

Protocol for the Service of Fixed Penalty Notices for Dog Fouling by Dursley Town Council Employees.

This document is designed to set out an agreed protocol between Dursley Town Council (DTC) and Stroud District Council (SDC) in respect of the service of Fixed Penalty Notices (FPNs) for dog fouling offences.

Background:

In 2012, SDC made a Dog Control Order as follows:-

“Failing to remove the faeces when a dog under the person’s control has defecated on any land within the District which is open to the air and to which the public has a right of access.”

In October 2017 the Dog Control Order automatically transitioned to become a Public Spaces Protection Order (PSPO)

The introduction of the PSPO negated the previous power for Parish and Town Councils to enforce the Order. Under the new regime, FPNs may only be issued by an “*authorised person*”, i.e. “*a person authorised by the local authority that made the PSPO*”.

Dursley Town Council approached SDC with a proposal to request the authorisation of specified employees to enforce the PSPO. To allow the Head of Health and Wellbeing to authorise external persons to undertake this duty, it was necessary to seek the authority of Full Council to change his delegated powers. This was achieved at a meeting of Full Council on 7th June 2018.

Consequently, the following agreement between DTC and SDC has been formulated to cover the arrangements necessary to allow the Head of Health and Wellbeing to authorise specified DTC employees to serve FPNs in respect of this Order.

Scope:

The enforcement arrangement shall apply solely to employees of DTC.

In broad summary, authorised employees shall remain the responsibility of DTC when undertaking this new role. Thus, responsibilities such as health and safety, insurance cover and management of the relevant duties shall remain under the direct control of DTC. SDC will act in support of the overall mechanism and handle the administrative process following the service of an FPN.

The Authorisation Process:

DTC shall make an application for the authorisation of specified employees to the Head of Health and Wellbeing at SDC. The application shall take the form of a written request and must be accompanied by the following:-

- The full name and job title of the employee.
- Two copies of a passport-sized full face photograph of the employee endorsed as a true likeness by the Clerk at DTC.
- Proof that the employee has successfully completed a suitable training course in respect of the issuing of FPNs – it would be advisable for DTC to seek confirmation from SDC as to the suitability of any proposed training course prior to enrolment.

- A copy of a suitable and sufficient health and safety risk assessment covering the activity of issuing FPNs.
- Proof that the employee is fully covered by appropriate insurance to undertake the task of issuing FPNs.
- A brief summary of the proposed management of the activity. This should include a summary of steps to ensure that no directed surveillance activity is undertaken by employees.
- A complaint investigation procedure.

Upon receipt of a satisfactory application, the Health and Wellbeing Manager shall produce a laminated authorisation card for the employee setting out the authorisation and its extent. That authorisation shall be time limited to 2 years at which time a fresh application will be required.

The authorisation shall remain in force for the two-year period unless:-

- a) the employee leaves the employment of DTC, at which time the authorisation card must be returned to the Head of Health and Wellbeing;
- b) the employee is found to have misused the powers;
- c) legislation or guidance changes; or
- d) there are changes to the Council's authorisation structure.

The final arbiter in terms of withdrawal of authorisations shall be the Head of Health and Wellbeing at SDC.

Outline of Procedure:

1. Authorised, trained employees of DTC will monitor dog fouling issues during their day-to-day activities. They will not be undertaking organised or targeted patrols for that purpose.
2. Where persons are clearly observed failing to pick up after their dog(s), the employees will approach such persons, explain the legal position and determine whether the service of a Fixed Penalty Notice would be appropriate, taking account of the individual circumstances of the incident and DTC's own directions in that regard.
3. Where it is deemed appropriate to serve a Fixed Penalty Notice, the employee shall:-
 - a) Complete relevant contemporaneous notes relating to the incident in an individual notebook to be provided for that purpose; and
 - b) obtain from the "offender" the required personal details to enable a FPN to be served thereafter, i.e:-

full name

postal address

date of birth

4. At the earliest opportunity the employee shall set out the circumstances of the encounter in the form of a formal Witness Statement – a template will be provided by SDC. The statement should cover all the relevant details such as time, date, location, circumstances, description of events, *etc.*
5. The employee shall submit to the Clerk at DTC the relevant information and witness statement, as above. The Clerk will then audit the information provided and provide the administrative support to allow the FPN to be served.
6. Each FPN shall be allocated an individual reference number. An FPN template will be provided by SDC as well as a specimen covering letter.
7. Should there be queries as to the expediency of serving the FPN, then advice should be sought from the Environmental Protection Manager at SDC.

N.B: The test as to whether an FPN should be served is that the evidence should be of such quality that a prosecution would be viable for the offence witnessed.

8. Following service of the FPN, the Clerk at DTC shall immediately provide SDC with the relevant details, as follows:-

Date and details of offence, including location

Date FPN issued

Reference Number

Name, address and date of birth of “offender”

Issuing Officer

This must be done at the very earliest opportunity in order to allow arrangements to be made at SDC to accept payment.

9. The payment procedure shall be administered by SDC in line with existing arrangements, including reminder letters, *etc.*
10. Where payment is forthcoming, the income will be apportioned as 50% to SDC and 50% to DTC.
11. Where no payment is forthcoming, the matter will be referred to SDC Legal Services for progression towards legal proceedings.

Review:

It is expected that any “teething” problems will be addressed between the two parties as and when they arise. However, the process and protocol shall be formally reviewed by representatives of Dursley Town Council and Stroud District Council 3 months after the introduction of authorisation of employees. At that time, future review intervals shall also be agreed.

Pure MSP – Draft Testimonial

Dursley Town Council entered into an agreement with Pure MSP in April 2018 for the provision our IT consultancy support. The contract includes to maintain our computers, IT systems including the provision of Microsoft Office, anti-virus protection and the provision of a “help-desk” facility for any miscellaneous IT issues.

The service provided by Pure MSP has been very reliable for the first six months of our contract. Doug has been readily available to answer our queries and to address any system issues. This has included advice on IT issues not necessary forming part of our contract e.g. internet/broadband reliability.

When called upon Doug has used the remote access option to sort out any issues, this has meant any visits to the office have been rarely required. On the occasions a visit this has been required, this has been arranged quickly and with little disruption to our daily business.

Dursley Town Council have been very pleased with the service provided and the costs associated with the provision of our IT consultancy requirements.

Dursley Town Council 2018/19

15-Oct-18

Bank Accounts Investments & Charges at :

Bank Account	Balance	Date of Last Statement	Interest Rate	Interest Earned in 2018/19
Barclays - Base Rate Reward	£ 254,183.54	28/09/2018	0.25%	£ 358.00
Lloyds Bank - Instant Access Account	£ 108,780.00	01/10/2018	0.01%	£ 16.00
Lloyds Bank - Electronic Tarriff Account (Business)	£ 4,060.70	05/10/2018	0.00%	£ -
	£ 367,024.24			£ 374.00

Investments	Amount Invested	Start Date	End Date	Interest Rate	Interest Earned
Public Sector Deposit Fund	£ 50,000.00	Continuous		0.30%	£ 159.73
Lloyds - Short Term Deposit - 1 month (Completed)	£ 50,000.00	13/03/2018	13/04/2018	0.37%	£ 15.71
Lloyds - Short Term Deposit - 1 month (Completed)	£ 100,000.00	01/05/2018	01/06/2018	0.41%	£ 34.82
Lloyds - Short Term Deposit - 2 month (Completed)	£ 100,000.00	01/05/2018	02/07/2018	0.50%	£ 84.93
Lloyds - Short Term Deposit - 2 month (Completed)	£ 50,000.00	06/06/2018	06/08/2016	0.43%	£ 35.93
Lloyds - Short Term Deposit - 1 month (Ongoing)	£ 50,000.00	01/10/2018	03/11/2018	0.61%	£ 25.90
Lloyds - Short Term Deposit - 2 month (Ongoing)	£ 100,000.00	01/10/2018	03/12/2018	0.66%	£ 113.92
					£ 470.94
					£ 844.94

Bank Charges	Date	Charge	Date	Charge
Monthly Charge for Lloyds "Electronic Tariff" Account	Apr-18	12.07	Oct-18	12.82
	May-18	19.05	Nov-18	
	Jun-18	13.84	Dec-18	
	Jul-18	11.15	Jan-19	
	Aug-18	12.45	Feb-19	
	Sep-18	13.20	Mar-19	
			Total	£ 94.58

**DURSLEY TOWN COUNCIL
POLICY & FINANCE - BUDGET 2018/19 TO 2020/21**

Policy & Finance Expenditure

Code	Title	Current		Proposed		
		Budget	Actual*	2019/20 Budget	2020/21 Budget	2021/22 Budget
100	Staff	118,478	58,640	120,847	123,264	125,729
111	Rent	6,500	2,158	6,500	6,500	6,500
112	Utilities	2,000	777	2,300	2,300	2,300
114	Cleaning - Jacobs House	1,600	820	1,600	1,600	1,600
115	Cleaning - Vibe Youth Centre	4,000	2,117	4,000	4,000	4,000
120	Property Maint. (Jacobs House)	500	1,025	1,000	1,000	1,000
130	Printing	4,500	2,050	4,500	4,500	4,500
131	Communications	1,500	755	1,600	1,600	1,600
140	Insurance	3,750	3,814	4,000	4,000	4,000
150	Security/Fire	500	75	1,000	1,000	1,000
160	IT & Support	2,000	1,051	2,000	2,000	2,000
161	IT - CTR	-	-	1,000	1,000	1,000
199	Sundry	200	228	300	300	300
200	Hall Hire	500	182	500	500	500
210	Audit & Payroll	2,000	1,956	2,000	2,000	2,000
220	Health & Safety	1,800	753	1,600	1,600	1,600
230	Travel (incl. staff travel)	300	153	300	300	300
240	Training (Staff & Councillor)	2,000	2,243	4,000	4,000	4,000
250	Subscriptions	2,150	471	2,150	2,150	2,150
260	Annual Town Meeting	150	63	150	150	150
270	Mayor's Allowance	500	270	500	500	500
310	Neighbourhood Warden	2,000	-	2,000	2,000	2,000
530	Youth Services	46,000	21,770	46,000	46,000	46,000
550	Small Grants	5,000	1,000	5,000	5,000	5,000
551	Large Grants	30,000	35,500	30,000	30,000	30,000
560	Neighbourhood Plan	2,000	1,412	500	-	-
610	Bank Fees	200	145	200	200	200
925	Community Speedwatch	-	166	-	-	-
TOTAL		239,928	139,593	245,547	247,464	249,928

*Actual at 01/10/2018

Revised amounts based on previous years

Policy & Finance - Projects 2018/21

Policy & Finance	Code	2018/19	2019/20	2020/21	2021/22	Expenditure	Use of reserves	Budget/Precept	Total
End of Year Budget	100	X	X	X	X	See note		0	0
3 Year Budget & Business Plan	100	X	X	X	X	See note		0	0
Newsletter: Dursley Matters	100	X	X	X	X	See note		0	0
Review Bank Interest/Accounts	100	X	X	X	X	See note		0	0
Youth Provision Contract	530	46000	46000	46000	46000	See note		138000	138000
Neighbourhood Plan	560	2000	500	0	0			500	500
Total			0	0	0			0	0

X - denoted staff time, no actual project cost.

DURSLEY TOWN COUNCIL: 2019-22 Proposed Budget Summary Sheet

<u>Income</u>	<u>2018/19</u>	<u>2019/20</u>	<u>2020/21</u>	<u>2021/22</u>
Total "Other Income" - not including any precept	£ 42,650	£ 29,500	£ 29,980	£ 30,540

	2018/19		2019/20		2020/21		2021/22	
	Expenditure	Reserve	Expenditure	Reserve	Total	Total	Total	Total
Town Improvements	£ 24,000	£ 9,597	£ 19,000	£ 6,000	£ 25,000	£ 19,000	£ 19,000	£ 19,000
Green Spaces	£ 108,179	£ -	£ 152,303	£ 46,420	£ 198,723	£ 150,580	£ 152,379	£ 152,379
P&F	£ 239,928	£ -	£ 243,460	£ -	£ 243,460	£ 245,456	£ 248,001	£ 248,001
Car Park Project	£ 230,000	£ 119,641	£ 49,660	£ -	£ 49,660	£ 49,660	£ 49,660	£ 49,660
Total Planned Expenditure	£ 602,107	£ 129,238	£ 464,424	£ 52,420	£ 516,844	£ 464,695	£ 469,040	£ 469,040

2019/20 Precept Calculations

Total Expenditure	£ 602,107			
Total "Other" Income	£ 42,650			
Requiring Funding	£ 559,457			
Use of Reserves	£ 129,238			
Total Precept Required	£ 430,219			

	0% Increase	2% Increase	3% Increase	5% Increase
£	£ 516,844	£ 516,844	£ 516,844	£ 516,844
£	£ 29,500	£ 29,500	£ 29,500	£ 29,500
£	£ 487,344	£ 487,344	£ 487,344	£ 487,344
£	£ 52,420	£ 52,420	£ 52,420	£ 52,420
£	£ 434,924	£ 434,924	£ 434,924	£ 434,924

-£	4,705	£ 4,076	£ 12,576	£ 17,076
£	430,219	£ 439,000	£ 447,500	£ 452,000

Total Precept	£ 430,219	£ 439,000	£ 447,500	£ 452,000
Weekly Increase on Band D Property	£ -	£ 0.07	£ 0.15	£ 0.19
Increase per annum on Band D Property	£ -	£ 3.89	£ 7.56	£ 9.64

Weekly Increase on Band D Property	£ -	£ -	£ 0.06	£ 0.10
Increase per annum on Band D Property	£ -	£ -	£ 3.37	£ 5.32

Note: Band D calcs using 2018/19 tax base figure.

Note: Band D calcs using Clerks estimate. (based on tax base figure of 2310)

Dursley Town Council - Reserves

Named Reserve	Responsible Committee	Confirmed Balance at 31/3/18	Transfers during 2018/19	ESTIMATED Balance at 31/3/19	Notes
Town Centre Upgrade Fund	TI	8000	5560	2440	Expected expenditure - Programmed for Oct 2018 (Castle St Railings)
Christmas Lights	TI	2957	0	2957	
War Memorials	TI	1000	0	1000	
Total Town Improvements				£ 6,397	
Facilities Improvements	GS	5311	0	5311	
Cemetery Extension	GS	16000	0	16000	
Additional Allotments	GS	60000	0	60000	
Repairing Fund	GS	1500	0	1500	
Noticeboards, bins	GS	2796	0	2796	
Trees/tree work	GS	536	0	536	
Machine y/Vehicle Fund	GS	10000	0	10000	
Play areas/equipment	GS	2000	2000	0	Agreed at Council in October 2018 (Kingshill Play Area - Basket Swing)
Highfields Play Equipment Upgrade	GS	9960	0	9960	
Tennis Court (\$106/Grant)	GS	1834	0	1834	
Total Green Spaces				£ 107,937	
IT support/hardware	Policy & Finance	1,000	0	1000	
Temporary Staff	Policy & Finance	1,000	0	1000	
Jacobs House	Policy & Finance	4,109	525	3584	2018/19 Budget Overspend (1st Oct)
H&S Audit	Policy & Finance	3,000	0	3000	
Election costs	Policy & Finance	3,000	0	3000	
Youth Centre Reward Fund	Policy & Finance	1,120	0	1120	
				£ 12,704.00	
Car Park	Car Park Committee	121,046	55349	65697	Expenditure to date (1st Oct)
			65697	-65697	Expected Expenditure (31/3/18)
Total Other Services				£ -	
Total Earmarked Reserves		£ 256,169		£ 127,038	

General Reserve

15/10/2018

Lloyds Bank - Business	£	4,061	05/10/2018
Lloyds Bank - Inst Access	£	106,780	01/10/2018
Barclays Base Rate Reward	£	254,184	28/09/2018
Public Sector Deposit Fund	£	50,000	15/10/2018
Short Term Deposits	£	-	
	£	417,024	

Named Reserve £ 127,038
 General Reserve **£ 289,986**

General Reserve (Predicted)

Bank Balance at 15/10/18 £ 417,024

Estimated income to 31/3/19 £ 9,126.47

£ 426,150.71

Estimated Spend to 31/3/19 TI £ 6,912.25

Estimated Spend to 31/3/19 GS £ 39,625.38

Estimated Spend to 31/3/19 P&F £ 79,474.02

Estimated Spend to 31/3/19 CPC £ 94,630.11

£ 220,841.76

Named Reserve £ 127,038.00

Predicted General Reserve £ 78,270.95 **(31-03-2019)**