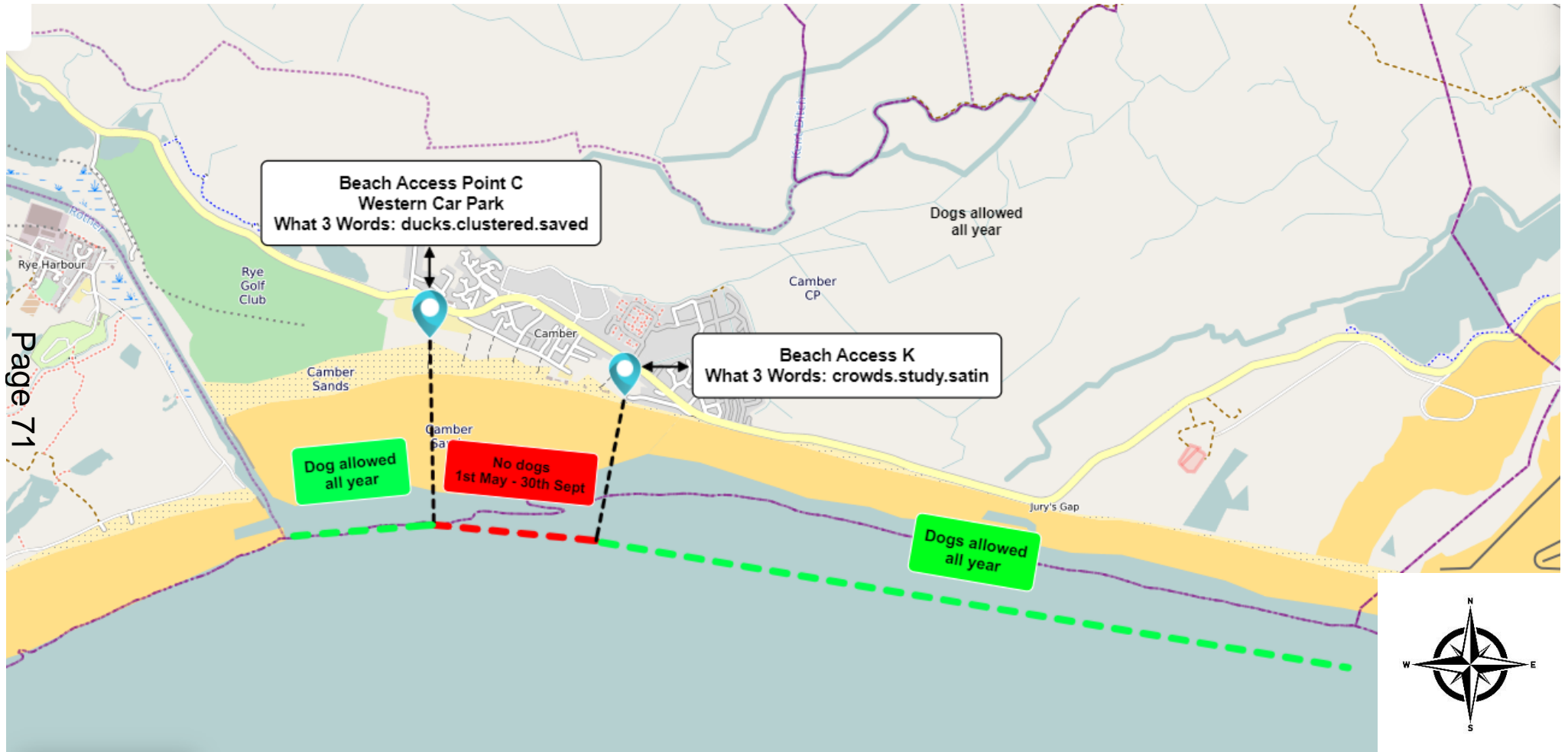
Current dog restrictions – Bexhill seafront



Proposed dog restrictions – Bexhill seafront (2024 PSPO review)



Current dog restrictions – Camber



Proposed dog restrictions – Camber (2024 PSPO review)

Option 1:



Proposed dog restrictions – Camber (2024 PSPO review)

Option 2:



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Rother District Council

Report to:	Cabinet
Date:	9 October 2023
Title:	The Regulation of Investigatory Powers Act 2000 (RIPA)
Report of:	Richard Parker-Harding, Head of Environmental Services, Licensing and Community Safety
Cabinet Member:	Councillor Field
Ward(s):	All
Purpose of Report:	To approve a revised RIPA Policy.
Decision Type:	Key
Officer Recommendation(s):	Recommendation to COUNCIL: That the revised Regulation of Investigatory Powers Policy at Appendix A be approved and adopted.
Reasons for Recommendations:	The Council is required to have this Policy in place.

Introduction

1. The Council very occasionally carries out surveillance that requires authorisation and in some cases approval by a Magistrate or a District Judge. The Regulation of Investigatory Powers Act 2000 (RIPA) and the associated statutory codes of practice determine how the Council should carry out surveillance, providing safeguards for the persons being investigated, the Council and Officers.
2. The Council is required to adopt a policy, draft at Appendix A for consideration and approval.
3. The Council is inspected every three years by the Investigatory Powers Commissioners Office. No major issues were identified during this year's inspection. The next inspection is due in 2026.

Background

4. The Regulation of Investigatory Powers Act 2000 (RIPA) (as amended by the Protection of Freedoms Act 2012) regulates surveillance carried out by the Council in the conduct of its business. It relates to directed surveillance and the use of Covert Human Intelligence Sources (CHIS).
5. It provides a legal framework for authorising investigations in a manner consistent with obligations under the Human Rights Act 2000 (HRA) where the

investigation is for the purposes of preventing or detecting crime or for preventing disorder.

6. RIPA is wide ranging in its application and will impact all officers with an enforcement or investigatory capacity, including internal investigations. Failure to comply with RIPA may result in a claim for a breach of the HRA. This may result in evidence being deemed inadmissible in a prosecution or even a claim for compensation for an infringement of that person's human rights. By obtaining approval from a Court for surveillance the Council and Officers are protected from complaints about the inappropriate obtainment and use of information and data.
7. The Council is committed to implementing RIPA in a manner that is consistent with the spirit and letter of RIPA and the HRA. The Council is committed to conducting all relevant actions in a manner which strikes a balance between the rights of the individual and the legitimate interests of the public.
8. It is now common practice for officers to carry out research using websites and social media. Therefore, an additional policy is required to cover the potential for surveillance to be occurring in this way and this has been added as Appendix 2 to the RIPA Policy.
9. All investigating and authorising officers have recently been trained.

Conclusion

10. The Council is required to have a policy determining how officers carry out surveillance legally during investigations.

Risk Management

11. Failure to have a policy opens the Council to risks of claims under the Human Rights Act 1998 and data protection legislation.

Environmental

12. The protection of the environment may require Officers to conduct criminal investigations in accordance with RIPA.

Crime and Disorder

13. Officers must conduct criminal investigations in accordance with RIPA.

Consultation

14. Not required.

Human Rights

15. Contained within report.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	Yes	Equalities and Diversity	No
Crime and Disorder	Yes	Consultation	No
Environmental	Yes	Access to Information	No

Risk Management	Yes	Exempt from publication	No
Chief Executive:	Lorna Ford		
Report Contact Officer:	Richard Parker-Harding		
e-mail address:	richard.parker-harding@rother.gov.uk		
Appendix:	Appendix A - RIPA Policy		
Relevant Previous Minutes:	LG22/12		
Background Papers:	None		
Reference Documents:	RIPA codes - GOV.UK (www.gov.uk)		

Rother District Council

**REGULATION OF INVESTIGATORY POWERS ACT
2000****Policy****Introduction**

1. The Regulation of Investigatory Powers Act 2000 (RIPA) (as amended by the Protection of Freedoms Act 2012) regulates surveillance carried out by the Council in the conduct of its business. It relates to directed surveillance and the use of Covert Human Intelligence Sources (CHIS).
2. It provides a legal framework for authorising investigations in a manner consistent with obligations under the Human Rights Act 2000 (HRA) where the investigation is for the purposes of preventing or detecting crime or for preventing disorder.
3. RIPA is wide ranging in its application and will impact all officers with an enforcement or investigatory capacity, including internal investigations. Failure to comply with RIPA may result in a claim for a breach of the HRA. This may result in evidence being deemed inadmissible in a prosecution or even a claim for compensation for an infringement of that person's human rights. By obtaining approval from a Court for surveillance the Council and Officers are protected from complaints about the inappropriate obtainment and use of information and data.
4. The Council is committed to implementing RIPA in a manner that is consistent with the spirit and letter of RIPA and the HRA. The Council is committed to conducting all relevant actions in a manner which strikes a balance between the rights of the individual and the legitimate interests of the public.
5. Any authorisation by the Council under RIPA for the use of covert techniques can only be given effect once an order approving the authorisation has been granted by a Magistrates' Court. Courts can only approve surveillance if intended to prevent or detect criminal offences that are punishable by a maximum term of at least 6 months' imprisonment or offences related to the underage sale of alcohol and tobacco.

Codes of Practice

6. Statutory Codes of Practice supplement RIPA. [RIPA codes - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
7. The Council will have due regard to and follow the guidance in the relevant Codes of Practice in the conduct of its activities relating to RIPA.

Surveillance

8. Almost all the surveillance carried out by the Council is done overtly (it is not covert or directed surveillance). Overt surveillance is not subject to the authorisation requirements under RIPA. In many cases, officers will be behaving in the same way as a member of the public or will be going about

normal council business, openly. Surveillance is overt if the subject has been told that it will happen.

9. Covert surveillance is defined in section 26(9)(a) of RIPA as any surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place. It may be either direct or intrusive surveillance.
10. **Directed surveillance** is defined in section 26(2) of RIPA as surveillance which is covert, but not intrusive, and undertaken:
 - for the purposes of a specific investigation or specific operation;
 - in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and
 - otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under Part II of RIPA to be sought for the carrying out of the surveillance.

The Code of Practice for Covert Surveillance and Property Interference provides detailed guidance on whether covert surveillance activity is directed surveillance or intrusive, or whether an authorisation for either activity would not be deemed necessary.

11. **Intrusive surveillance** is defined in section 26(3) of RIPA as covert surveillance that:
 - is carried out in relation to anything taking place on any residential premises or in any private vehicle; and
 - involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.

Local Authorities are not authorised to conduct intrusive surveillance.

12. A **CHIS** is defined in section 26(8) of RIPA as a person who:
 - establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling with paragraph (b) or (c);
 - b) he covertly uses such a relationship to obtain information or to provide access to any information to another person; or
 - c) he covertly discloses information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship.

Communications Data (CD)

13. The Council may also access certain Communications Data (CD), provided it is for the purpose of preventing or detecting crime or of preventing disorder. All applications for CD must be made via an Accredited Officer known as a Single Point of Contact (SPoC) who has passed a Home Office approved course. All Councils must use the National Anti-Fraud Network (NAFN) as their SPoC.

Authorising Officer (see Appendix 1)

14. Before application to the Magistrates' Court, all requests must first be authorised by an Authorising Officer.

RIPA Co-Ordinator

15. The RIPA Co-ordinator will check all applications before being submitted to an Authorising Officer.

Social Media (see Appendix 2)

16. The use of social media in an investigation could, depending on how it is used and the type of information likely to be obtained, constitute covert activity that requires authorisation under RIPA.

CCTV (see Appendix 3)

17. The Council owns and operates CCTV on its premises. CCTV cameras in towns are controlled by Sussex Police.

Non-RIPA approved surveillance

18. Surveillance may be carried out for crimes that do not meet the threshold of 6 months imprisonment or are related to the underage sale of alcohol and tobacco. If an officer carries such surveillance that does not require a RIPA approval by a Magistrate or District Judge, it will still require authorisation.

Training

19. All officers with an enforcement or investigatory function will receive training on the provisions of RIPA.

Central Record of all authorisations

20. The Senior Responsible Officer (SRO) will be responsible for maintaining a record of all authorisations, renewals, reviews and cancellations issued by the Council.

Data retention

21. Any records obtained during the course of a criminal investigation must be retained in compliance with the Criminal Procedure and Investigations Act (CPIA) Codes of Practice and all material stored in line with the General Data Protection Regulations (GDPR) data retention policy.
22. Line managers must be aware of the evidence obtained in connection with a RIPA application and will monitor this evidence, ensuring it is managed in line with the safeguarding requirements in the codes. This includes retention, storage and review. At the conclusion of a case the manager should ensure the evidence is destroyed when no longer necessary under CPIA or other legislation. If retained beyond this period, that it is reviewed on a three-monthly basis. When destroyed, how and when will be recorded.

Review of Policy

23. The Senior Management Team will review this policy annually. The Senior Responsible Officer will provide an annual report to the Licensing and General Purposes Committee.
-

Appendix 1

List of Authorising Officers/Designated Persons

Chief Executive - Lorna Ford
Deputy Chief Executive - Vacant
Director - Ben Hook

Senior Responsible Officer

Head of Service-Environmental Services, Licensing and Community Safety
Richard Parker-Harding

RIPA Co-Ordinator

Legal Services Manager
Rother & Wealden District Councils Shared Legal Service

INTERNET AND SOCIAL MEDIA

1. Introduction

- 1.1 Online open-source research is widely regarded as the collection, evaluation and analysis of material from online sources available to the public, whether by payment or otherwise to use as intelligence and evidence.
- 1.2 The use of online open-source internet and Social Media research is a method of obtaining information to assist the Council with its regulatory and enforcement functions. It can also assist with service delivery issues. However, the use of the internet and Social Media is constantly evolving and with it the risks, particularly regarding breaches of privacy under Article 8 Human Rights Act (HRA) and other operational risks.
- 1.3 Rother District Council is a Public Authority in law under the Human Rights Act 1998, and as such, the staff of the authority must always work within this legislation. This applies to research on the internet.
- 1.4 Researching, recording, storing, and using open-source information regarding a person or group of people must be both necessary and proportionate and take account of the level of intrusion against any person. The activity may also require authorisation and approval by a Magistrate under the Regulation of Investigatory Powers Act (RIPA) 2000. To ensure that any resultant interference with a person's Article 8 right to respect for their private and family life is lawful, the material must be retained and processed in accordance with the principles of the General Data Protection Regulations (GDPR).

2. Scope of Policy

- 2.1 This policy and associated procedure ensures that all online research and investigations are conducted lawfully and ethically to reduce risk. It provides guidance to all staff, when engaged in their official capacity of the implications and legislative framework associated with online internet and Social Media research. It will also ensure that the activity undertaken, and any evidence obtained will stand up to scrutiny.
- 2.2 This policy takes account of the Human Rights Act 1998, Regulation of Investigatory Powers Act (RIPA) 2000, Criminal Procedures Investigations Act (CPIA) 1996, General Data Protection Regulations (GDPR), NPCC Guidance on Open-Source Investigation/Research.
- 2.3 This policy and associated procedure will be followed at all times and should be read, where required with the RIPA Codes of Practice.
- 2.4 This policy is not exempt from disclosure under the Freedom of Information Act 2000.

3. Risk

- 3.1 Staff must be aware that any activity carried out over the internet leaves a trace or footprint which can identify the device used, and, in some circumstances, the individual carrying out the activity. This may pose a legal and reputational risk

to the Council from being challenged by the subject of the research for breaching Article 8.1 of the HRA which states “Everyone has the right to respect for his private and family life, his home and his correspondence”. 8.2 states “There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others”.

- 3.2 There is also a risk of compromise to other investigations, therefore, the activity should be conducted in a manner that does not compromise any current or future investigation or tactics.

4. Necessity / Justification

- 4.1 To justify the research, there must be a clear lawful reason, and it must be necessary. Therefore, the reason for the research, such as, the criminal conduct that it is aimed to prevent or detect must be identified and clearly described. This should be documented with clear objectives. Should the research fall within RIPA activity, the RIPA authorisation deals with this criteria for it to be lawful.

5. Proportionality

- 5.1 Proportionality involves balancing the intrusiveness of the research on the subject and other innocent third parties who might be affected by it (collateral intrusion) against the need for the activity in operational terms. What is the benefit to carrying out the activity? How will the benefit outweigh the intrusion?
- 5.2 The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means. All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair.

6. Private information

- 6.1 Private information is defined at Section 26(10) of RIPA 2000 as including any information relating to a person’s private or family life. Private information should be taken generally to include any aspect of a person’s private or personal relationship with others, including family and professional or business relationships.
- 6.2 Prior to, and during any research, staff must take into account the privacy issues regarding any person associated with the research.

7. Reviewing the Activity

- 7.1 During the course of conducting the internet open-source research, the nature of the online activity may evolve. It is important staff continually assess and review their activity to ensure it remains lawful and compliant. Where it evolves into RIPA activity, the RIPA procedure should be followed. If in doubt, seek advice.

8. Use of Material

- 8.1 The material obtained from conducting open-source internet and Social Media research may be used as intelligence or evidence.
- 8.2 Any material gathered from the internet during a criminal investigation must be retained in compliance with the Criminal Procedure and Investigations Act (CPIA) Codes of Practice and all material stored in line with the General Data Protection Regulations (GDPR) data retention policy.

CCTV

Why do we have CCTV?

1. The purpose of CCTV is to help:
 - monitor security of our premises;
 - provide greater personal protection for staff and members of the public;
 - reduce costs resulting from criminal damage or loss;
 - reduce insurance costs;
 - prevent, investigate and detect crime; and
 - apprehend and prosecute offenders.
2. If we inform the public CCTV or Body Cams are operating, then it is overt monitoring.

Responsibility

3. The day-to-day management of CCTV systems and control of the recordings is the responsibility of the Head of Service in control of the premises or land. The Head of Service will designate Officers who can view the recorded images for specific purposes.
4. Images should not be held on the system for longer than 31 days (the standard overwrite time) unless there is a legitimate reason for keeping them e.g. a criminal investigation. In such cases, the reasons must be recorded.

Third party requests for disclosure

5. Where you receive a request for personal information from an outside organisation or individual, you must be satisfied that the information requested falls within one of the exemptions from non-disclosure.
6. Those disclosing information must be satisfied that the disclosure is necessary, and that if we did not disclose the information the non-disclosure would be likely to prejudice the exemption aims. Requests should always be made in writing, and the person requesting disclosure should provide the information listed below:
 - name and contact details of person or organisation making the request;
 - date of request;
 - details of the person to whom the disclosure relates; and
 - the reason the information is required.
7. A written record of the above, together with any steps taken to verify the identity of the requester, and a record of the information disclosed. This information is in order to protect staff and officers from accusations of unlawful disclosure and to enable the Council to assess any disclosure decision.

Requests from members of the public about themselves

8. If a member of the public wants to see a recording of him/herself they must fill out a Subject Request Form (which is available via the website – see Data

Protection Subject Access Request Form) and return it with a search fee and two forms of identification to the Data Protection Officer. They should indicate if viewing will be sufficient or if a copy is required.

9. They will get a response within 40 days of us receiving the form, the fee and valid identification. They may also be asked to provide a photograph of themselves so that the correct images can be retrieved. If a request is granted, any other person appearing in the images will be edited out.

Body cams: <https://www.rother.gov.uk/wp-content/uploads/2020/05/Rother-Privacy-Policy-body-cams.pdf>

Privacy Policy: <https://www.rother.gov.uk/data-protection-and-foi/privacy-policy/>

Further Information: <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>

Rother District Council

Report to:	Cabinet
Date:	9 October 2023
Title:	CCTV Cameras
Report of:	Richard Parker-Harding, Head Environmental Services, Licensing and Community Safety
Cabinet Member:	Councillor Field
Ward(s):	Battle and Bexhill Wards
Purpose of Report:	To consider options for operating and maintaining CCTV in town centres.
Decision Type:	Key
Officer Recommendation(s):	It be RESOLVED : That the Chief Executive be granted delegated authority to enter into contracts with companies to maintain existing operating CCTV cameras in Battle and Bexhill and enter into discussions with Battle Town Council and Bexhill-on-Sea Town Council about the future provision of CCTV.
Reasons for Recommendations:	To maintain the current level of CCTV coverage in Battle and Bexhill

Introduction

1. CCTV cameras are installed in town centres to detect and deter crime and reduce the fear of crime. They are also used during medical emergencies and to look for missing persons. The Council owns 12 CCTV cameras in Battle and Bexhill (Appendix A shows their locations). The Council owns the cameras and is responsible for repairs and replacement. The contract for maintaining the cameras is held by BT who have the contract with Sussex Police. The Council also pays the electricity costs. Appendix B shows the financial costs over the last three years and future costs. Sussex Police is solely responsible for operating the cameras, monitoring, viewing and recording images. Requests for data access are made to Sussex Police.
2. Sussex Police have advised that the Battle and Sidley cameras are used at least once a day, the other Bexhill cameras three times a day. The cameras are frequently used in medical and missing persons incidents.
3. Recently, Sussex Police have advised the 22 Councils who own CCTV that they intend to transfer the maintenance contract to them. This would mean the Council would become the Data Controller. Appendix C explains how this would work in practice.

4. BT can no longer operate the cameras and Sussex Police have identified ChromeVision as an alternative provider, using wireless technology.
5. Most of the Sussex CCTV cameras in district councils are owned by the Town Councils. It is therefore recommended that discussions are held with Battle and Bexhill Town Councils to transfer ownership of the cameras to them. Alternatively, the Council may have to reduce the number cameras or cease to provide the provision.

Conclusion

6. The provision of town centre cameras detects and deters crime and reduces the fear of crime. The cost of maintaining the cameras is significant. To be in line with other districts the ownership of the cameras should be transferred to the Town Councils.

Crime and Disorder

7. Effective CCTV coverage will detect and deter crime and disorder.

Environmental

8. CCTV cameras used a significant amount of electricity, costing £11,000 pa.

Financial

9. See Appendix B.

Human Rights

Article 2: Right to life - not applicable

Article 3: Freedom from torture etc - not applicable

Article 4: Freedom from slavery and forced labour - not applicable

Article 5: Right to liberty and security – CCTV can increase security

Article 6: Right to a fair trial - complies

Article 7: No punishment without law - complies

Article 8: Respect for private and family life – may be affected if controls operated by Sussex Police monitoring and restricting access are not effective

Article 9: Freedom of thought, belief and religion - not affected

Article 10: Freedom of expression - not affected

Article 11: Freedom of assembly and association - not affected

Article 12: Right to marry - not affected

Article 14: Right to be free from discrimination - not affected

Protection of property: CCTV cameras may protect property from damage or theft

Right to education: not applicable

Legal

10. An application to exempt a contract with ChromeVision from procurement rules. If the cameras remain under the control of Rother District Council and Rother District Council is the data controller then we must be satisfied with the

agreement with Sussex Police on how their officers will use the data is adequate.

Risk Management

11. Failure to agree to the transfer of the maintenance contract from Sussex Police to the Council may result in the CCTV not operating from April 2024. The Government previously advised councils to consider “an ethical and socially responsible approach where surveillance systems are being bought with public money”. In relation to the ethics of the companies that supply camera technology (especially modern slavery and national security considerations). In addition, whether the Commissioning of the new camera system through an existing contract between Sussex Police and Chroma Vision meets our procurement policy. Sussex Police advise that ESPO Framework No: 628_23 Security and Surveillance Equipment and Services is a framework that other council areas have used to direct awards to a company.
12. The possibility of political ramifications of the removal of Public Facing CCTV for both the Council, Town Councils, Sussex Police and the Office of the Police and Crime Commissioner.
13. Additional responsibilities (and possibly costs) for the Council as the local authority would need to consider due regard has been given to governance, monitoring and procedures e.g.
 - the 12 guiding principles in the Surveillance Camera Code of Practice and/or
 - complete a public impact assessment for the system in question.
 - Data Protection Impact Assessment (DPIA) or
 - Human Rights Impact Assessment and provisions of Section 33 of the Protection of Freedoms Act

Equalities and Diversity

14. The operation of CCTV cameras does not discriminate against any person with a protected characteristic.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	Yes	Equalities and Diversity	Yes
Crime and Disorder	Yes	External Consultation	No
Environmental	Yes	Access to Information	No
Risk Management	Yes	Exempt from publication	No

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Minutes:	None
Appendices:	Appendix A: Locations of cameras Appendix B: Financial costs Appendix C: Data Controller Arrangements
Background Papers:	None
Reference Documents:	Update to Surveillance Camera Code of Practice - GOV.UK (www.gov.uk)

LOCATION OF CAMERAS

Asset Number	Location	
3201	Cantelupe Road/Sea Road	Bexhill
3202	Channel View Road West	Bexhill
3203	Devonshire Square	Bexhill
3204	Sackville Road	Bexhill
3205	Town Hall Square	Bexhill
3206	Ravenside Retail Park	A259
3207	Brett Drive	Bexhill
3210	Ninfield Road	Sidley
3211	Ninfield Road/Smith and Humphreys	Sidley
5221	Chequers Public House Roundabout A2100, and Marley Lane	Battle
5222	Costa Coffee near the square	Battle
5223	Fire Station roundabout A2100 and A271	Battle

From December 2021 to November 2022 – CCTV operators' specific access to:

Cameras in Battle were accessed equally when supporting incidents and all are used on a regular basis. Chequers Inn 427, Costa Coffee 446, and Fire Station 346. The average is just over once a day.

Cameras in Sidley are independently accessed more than 1.5 views per camera a day. Ninfield Road 632 times and Ninfield Road/Smith and Humphreys 489 times.

Cameras in Bexhill are accessed approximately 2.5 times a day. The highest used camera on Devonshire Square is looked at 3 times a day on average.

This Sussex Police report is based around incident reports rather than crime matters as it provides a broader spectrum of understanding in relation to what is viewed by public facing cameras.

- Battle, Bexhill, and Sidley had a total of 4,409 emergency and priority calls for assistance between December 2021 and November 2022.
- CCTV operators viewed and actively contributed to 59% of emergency and priority incidents relating to Battle in the above time frame.
- 48% of emergency and priority calls reported to Sussex Police in Bexhill and Sidley were also viewed. That is a total of 2,191 incidents.
- 10% of these were impacted directly by CCTV operators. This equals 219 reports where CCTV has directly contributed to the identification, or the management of an incident and the result has been a positive outcome. Either by detecting this themselves through proactive monitoring or assisting incoming reports from the public.
- The breakdown of usage is consistent with other areas.

The most common reasons for CCTV Operators to take specific action to look at Rother cameras was Medical or Concern (813) these include incidents where a person has e.g. Dementia, Mental Health is a factor. Suspicious Activity (771) includes drugs, crime, and anti-social behaviour.

FINANCIAL COSTS

- 1.1. Costs of the current public facing CCTV cameras transmission and maintenance for 2023/4 are estimated as £21,388. Which is nearly a £10,000 pa (£9,851) increase on the expenditure under the previous agreement. This equates 48p per household (projected number of households in 2023 i.e. 44,897 from East Sussex in figures).
- 1.2. CCTV Electricity Charges for 2023/24 are estimated based on expenditure 2022/3. However, may be higher as costs have increased and there is a delay in receiving bills from Ecotricity Ltd £11,338 and a further 25p per household.
- 1.3. Making the estimated revenue costs of the current scheme £32,726 in 2023/24. This is currently funded by a budget of £17,520 (20129) and additional funding from the Safer Rother Partnership.
- 1.4. During 2023/24 the Council and/or the Safer Rother Partnership will also need to fund the replacement of the public facing cameras with new routers, recorders and cameras that have digital capability. Chroma Vision estimate that this will cost £41,100 to maintain the same level of CCTV coverage from 12 cameras i.e. £30,700 Sidley and Bexhill Cameras and £10,400 for the Battle Cameras.
- 1.5. Costs have increased since the original estimate (£35,000) because the design has changed slightly due to line of sight concerns (which dictates the number of routers required) and Chroma Vision have changed the technology to 5G routers instead of 4G routers.
- 1.6. Revenue costs of the new scheme for 2024/25 are quoted as:
- Sim cards, data, and maintenance for 12 cameras will be £8,668.80pa.
(Estimated saving of £13,000pa)
- | | | |
|--------------------------|-----------|-----------|
| CCTV Maintenance | 12 Months | £2,580.00 |
| 5G Data Costs – 10 units | 12 Months | £6,088.80 |
- 1.7. If the Council was to run the scheme there will be new staffing costs, from 2025/26 for Data Control, Governance, and subject access requests, estimated at £30,000.
- 1.8. Some limited funding from the Safer Streets 5 grant may be available.

Summary2024/25

Energy costs	£11k
Maintenance etc	£ 9k
Staffing	£30k (from 2025/26)
Total	£50k
Less: Partnership cont	(£15k)
Net revenue impact	£35k (increase of £17.5k pa)

Capital investment requirement = £41k

DATA CONTROLLER

Sussex Police have provided guidance and documentation from Runneymede Borough Council to cover the following:

- Data Controller role is covered in the Code of Practice.
- DPIA – (Data Protection Impact Assessment) for the surveillance camera commissioner.
- CCTV Privacy Impact Assessment Form – to comply with governance.
- CCTV Annual Report – contains information on how the system is used and discloses figures of subject access requests and FOI's etc.
- CCTV ISA – Information sharing agreement, the legal governance between council and police that allows police to access the system for a lawful purpose.

Sussex Police will operate a partnership approach to the area of data and governance for the year 2024/25 to ensure every area gets support. They are offering to produce documentation similar to that above that will be bespoke to Rother District Council. They have agreed to ensure that areas of concern such as Subject Access Requests and Freedom of Information Requests (FOIs) go to Sussex Police to ensure data is suitable to release (not subject to criminal investigation etc) going forward.

From 2025/26, the Council would have to employ additional staff to act as the data controller and during 2024/25 obtain specialist legal advice on how it should operate to comply with the legislation and guidance.