

NOTICE OF MEETING

Meeting: CABINET

Date and Time: WEDNESDAY, 5 APRIL 2023, AT 10.00 AM*

Place: BRADBURY ROOM - APPLETREE COURT, BEAULIEU ROAD, LYNDHURST, SO43 7PA

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PUBLIC PARTICIPATION:

Members of the public may watch this meeting live on the [Council's website](#).

*Members of the public may speak in accordance with the Council's public participation scheme:

- (a) immediately before the meeting starts, on items within the Cabinet's terms of reference which are not on the public agenda; and/or
- (b) on individual items on the public agenda, when the Chairman calls that item. Speeches may not exceed three minutes.

Anyone wishing to speak should contact the name and number shown above no later than 12.00 noon on Friday, 31 March 2023.

Kate Ryan
Chief Executive

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It can also be made available on audio tape, in Braille and large print.

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 1 March 2023 as a correct record.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an

agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

3. PUBLIC PARTICIPATION

To note any issues raised during the public participation period.

4. PUBLIC SPACES PROTECTION ORDERS (Pages 3 - 128)

5. HEALTH AND WELLBEING ACTION PLAN (Pages 129 - 142)

6. CONSTITUTION REFRESH 2023 (Pages 143 - 150)

To:

Councillors

Jill Cleary (Chairman)
Diane Andrews (Vice-Chairman)
Geoffrey Blunden
Steve Davies

Councillors

Michael Harris
Edward Heron
Jeremy Heron
David Russell

CABINET – 5 APRIL 2023

PORTFOLIO: ALL PORTFOLIOS

PUBLIC SPACES PROTECTION ORDERS

1. RECOMMENDATIONS

It is recommended that Cabinet:-

- 1.1 Notes the results of the public consultation exercise carried out relating to the proposals to make Public Space Protection Orders ('PSPOs') in respect of the lighting of fires and BBQs in the open Forest, and the feeding and petting of Forest animals;
- 1.2 Agrees to make The New Forest Public Spaces Protection Order 2023 (No.1) ('PSPO No 1') and The New Forest Public Spaces Protection Order 2023 (No.2) ('PSPO No 2') in the form set out in Appendices 5 and 6, noting the levels of the Fixed Penalties that will be incurred for breaches;
- 1.3 Agrees that PSPO No 1 and PSPO No 2 will come into force on 1 July 2023;
- 1.4 Authorises the Strategic Director for Housing, Communities and Governance, following the Cabinet meeting on 5 April 2023, to affix the Common Seal of the Council to PSPO No 1 and PSPO No 2 and sign accordingly, to make the Orders;
- 1.5 Authorises the publishing of PSPO No 1 and PSPO No 2 on the Council's website and giving public notice of their making and effect in accordance with the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014;
- 1.6 Authorises the Strategic Director for Housing, Communities and Governance to finalise all necessary arrangements with Partners, including the signage arrangements, entering into the necessary agreements with Partners and arranging training of proposed Authorised Officers; and
- 1.7 Authorises the postholders employed by Partners set out at Appendix 7 to be 'authorised persons' for the purposes of section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014 in respect of the Public Spaces Protection Orders (defined in the PSPOs as Authorised Officers), the subject of this report.

2. INTRODUCTION

- 2.1 This report sets out the results of the consultation that was carried out following Cabinet's decision on 2 November 2022 to approve two draft Public Spaces Protection Orders ('PSPOs') for consultation purposes. The report also provides further information on the arrangements that have been agreed between the Council and its partners on enforcement responsibilities, signage provisions and training should the PSPOs be made and also explains the next steps before the PSPOs go live in the Summer of 2023.
- 2.2 The report to Cabinet in November 2022 can be found here [The Introduction of Public Space Protection Orders - Report to Cabinet, 2 November 2022](#) ('November Cabinet Report').

3. BACKGROUND

3.1 The proposals, in principle, to make two PSPOs stem from discussions that have been on-going for a number of years within the New Forest Recreation Management Strategy Steering Group, of which the Council is a member, to deal with certain anti-social behaviours within the Forest, by members of the public. Partners requested the Council to consider utilising its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act') to restrict certain behaviours which have a detrimental effect on the quality of life of those in the locality, through the making of a PSPO(s).

3.2 Cabinet, at its meeting on 2 November 2022, agreed the following recommendations:-

1. ***To approve, in principle, the proposal to make two Public Spaces Protection Orders in respect of the lighting of fires and the use of barbeques, and the feeding and petting of ponies, horses, mules and donkeys in the form set out at Appendix 1 and 2 of the report to Cabinet.***
2. ***To authorise Officers to publicise the proposed Public Spaces Protection Orders and to carry out consultation as required by the Anti-Social Behaviour Crime and Policing Act ('the Act') and to report back to Cabinet with the outcome of the consultation.***

3.3 At its meeting in November 2022, Cabinet was presented with a large evidence base demonstrating the extent of problems associated with the lighting of fires/ BBQs and the feeding and petting of Forest animals and the detrimental effect that such activities have on the quality of life of those in the locality.

3.4 The following is an extract taken from the November Cabinet Report in respect of the conclusion drawn by officers of the evidence base relating to the lighting of fires and BBQs, the subject of PSPO No 1:-

“The evidence relating to lighting of fires and the use of BBQs, summarised above, sets out the detrimental effects that this activity has caused, and continues to cause, to the community, both in terms of the dangers to the public through the increased threat of fire, but also to those organisations and staff who play a lead role in dealing with the fires and the threat of such fires. It is considered that the effects of these activities are persistent and are such to make the activities unreasonable. It is also considered that the proposed restrictions and requirements within PSPO No 1 (noting the exception relating to purpose built BBQs raised off the ground on the named campsites referred to therein), are reasonable and proportionate to the harm that has been identified. Senior Officers of the Council consider that the legal tests are met in respect of this activity and recommend that the matter progresses to public consultation stage to enable landowners, occupiers, wider community representatives and the Police, to give their views.” [para 5.1.17 of November Cabinet Report]

3.5 Set out below is a further extract from the November Cabinet Report in respect of the conclusion drawn by officers of the evidence base relating to the feeding and petting of Forest animals, the subject of PSPO No 2:-

“Officers have carefully assessed all the evidence in respect of the activity relating to the feeding and petting of ponies, horses, donkeys and mules. The evidence gives a clear picture of the detrimental effect on the quality of life of the local community, arising from this activity. There is evidence that the feeding of ponies teaches them to associate humans with food, causing the

animals to become overfamiliar and aggressive if they don't get what they want. There is evidence demonstrating the dangers to the public, including incidents which have resulted in injuries, as well as damage to people's goods and belongings. There is also the detriment to the local Commoners' quality of life. Not only do they suffer financially if their animals are injured or killed (through the carrying on of this activity), they also suffer distress if their animals are harmed". [para 5.3.14 of November Cabinet Report]

"It is clear from the evidence that the activities relating to the feeding and petting of ponies, horses, donkeys and mules has a detrimental effect on the quality of life of those in the area and that the effect of these activities is persistent and, due to the harm that is being caused, it is considered that these activities are unreasonable. It is also considered that the proposed restrictions and requirements within the proposed PSPO No 2 (noting the exception relating to the ability for commoners, their agents and an agister to carry out the restricted activities referred to in the proposed PSPO No 2) are reasonable and proportionate to the harm that has been identified. Senior Officers of the Council consider that the legal tests are met in respect of this activity and recommend that the matter progresses to public consultation stage to enable landowners, occupiers, wider community representatives and the Police to give their views". [para 5.3.15 of November Cabinet Report]

- 3.6 At its November 2022 meeting, Cabinet was satisfied that the legal tests for making the two proposed PSPOs were met to enable the Council to move to a formal consultation of its proposals. The Council was clear that a final decision could only be taken on whether or not to proceed with the making of the PSPOs, once the outcome of the formal consultation was known.

4. PUBLIC CONSULTATION RESPONSE AND ANALYSIS

- 4.1 The consultation period commenced on 5 December 2022 and ended on 27 January 2023. The consultation was carried out in accordance with paragraph 6 of the November Cabinet Report. This included consulting with the Police and Crime Commissioner, Hampshire Constabulary, owners and occupiers of land within the Restricted Areas (where reasonably practicable to do so) and community representatives that it was considered appropriate to consult. Further, notice of the consultation was published on the Council's website and in two newspapers circulating in the district for 2 consecutive weeks.
- 4.2 Members of the public and the bodies/organisations that were required to be consulted/ notified of the proposals were directed to two separate surveys (relating to PSPO No 1 and PSPO No 2) which were accessed through the Council's website. Paper copies were also available on request. The consultations included questions aimed at identifying the issues that had been experienced by the respondents, how concerned respondents were about the activities and whether respondents were in support of the proposed PSPOs.
- 4.3 The Council employed a research company, Market Measures, to host and analyse the results of the consultations. Market Measures' reports of the outcome of the consultations in respect of PSPO No 1 and PSPO No 2 are set out in Appendices 1 and 2 respectively. These reports are summarised in paragraph 4.4 and 4.6 below.

4.4 PSPO No 1 (relating to wildfires/BBQs)

- 4.4.1 A total of 771 responses were received about PSPO No 1. The report at Appendix 1 details the demographic of the respondents to the consultation and 85% of those who responded identified themselves as living in the local area.
- 4.4.2 In response to the question '*Have you had any personal experience of problems with fires in the proposed Restricted Area in the last 2 years?*' 26% answered that they had. Of those that answered positively, they were then asked the follow up 'open' question '*Please can you give us some more detail about the problems you have personally experienced with wildfires in the proposed Restricted Areas in the last 2 years?*'. These open responses are viewable online at <https://newforest.gov.uk/PSPOcomments>. There have been some redactions made to this document, and the other 'open' responses referred to below, to ensure that potentially identifying information has been removed. The responses to this question indicate that, of those that have experienced problems, the majority relate to seeing fires, open fires and wild camping fires in the Restricted Area.
- 4.4.3 In response to the question '*How concerned are you about wildfires in the proposed Restricted Area?*' 96% of respondents were either concerned (13%) or extremely concerned (83%).
- 4.4.4 Similarly, in response to the question '*How much do you agree or disagree that the use of BBQs & the lighting of fires in the proposed Restricted Area is currently a danger to public safety?*' 95% of respondents either agreed (14%) or strongly agreed (81%).
- 4.4.5 The question '*How much do you agree or disagree that the use of BBQs & the lighting of fires in the proposed restricted area is currently a danger to the local ecology?*' was responded to with 96% either agreeing (8%) or strongly agreeing (88%).
- 4.4.6 Importantly, of those who responded to this consultation, 95% stated that they agreed with the Council's proposal to introduce PSPO No 1.
- 4.4.7 In addition to the above information, there were a range of issues raised in response to an 'open' question within the survey which enabled consultees to comment more generally on the proposals. Of the 771 respondents, over 350 used this opportunity to make additional comments. These open responses are viewable online at <https://newforest.gov.uk/PSPOcomments>. Where possible, the main issues raised have been grouped together into themes and these have been summarised, along with officers' responses, in a table which can be found in Appendix 3.
- 4.4.8 Some of the issues raised have highlighted areas where, officers consider, amendments to the proposed PSPO No 1 should be made. If Members agree with the officers' responses, they are asked to consider the proposed changes to PSPO No 1 set out in para 4.5 below, being the only changes that are being recommended following the outcome of the consultation.

4.5 Changes Proposed to PSPO No1 following outcome of consultation

- 4.5.1 To ensure that PSPO No 1 does not have the effect of prohibiting activities such as smoking, it is proposed to remove the following category from the definition of 'Activities' within PSPO NO 1:-

'(c) using items which either (i) cause a naked flame or (ii) pose a risk of fire'

- 4.5.2 This is shown as a red strike through in the current draft of PSPO No 1 included at Appendix 4. The remaining definition of 'Activities' within this PSPO are wide enough to cover the anti-social activities that Members are principally concerned about, namely, the lighting of fires and the use of BBQs in the Forest. However, it is important to make clear that if a person throws down a lit match or cigarette/cigar, then they will be breaching the PSPO and, therefore, committing an offence.

- 4.5.3 Further, to make it clear that PSPO No 1 does not include a prohibition in respect of the use of fireworks or the use of lanterns (at this time), it is proposed to add new wording to the 'Exceptions' part of PSPO No 1 by the insertion of a new paragraph (3) as follows:-

'(3)-This Order does not apply to the acts of setting off fireworks or lit lanterns'

- 4.5.4 These words are shown marked coloured red on the proposed PSPO No 1 at Appendix 4.

- 4.5.5 Whilst the setting off of fireworks/lanterns in the Forest may be considered by some, to be anti-social in their own right, they are not proposed to be included within the PSPO at the present time. These matters may form part of subsequent review. This is a position supported by Hampshire and Isle of Wight Fire and Rescue Service.

- 4.5.6 The version of PSPO No 1 to be approved, and taking into consideration all of the proposed amendments outlined in this paragraph 4.5 is included in Appendix 5.

4.6 PSPO No 2 (relating to the feeding and petting of Forest animals)

- 4.6.1 A total of 769 responses were received about PSPO No 2. The report at Appendix 2 details the demographic of the respondents to the consultation and 86% of those who responded identified themselves as living in the local area.

- 4.6.2 In response to the question *'Have you had any personal experience of problems with the feeding & petting of New Forest Ponies, Horses, Donkeys & Mules in the proposed Restricted Area in the last 2 years?'* 43% answered that they had. Of those that answered positively, they were then asked the follow up 'open' question *'Please can you give us some more detail about the problems you have personally experienced with the feeding & petting of New Forest Ponies, Horses, Donkeys & Mules in the proposed Restricted Area in the last 2 years?'* These open responses are viewable online at <https://newforest.gov.uk/PSPOcomments>. There have been some redactions made to this document, and the other 'open' responses referred to below, to ensure that potentially identifying information has been removed. The

responses to this question indicate that, of those that have experienced problems, the majority had witnessed the feeding and petting on ponies in the Restricted Area.

- 4.6.3 In response to the question '*How concerned are you about the feeding & petting of New Forest Ponies, Horses, Donkeys & Mules in the proposed Restricted Area?*' 92% of respondents were either concerned (24%) or extremely concerned (68%).
- 4.6.4 Similarly, in response to the question '*How much do you agree or disagree that the feeding & petting of New Forest Ponies, Horses, Donkeys & Mules in the proposed Restricted Area is a danger to public safety?*' 88% of respondents either agreed (24%) or strongly agreed (64%).
- 4.6.5 The question '*If New Forest Ponies, Horses, Donkeys & Mules are withdrawn from the Restricted Area, how do you think the New Forest would be impacted?*' was responded to with 84% stating there would be a negative impact.
- 4.6.6 Importantly, of those who responded to this consultation, 91% stated that they agreed with the Council's proposal to introduce PSPO No 2.
- 4.6.7 As with the consultation on PSPO No 1, in addition to the above information, there were a range of issues raised in response to an 'open' question within the survey which enabled consultees to comment more generally on the proposals. Of the 769 respondents, over 400 used this opportunity to make additional comments. These open responses are viewable online at <https://newforest.gov.uk/PSPOcomments>. Where possible, the main issues raised have been grouped together into themes and these have been summarised, along with officers' responses, in a table which can be found in Appendix 3.
- 4.6.8 The consultation on PSPO No 2 did not raise any issues that, in officers' views, necessitate amendments to the draft PSPO No 2 as included in the report to Cabinet on 2 November 2022. The version of PSPO No 2 to be approved, is included in Appendix 6.

4.7 Conclusion from consultation

- 4.7.1 The November 2022 Cabinet report set out the legal tests that must be satisfied for a PSPO to be made:

"The legal tests that have to be satisfied focus on the impact that anti-social behaviour is having on communities. A PSPO can be made by the Council if it is satisfied on reasonable grounds that two conditions are met. The first condition is that:-

(a) the activities carried on in a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality, or

(b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

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

(a) is, or is likely to be, of a persistent or continuing nature,

(b) is, or is likely to be, such as to make the activities unreasonable, and

(c) justifies the restrictions imposed by the notice.” [para 4.4 of November Cabinet Report]

4.7.2 Based on the evidence base presented to Cabinet at its meeting on 2 November 2022 and the response to the consultation, it is the view of officers that the relevant legal tests have been met and, subject to the proposed amendments to PSPO No 1 set out at paragraph 4.5 of this report, it is recommended that PSPO No 1 in the form included at Appendix 5 and PSPO No 2 in the form included at Appendix 6 should be made.

5. ARRANGEMENTS WITH PARTNERS

5.1 The use of the power to make the PSPOs has been driven and supported by the Council’s partnership working with representatives from, principally, the New Forest National Park Authority, Forestry England and the Verderers (referred to collectively as ‘the Partners’) through the Recreational Management Strategy Steering Group. It was agreed, prior to the consultation, that should the proposed PSPOs be made, the Partners would have a key role to play in respect of both the enforcement of the PSPOs and the placing of appropriate signage in the Restricted Areas. The November Cabinet Report outlined that further details about the arrangements for enforcement and signage would be brought before Cabinet in this report. This section of the report summarises what has been agreed between the Partners and the Council about their respective responsibilities. It is recommended that the Strategic Director for Housing, Communities and Governance be authorised to finalise the arrangements with the Partners for enforcement, training and signage.

5.2 Enforcement responsibilities

5.2.1 It is an offence under section 67 of the Act to, without reasonable excuse, breach the terms of a PSPO. This can result in the following formal action:

- Prosecution in the Magistrates’ Court with a maximum fine of £1000; or
- The issuing of a Fixed Penalty Notice (‘FPN’) with a maximum penalty of £100.

5.2.2 Under section 68 of the Act, a Police Officer or an ‘authorised person’ (so authorised by the Council) may issue a FPN to anyone whom they believe has breached the terms of the PSPO. For the purposes of the final versions of the PSPOs to be made, as included at Appendices 5 and 6, authorised persons are referred to as Authorised Officers.

5.2.3 The results of the consultation show that the enforcement of the PSPOs is an important issue.

5.2.4 It is acknowledged by the Partners that they have a range of existing resources who are present in and around the New Forest ensuring its good management. The Partners have shared with the Council a list postholders for those that they propose will become authorised persons/ Authorised Officers for the purposes of the PSPOs. The list of relevant job titles is included at Appendix 7.

5.2.5 However, it is recognised that formal enforcement will often be a final resort. It has been agreed with the Partners that they will undertake a range of action, on the Council's behalf, relating to the PSPOs including:

- a) Raising awareness of the provisions of the PSPOs; and
- b) Authorised Officers taking reasonable and proportionate action where they have reason to believe a person has committed, is committing, or likely to commit an offence under the PSPOs as defined by Section 67 of the Act.
- c) Such reasonable and proportionate action shall involve the Authorised Officer taking into consideration all relevant circumstances and may include as applicable:
 - explaining the effect of the PSPOs;
 - referring to visible signage;
 - requiring that the activity carried out in breach of the PSPOs is terminated;
 - requiring that items that they have reasonable grounds to believe are being, or are likely to be used in conjunction with the activities in breach of the PSPOs be surrendered to them;
 - providing a verbal warning; or
 - the issuing of a FPN

5.3 Training for Authorised Officers

5.3.1 All Authorised Officers will be required to undertake suitable training to be delivered by the Council on the PSPOs and their enforcement prior to undertaking any enforcement activities.

5.3.2 The training will focus on the reasonable and proportionate action outlined in paragraph 5.2.5 (c) of this report utilising the Four E's approach to enforcement, to:

- Engage,
- Explain,
- Educate and then
- Enforce.

5.3.3 It is currently proposed that there will be two training sessions prior to the PSPOs coming in to force and training will be carried out annually thereafter.

5.4 Signage for PSPOs

5.4.1 In accordance with Regulation 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 ('the Regulations'), the Council is required to publish that a PSPO has been made on its website and *'cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to—*

(i) *the fact that the order has been made, extended or varied (as the case may be); and*

(ii) *the effect of that order being made, extended or varied (as the case may be)'*

5.4.2 The results of the consultation show that signage and education are key areas that respondents feel that the effectiveness of the PSPOs will depend on. This is an area of priority already identified by officers and work has been undertaken with the Partners to prepare a signage scheme that meets the requirements of the Regulation 2.

5.4.3 As a result of the two different Restricted Areas for PSPO No 1 (which principally comprises Forestry England managed Land) and PSPO No 2 (which covers the Perambulation of the New Forest), two forms of sign have been prepared; one which covers both PSPOs and one which covers only PSPO No 2 as there are some areas of land within the Restricted Area for PSPO No 2 which are outside the Restricted Area for PSPO No 1. The current drafts of these signs are included in Appendix 8 and the proposed locations and numbers of the signs is included in Appendix 9.

5.4.5 Officers will continue to work with the Partners in this regard and the final form, number and locations of the signs to meet the requirements of the Regulations will be agreed by the Strategic Director of Housing, Communities and Governance prior to the PSPOs coming in to force.

5.5 Agreement

5.5.1 To ensure that there is clarity and certainty regarding the respective roles and responsibilities of the Council and the Partners, it is proposed that a collaborative agreement will be entered into.

5.5.2 This agreement will include provisions relating to enforcement, Authorised Officers, signage and training and other appropriate terms to govern the arrangements.

5.5.3 As proposed in the recommendations at paragraph 1.6, it is intended that the Executive Director for Housing, Communities and Governance will be authorised to sign this agreement on behalf of the Council.

6. **NEXT STEPS**

6.1 Following making of PSPO No 1 and PSPO No 2, officers will continue to work with the Partners in readiness for the PSPOs to come in to force on 1 July 2023. This will include finalising the signage scheme and the required signage being put in place, training Authorised Officers, the collaborative agreement being entered into and additional administrative tasks being completed to facilitate the enforcement of the PSPOs.

6.2 In accordance with section 60(1) of the Act a PSPO may not have effect for a period of more than 3 years, unless it is extended. At the appropriate time, Cabinet will be briefed on the effectiveness of the PSPOs and consideration will be given as to whether they should be extended beyond their initial 3 year duration.

7. OTHER LEGAL IMPLICATIONS

7.1 Legal Challenge

- 7.1.1 Under section 66 of the Act an interested person, which is someone who lives in the area covered by the PSPO or who regularly works in or visits that area, may apply to the High Court to challenge the validity of a PSPO.
- 7.1.2 An interested person who wishes to challenge a PSPO must make an application to the High Court within 6 weeks of a PSPO being made by a local authority.
- 7.1.3 The grounds on which an application may be made are:-
- a) that the authority did not have power to make an order, or to include particular prohibitions or requirements imposed by the order;
 - b) that a requirement in the process of the making of an order was not complied with.
- 7.1.4 The High Court can uphold, quash or vary the PSPO and may decide to suspend the operation of a PSPO pending the verdict. Additionally, as with all decisions, the making of a PSPO can be challenged by judicial review by any other person on public law grounds within three months of the decision or action subject to challenge.

7.2 Convention rights

- 7.2.1 In deciding whether to make a PSPO and what to include in any such PSPO, the Council must have regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms. In respect of PSPO No 1 and PSPO No 2, it is not considered, that these rights are engaged.

7.3 Byelaws

- 7.3.1 In accordance with section 70 of the Act, a byelaw that prohibits, by the creation of an offence, an activity regulated by a PSPO is of no effect in relation to the relevant Restricted Area during the currency of that PSPO.
- 7.3.2 For the purposes of the PSPOs, this will mean that, the following will not apply to the respective Restricted Areas for the time that they are in force:
- byelaw 5. iv of the Forestry Commission Byelaws SI 1982 No 648 (PSPO No 1)
 - byelaw 16 (1) of the New Forest (Confirmation of the Byelaws of the Verderers of the New Forest) Order 2010 SI 2010 No 993 (PSPO No 2)

8. FINANCIAL IMPLICATIONS

- 8.1 The making of the two PSPOs will have some financial implications for the Council. Whilst Partners have agreed to enforce the PSPOs and meet the costs of signage, there will still be some residual costs for the Council in assisting with the administration

of the PSPOs, through the supply of Fixed Penalty booklets to Partners, on-going monitoring of the arrangements, including training, as well as providing general support to Partners. Such costs are likely to be contained within existing budgets and would be offset against any income received from the payment of Fixed Penalties, which, by law, have to be paid to the Council.

8.2 The financial implications will be kept under review.

9. ENVIRONMENTAL IMPLICATIONS

9.1 The making of PSPO No 1 relating to wildfires and BBQs, will have positive environmental implications, through a reduction in carbon dioxide and other pollutants into the atmosphere, which have an impact on climate change. Additionally, taking measures to prevent fires will help preserve the natural habitat and longevity of the woods, forests and heathlands within the Forest, all of which will have positive effects in terms of climate change.

9.2 The making of PSPO No 2 relating to the feeding and petting of Forest animals, will have positive implications for the Forest; Commoners' animals are less likely to suffer illness or death through being fed the wrong food stuffs, which could have an impact on the biodiversity (the variety of natural life) of the Forest, which is one of the most valuable areas for wildlife in Europe. Historic land uses such as commoning has shaped the Forest landscape over many centuries and human activity can interfere with these important practices, to the detriment of the Forest, as a whole. If the activities that PSPO No 2 seeks to address continue, this could lead to a threat to the viability of commoning in the Forest and the withdrawal of these animals, which could have significant environmental implications for the future of the Forest. Additionally, commoners often have to deal with sick animals, which have been fed inappropriate foods by humans, instead of relying on their natural habitat for food and ultimately, animals can lose their ability to survive on the Forest as a result of these feeding activities.

10. CRIME AND DISORDER IMPLICATIONS

10.1 Anyone breaching the terms of the PSPOs, without reasonable excuse, will be committing a criminal offence, punishable by prosecution with a maximum fine of £1000, or by the issue of a Fixed Penalty Notice, with a maximum penalty of £100.

10.2 It is expected that by making the PSPOs, there will be a reduction in the anti-social behaviour associated with wildfires and the use of BBQs on the Forest and the feeding and petting of Forest animals, all of which are detrimental to the local community, as set out in this report and November Cabinet Report.

11. EQUALITY AND DIVERSITY IMPLICATIONS

11.1 The impact that the PSPOs will have on the community, as well as those with protected characteristics under the Equality Act 2010, has been carefully considered. The Council has also had due regard to the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. An equality impact assessment screening has been carried out and this is attached to this report at Appendix 10.

- 11.2 It is not considered that PSPO No 1 or PSPO No 2 targets those with any of the protected characteristics and it is not considered that they will have a negative impact on those with protected characteristics.
- 11.3 Statutory Guidance states that *‘Consideration should be given to how the use of this power might impact on the most vulnerable in our society’* and *‘Consideration should also be given to any risks associated with displacement, including to where people may be dispersed to’*. The Authorised Officers will have particular discretion over the issuing of FPNs and the Council will have discretion over the decision to prosecute breaches of the PSPOs. Decisions to issue FPNs or to instigate prosecution proceedings will be subject to careful and proportionate decision making. The Council will also carefully consider whether there is any displacement activity relating to PSPO No 1 which deals with wildfires and BBQs and may consider additional areas to include at a later stage. This will be kept under review.

12. CONCLUSION

- 12.1 PSPOs, if used proportionately and in the right circumstances, allow local areas to counter unreasonable and persistent behaviour that affects the quality of life of residents.
- 12.2 Based on the evidence base presented to Cabinet at its meeting on 2 November 2022 and the response to the consultation, it is concluded that the relevant legal tests have been met and it is appropriate to proceed with the making of PSPO No 1 in the form included at Appendix 5 and PSPO No 2 in the form included at Appendix 6.
- 12.3 The Council and the Partners will continue to work together both in readiness for the PSPOs to come into force and afterward to raise awareness and support enforcement.

13. PORTFOLIO HOLDER COMMENTS

- 13.1 To bring this paper to Cabinet has been a journey of many years. Collaboration between Forestry England, NPA and ourselves was necessary to bring about the implementation of these two PSPO’s. Whilst it will be possible to issue a fixed penalty notice for noncompliance, this would be a final resort. It is expected that the public will respond well to encouragement and education. The consultation process highlighted the concern felt by our residents, and I am confident that, once in place, the orders will contribute to a safer New Forest for our residents and visitors

For Further Information Please Contact:

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Background Papers:

Report to Cabinet of 2 November –
The Introduction of Public Space
Protection Orders - [The
Introduction of Public Space
Protection Orders](#)

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New Forest
DISTRICT COUNCIL

Public Consultation in response to PSPO relating to fires & BBQs in the New Forest

Research Findings
Dec 2022 – Jan 2023



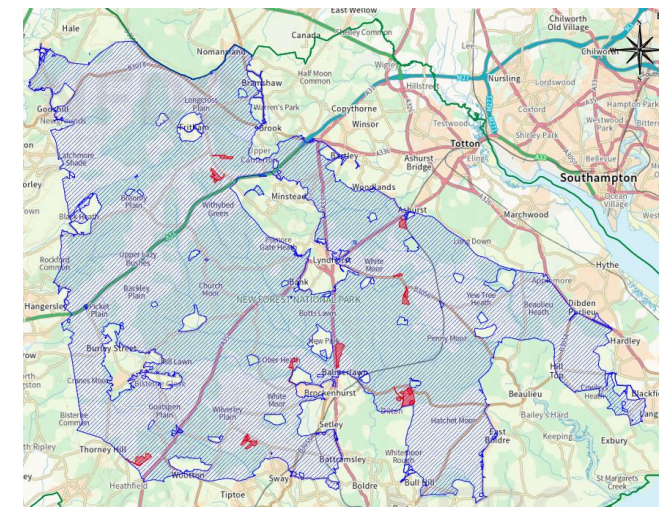
Background & Methodology





Public Consultation in response to a proposed Public Spaces Protection Order issued by New Forest District Council prohibiting the lighting of fires & BBQs within a large area of the forest

- Despite a series of high-profile campaigns in and around the New Forest, about the dangers of fires on the open forest, including an operational ban on disposable BBQs on Forestry England (FE) land in 2020, significant numbers of incidents caused by BBQs and campfires, continue to be recorded by FE, New Forest National Park Authority and Hampshire and Isle of White Fire and Rescue Service
- To help reduce the risks from wildfires and BBQs, New Forest District Council is proposing a Public Spaces Protection Order, referred to as The New Forest Public Spaces Protection Order 2022 (Number 1) ('PSPO No 1')
- Link to PSPO: https://www.newforest.gov.uk/media/2933/Draft-pspo-1/pdf/Draft_pspo_1.pdf?m=638054044782730000
- If made, Public Spaces Protection Order Number 1 would prohibit the following activities:
 - (a) placing, throwing or dropping items likely to cause a fire
 - (b) lighting fires (of any type) or barbeques (including disposable barbeques and any outdoor temporary cooking facilities or equipment)
 - (c) using items which either (i) cause a naked flame or (ii) pose a risk of fire
- The proposed Public Spaces Protection Order Number 1 would only apply to any land within the proposed Restricted Area. The Restricted Area principally comprises land managed and controlled by Forestry England





Online survey hosted by Market Measures allowing public feedback to the PSPO. 771 responses were collected in total between early December '22 – late January '23

20

- The consultation period was open from 5th December 2022 - 27th January 2023 for the public to give their feedback on the PSPO
- As an independent research agency, Market Measures, hosted the survey which was designed by New Forest District Council
- The survey could be accessed through the relevant page on the New Forest District Council website as well as their social media channels
- Anyone unable to complete the survey online were sent a paper copy and their responses were inputted into the online survey on their behalf
- Respondents were able to access three documents prior to completing the survey:
 - Background Information
 - Draft PSPO Order
 - Map of the Restricted Area
- **771 responses** in total were recorded
- *This document summarises the findings of the survey*



Public Spaces Protection Order number 1: relating to fires and BBQs consultation

On this page:

- [Background information](#)
- [Breaching a Public Spaces Protection Order](#)
- [Take part in the consultation](#)

Pages

[Restricted Area map for proposed Public Spaces Protection Order number 1](#)

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59

THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2022 (NO.1)

1. ORDER

This Order is made by New Forest District Council ("the Council") in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and shall be known as The New Forest Public Spaces Protection Order 2022 (No.1) ("this Order").



Restricted Area Map

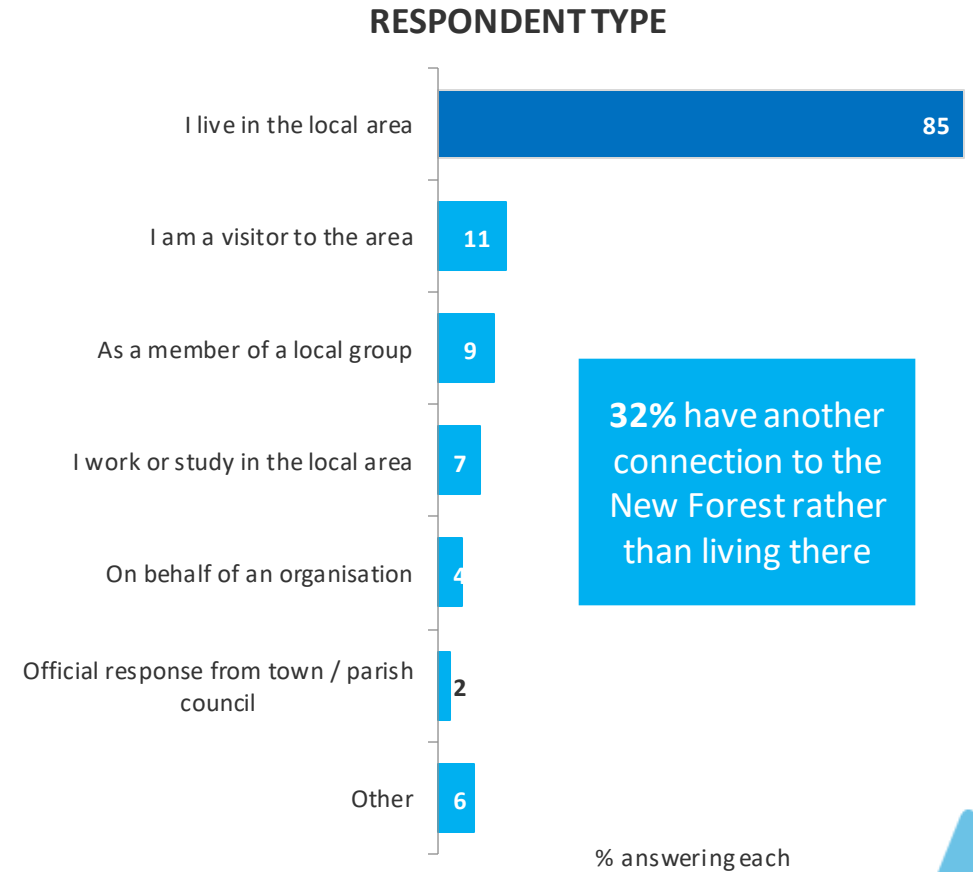
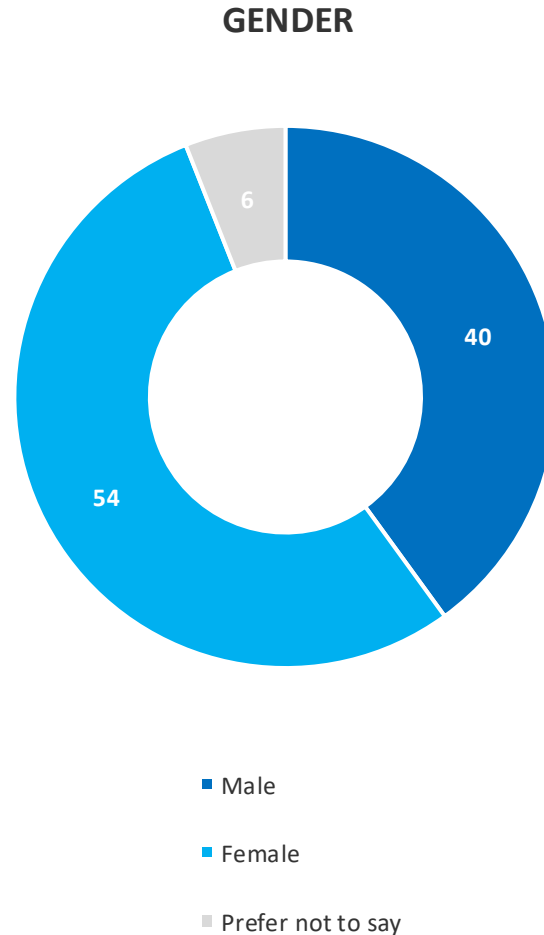
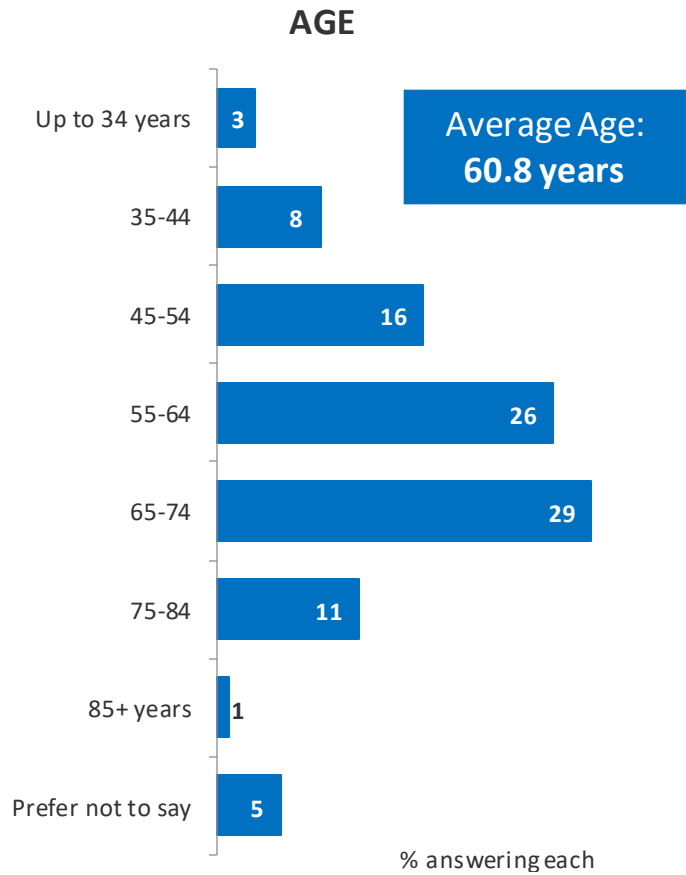


Draft PSPO



Good spread of age groups responding to the survey, albeit an older sample profile than census data suggests. More females responded to the survey than males whilst 85% of those completing the survey live in the New Forest

21



Source: Census Data 2021

An older New Forest

Between the last two censuses, the average (median) age of New Forest increased by four years, from 47 to 51 years of age.

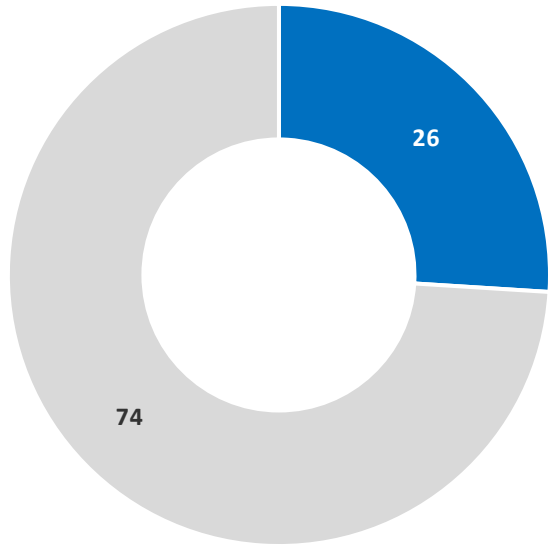
Summary of Results



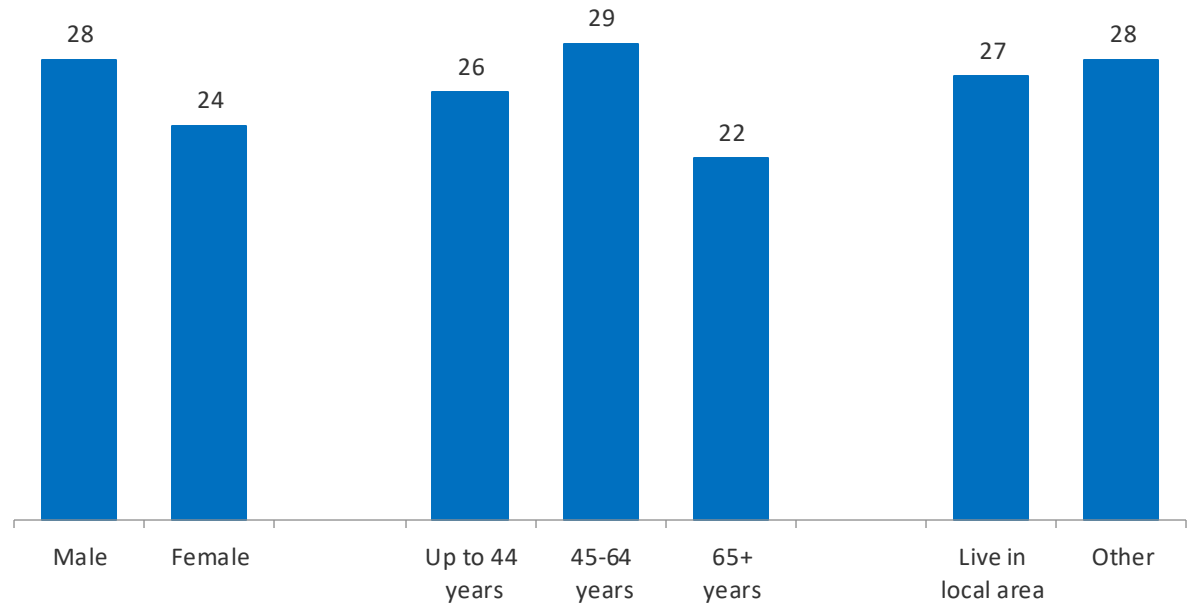


A quarter of respondents have experienced issues with fires in the restricted area in the last two years. This is consistent across all respondent groups

Have you had any personal experience of problems with fires in the proposed Restricted Area in the last 2 years?



% experiencing problems with fires in the Restricted Area in the last 2 years by respondent type



23



Restricted Area Map

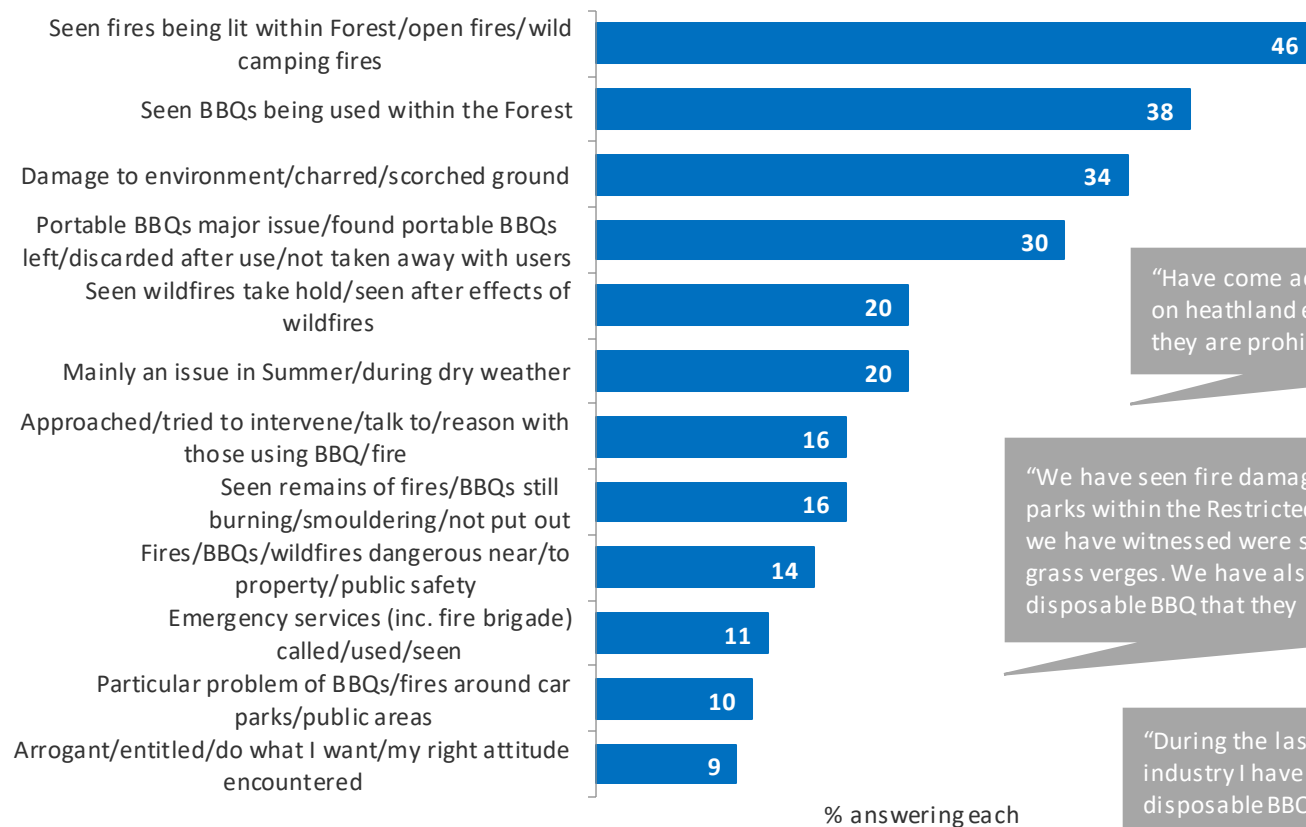
■ Yes ■ No



Those who have experienced issues in the last two years have seen both fires being lit and BBQs being used as well as damaged ground and portable BBQs left

Problems experienced with wildfires in the proposed Restricted Area (Top 12 mentions)

24



"A family had been camped out all night and had just lit a fire to cook breakfast. I told him how dangerous it was but all I got was abuse and mouth. I told him that I would call a keeper and he could be fined but it made no difference."

"Have come across people lighting fires and BBQs in Forest and on heathland even when obvious notices in every car park that they are prohibited because of high fire risk."

"Despite the clear danger posed by fires and BBQs, I always see groups of people lighting fires and having BBQs in the forest. When approached and reminded how dangerous it is, the groups usually tell you to "p*ss off!"

"We have seen fire damage caused as a result of disposable BBQ use at car parks within the Restricted area. It is irrefutable that the cause of the fires we have witnessed were started from small rectangular burn areas in the grass verges. We have also witnessed a family having trouble with a lighted disposable BBQ that they have placed on top of a wooden picnic bench."

"During the last 2 years working within the local tourism industry I have encountered numerous examples of abandoned disposable BBQs and burnt spaces created by random fires lit by users. These were both adjacent to car parks and deeper in the forest."

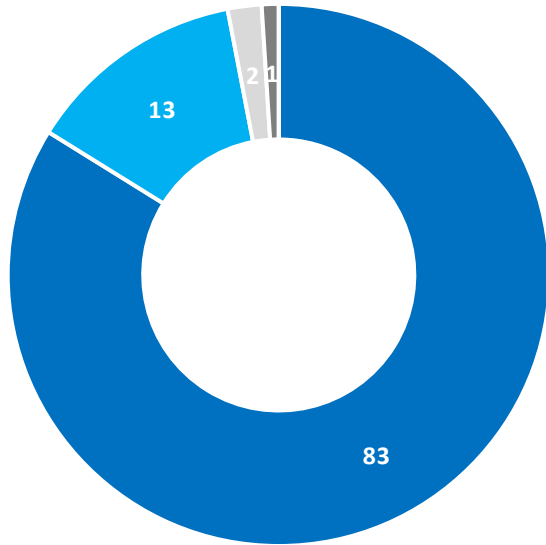
"BBQs lit on dry grass undergrowth, particularly around car parks, public spaces. Abandoned disposable BBQs & associated littering."

Base: Those who have experienced issues in the last 2 years (200)
Q: Please can you give us some more detail about the problems you have personally experienced with wildfires in the proposed Restricted Areas in the last 2 years?



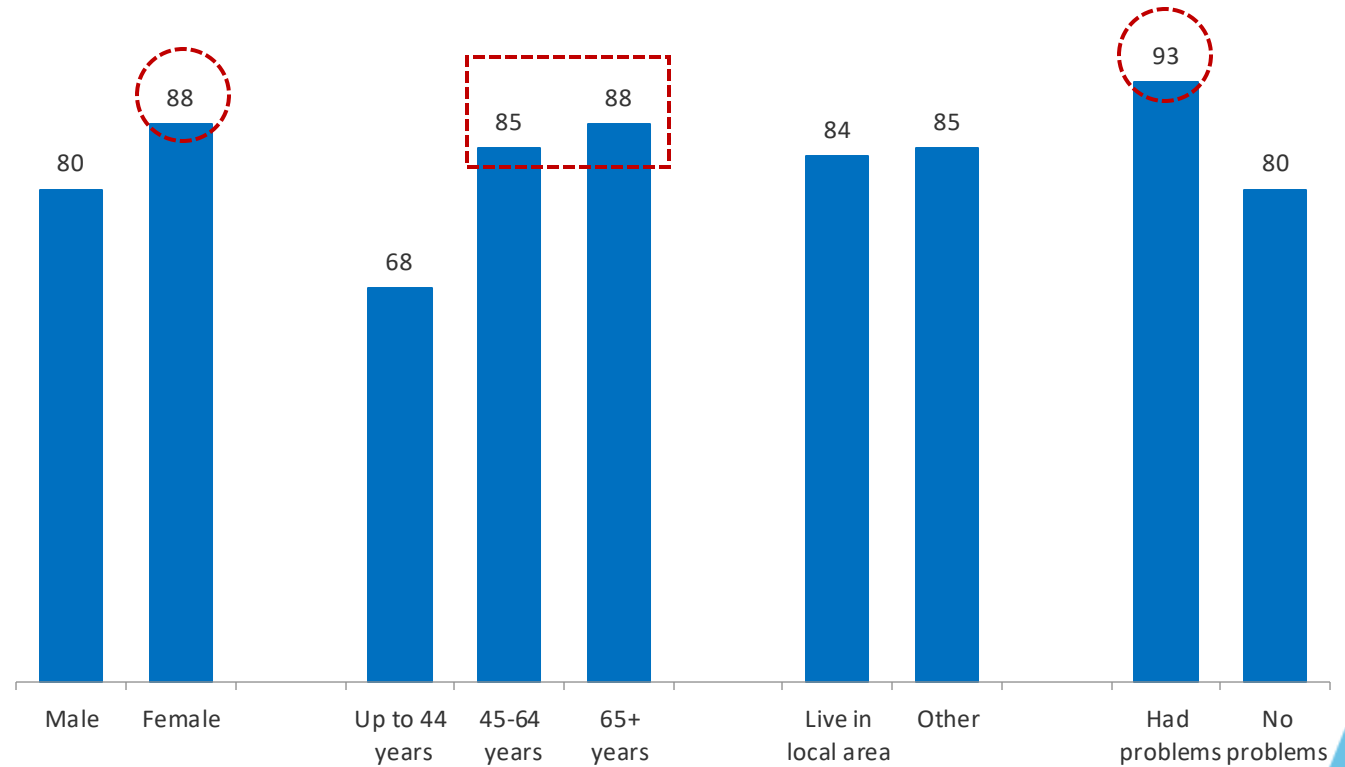
Over 80% of respondents are extremely concerned about wildfires in the proposed restricted area. This is highest amongst those who have previously experienced problems. Youngest respondents the least likely to be concerned

How concerned are you about wildfires in the proposed Restricted Area?



- Extremely concerned
- Concerned
- Neither concerned nor unconcerned
- Unconcerned
- Extremely unconcerned

% EXTREMELY concerned about wildfires in the proposed Restricted Area

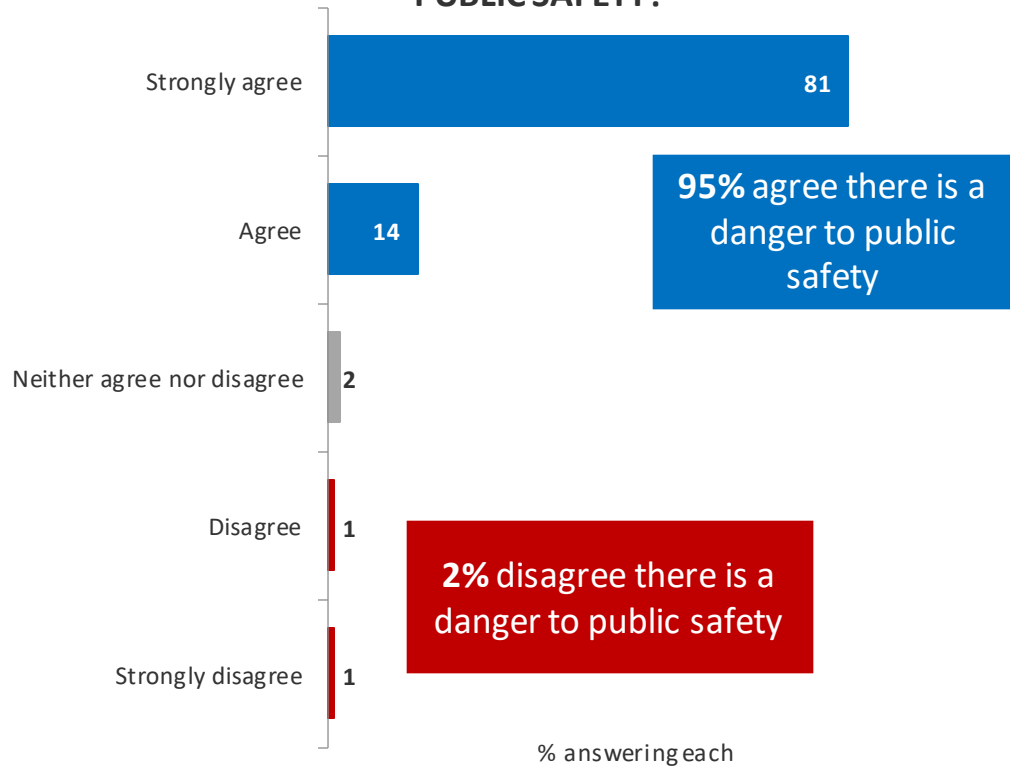


25

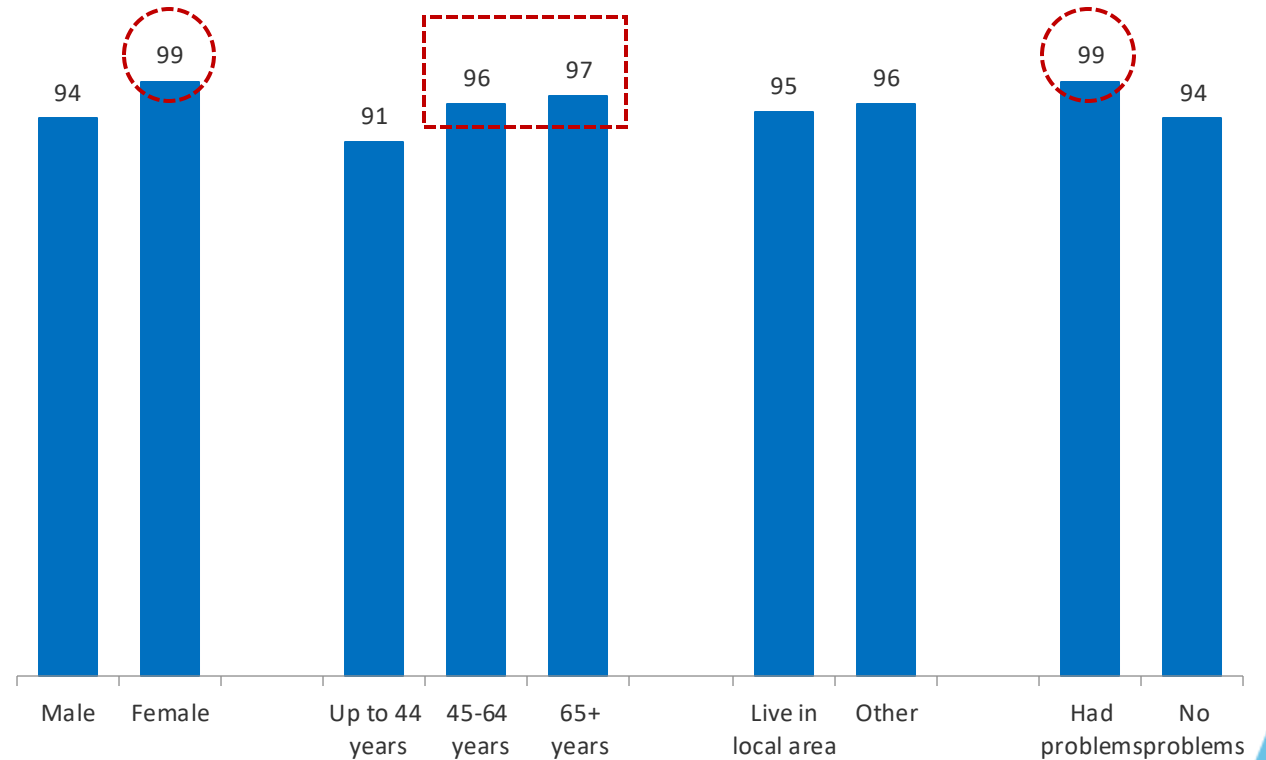


95% of respondents agree that the use of BBQs & lighting of fires in the Restricted Area is a danger to public safety. This is especially the case amongst those who have experienced issues in the past and females. Youngest respondents the least likely to agree

How much do you agree or disagree that the use of BBQs & the lighting of fires in the proposed Restricted Area is a DANGER TO PUBLIC SAFETY?



% agreeing there is a DANGER TO PUBLIC SAFETY

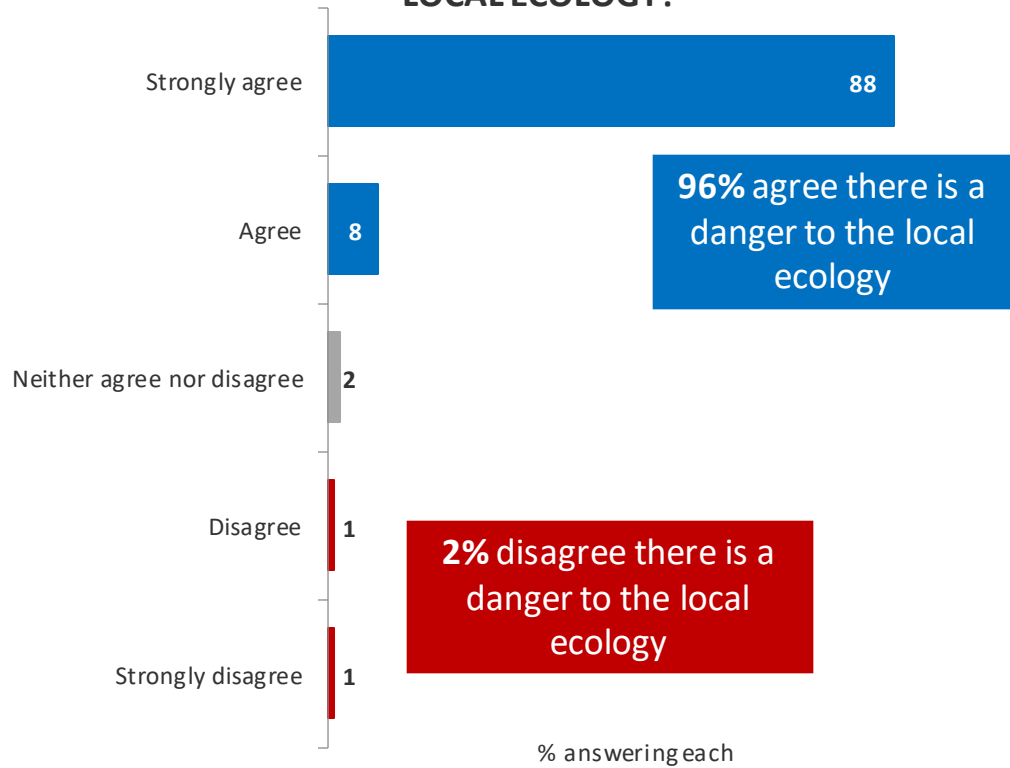


26

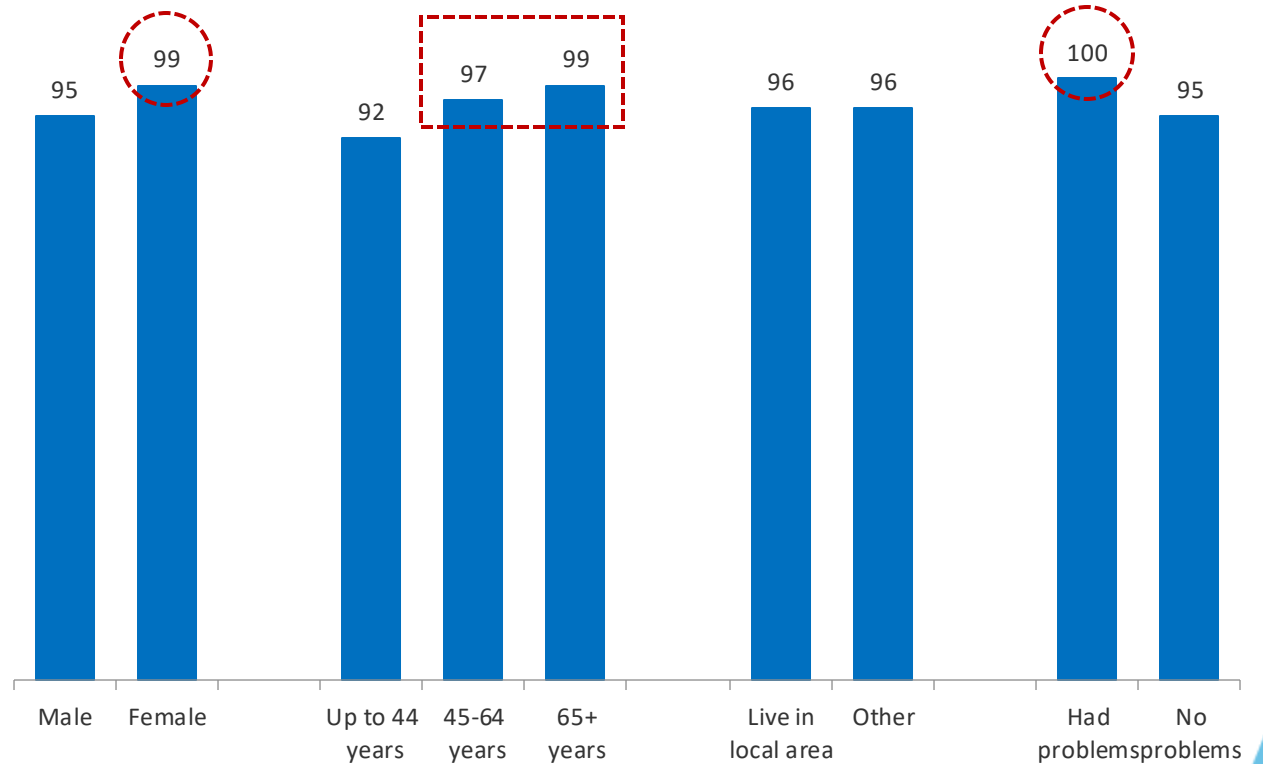


The use of BBQs & lighting of fires in the Restricted Area is considered a danger to the local ecology by 96%. Whilst youngest respondents are the least likely to agree, females and those who have experienced problems are significantly more concerned

How much do you agree or disagree that the use of BBQs & the lighting of fires in the proposed Restricted Area is a DANGER TO THE LOCAL ECOLOGY?



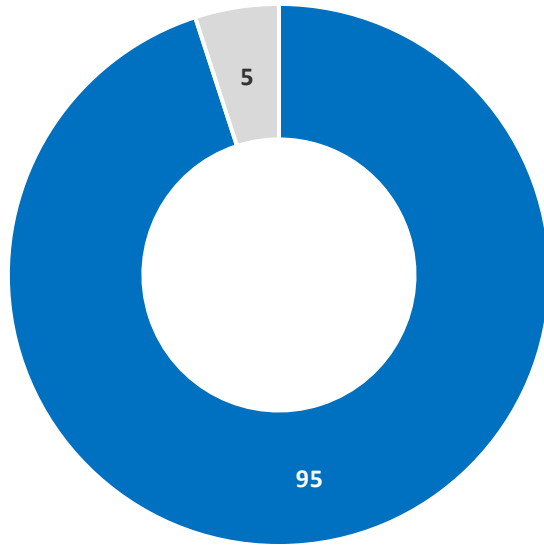
% agreeing there is a DANGER TO THE LOCAL ECOLOGY





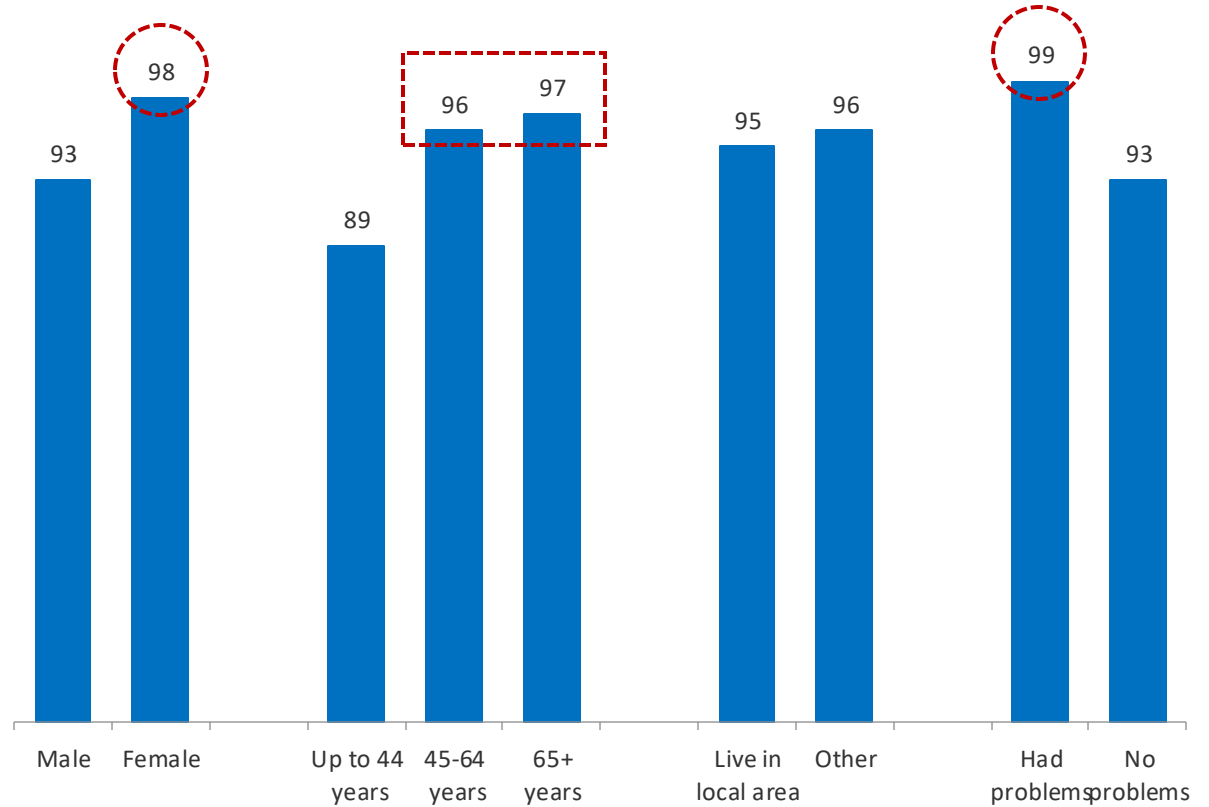
An overwhelming majority (95%) are in favour of introducing the PSPO to prohibit the use of BBQs & the lighting of fires in the proposed Restricted Area

Do you agree with the council's proposal to introduce a PSPO which prohibits the use of BBQs and the lighting of fires in the proposed Restricted Area?



■ Yes ■ No

% agreeing with the council's proposal to introduce the PSPO

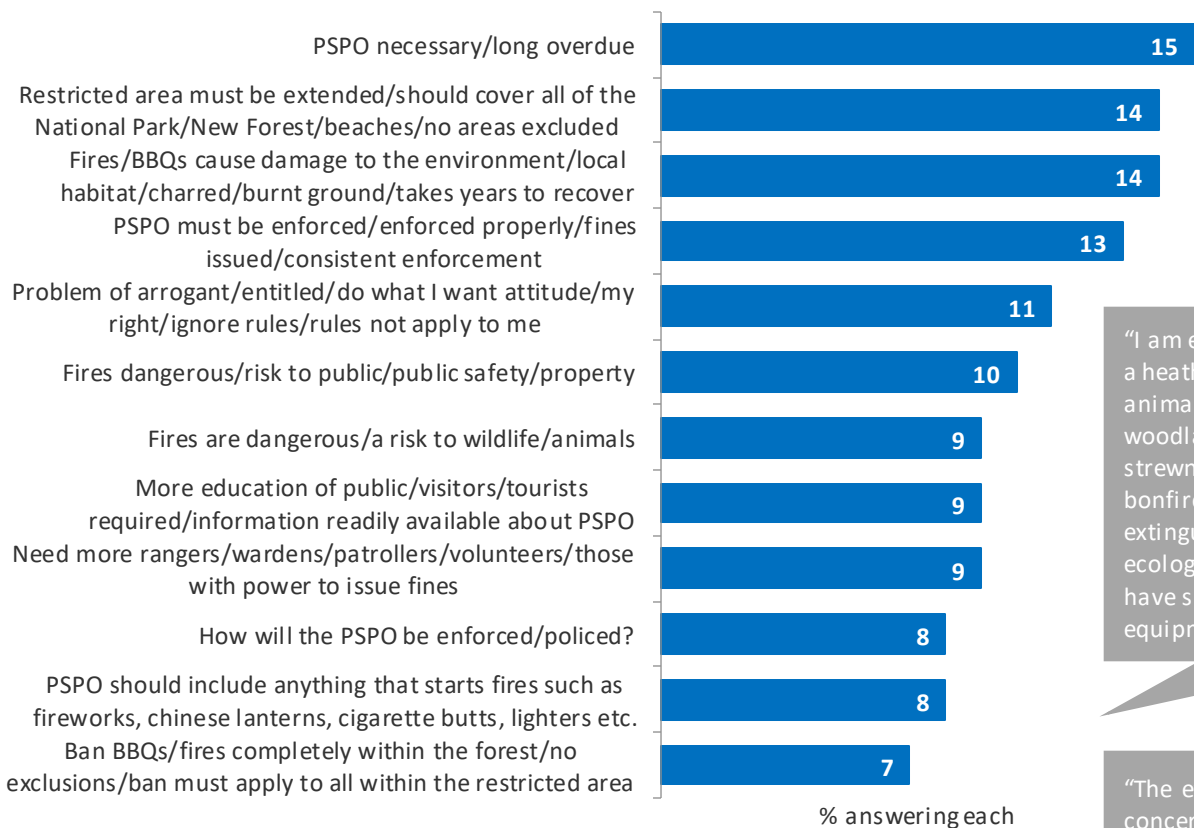




When given the opportunity to comment further on the PSPO, the most common mention was that the PSPO is necessary and even went further to suggest it should cover the whole national park

Further comments regarding the proposed PSPO (Top 12 mentions)

29



“Way overdue especially given such dry summers and visitors who display an ignorance of understanding. If action is not taken to minimise fire risk a catastrophic fire will occur sooner rather than later.”

“Think this a necessary proposal. I have seen the damage that BBQ's have done to the forest and feel that anything that can be done to reduce the risk of wildfires and the devastation they cause can only be a good thing.”

“I am extremely concerned about the likelihood of a heath fire causing terrible damage and danger to animals including the wildlife. With ancient woodland no longer cleared the Forest floor is strewn with timber that would effectively act like a bonfire and might prove very difficult to extinguish. The effects would be devastating to the ecology of the area, and I am not sure that we have sufficient experienced firefighters or equipment to cope with large heath fires?”

“Why is the whole of the New Forest not in the proposed PSPO No1 and just parts of it? Are the areas outside of the restricted areas fireproof? Is the gorse a special breed that doesn't catch fire?”

“The effect of large fires have on habitat greatly concerns me. If BBQs are not restricted the problem and the accompanying risk to habitat and property will increase.”

“The sooner the better, but enforcement is the key to ensuring these measures have an effect. If there is no enforcement you may as well not bother. If approved you will need to have a blitz in the early days in order to get publicity that you are an organisation that has some teeth.”

Base: Total Sample (771)
Q: Do you have any further comments regarding the proposed PSPO?

Thank you





New Forest
DISTRICT COUNCIL

Public Consultation in response to PSPO relating to feeding & petting of New Forest Ponies, Horses, Donkeys & Mules

Research Findings
Dec 2022 – Jan 2023



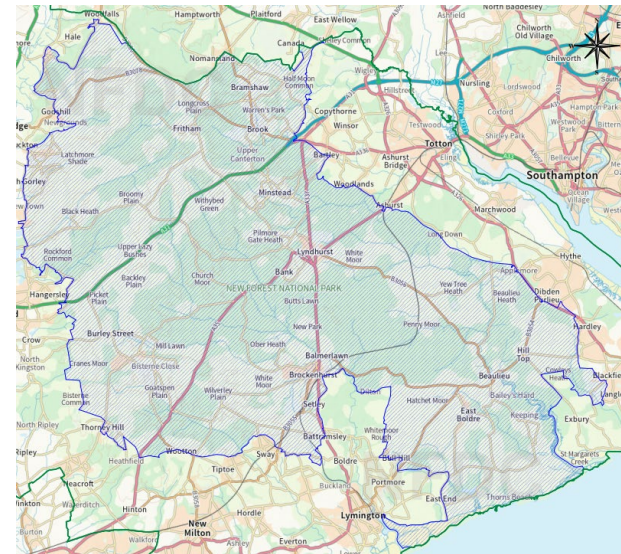
Background & Methodology





Public Consultation in response to a proposed Public Spaces Protection Order issued by New Forest District Council prohibiting the feeding & petting of ponies, horses, mules & donkeys within a large area of the forest

- Over the years, the dangers associated with members of the public feeding and petting roaming forest animals, have been well documented, publicised and the subject of numerous high-profile campaigns, all with the aim of discouraging such behaviour. It is evident that such behaviour continues on a large scale
- To help reduce the risks associated with feeding and petting New Forest ponies, horses, mules or donkeys, a Public Spaces Protection Order is being proposed, referred to as The New Forest Public Spaces Protection Order 2022 (Number 2) ('PSPO Number 2')
- Link to PSPO: https://www.newforest.gov.uk/media/2932/Draft-pspo-2/pdf/Draft_pspo_2.pdf?m=638054044779770000
- If made, Public Spaces Protection Order Number 2 would prohibit the following activities:
 - (a) feeding or providing or depositing food for consumption by any New Forest pony, horse, mule or donkey; or
 - (b) petting or touching any New Forest pony, horse, mule or donkey;
- The proposed Public Spaces Protection Order Number 2 would only apply to any land within the proposed Restricted Area . The Restricted Area principally comprises the Perambulation of the New Forest



New Forest DISTRICT COUNCIL
Tel: 023 808 8000
www.newforest.gov.uk

THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2022 (NO.2)
Overview Map

■ Restricted Area
~ District Boundary

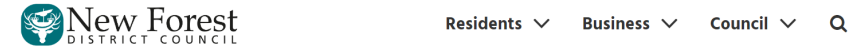
Scale 1:10000
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Ordnance Survey 100002020



Online survey hosted by Market Measures allowing public feedback to the PSPO. 769 responses were collected in total between early December '22 – late January '23

34

- The consultation period was open from 5th December 2022 - 27th January 2023 for the public to give their feedback on the PSPO
- As an independent research agency, Market Measures, hosted the survey which was designed by New Forest District Council
- The survey could be accessed through the relevant page on the New Forest District Council website as well as their social media channels
- Anyone unable to complete the survey online were sent a paper copy and their responses were inputted into the online survey on their behalf
- Respondents were able to access three documents prior to completing the survey:
 - Background Information
 - Draft PSPO Order
 - Map of the Restricted Area
- **769 responses** in total were recorded
- *This document summarises the findings of the survey*



[New Forest District Council website](#) > [Council](#) > [Councillors and democracy](#) > [Public Space Protection Orders \(PSPOs\)](#)

Public Spaces Protection Order number 2: relating to the feeding and petting of forest ponies, donkeys, horses and mules consultation

On this page:

- [Background information](#)
- [Breaching a Public Spaces Protection Order](#)

Pages

[Restricted Area map for Public Spaces Protection Order number](#)

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59

THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2022 (NO.2)

1. ORDER

This Order is made by New Forest District Council ("the Council") in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and shall be known as The New Forest Public Spaces Protection Order 2022 (No.2) ("this Order").



Draft PSPO



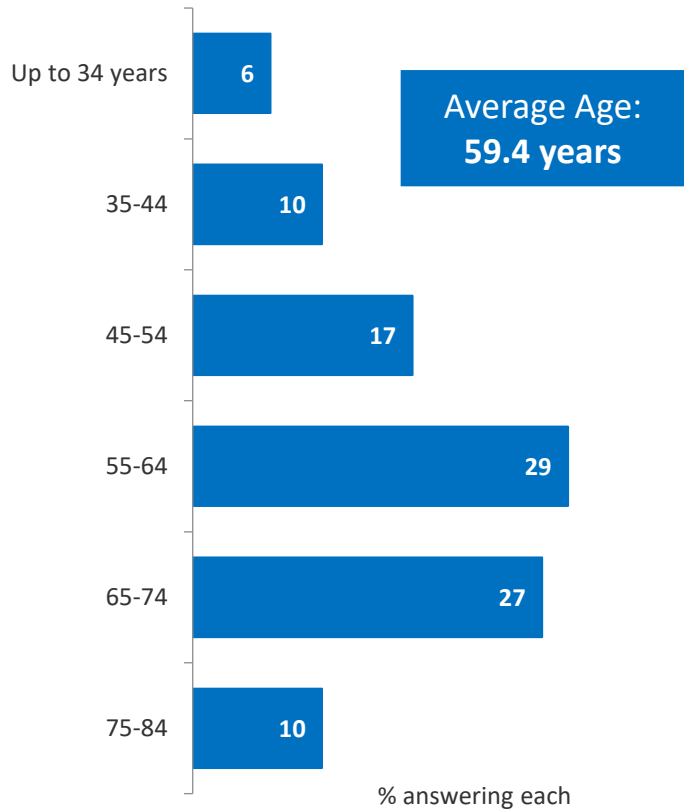
Restricted Area Map



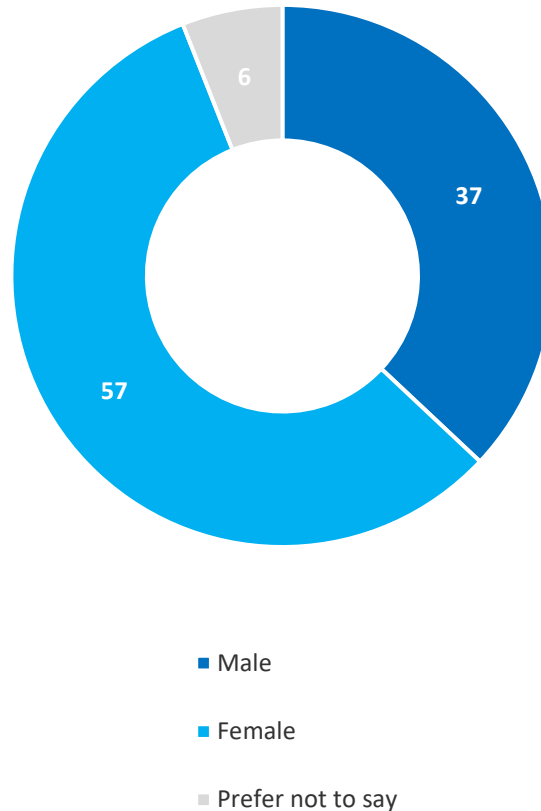
Good spread of age groups responding to the survey, albeit an older sample profile than census data suggests. Significantly more females responded to the survey than males whilst 86% of those completing the survey live in the New Forest

35

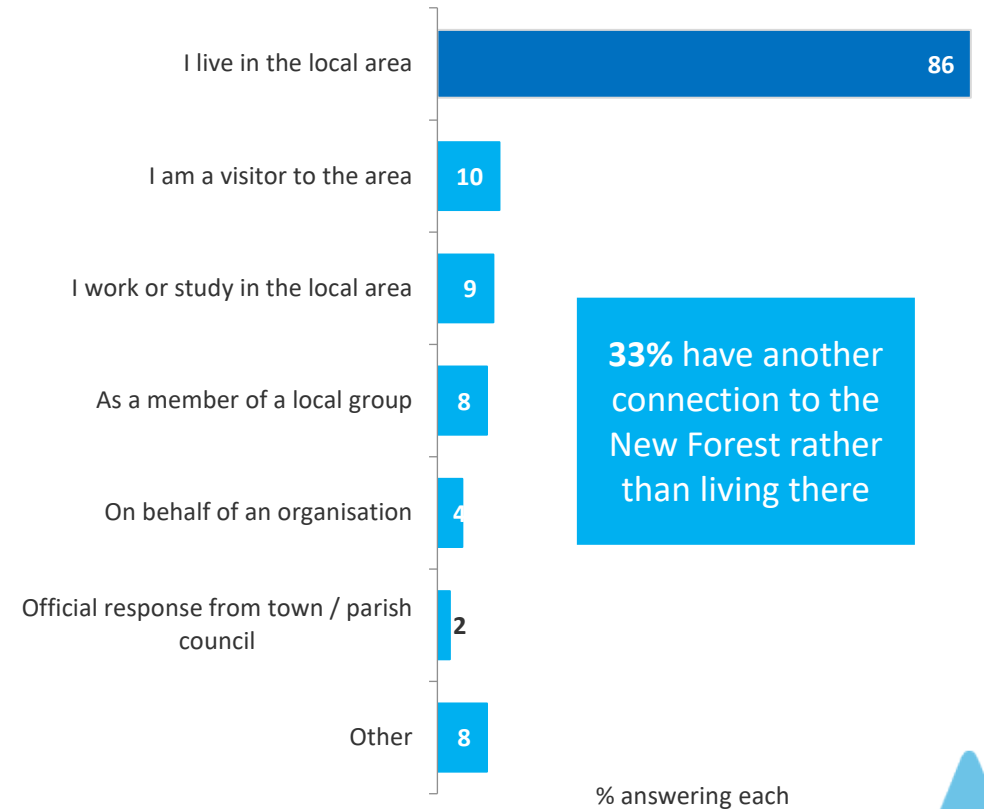
AGE



GENDER



RESPONDENT TYPE



Source: Census Data 2021

An older New Forest

Between the last two censuses, the average (median) age of New Forest increased by four years, from 47 to 51 years of age.

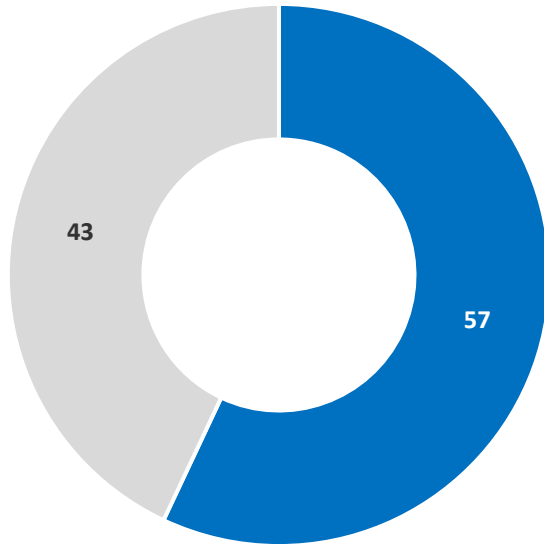
Summary of Results



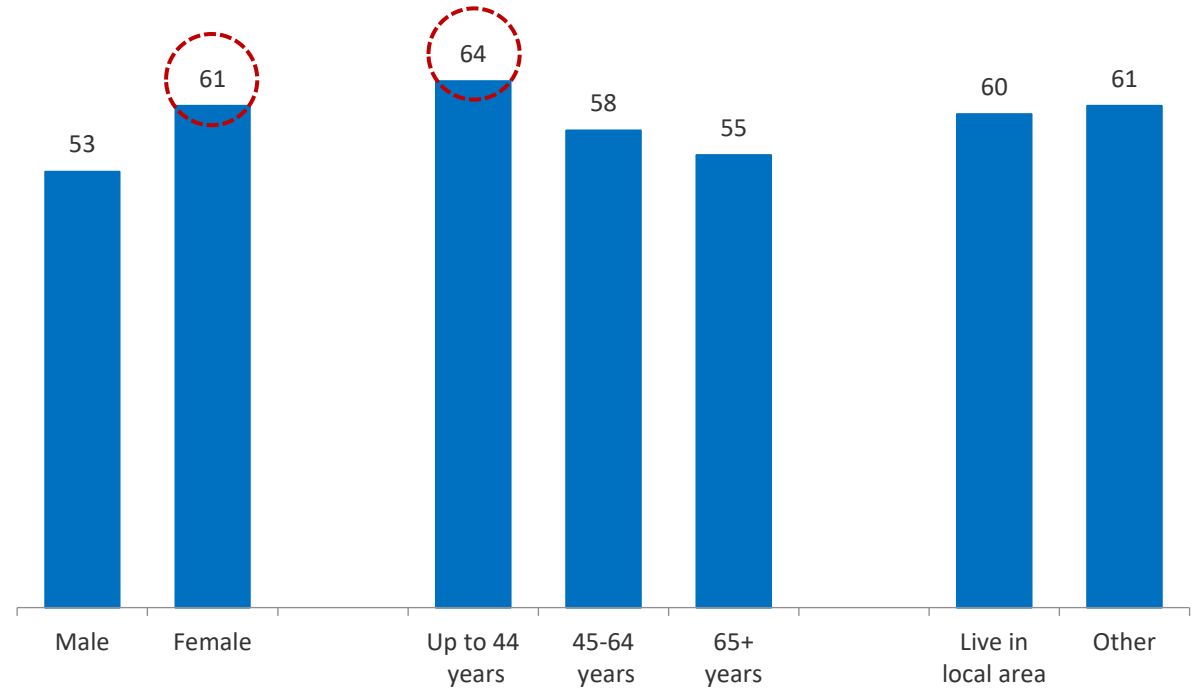


57% of respondents have experienced problems with the feeding of New Forest animals in the restricted area in the last two years. This is significantly higher amongst females and younger respondents

Have you had any personal experience of problems with the feeding of New Forest Ponies, Horses Donkeys & Mules in the proposed Restricted Area in the last 2 years?



% experiencing problems with feeding of animals in the Restricted Area in the last 2 years by respondent type



37



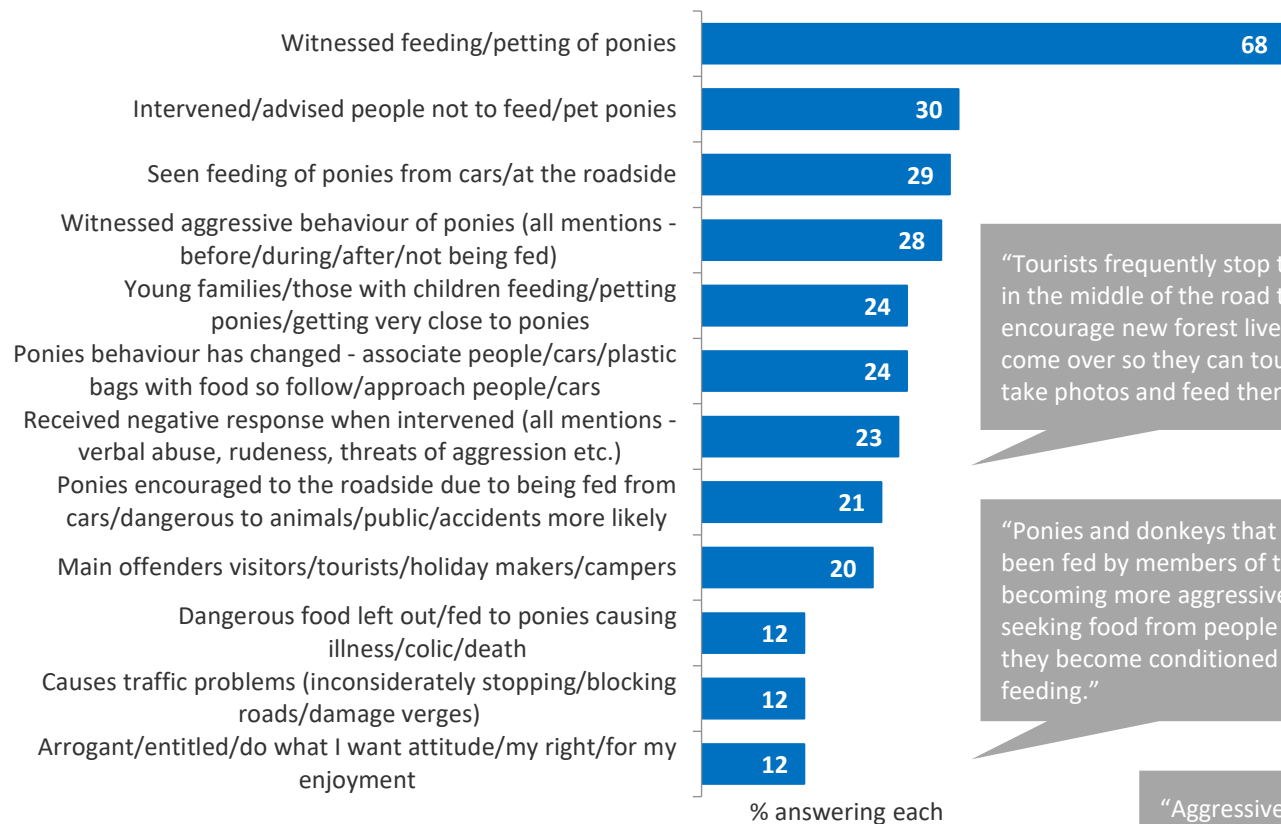
Restricted Area Map

■ Yes ■ No



Those who have experienced issues have witnessed both the feeding & petting of animals. They often intervene and can be abused for doing so. The animals themselves are also becoming more aggressive

Problems experienced with the feeding / petting of animals in the proposed Restricted Area (Top 12 mentions)



"It is a continual problem in this area. We have many donkeys and they are being constantly petted and fed. It causes them to frequent the car parks and pubs where they are even fed from car windows. We have given up trying to explain the whys and why nots just to be met with abuse and ignorance. The Forest is being treated as a petting zoo and it has to be stopped somehow."

"Tourists frequently stop their cars in the middle of the road to encourage new forest livestock to come over so they can touch them, take photos and feed them."

"The number of people feeding / petting the livestock seems to increase each year. When politely telling members of the public of the dangers of doing this (to them and the livestock) the invariable reaction from the public is abusive. It seems the livestock are seen as objects in a zoo. This summer I stopped to talk to a family who had parked their car on the verge and were feeding donkeys Doritos by the side of the road. When I asked them to stop and explained why, the Mother ran at me screaming for me to "f**k off" and said I had no authority to stop her doing anything she wanted. When I told her she was actually breaking a bye-law the verbal abuse continued. This is not an isolated incident, it is pretty typical of every encounter."

"Ponies and donkeys that have been fed by members of the public becoming more aggressive in seeking food from people because they become conditioned to expect feeding."

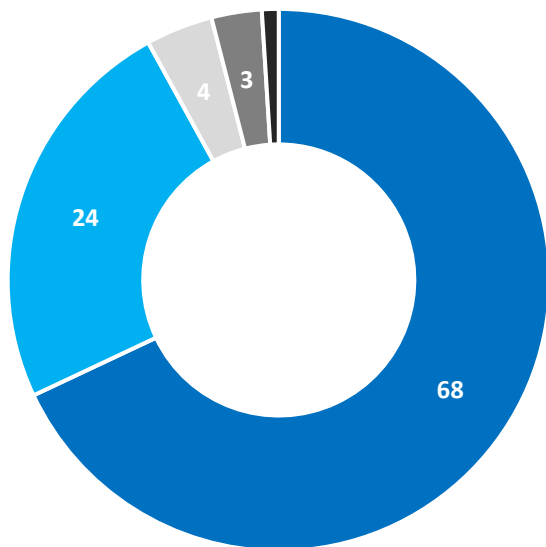
"Aggressive ponies in a forest car park, coming up to and blocking us in the car expecting to be fed."

"Came across a family putting a child on the back of a pony at Rockford common, also a child kicked by a pony the child was being encouraged to touch the pony, ambulance was called."



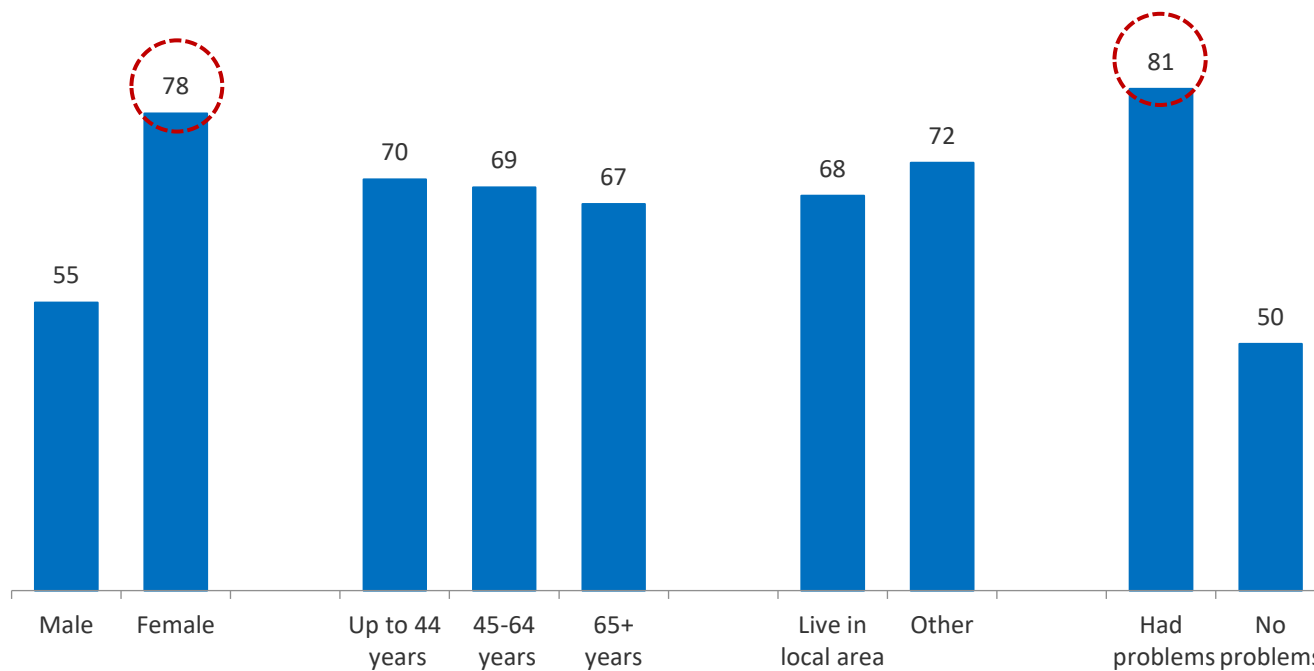
Over two thirds of respondents are extremely concerned about the feeding & petting of animals in the proposed restricted area. This is highest amongst those who have previously experienced problems and females

How concerned are you about the feeding & petting of New Forest Ponies, Horses, Donkeys & Mules in the proposed Restricted Area?



- Extremely concerned
- Concerned
- Neither concerned nor unconcerned
- Unconcerned
- Extremely unconcerned

% EXTREMELY concerned about the feeding & petting of New Forest Ponies, Horses, Donkeys & Mules in the proposed Restricted Area



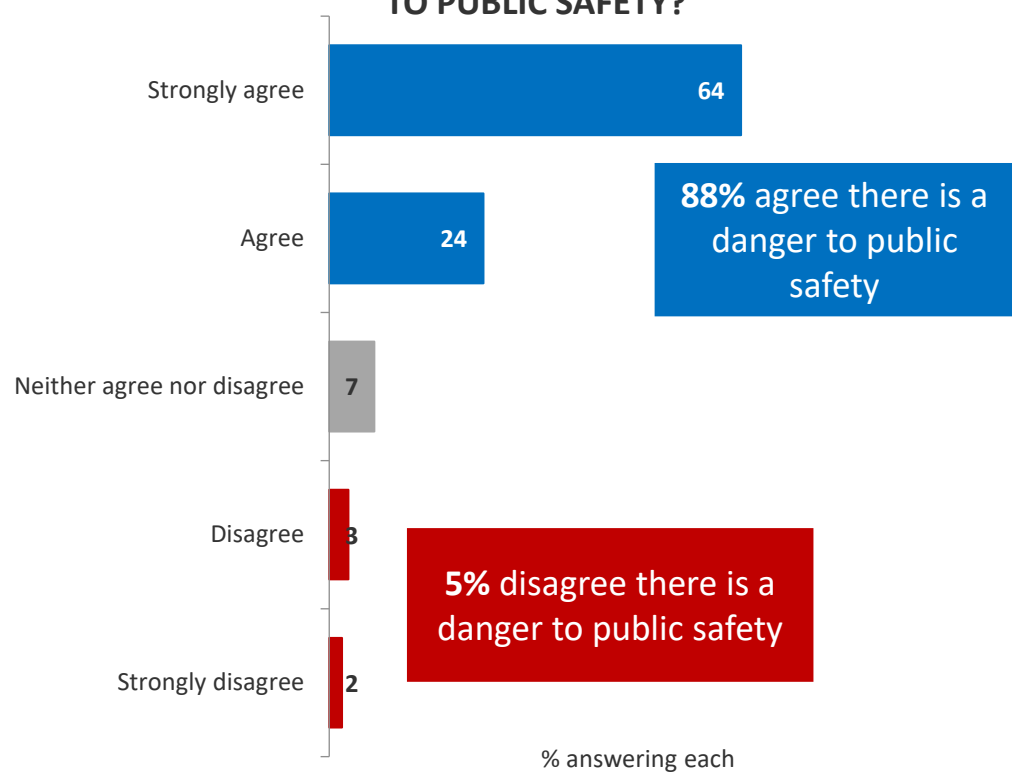
39



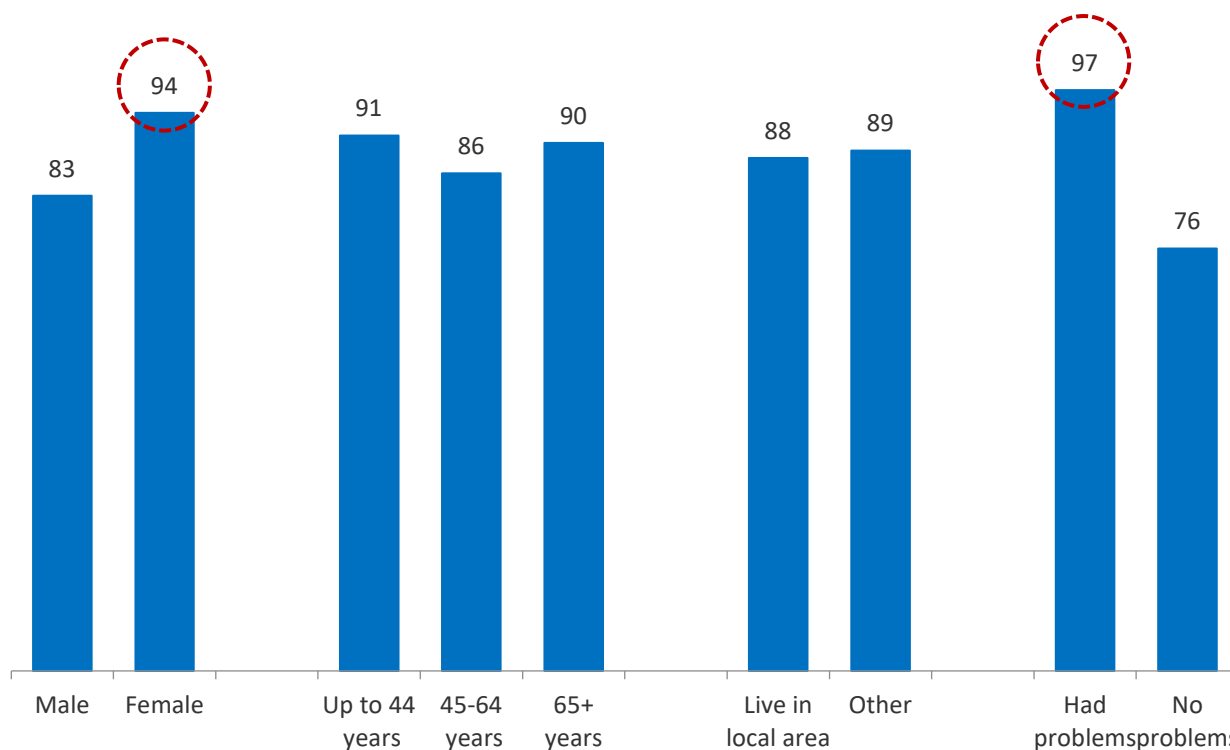
88% of respondents agree that the feeding & petting of animals in the Restricted Area is a danger to public safety. Again, this is especially the case amongst those who have experienced issues in the past and females

How much do you agree or disagree that the feeding & petting of New Forest Ponies, Horses, Donkeys & Mules in the proposed Restricted Area is a DANGER TO PUBLIC SAFETY?

40



% agreeing there is a DANGER TO PUBLIC SAFETY

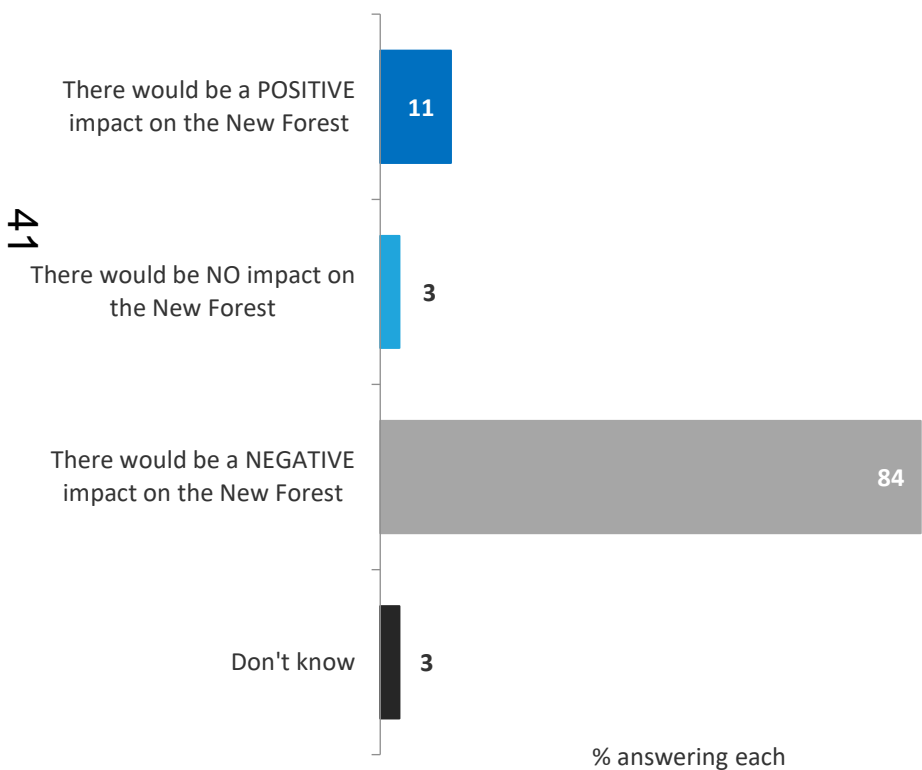


Base: Total Sample (769)
Q: How much do you agree or disagree that the feeding & petting of New Forest Ponies, Horses, Donkeys & Mules in the proposed Restricted Area is currently a DANGER TO PUBLIC SAFETY?

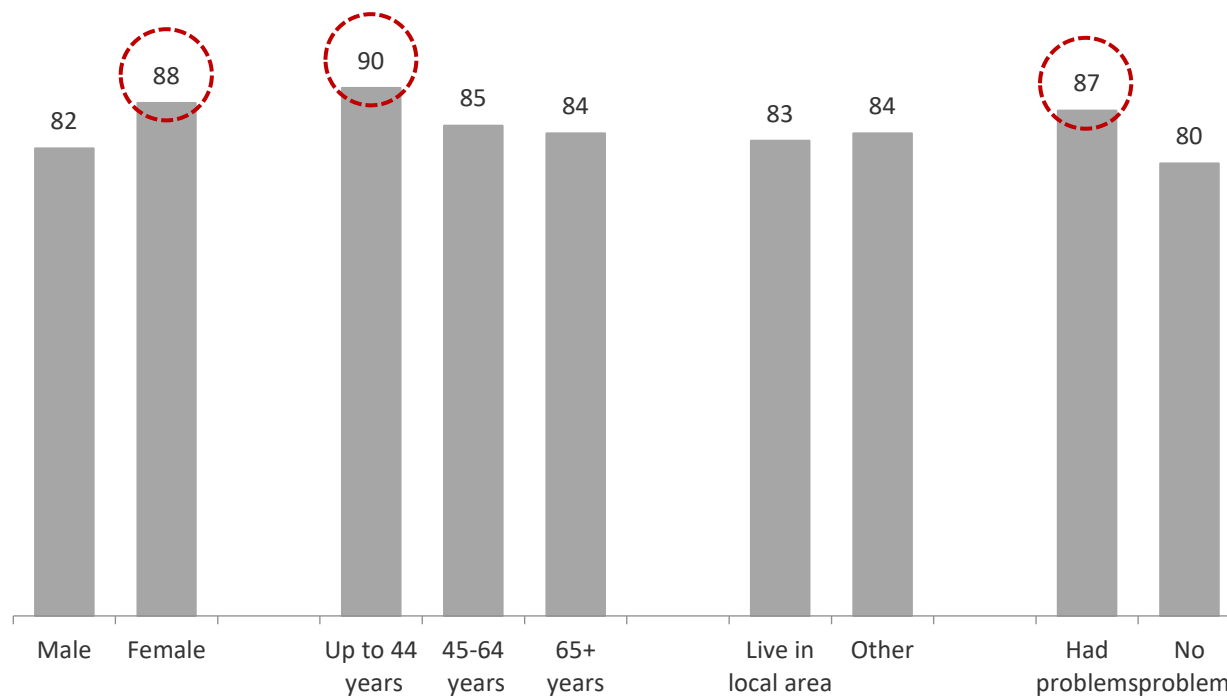


84% of respondents think that if New Forest Ponies, Horses, Donkeys & Mules had to be removed from the Restricted Area, it would impact the Forest negatively. Younger respondents as well as females are the most concerned about this potential impact as well as those who have experienced problems

If New Forest Ponies, Horses, Donkeys & Mules are withdrawn from the Restricted Area, how do you think the New Forest would be impacted?



% saying it would have a negative impact on the New Forest

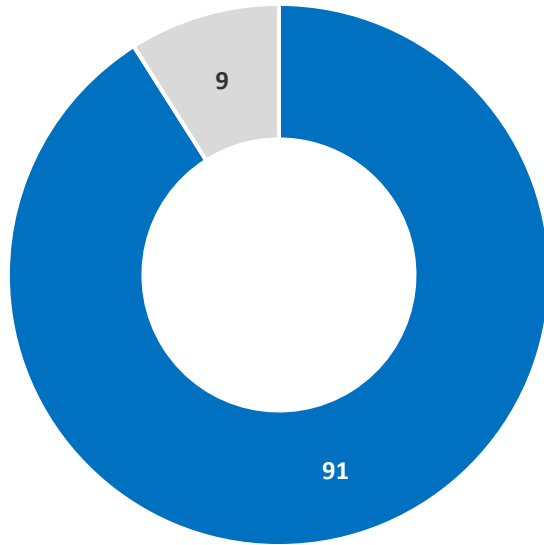


Base: Total Sample (769)
Q: If PSPO is not introduced, a potential impact could be that New Forest Ponies, Horses, Donkeys & Mules are withdrawn from the Restricted Area. If this were to happen, how do you think that the New Forest would be impacted?



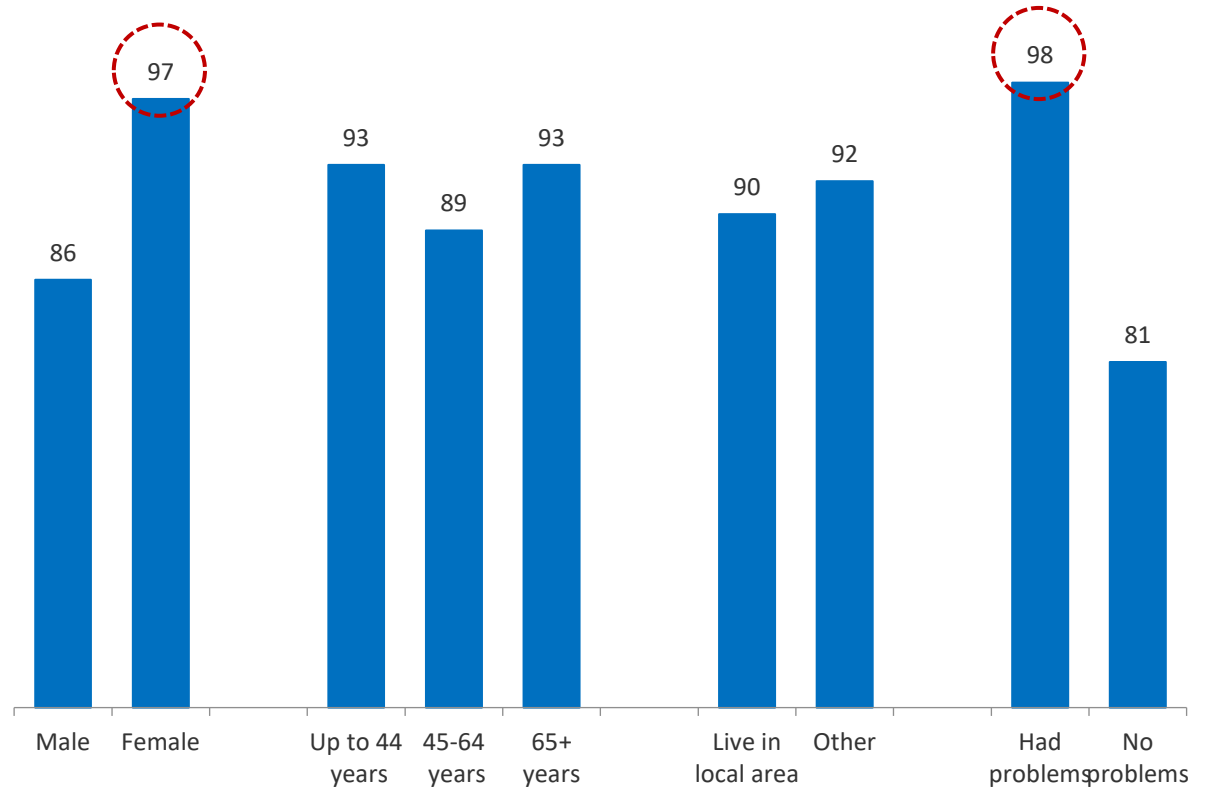
91% of respondents are in favour of introducing the PSPO to prohibit the feeding & petting of New Forest Ponies, Horses, Donkeys & Mules in the proposed Restricted Area. Those who have experienced problems in the past and females are the most likely to be in favour

Do you agree with the council's proposal to introduce PSPO which prohibits the feeding & petting of New Forest Ponies, Horses, Donkeys & Mules in the proposed Restricted Area?



■ Yes ■ No

% agreeing with the council's proposal to introduce the PSPO



42



There is concern around how the PSPO will actually be enforced. Many also believe that whilst it is long overdue, it won't change the behaviour of the public and more resources will be needed. Education is key in the eye of some

Further comments regarding the proposed PSPO (Top 12 mentions)

43



"How is this going to be policed. Unless there are numerous regular patrols around car parks etc it will come to nothing. People will not change their behaviour and visitors will not understand the impact of their actions."

"Enforcement will be an issue. I walk in the Forest on a regular basis and very seldom do I encounter any official who would be able to enforce this Order."

"People like animals. They like to stroke and feed them. Generally, people do not understand the problems that this causes. If it is made illegal the people concerned are unlikely to even know this and so it will make no difference to their behaviour - people that know it is illegal will probably already know that its not a good idea. Consequently, I do not see that this order would help solve the problem. I believe that the answer lies in EDUCATION."

"This really needs to be policed extensively to work, and not brushed aside as underfunded or a lack of resources."

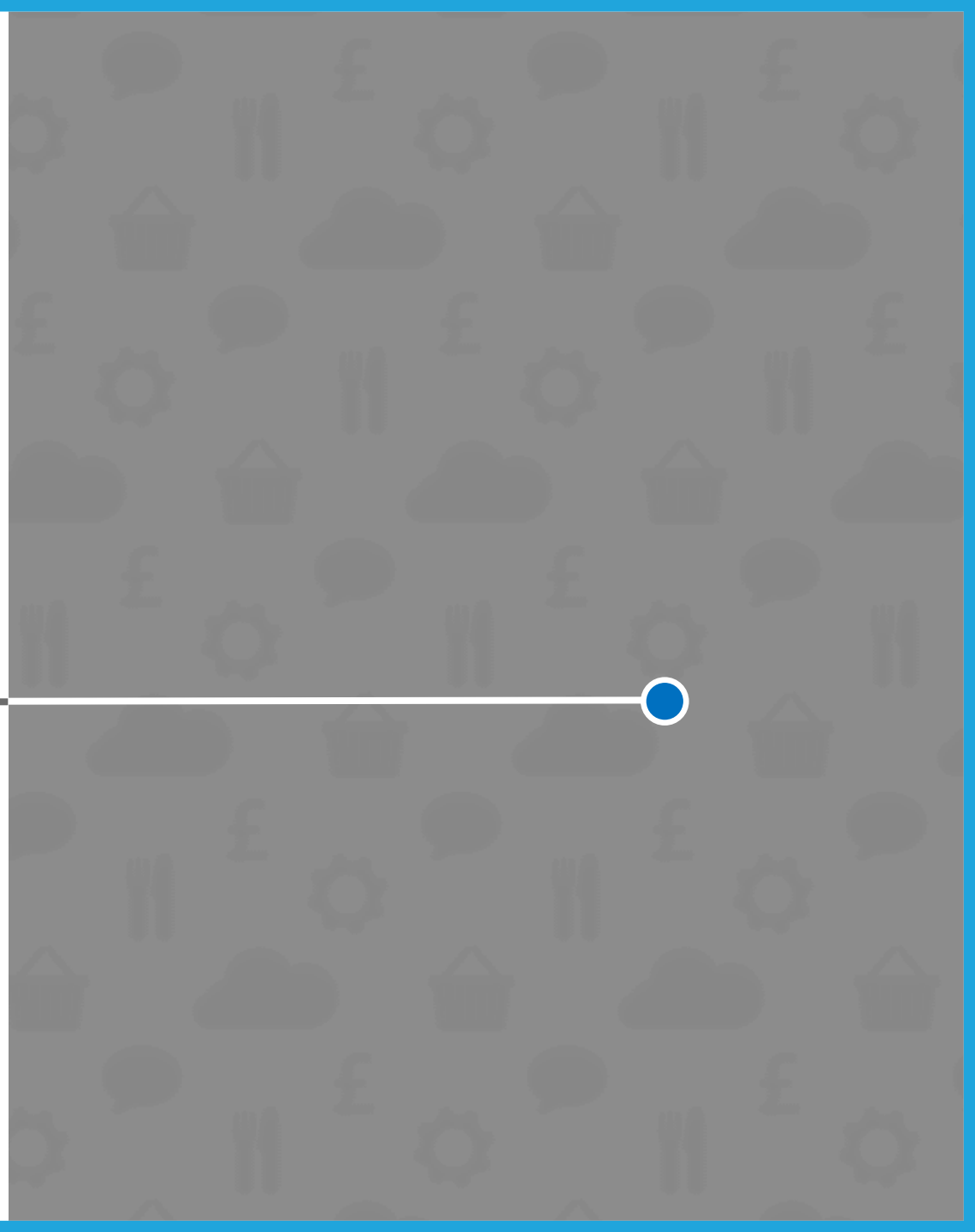
"This should have been done a long time ago. The New Forest is not a petting zoo or a safari park."

"Have the large signs placed all over the area in the last 2 years had any impact? Probably not, so can this PSPO be effective? Probably not."

"Would enforcement of these proposals be increased ? At the present time there does not seem to be enough staff on "the ground " to control the situation."

Base: Total Sample (769)
Q: Do you have any further comments regarding the proposed PSPO?

Thank you



RESPONSES TO MAIN ISSUES RAISED IN CONSULTATION

PSPO No 1 – MAIN ISSUES RAISED

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	ISSUE(S) RAISED	RESPONSE
1.	The use of a PSPO to tackle this issue is not the correct or suitable legal solution.	<p>The Council is satisfied on reasonable grounds that the two conditions, as set out in section 59 of the Act (below), have been met to allow PSPO No 1 tackling this issue to be made.</p> <p>The first condition is that—</p> <ul style="list-style-type: none"> (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect. <p>The second condition is that the effect, or likely effect, of the activities—</p> <ul style="list-style-type: none"> (a) is, or is likely to be, of a persistent or continuing nature, (b) is, or is likely to be, such as to make the activities unreasonable, and (c) justifies the restrictions imposed by the notice. <p>('the two conditions')</p> <p>The Government has encouraged local authorities to use these PSPO powers in these situations where it is considered necessary.</p>

2.	No experience of this issue and no support for further restrictions on those living and visiting the New Forest.	The Council has considered a large evidence base which was presented to Cabinet at its meeting on 2 November 2022. This evidence set out the detrimental effects that these activities have caused, and continue to cause, to the community, both in terms of the dangers to the public through the increased threat of fire, but also to those organisations and staff who play a lead role in dealing with the fires and the threat of such fires. It is considered that the effects of these activities are persistent and are such to make the activities unreasonable.
3.	There should be a ban on the sale of disposable BBQs.	A blanket ban on the sale of disposable BBQs is not something that can be achieved using the PSPO powers within the Act. This is something that would require a wider Government initiative. However, the use of this PSPO as a targeted action where a local risk has been identified will mean that disposable BBQs cannot be used in the Restricted Area.
4.	<p><u>Boundaries.</u></p> <p>That the boundaries of the Restricted Area should be extended to include additional areas of land.</p>	<p>The Restricted Area for PSPO No 1 was identified through consultation with Partners and analysis of the evidence. For land to be included in the Restricted Area it should be a public place where the two conditions are met and it should be land within the boundary of the New Forest District Council.</p> <p>Other areas can be considered if an evidence base exists and the two conditions are met in respect of those other areas in the future.</p>
5.	<p><u>Education.</u></p> <p>That education would be more suitable to address the issues relating to BBQs and Wildfires than use of the PSPO.</p> <p>That education needs to be considered, through appropriate channels, alongside the PSPOs with enforcement as a last resort.</p> <p>Suggestion that fines are not appropriate.</p>	<p>The November Cabinet Report explained that despite a series of high profile campaigns in and around the New Forest about the dangers of fires on the open Forest, including an operational ban on disposable BBQs on Forestry England land in 2020, significant numbers of incidents caused by BBQs and campfires, continue to be recorded by the Partners.</p> <p>The evidence supports that the situation has reached a point where increased enforcement powers are necessary to deal with the impact of BBQs and wildfires in the Restricted Area.</p> <p>However, the Partners will continue efforts to raise awareness. In addition, Authorised Officers will take a reasonable and proportionate approach to any enforcement action including, taking into consideration all relevant circumstances, providing explanations, warnings, referring to signage as well as the issuing of FPNs.</p>

6.	<p><u>Enforcement.</u></p> <p>Some concern has been raised about how PSPO No 1 will be enforced and the funding required for this resource.</p>	<p>Please see paragraphs 5.2 and 5.3 of the report.</p> <p>These detail how enforcement of PSPO No 1 will work.</p>
7.	<p>That the prohibitions should be expanded to include fireworks and sky lanterns.</p>	<p>The activities which will be prohibited by PSPO No 1 were identified through consultation with the Partners and analysis of the evidence. Also, Prohibitions contained in a PSPO must be reasonable to impose.</p> <p>Based on the evidence currently provided, the Council is not satisfied that the two conditions are met in relation to the use of fireworks or sky lanterns within the Restricted Area.</p> <p>Please also see paragraphs 4.5.3-4.5.5 of the report.</p> <p>If further evidence supports a variation to PSPO No 1 to include additional activities, this can be considered in the future.</p>
8.	<p><u>BBQs and Camping.</u></p> <p>Request that use of stoves/ cookers within campervans is still permitted.</p> <p>Suggestion that gas BBQs and stoves and the use of camping stoves outside by people visiting in motorhomes should be permitted.</p>	<p>Section 74 of the Act states that a public place means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission. It will not include campervans.</p> <p>The definition of Activities within PSPO No 1 refers to ‘...<i>(b) lighting fires (of any type) or barbeques (including disposable barbeques and any outdoor temporary cooking facilities or equipment)</i>’.</p>

	<p>Request for all BBQs to be prohibited and a zero tolerance approach.</p> <p>Request for further campsites, in addition to the Forestry England Campsites, to be included in the Exceptions to PSPO No 1.</p>	<p>The PSPO No 1 will prohibit the use of camping stoves and gas BBQs where they are being used within the Restricted Area unless they are being used on Forestry England Campsites and, therefore, fall within one of the exceptions to the Order.</p> <p>The reason for Forestry England Campsites being excluded from PSPO No 1 is that these campsites are managed and patrolled areas and have a series of fire measures in place including metal containers for hot coals to ensure their correct and safe disposal, water points and fire-fighting equipment, and regular patrols by campsite staff.</p> <p>The Restricted Area for PSPO No 1 principally comprises land which is managed and controlled Forestry England. Other private campsites are not covered.</p>
9.	<p>How will this affect controlled burning by forestry management and Commoners including fires for the heating of branding irons?</p> <p>Suggestion that land management activities should be subject to restrictions.</p>	<p>There is an exception to PSPO No 1 which states that:</p> <p><i>‘This Order shall not apply to legitimate land management activities undertaken by those with a legal interest in the Restricted Area (as owners, lessors, lessees, or tenants), or their authorised agents’.</i></p> <p>Where anyone is carrying out burning in the Restricted Area which is duly authorised by the relevant land owners, principally Forestry England, this will be covered by this exception.</p> <p>Based on the evidence, it is not considered that the two conditions are met in relation to legitimate land management activities undertaken by those with a legal interest in land as these are controlled activities carried out by professionals and required for the proper management of the land.</p>

10.	<p><u>Signage.</u></p> <p>Request for clear, strongly worded signage with a suggestion of a QR code.</p> <p>Suggestion of inclusion of signage in all car parks in the New Forest.</p> <p>Request for publicity.</p>	<p>Please see paragraph 5.4 of the report and the draft signage included at appendix 8, together with the proposed number and locations of signs included in appendix 9.</p> <p>The Council and the Partners will also utilise usual communication channels to publicise that the PSPO has been made and its effect including publishing on the Council's website.</p>
11.	<p>Clarification sought regarding the lighting of fires on Forestry England leased allotments within the Restricted Area.</p>	<p>A PSPO can only apply to a Public Place. Section 74 (1) of the Act states a Public Place means <i>'any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission'</i>, allotments do not fall within the definition of public place and are not covered by PSPO No 1.</p>
12.	<p>Requests for the maximum fine to be increased.</p>	<p>Section 68(6) of the Act specifies that the amount of a fixed penalty must not be more than £100.00 The Council has, therefore, chosen to set the fixed penalty at the highest permitted amount.</p> <p>It is commonplace with FPNs for a discounted amount to be payable if the penalty is paid within a shorter period. The Council has chosen to set the lower fixed penalty of £75.00 where it is paid within 14 days to encourage early payment.</p> <p>It is also possible to prosecute an offence committed under PSPO No 1. A person who is guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale. This is currently set at £1,000.</p>
13.	<p><u>Private land.</u></p> <p>PSPO No 1 could be made clearer that it will not apply to private land.</p> <p>Query regarding any privately owned woodlands.</p>	<p>PSPO No 1 states that it will apply to the Restricted Area. The Restricted Area is defined as <i>'means any Public Space within the land identified and described in Schedule 1 and outlined and hatched in blue on the attached maps'</i>. Public Space is defined as <i>'any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission'</i>.</p> <p>PSPO No 1 does not apply to private dwellings or land.</p>

	Suggestion that bonfires in private gardens should be controlled.	It is not possible to impose restrictions on private land using a PSPO.
14.	<p><u>Smoking.</u></p> <p>The PSPO should not be used to ban smoking in the New Forest.</p> <p>The throwing of lit cigarette butts should be included.</p>	<p>Please see paragraphs 4.5.1 and 4.5.2 of the report.</p> <p>To ensure that PSPO No 1 does not have the effect of prohibiting activities such as smoking, the definition of 'Activities' within PSPO NO 1 has been amended to remove '<i>(c) using items which either (i) cause a naked flame or (ii) pose a risk of fire</i>'.</p> <p>As the definition of 'Activities' in PSPO No 1 includes '<i>(a) placing, throwing or dropping items likely to cause a fire</i>', if a person throws down a lit match or cigarette/cigar, then they will be breaching the PSPO and, therefore, committing an offence.</p>
15.	Suggestion that PSPO No 1 should only apply during certain times of the year/ droughts.	The risks associated with the Activities covered by PSPO No 1 are applicable all year round.

PSPO No 2 – MAIN ISSUES RAISED

	ISSUE(S) RAISED	RESPONSE
1.	<p>The use of a PSPO to tackle this issue is not the correct or suitable legal solution.</p>	<p>The Council is satisfied on reasonable grounds that the two conditions, as set out in section 59 of the Act (below), have been met to allow PSPO No 2 tackling this issue to be made.</p> <p>The first condition is that—</p> <ul style="list-style-type: none"> (c) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or (d) it is likely that activities will be carried on in a public place within that area and that they will have such an effect. <p>The second condition is that the effect, or likely effect, of the activities—</p> <ul style="list-style-type: none"> (d) is, or is likely to be, of a persistent or continuing nature, (e) is, or is likely to be, such as to make the activities unreasonable, and (f) justifies the restrictions imposed by the notice. <p>('the two conditions')</p>
2.	<p><u>Boundaries.</u></p> <p>That the boundaries of the Restricted Area should be extended to include additional areas of land.</p> <p>Some responses called for the full New Forest District administrative area to be covered by PSPO No 2.</p>	<p>The Restricted Area for PSPO No 2 was identified through consultation with Partners and analysis of the evidence. For land to be included in the Restricted Area it should be a public place where the two conditions are satisfied and it should be land within the boundary of the New Forest District Council.</p>

	<p>Queries raised why the Restricted Areas for PSPO No 1 and PSPO No 2 are different.</p>	<p>The Restricted Area for PSPO No 2 comprises land within the Perambulation of the New Forest. It was not considered that there was sufficient evidence for PSPO No 1 to extend the Restricted Area to the Perambulation.</p> <p>Other areas can be considered if an evidence base exists and the two conditions are met in respect of those other areas in the future.</p>
3.	<p><u>Fines.</u></p> <p>Requests for the maximum fine to be increased.</p> <p>Suggestion that feeding and petting from a vehicle should be subject to double penalties.</p>	<p>Section 68(6) of the Act specifies that the amount of a fixed penalty must not be more than £100.00 The Council has, therefore, chosen to set the fixed penalty at the highest permitted amount.</p> <p>It is commonplace with Fixed Penalty Notices for a discounted amount to be payable if the penalty is paid within a shorter period. The Council has chosen to set the lower fixed penalty of £75.00 where it is paid within 14 days to encourage early payment.</p> <p>It is also possible to prosecute an offence committed under PSPO No 2. A person who is guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale. This is currently set at £1,000.</p>
4.	<p><u>Signage.</u></p> <p>Request for clear, strongly worded signage with a suggestion of a QR code.</p> <p>Suggestion of inclusion of signage in all car parks in the New Forest.</p> <p>Request for publicity using social media and websites.</p> <p>Request for a mobile message to be triggered when entering the boundaries of the Restricted Area.</p>	<p>Please see paragraph 5.4 of the report and the draft signage included at appendix 8, together with the proposed number and locations of signs included in appendix 9.</p> <p>The Council and the Partners will also utilise usual communication channels to publicise that the PSPO has been made and its effect including publishing on the Council's website.</p> <p>It is not possible to communicate with the public through automated messaging.</p>

5.	<p><u>Education.</u></p> <p>That education would be more suitable to address the issues relating to feeding and petting of New Forest animals than use of the PSPO.</p> <p>That education needs to be considered, through appropriate channels, alongside the PSPOs with enforcement as a last resort.</p> <p>Suggestion that fines are not appropriate.</p>	<p>The November Cabinet Report explained that despite a series of high profile campaigns in and around the New Forest about the dangers of fires on the open Forest, including an operational ban on disposable BBQs on Forestry England land in 2020, significant numbers of incidents caused by BBQs and campfires, continue to be recorded by the Partners.</p> <p>The evidence supports that the situation has reached a point where some enforcement powers are necessary to deal with the impact of the feeding and petting of New Forest animals in the Restricted Area.</p> <p>However, the Partners will continue efforts to raise awareness. In addition, Authorised Officers will take a reasonable and proportionate approach to any enforcement action including, taking into consideration all relevant circumstances, providing explanations, warnings, referring to signage as well as the issuing of FPNs.</p>
6.	<p><u>Enforcement.</u></p> <p>Some concern has been raised about how PSPO No 2 will be enforced and the funding required for this resource.</p>	<p>Please see paragraphs 5.2 and 5.3 of the report.</p> <p>These detail how enforcement of PSPO No 2 will work.</p>
7.	<p>Feeding and petting should be separate.</p> <p>Feeding should be included in PSPO No 2, but not petting.</p>	<p>When deciding what activities were appropriate for inclusion in PSPO No 2, officers considered the evidence base submitted by Partners which was presented to Cabinet at its meeting on 2 November 2022.</p> <p>This evidence set out the detrimental effects that both the activities of feeding and petting of New Forest animals has had. It was concluded that the evidence satisfied the two conditions for both and, therefore, they are both included in PSPO No 2.</p>

8.	<p>All livestock should be included within the provisions of PSPO No 2, including <i>'any Pony, Horse, Mule, Donkey, Pig, Cattle or Sheep lawfully depastured by a New Forest Commoner'</i></p>	<p>Whilst inclusion of other livestock within the provisions of PSPO No 2 was considered, the evidence base was only sufficient to satisfy the two conditions in relation to the animals included, namely <i>'any pony, horse, mule or donkey owned by any New Forest Commoner and free to roam in the Restricted Area'</i>.</p> <p>If further evidence supports a variation to add further livestock to the provisions of PSPO No 2 it can be considered in the future.</p>
9.	<p><u>Other issues raised</u></p> <p>Fencing of roads should be considered to protect New Forest animals</p> <p>Alongside the provisions of PSPO No 2, reducing the number of New Forest animals should be considered.</p> <p>All New Forest animals should be required to wear reflective collars.</p> <p>Removal of non-native ponies from the Restricted Area.</p> <p>Restricting people feeding and petting animals on private land over fences.</p> <p>Need for additional dog waste bins to be included at Barton Common.</p>	<p>These activities are not capable of being covered by a PSPO. However, where relevant these comments will be passed to the Partners for their consideration.</p>

10.	<p>Suggestion that touching an animal to help it should be included in the exceptions to PSPO No 2, an example being where gorse is removed from a ponies mane near their eyes.</p> <p>Questions regarding how this will effect moving an animal off the road.</p>	<p>It is not considered that there should be a widening of the exceptions within PSPO No 2. If a member of the public encounters an animal which is in distress or at risk, this should be notified to the Verderers' Office on 023 8028 2052 (Monday-Friday 9am-5pm), or the Forestry Commission on 0300 067 4600 (24 hours).</p>

GENERAL - MAIN ISSUES RAISED

	ISSUE(S) RAISED	RESPONSE
1.	<p>Request for further activities to be covered by a PSPO:</p> <ul style="list-style-type: none"> • the inclusion of a prohibition on cycling in the open forest in a PSPO • restrictions to control dogs off the lead • dog waste • restriction on verge parking • use of drones • any intentional disturbance of livestock • decamping from the vehicles to take a 'closer look' at new forest animals. 	<p>The Council must be satisfied that the two conditions set out in the Act are met for a PSPO to be considered, including a sufficient evidence base.</p> <p>Any further activities to be covered by a PSPO in the future will be carefully considered at the relevant time.</p>
2.	<p>Comments relating to other issues and other measures to control them, such as fly tipping and speed reductions.</p>	<p>These activities are controlled by other legislation.</p>
3.	<p>Why is the Council making the PSPOs when a large proportion of the land is within the New Forest National Park?</p> <p>Why are the areas of National Park in the Test Valley District not included?</p>	<p>The power to make a PSPO is only given to a 'local authority'. The Act defines 'local authority' for these purposes as a district council only.</p> <p>Land within the area of the New Forest National Park is subject to the jurisdiction of the New Forest National Park Authority as the Local Planning Authority but otherwise, where it falls within the New Forest District boundary, it is within the administrative area of the New Forest District Council.</p> <p>The Council only has the power to make a PSPO on land within its boundary. A PSPO covering land within the boundary of Test Valley District Council would need to be made by that local authority.</p>

4.	The restrictions should be extended beyond 3 years.	<p>Section 60 (1) of the Act provides that <i>'A public spaces protection order may not have effect for a period of more than 3 years, unless extended...'</i></p> <p>The PSPOs will be made for the maximum permitted duration. However, they may be extended in the following circumstances in accordance with section 60(2):</p> <p><i>'Before the time when a public spaces protection order is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent—</i></p> <ul style="list-style-type: none"> <i>(a) occurrence or recurrence after that time of the activities identified in the order, or</i> <i>(b) an increase in the frequency or seriousness of those activities after that time.</i> <p>Any extension, based on the evidence, can only be for a maximum period of 3 years. This ensures that PSPOs are only being used to tackle activities which are relevant and satisfy the two conditions.</p>
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ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59

THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2022 (NO.1)

1. ORDER

This Order is made by New Forest District Council ("the Council") in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and shall be known as The New Forest Public Spaces Protection Order 2022 (No.1) ("this Order").

2. DEFINITIONS

In this Order the following words or phrases are defined as follows:

"Activities"	means:
	<ul style="list-style-type: none"> (a) placing, throwing or dropping items likely to cause a fire, (b) lighting fires (of any type) or barbeques (including disposable barbeques and any outdoor temporary cooking facilities or equipment), (c) using items which either (i) cause a naked flame or (ii) pose a risk of fire;
"Forestry England Campsites"	means the campsites at Aldridge Hill, Ashurst, Denny Wood, Hollands Wood, Holmsley, Longbeech, Matley, Ocknell, Roundhill, and Setthorns which are within the Restricted Area and owned by Forestry England as shown outlined and coloured in red on the maps attached to Schedule 1;
"Authorised Officer"	means a constable or person authorised in writing by the Council for the purposes of this Order;
"Interested Person"	means an individual who lives in the Restricted Area or who regularly works in or visits that area;
"New Forest"	means the administrative area of the New Forest District Council;
"Public Space"	means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission; and
"Restricted Area"	means any Public Space within the land identified and described in Schedule 1 and outlined and hatched in blue on the attached maps.

3. PRELIMINARY

- (1) The Council, in making this Order, is satisfied on reasonable grounds that the Activities have carried on, or it is likely that they will be carried on, in Public Places within the New Forest and have had a detrimental effect on the quality of life of those in the locality; namely the starting of fires in grass, heathland and forest areas. Such fires can result in serious safety concerns and risk to life; damage biodiversity, habitats and property and require significant community resources to deal with them, and that the effect, or likely effect, of the Activities—
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the Activities unreasonable, and
 - (c) justifies the restrictions imposed by this Order.
- (2) The Council is satisfied that the Prohibition and the Requirements imposed by this Order are reasonable to impose to prevent the detrimental effect of these Activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of their continuance, occurrence or recurrence.
- (3) This Order should be read in conjunction with Schedule 1 and attached maps thereto.

4. DURATION OF THIS ORDER

This Order shall come into effect at midnight on **xxxx** for a period of three years, unless extended.

5. APPLICATION

This Order applies at all times, to all persons within the Restricted Area subject to the Exceptions listed in Article 8.

6. PROHIBITION

- (1) A person shall not engage in any of the Activities within the Restricted Area (“the Prohibition”).
- (2) The Prohibition is subject to the Exceptions in Article 8.

7. REQUIREMENT

- (1) Where an Authorised Officer has reasonable grounds to believe that any person within the Restricted Area has acted, is acting, or is likely to act, contrary to this Order, they shall, if and as required by an Authorised Officer terminate the Activities.
- (2) If any person within the Restricted Area has in their possession any item(s) which an Authorised Officer has reasonable grounds to believe is being, or is likely to be used in conjunction with the Activities contrary to this Order, they shall, if and as required by an Authorised Officer, extinguish and/or surrender the item(s) to an Authorised Officer.

(3) The Requirements are subject to the Exceptions in Article 8.

8. EXCEPTIONS

(1) This Order shall not apply to legitimate land management activities undertaken by those with a legal interest in the Restricted Area (as owners, lessors, lessees, or tenants), or their authorised agents;

(2) This Order shall not apply to Forestry England Campsites where the Activities on those sites comprise the proper use of barbeques and stoves that are purpose built and raised off the ground. All other Activities on those sites are subject to the Prohibition.

~~(2)(3)~~ This Order does not apply to the acts of setting off fireworks or lit lanterns.

9. OFFENCE

(1) Section 67 of the Act states that it is an offence for a person without reasonable excuse to:

- (a) do anything that the person is prohibited from doing by this Order, or
- (b) fails to comply with a requirement to which the person is subject under this Order.

(2) A person who is guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person does not commit an offence by failing to comply with a prohibition or requirement that the Council did not have the power to include in the public space protection order.

10. FIXED PENALTY NOTICES

(1) An Authorised Officer may issue a fixed penalty notice to anyone they have reason to believe has committed an offence under this Order. Such notice offers the person to whom it is issued the opportunity to discharge their liability to conviction for the offence by payment of a fixed penalty.

(2) The penalty is set at £100.00 to be paid within 28 days but is reduced to £75.00 if paid within 14 days.

11. CHALLENGING THE VALIDITY OF THIS ORDER

(1) An Interested Person may question the validity of this Order on the grounds that:

- (a) the Council has no power to make it or to include particular prohibition or requirement imposed by this Order;
- (b) a requirement of the Act has not been complied with in relation to this Order

(2) An application must be made to the High Court within the period of six weeks beginning with the date on which this Order is made.

Date:

THE COMMON SEAL OF NEW FOREST }
DISTRICT COUNCIL
Was hereto affixed in the presence of:-

SCHEDULE 1

The Restricted Area principally comprises all land managed and controlled by Forestry England (which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission) and roads within the area outlined and hatched blue on the maps attached (including the Forestry England Campsites) hereto comprising an overview map (scale 1:100,000) and sheets 1 to 20 (scale 1:20,000)

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
SECTION 59

THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.1)

1. ORDER

This Order is made by New Forest District Council ("the Council") in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and shall be known as The New Forest Public Spaces Protection Order 2023 (No.1) ("this Order").

2. DEFINITIONS

In this Order the following words or phrases are defined as follows:

"Activities"	means: <ul style="list-style-type: none"> (a) placing, throwing or dropping items likely to cause a fire, (b) lighting fires (of any type) or barbeques (including disposable barbeques and any outdoor temporary cooking facilities or equipment).
"Forestry England Campsites"	means the campsites at Aldridge Hill, Ashurst, Denny Wood, Hollands Wood, Holmsley, Longbeech, Matley, Ocknell, Roundhill, and Setthorns which are within the Restricted Area and owned by Forestry England as shown outlined and coloured in red on the maps attached to Schedule 1;
"Authorised Officer"	means a constable or person authorised in writing by the Council for the purposes of this Order;
"Interested Person"	means an individual who lives in the Restricted Area or who regularly works in or visits that area;
"New Forest"	means the administrative area of the New Forest District Council;
"Public Space"	means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission; and
"Restricted Area"	means any Public Space within the land identified and described in Schedule 1 and outlined and hatched in blue on the attached maps.

3. PRELIMINARY

- (1) The Council, in making this Order, is satisfied on reasonable grounds that the Activities have carried on, or it is likely that they will be carried on, in public places within the New Forest and have had a detrimental effect on the quality of life of those in the locality; namely the starting of fires in grass, heathland and forest areas. Such fires can result in serious safety concerns and risk to life; damage biodiversity, habitats and property and require significant community resources to deal with them, and that the effect, or likely effect, of the Activities—
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the Activities unreasonable, and
 - (c) justifies the restrictions imposed by this Order.
- (2) The Council is satisfied that the Prohibition and the Requirements imposed by this Order are reasonable to impose to prevent the detrimental effect of these Activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of their continuance, occurrence or recurrence.
- (3) This Order should be read in conjunction with Schedule 1 and attached maps thereto.

4. DURATION OF THIS ORDER

This Order shall come into effect at midnight on 1 July 2023 for a period of three years, unless extended.

5. APPLICATION

This Order applies at all times, to all persons within the Restricted Area subject to the Exceptions listed in Article 8.

6. PROHIBITION

- (1) A person shall not engage in any of the Activities within the Restricted Area (“the Prohibition”).
- (2) The Prohibition is subject to the Exceptions in Article 8.

7. REQUIREMENT

- (1) Where an Authorised Officer has reasonable grounds to believe that any person within the Restricted Area has acted, is acting, or is likely to act, contrary to this Order, they shall, if and as required by an Authorised Officer terminate the Activities.
- (2) If any person within the Restricted Area has in their possession any item(s) which an Authorised Officer has reasonable grounds to believe is being, or is likely to be used in conjunction with the Activities contrary to this Order, they shall, if and as required by an Authorised Officer, extinguish and/or surrender the item(s) to an Authorised Officer.
- (3) The Requirements are subject to the Exceptions in Article 8.

8. EXCEPTIONS

- (1) This Order shall not apply to legitimate land management activities undertaken by those with a legal interest in the Restricted Area (as owners, lessors, lessees, or tenants), or their authorised agents;
- (2) This Order shall not apply to Forestry England Campsites where the Activities on those sites comprise the proper use of barbeques and stoves that are purpose built and raised off the ground. All other Activities on those sites are subject to the Prohibition.
- (3) This Order does not apply to the acts of setting off fireworks or lit lanterns.

9. OFFENCE

- (1) Section 67 of the Act states that it is an offence for a person without reasonable excuse to:
 - (a) do anything that the person is prohibited from doing by this Order, or
 - (b) fails to comply with a requirement to which the person is subject under this Order.
- (2) A person who is guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person does not commit an offence by failing to comply with a prohibition or requirement that the Council did not have the power to include in the public space protection order.

10. FIXED PENALTY NOTICES

- (1) An Authorised Officer may issue a fixed penalty notice to anyone they have reason to believe has committed an offence under this Order. Such notice offers the person to whom it is issued the opportunity to discharge their liability to conviction for the offence by payment of a fixed penalty.
- (2) The penalty is set at £100.00 to be paid within 28 days but is reduced to £75.00 if paid within 14 days.

11. CHALLENGING THE VALIDITY OF THIS ORDER

- (1) An Interested Person may question the validity of this Order on the grounds that:
 - (a) the Council has no power to make it or to include particular prohibition or requirement imposed by this Order;
 - (b) a requirement of the Act has not been complied with in relation to this Order
- (2) An application must be made to the High Court within the period of six weeks beginning with the date on which this Order is made.

Date:

THE COMMON SEAL OF NEW FOREST
DISTRICT COUNCIL
Was hereto affixed in the presence of:-

}

SCHEDULE 1

The Restricted Area principally comprises all land managed and controlled by Forestry England (which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission) and roads within the area outlined and hatched blue on the maps attached (including the Forestry England Campsites) hereto comprising an overview map (scale 1:100,000) and sheets 1 to 20 (scale 1:20,000)






New Forest

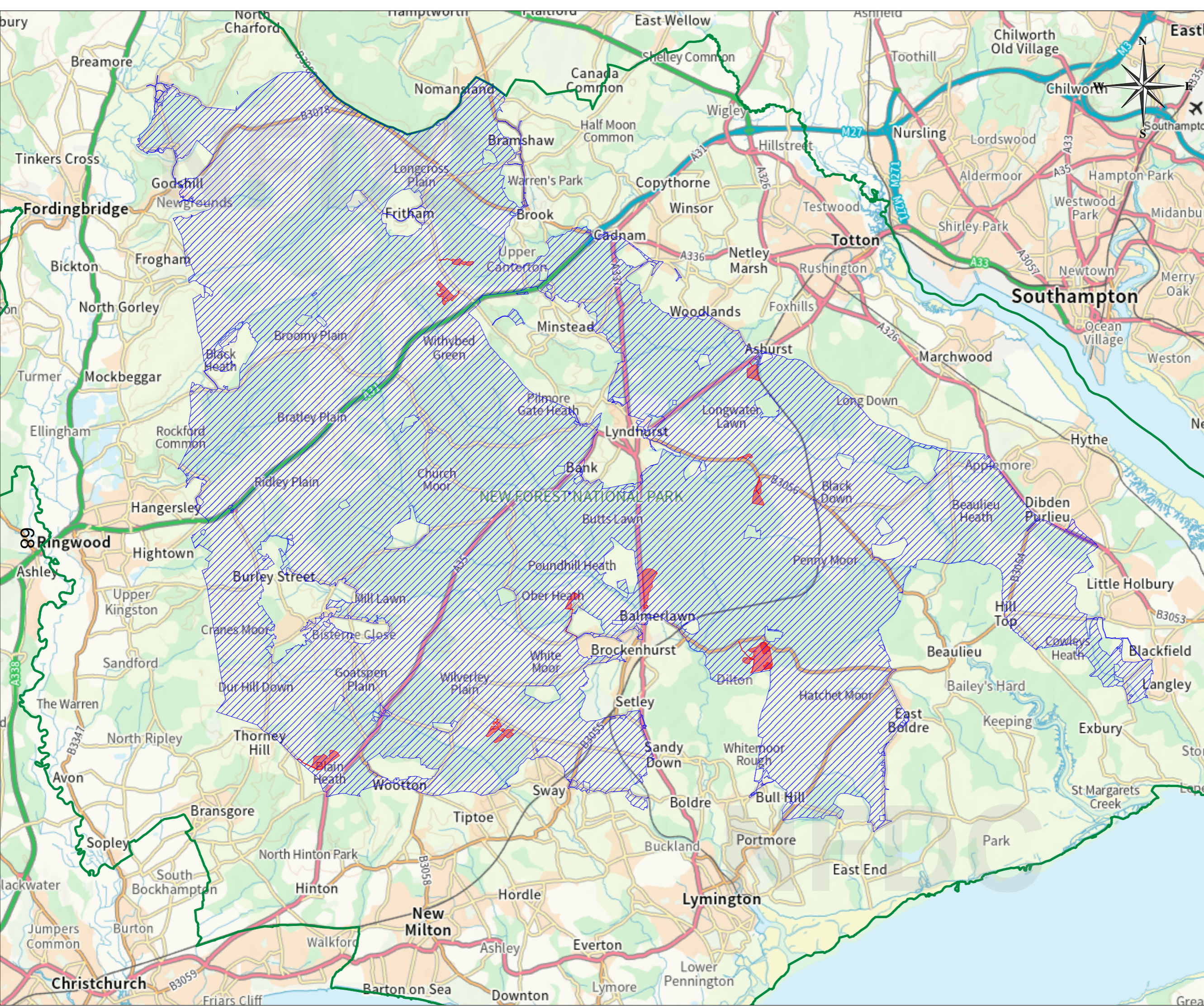
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THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.1)

Overview Map

-  Restricted Area
-  Forestry England Campsites
-  District Boundary



Scale 1:100000

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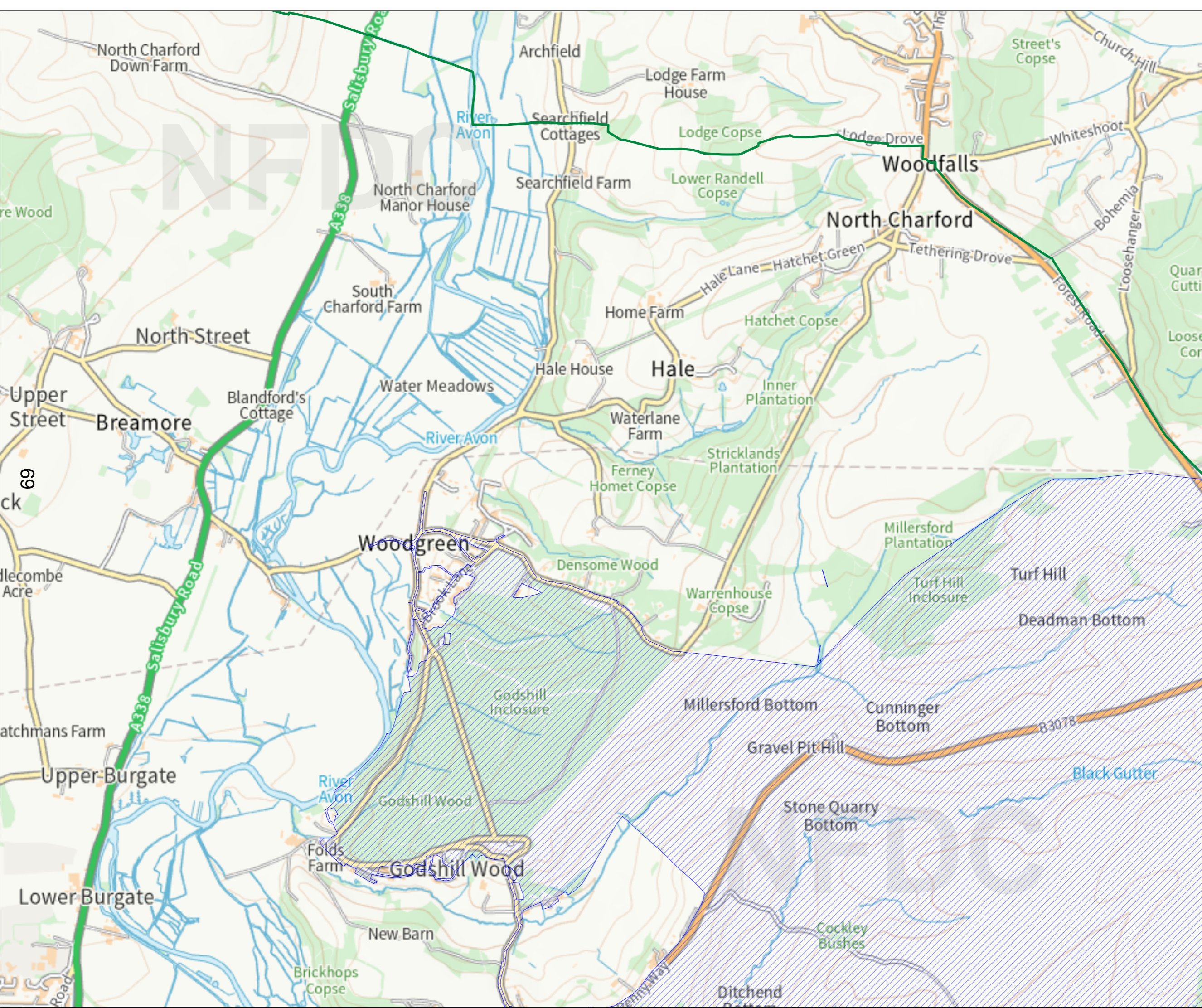
THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
-  District Boundary

Sheet: 1

Scale 1:20000

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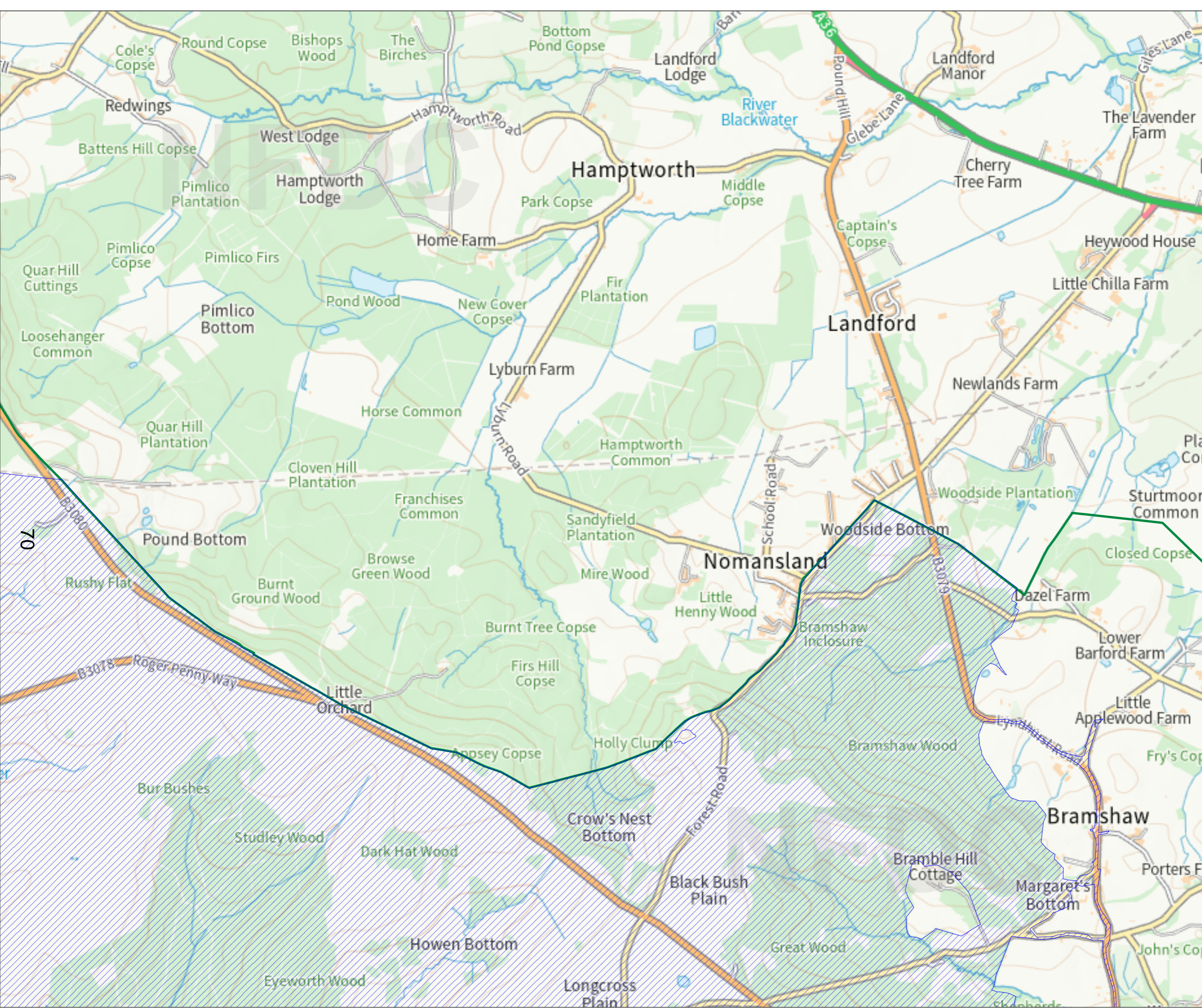
THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
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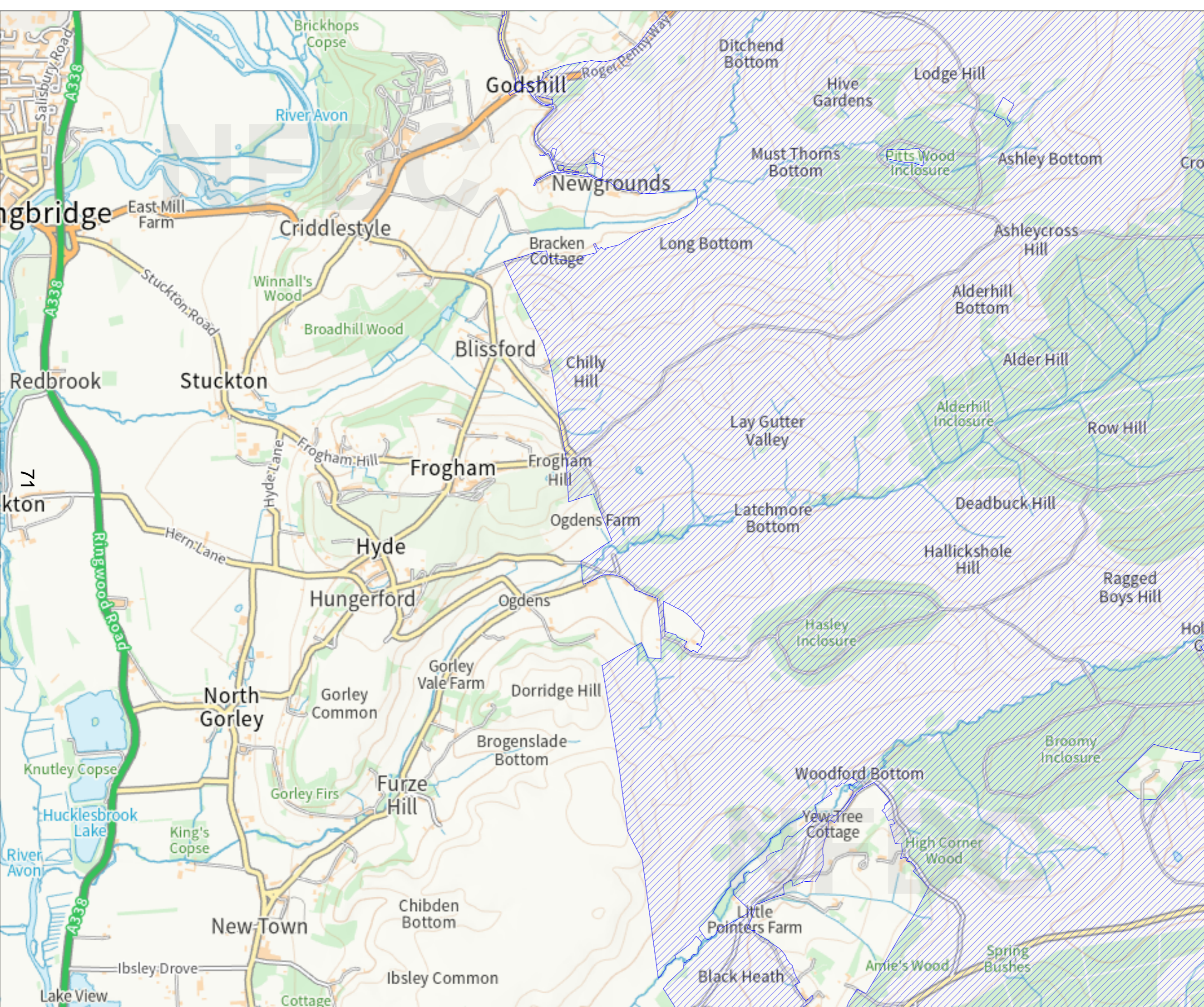
THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
-  District Boundary

Sheet: 3




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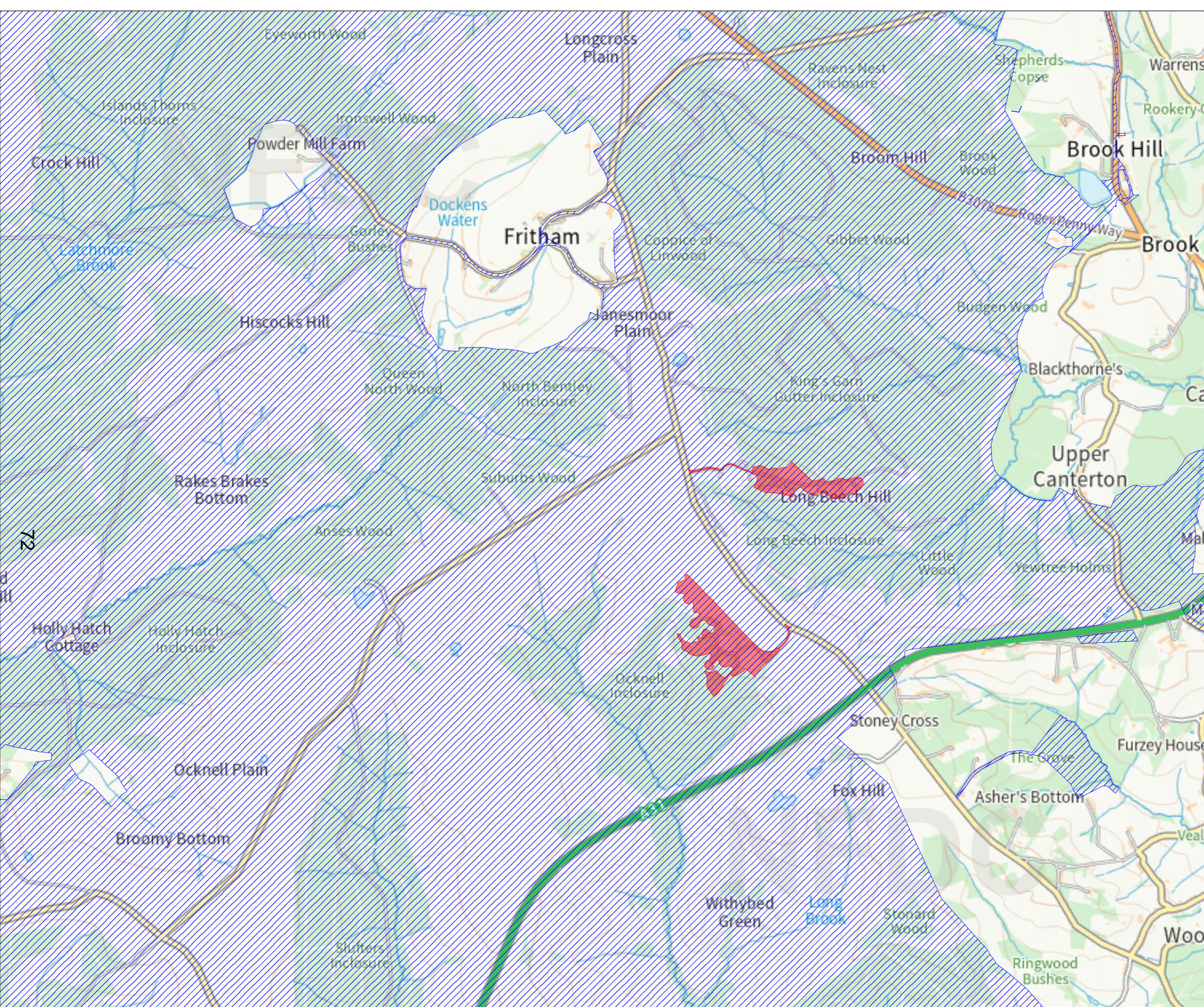


THE NEW FOREST
PUBLIC SPACES PROTECTION
ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
-  District Boundary

Sheet: 4

Scale 1:20000








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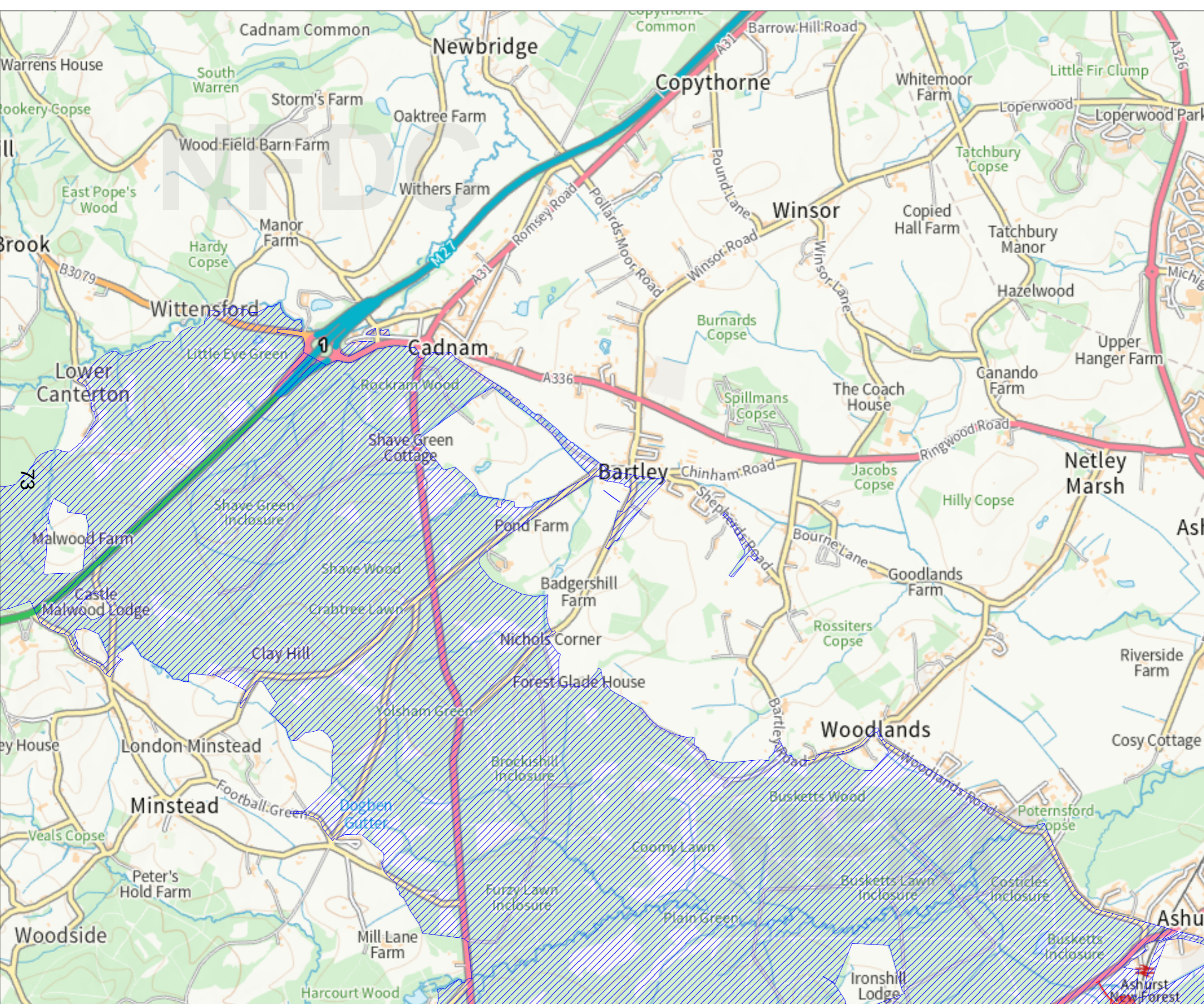
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-  Restricted Area
-  Forestry England Campsites
-  District Boundary

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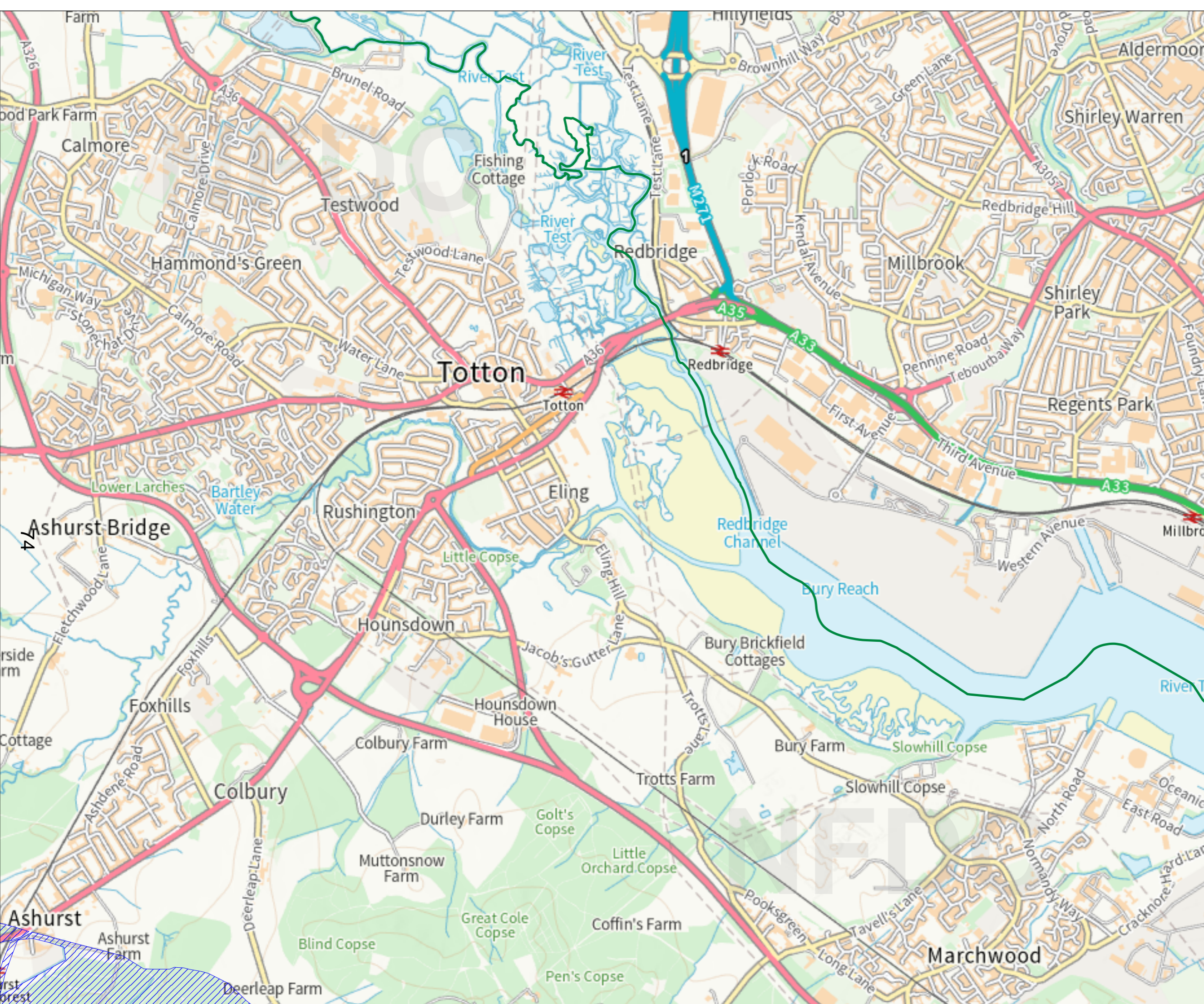
THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
-  District Boundary

Sheet: 6

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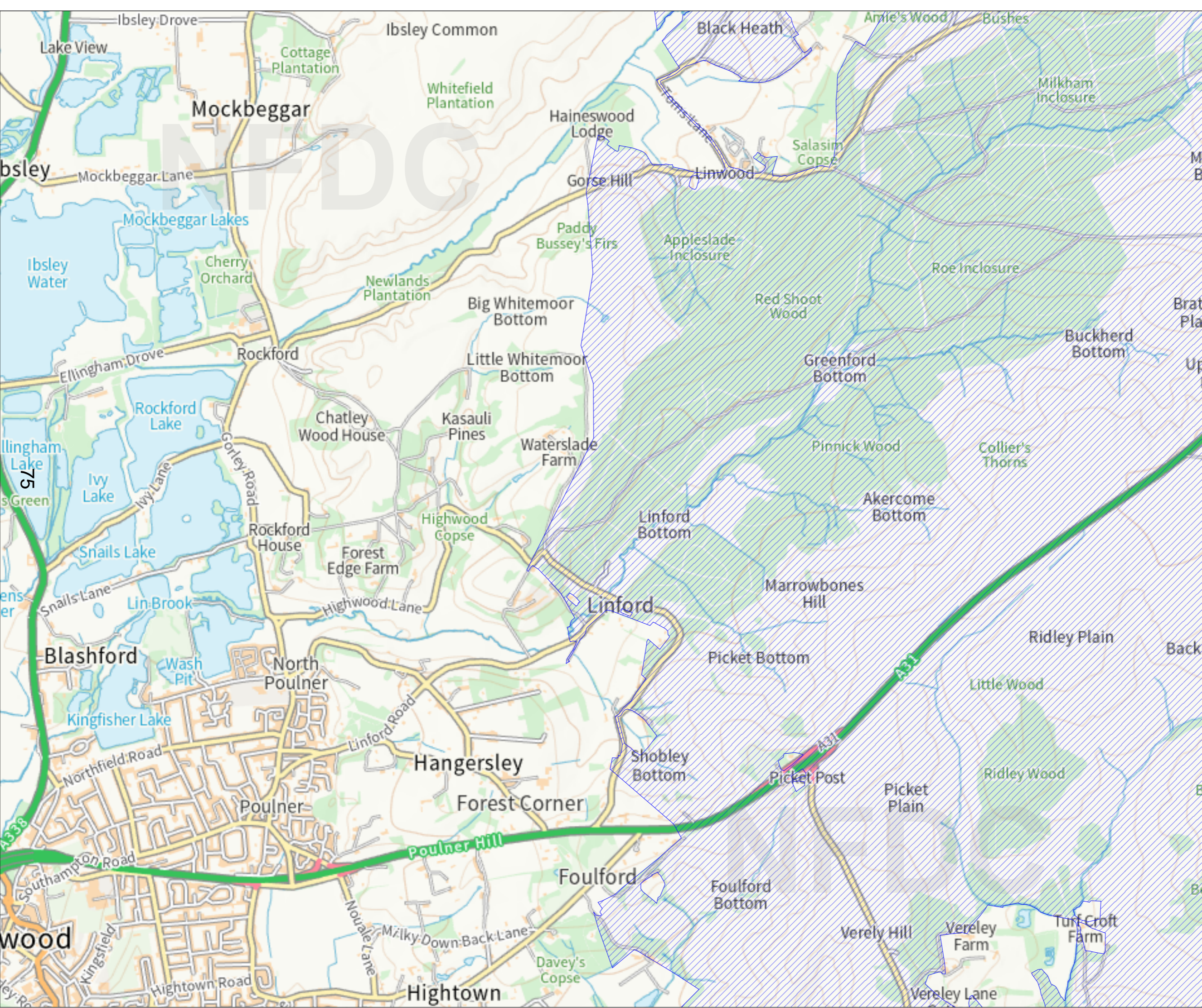
THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
-  District Boundary

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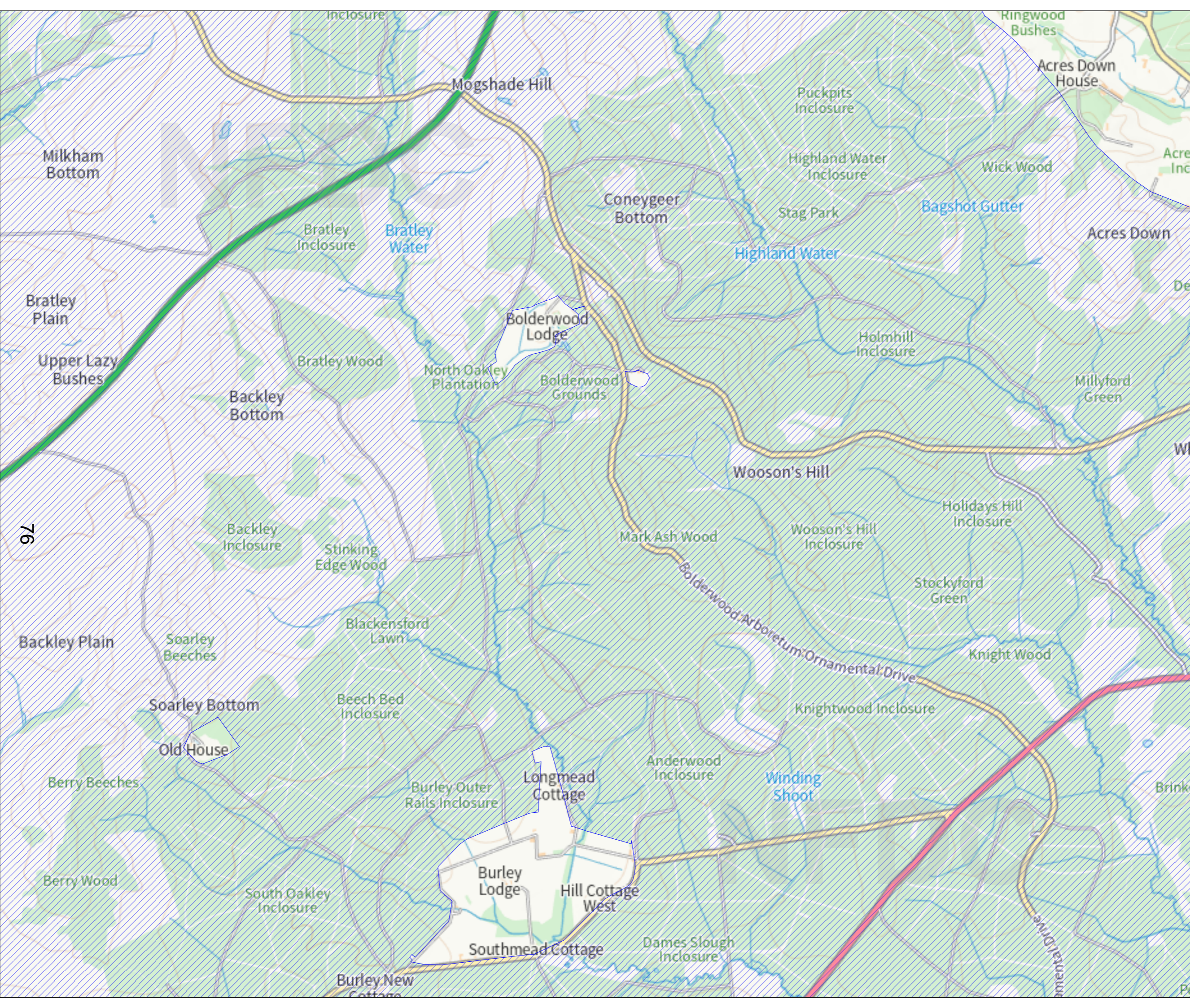
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-  Restricted Area
-  Forestry England Campsites
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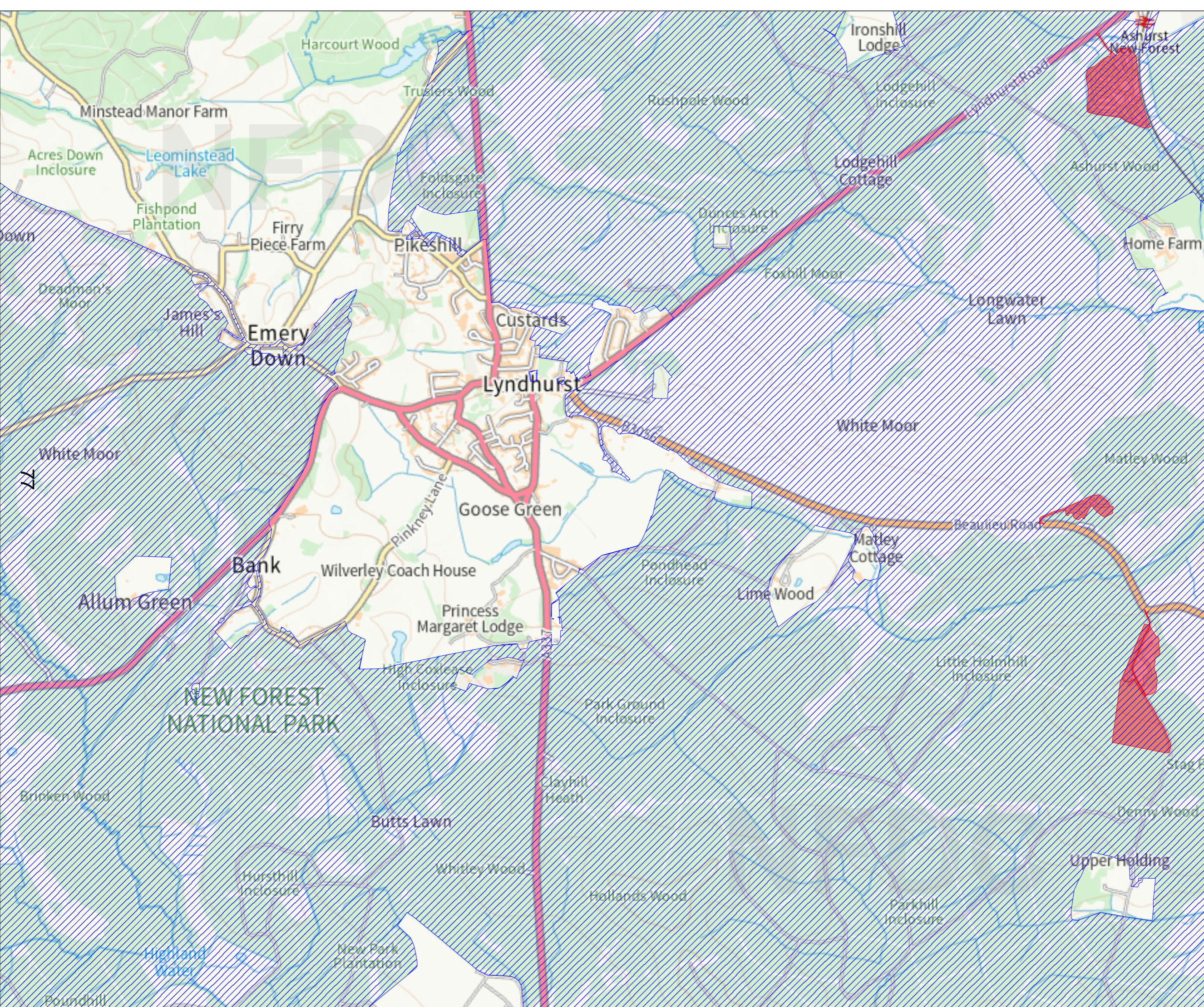
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-  Restricted Area
-  Forestry England Campsites
-  District Boundary

Sheet: 9




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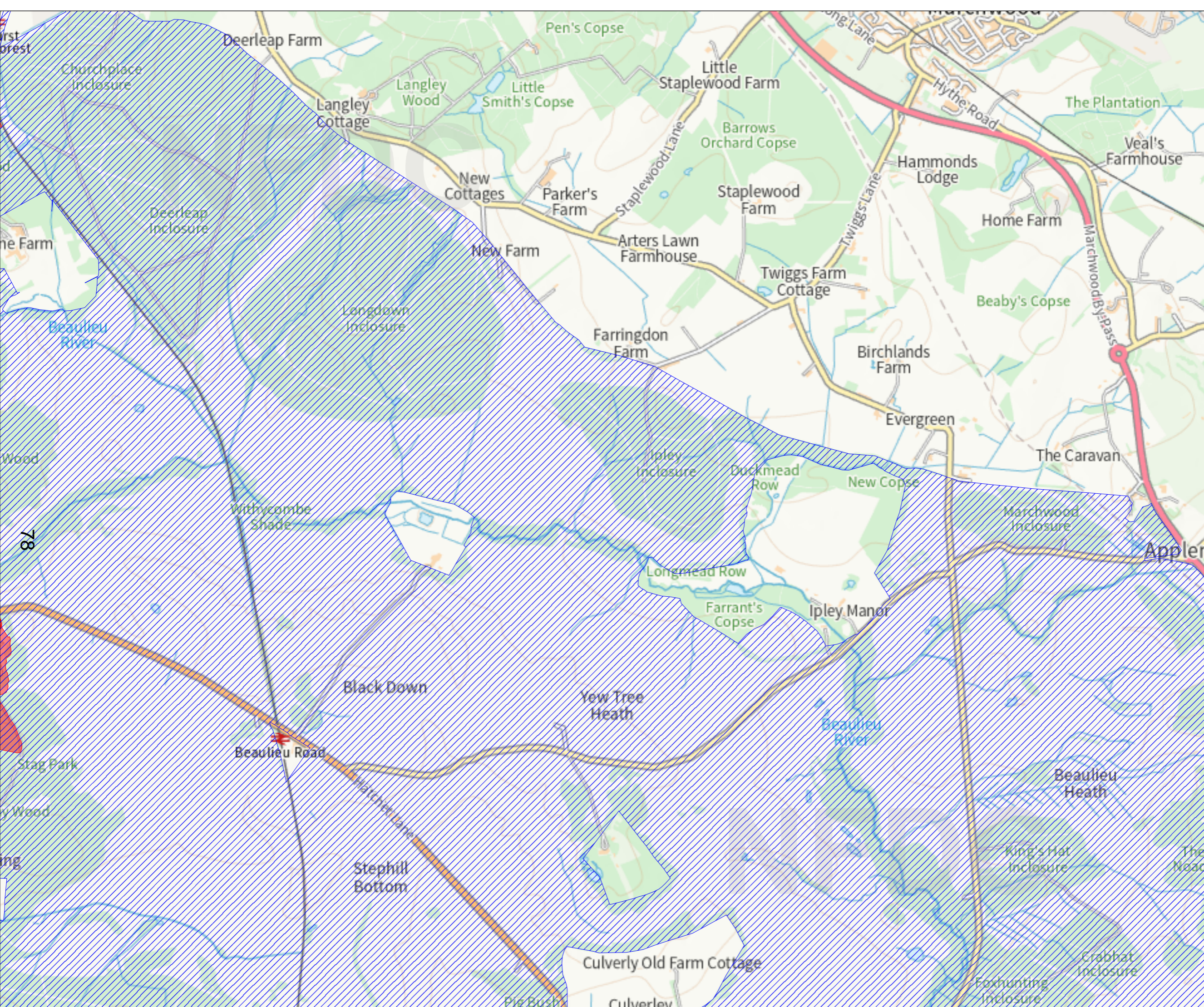


THE NEW FOREST
PUBLIC SPACES PROTECTION
ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
-  District Boundary

Sheet: 10

Scale 1:20000








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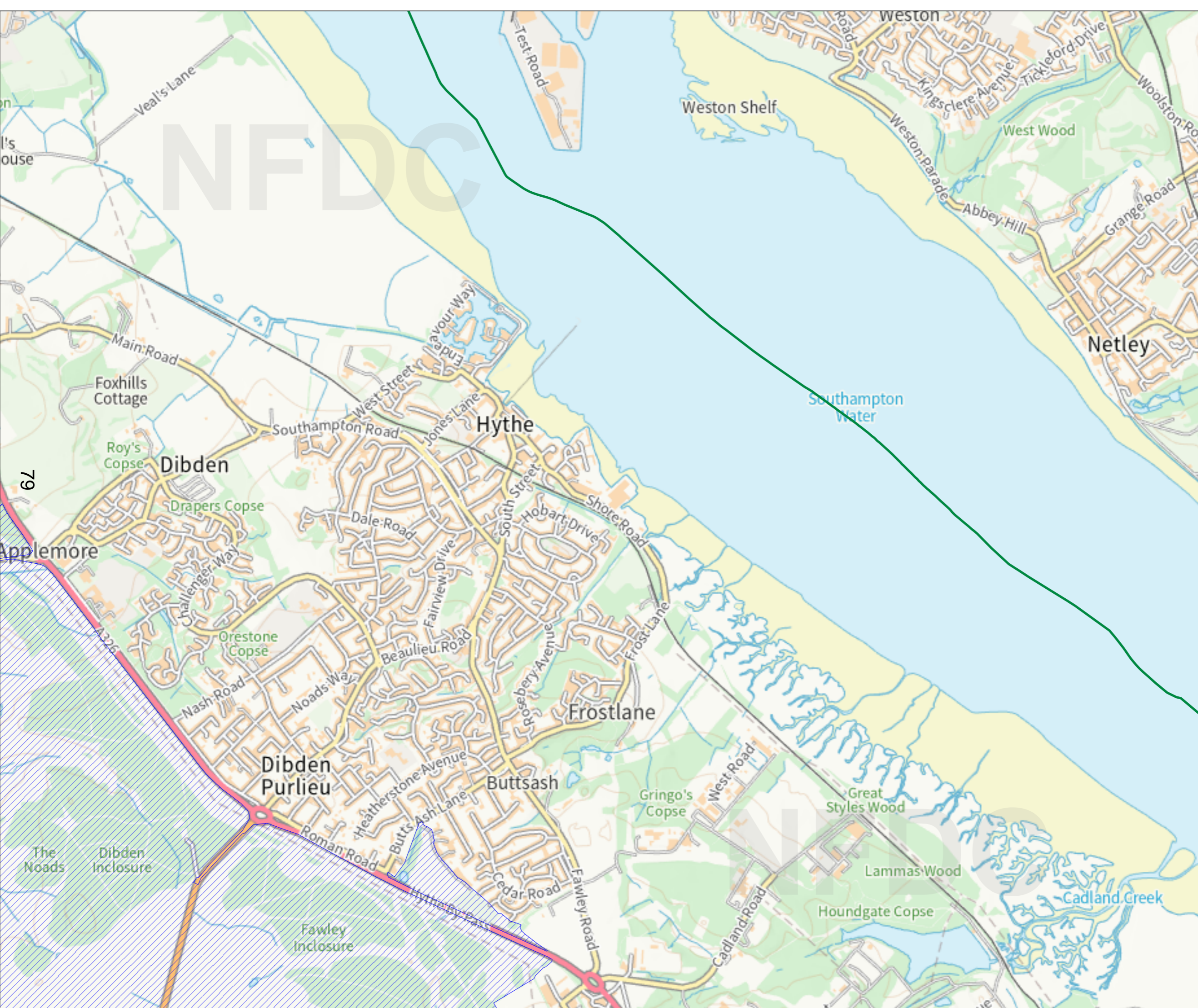
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-  Restricted Area
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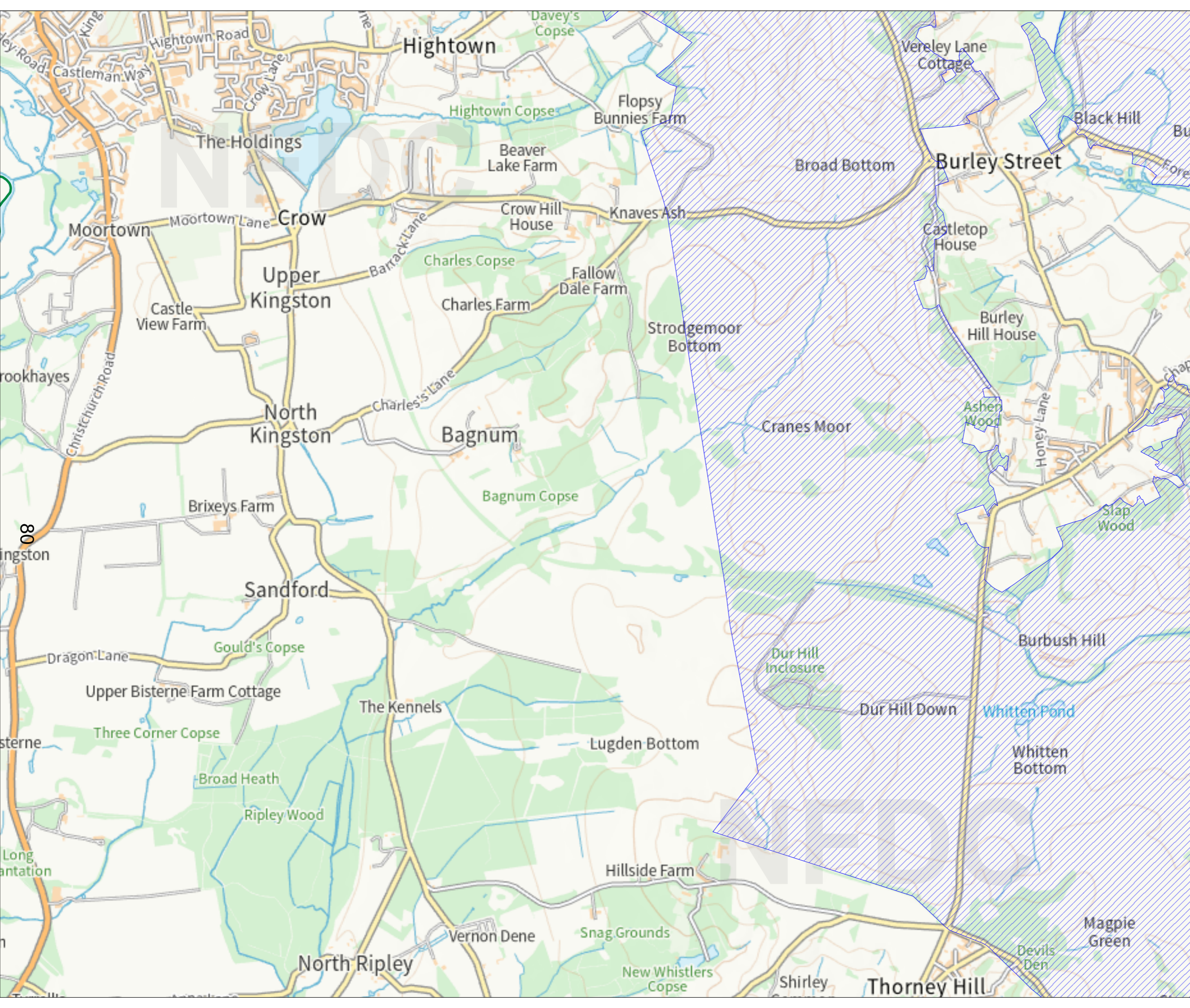
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-  Restricted Area
-  Forestry England Campsites
-  District Boundary

Sheet: 12




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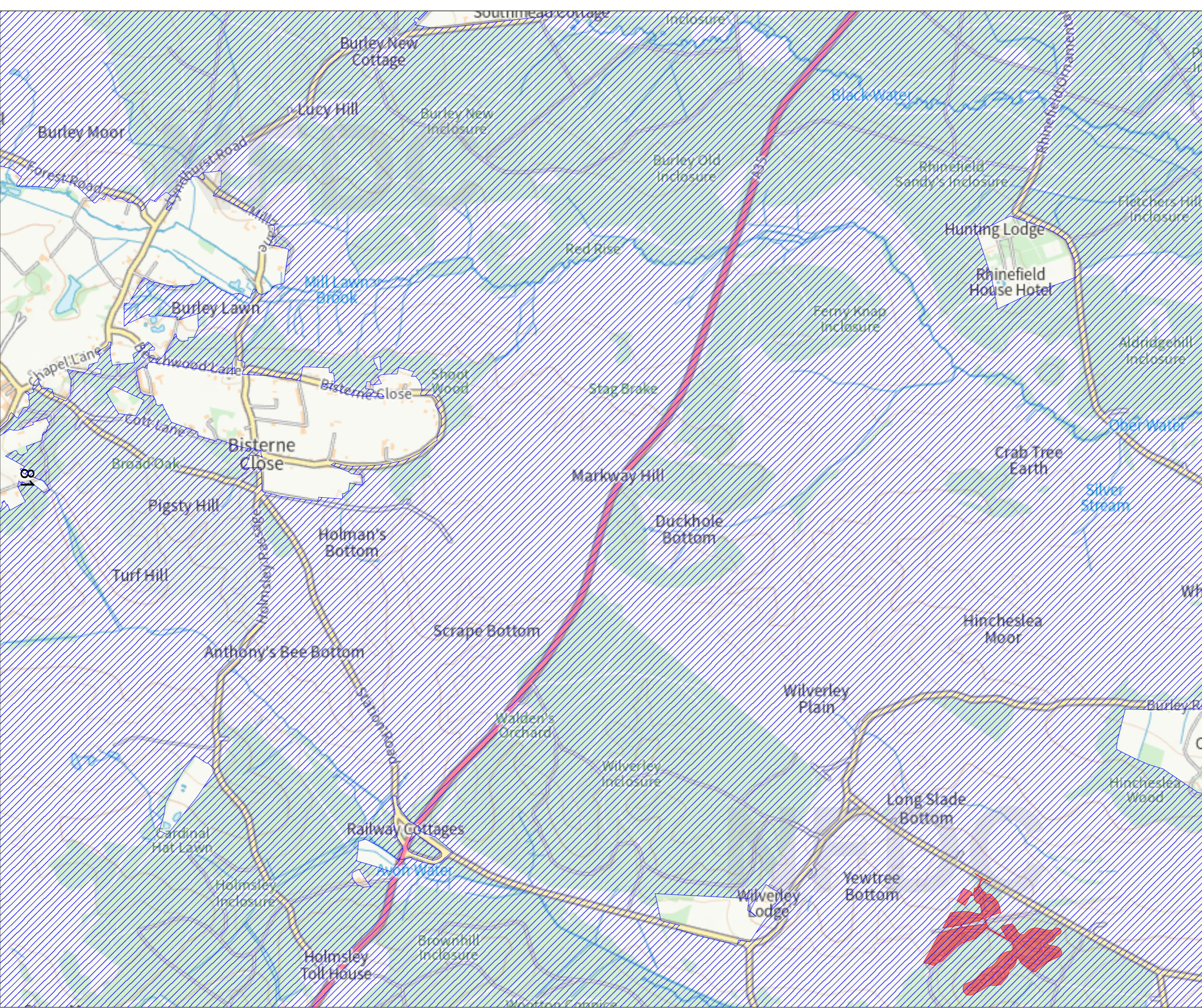


THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
-  District Boundary

Sheet: 13

Scale 1:20000








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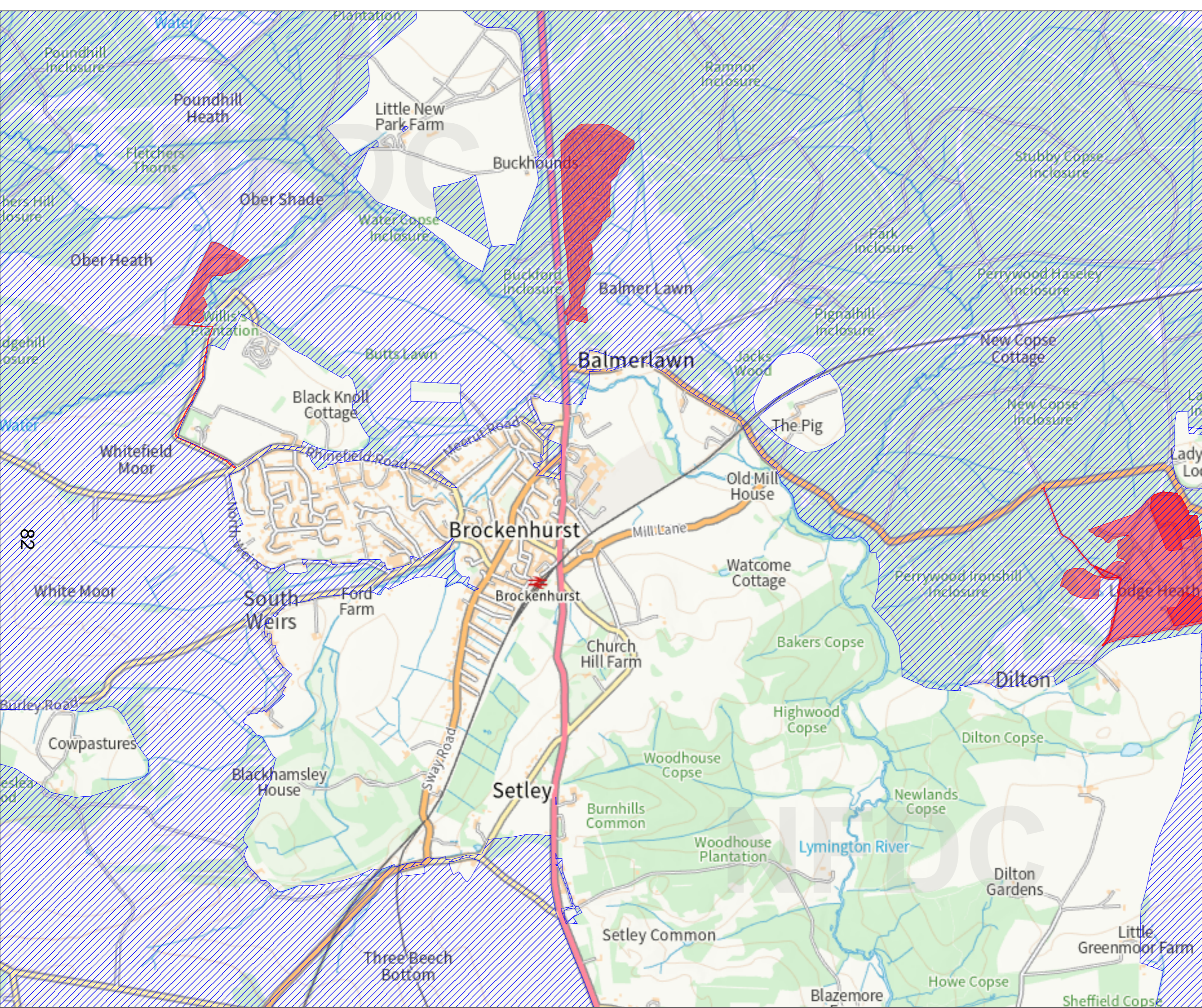
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-  Restricted Area
-  Forestry England Campsites
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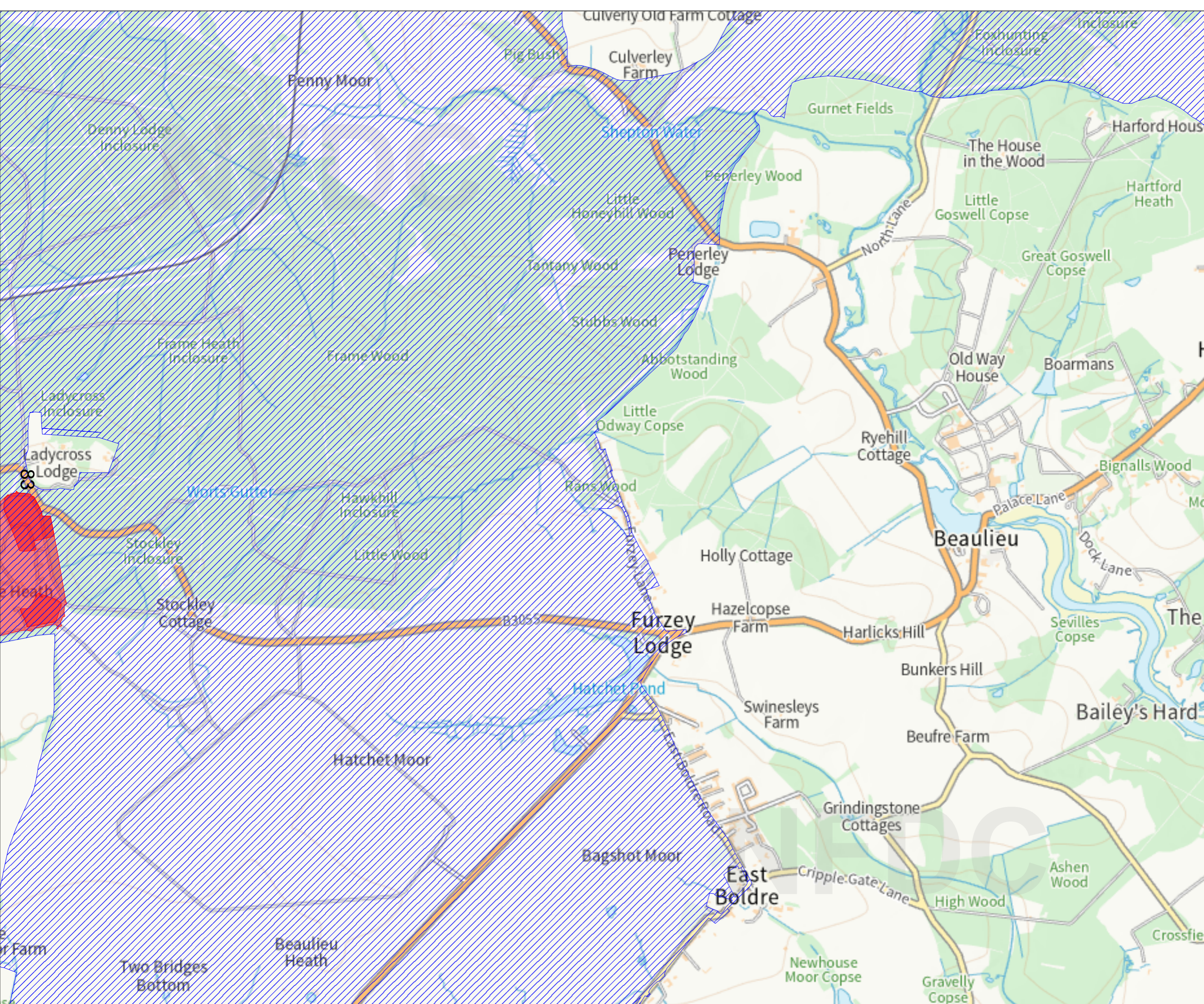
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-  Restricted Area
-  Forestry England Campsites
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-  Restricted Area
-  Forestry England Campsites
-  District Boundary

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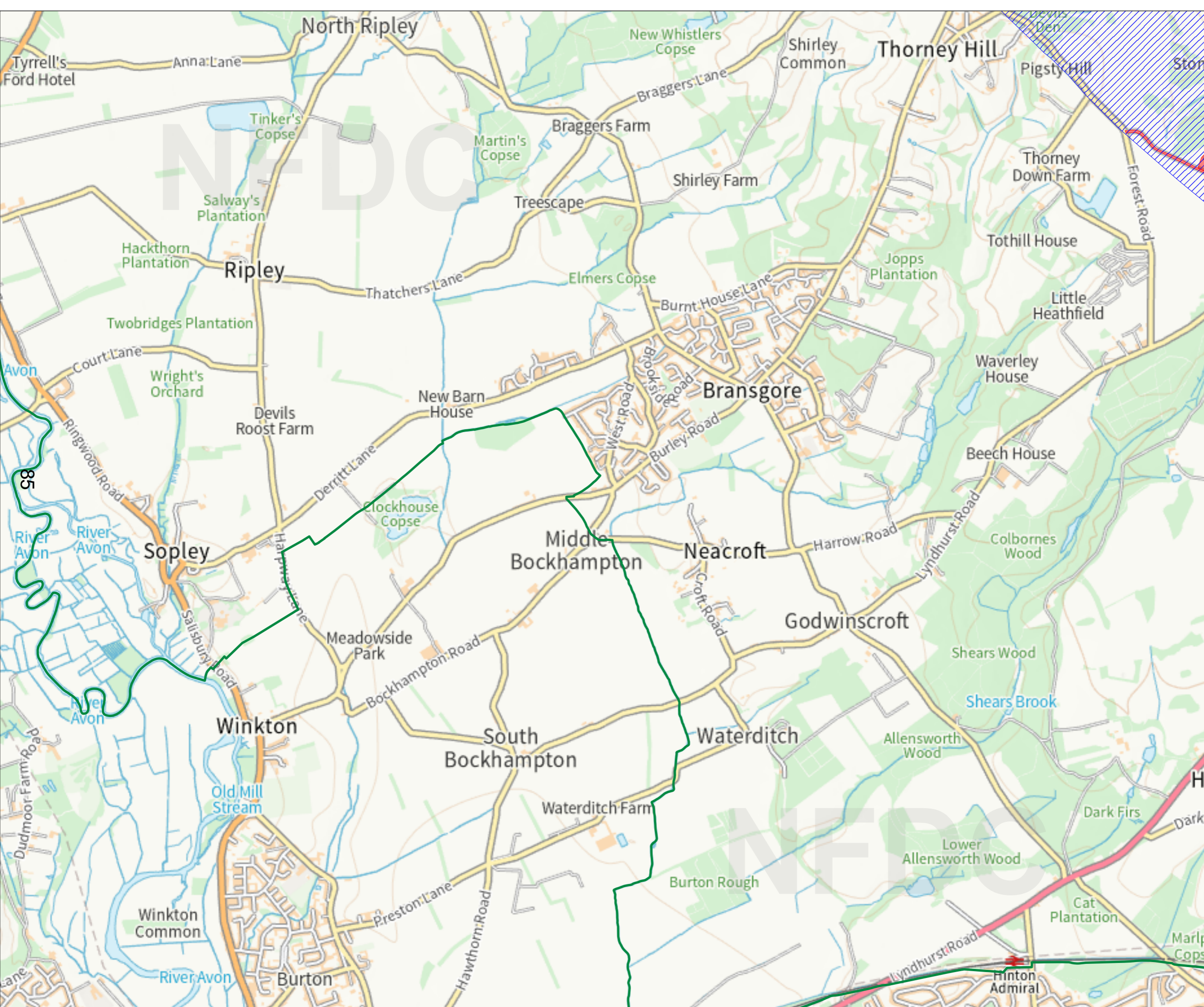
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-  Restricted Area
-  Forestry England Campsites
-  District Boundary

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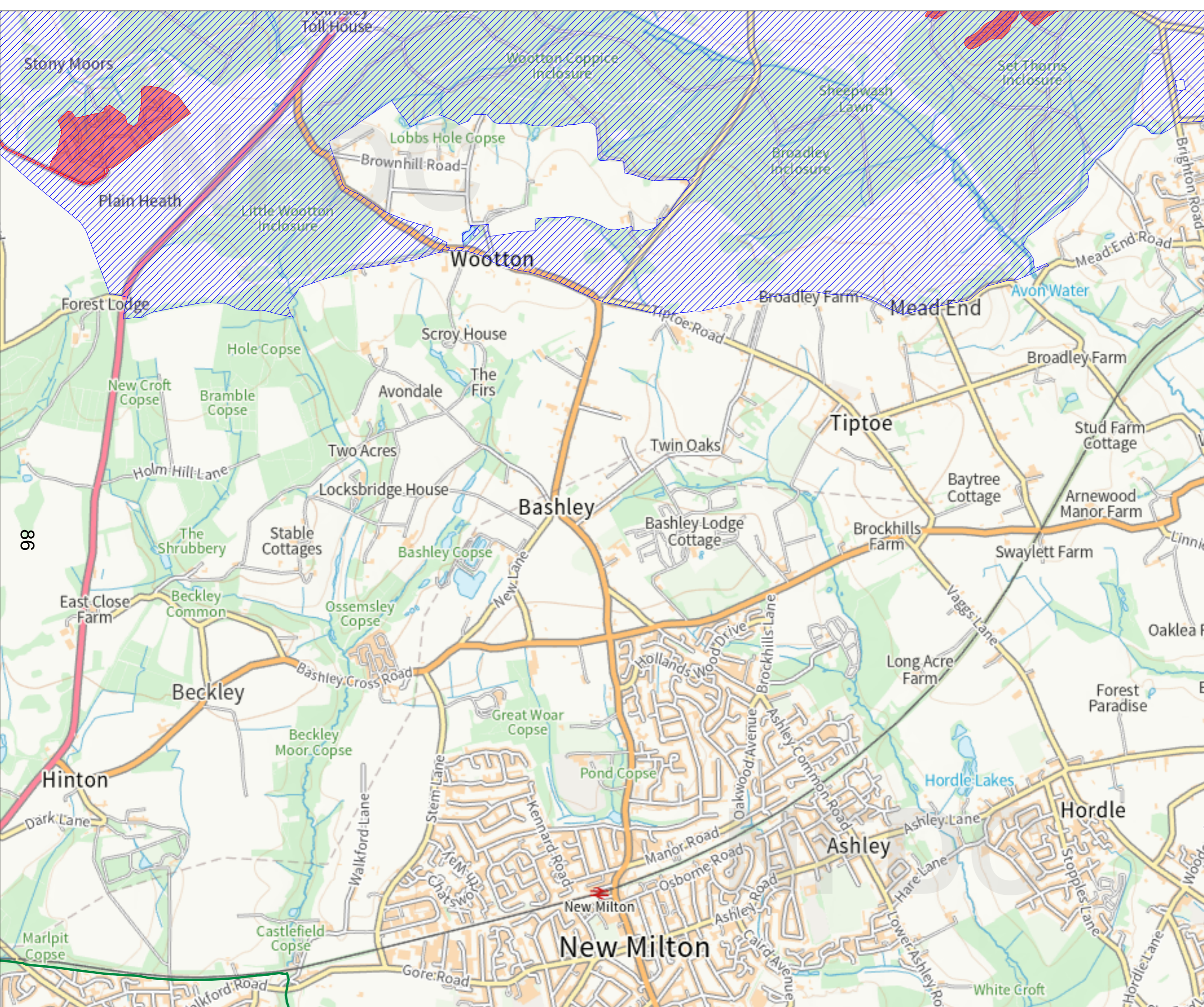
THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
-  District Boundary

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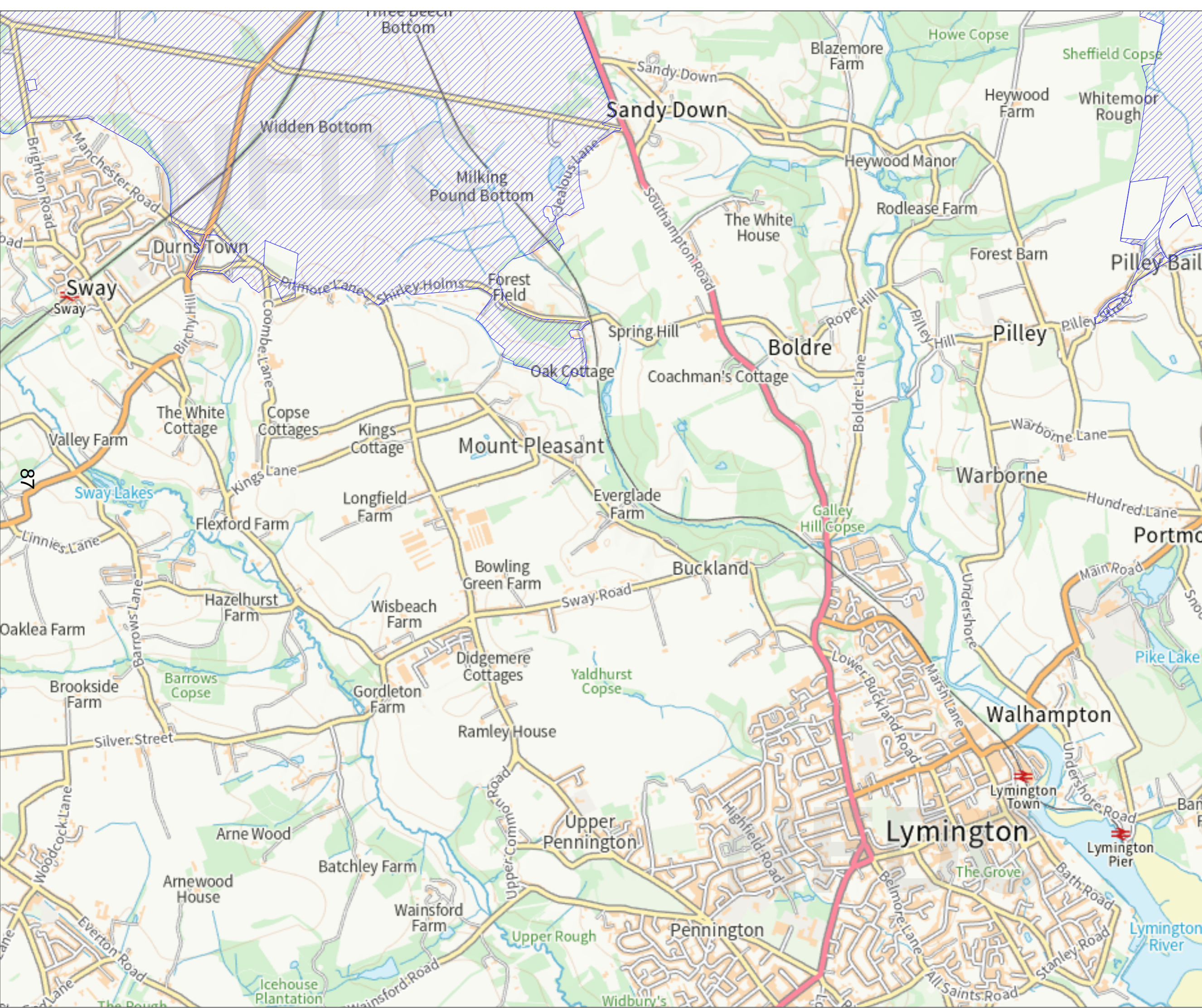
THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
-  District Boundary

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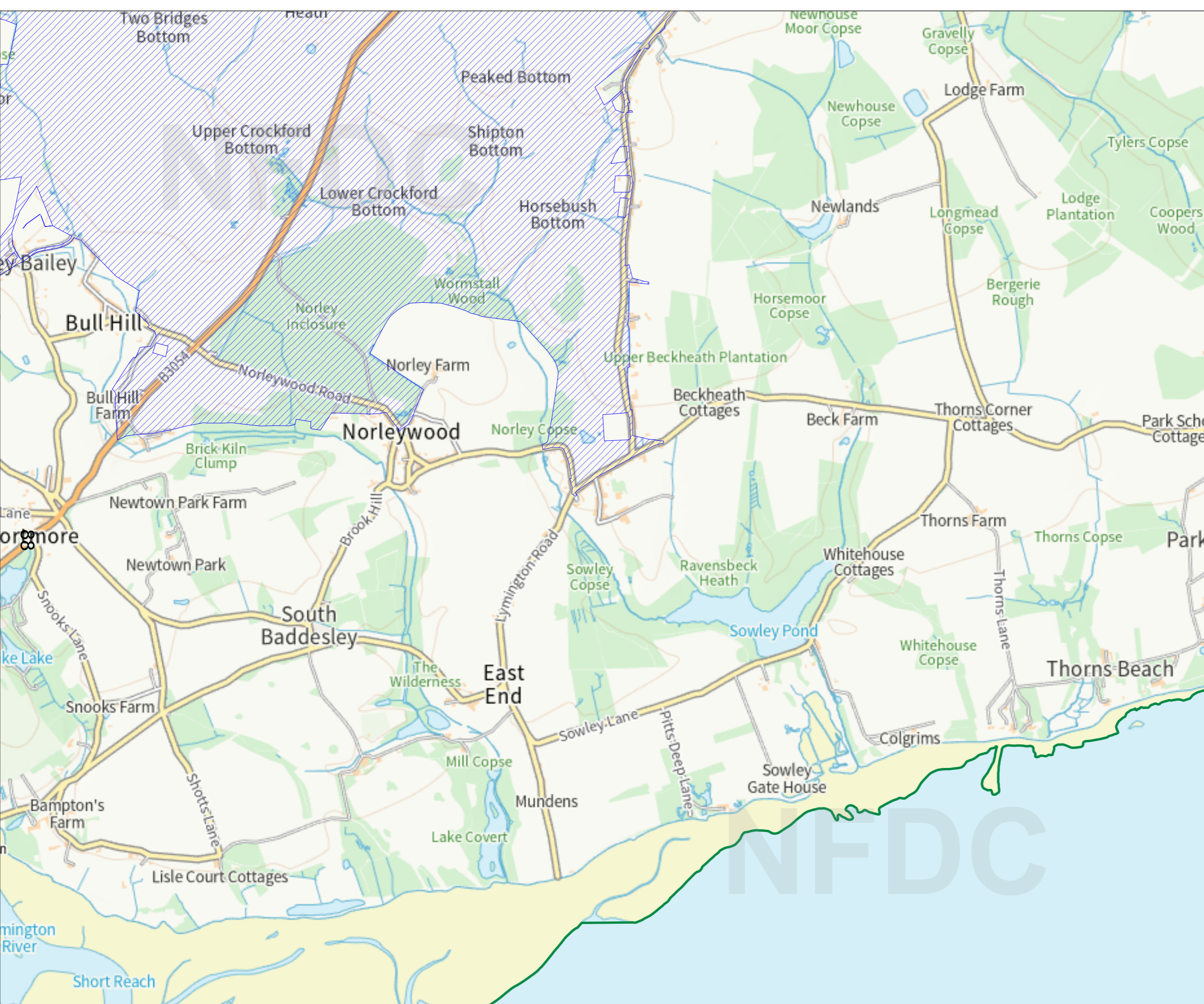
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THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.1)

-  Restricted Area
-  Forestry England Campsites
-  District Boundary

Sheet: 20



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ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
SECTION 59

THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.2)

1. ORDER

This Order is made by New Forest District Council ("the Council") in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and shall be known as The New Forest Public Spaces Protection Order 2023 (No.2) ("this Order").

2. DEFINITIONS

In this Order the following words or phrases are defined as follows:

"Activities"	means:
	(a) feeding or providing or depositing food for consumption by any New Forest Pony, Horse, Mule or Donkey; or
	(b) petting or touching any New Forest Pony, Horse, Mule or Donkey;
"Agister"	means a person who is for the time being employed or appointed as an agister by the Verderers;
"Authorised Officer"	means a constable or person authorised in writing by the Council for the purposes of this Order;
"Interested Person"	means an individual who lives in the Restricted Area or who regularly works in or visits that area;
"New Forest"	means the administrative area of the New Forest District Council;
"New Forest Commoner"	means anyone who owns/occupies land or property to which common rights over the New Forest attach;
"New Forest Pony, Horse, Mule or Donkey"	means any pony, horse, mule or donkey owned by any New Forest Commoner and free to roam in the Restricted Area;
"Public Space"	means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;

“Restricted Area” means any Public Space within the land identified and described in Schedule 1 and outlined and hatched in blue on the attached maps; and

“Verderers” means Verderers of the Forest and includes their duly authorised servants or agents.

In this Order where a term is defined as singular it shall also apply to the plural and vice versa.

3. PRELIMINARY

- (1) The Council, in making this Order, is satisfied on reasonable grounds that the Activities have carried on, or it is likely that they will be carried on, in public places within the New Forest and have had a detrimental effect on the quality of life of those in the locality; namely a substantial risk that the Activities increase the aggression of New Forest Ponies, Horses, Mules or Donkeys towards humans in the locality causing alarm and distress, distress and financial impact on New Forest Commoners where animals are harmed, and the risk of New Forest Ponies, Horses, Mules or Donkeys being withdrawn from the Restricted Area to the detriment of the New Forest Commoners and those who live, work or visit the Restricted Area and physical harm or worse caused to New Forest Ponies, Horses, Mules or Donkeys and that the effect, or likely effect, of the Activities—
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the Activities unreasonable, and
 - (c) justifies the restrictions imposed by this Order.
- (2) The Council is satisfied that the Prohibition and the Requirements imposed by this Order are reasonable to impose to prevent the detrimental effect of these Activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of their continuance, occurrence or recurrence.
- (3) This Order should be read in conjunction with Schedule 1 and attached maps.

4. DURATION OF THIS ORDER

This Order shall come into effect at midnight on 1 July 2023 for a period of three years, unless extended.

5. APPLICATION

This Order applies at all times, to all persons within the Restricted Area subject to the Exceptions listed in Article 8.

6. PROHIBITION

- (1) A person shall not engage in any of the Activities within the Restricted Area (“the Prohibition”).
- (2) The Prohibition is subject to the Exceptions in Article 8.

7. REQUIREMENTS

- (1) Where an Authorised Officer has reasonable grounds to believe that any person within the Restricted

Area has acted, is acting, or is likely to act, contrary to this Order, they shall, if and as required by an Authorised Officer, terminate the Activities.

(2) If any person within the Restricted Area has in their possession any item which an Authorised Officer has reasonable grounds to believe is being, or is likely to be used in conjunction with the Activities contrary to this Order, they shall, if and as required by an Authorised Officer, surrender the item to an Authorised Officer.

(3) The Requirements are subject to the Exceptions in Article 8.

8. EXCEPTIONS

(1) This Order shall not apply to:

- (a) any person who is a New Forest Commoner and owner of a New Forest Pony, Horse, Mule or Donkey, or their duly authorised servant or agent; or
- (b) an Agister.

9. OFFENCE

(1) Section 67 of the Act states that it is an offence for a person without reasonable excuse to:

- (a) do anything that the person is prohibited from doing by this Order, or
- (b) fails to comply with a requirement to which the person is subject under this Order.

(2) A person who is guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person does not commit an offence by failing to comply with a prohibition or requirement that the Council did not have the power to include in the public space protection order.

10. FIXED PENALTY NOTICES

(1) An Authorised Officer may issue a fixed penalty notice to anyone they have reason to believe has committed an offence under this Order. Such notice offers the person to whom it is issued the opportunity to discharge their liability to conviction for the offence by payment of a fixed penalty.

(2) The penalty is set at £100.00 to be paid within 28 days but is reduced to £75.00 if paid within 14 days.

11. CHALLENGING THE VALIDITY OF THIS ORDER

(1) An Interested Person may question the validity of this Order on the grounds that:

- (a) the Council has no power to make it or to include particular prohibition or requirement imposed by this Order;
- (b) a requirement of the Act has not been complied with in relation to this Order

(2) An application must be made to the High Court within the period of six weeks beginning with the date on which this Order is made.

Date:

THE COMMON SEAL OF NEW FOREST
DISTRICT COUNCIL

Was hereto affixed in the presence of:-

}

SCHEDULE 1

The Restricted Area comprises the land within the Perambulation of the New Forest as shown outlined and hatched in blue on the maps attached hereto comprising an overview map (scale 1:100,000) and sheets 1 to 22 (scale 1:20,000).





New Forest

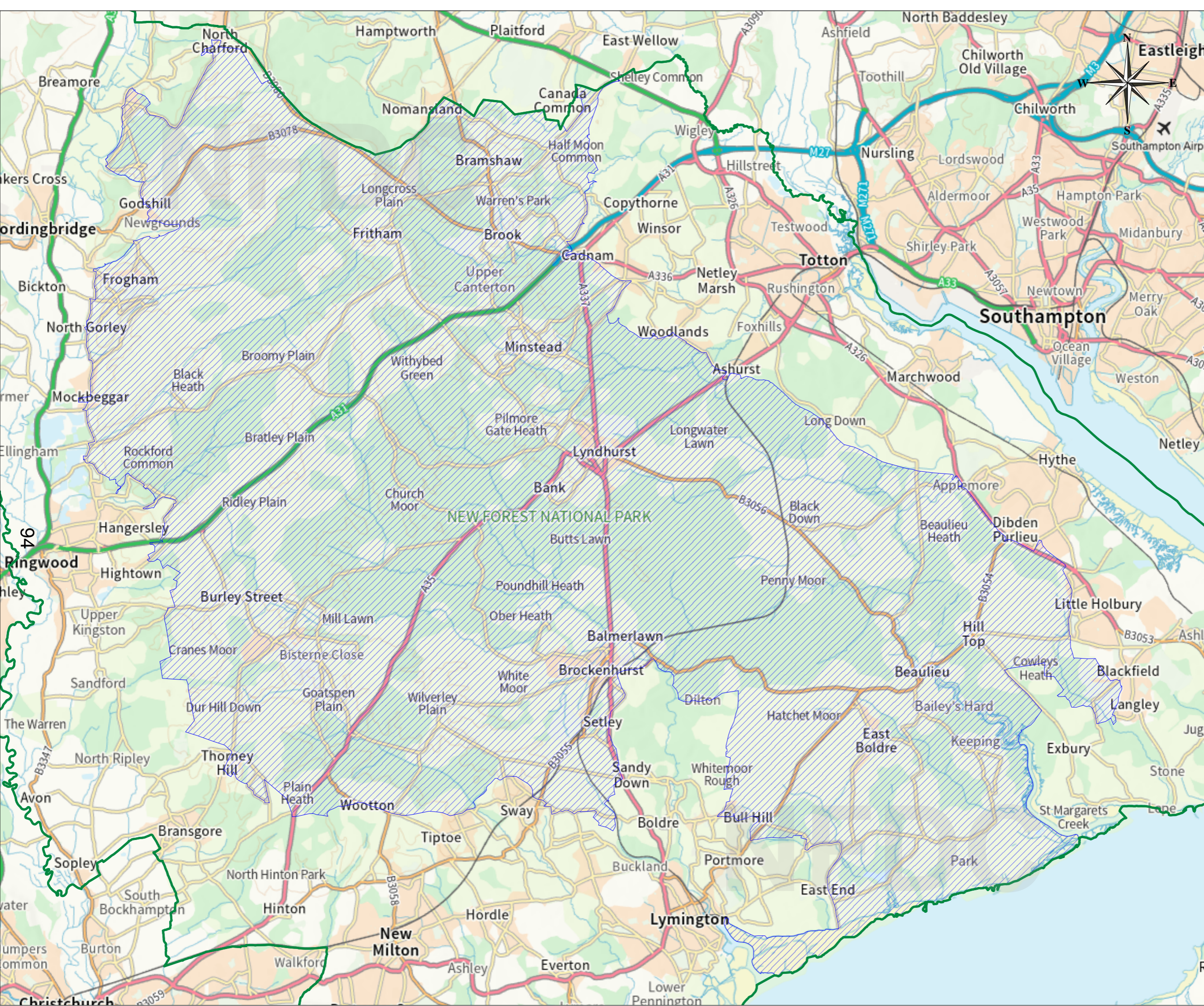
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THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.2)

Overview Map

-  Restricted Area
-  District Boundary



Scale 1:100000

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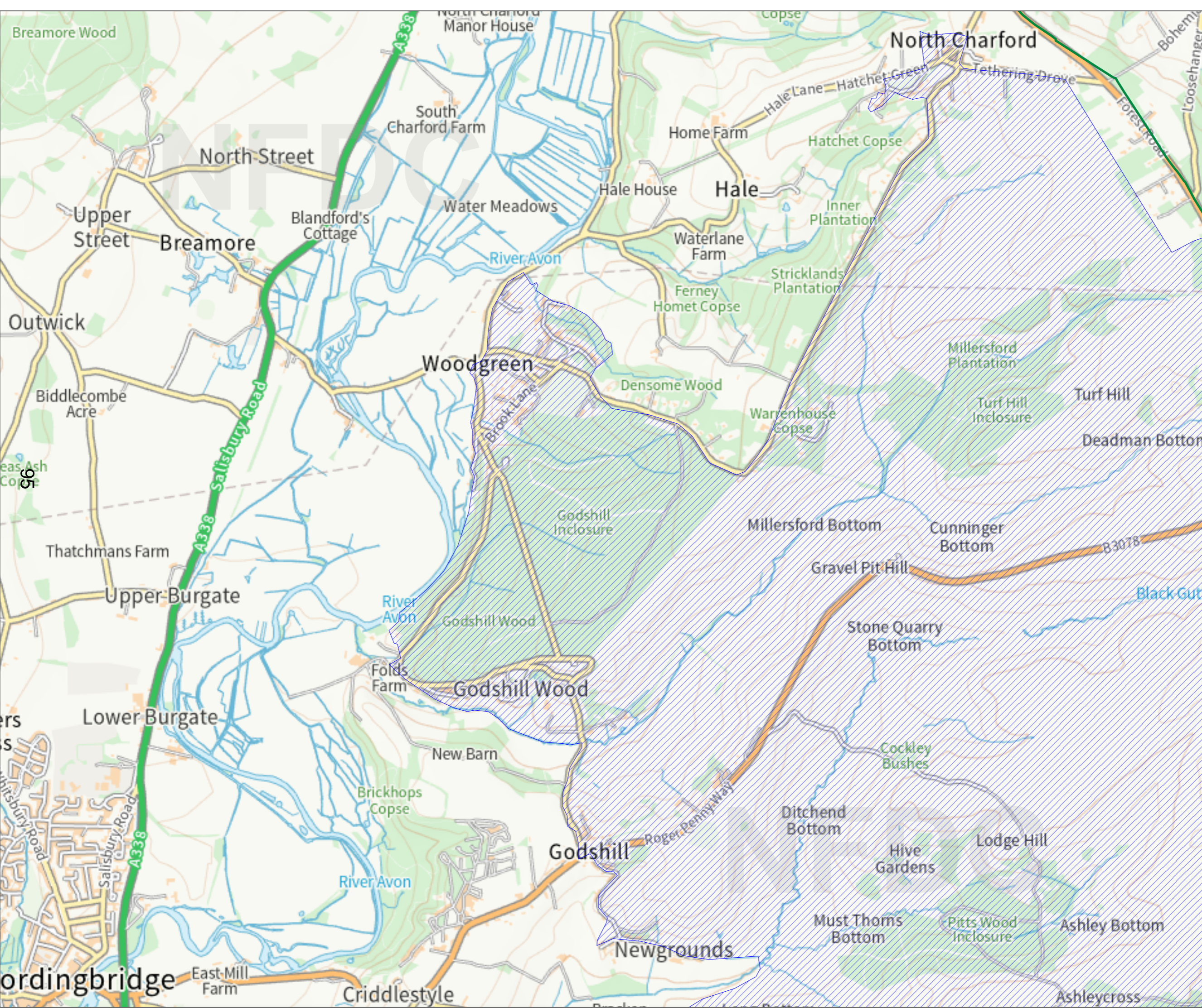
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THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.2)

-  Restricted Area
-  District Boundary

Sheet: 1





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THE NEW FOREST
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ORDER 2023 (NO.2)

-  Restricted Area
-  District Boundary

Sheet: 2



Scale 1:20000





New Forest

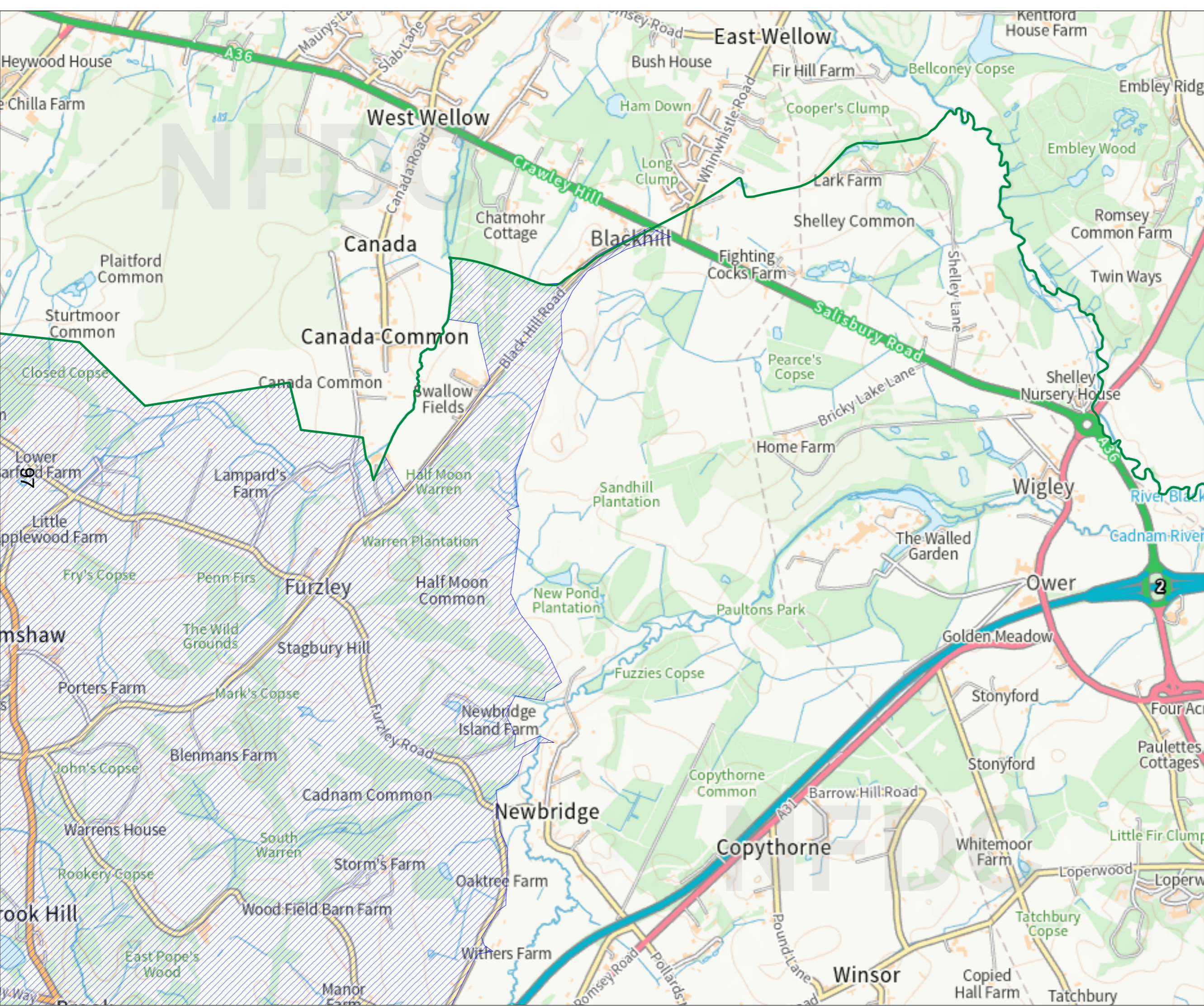
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THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.2)

-  Restricted Area
-  District Boundary

Sheet: 3



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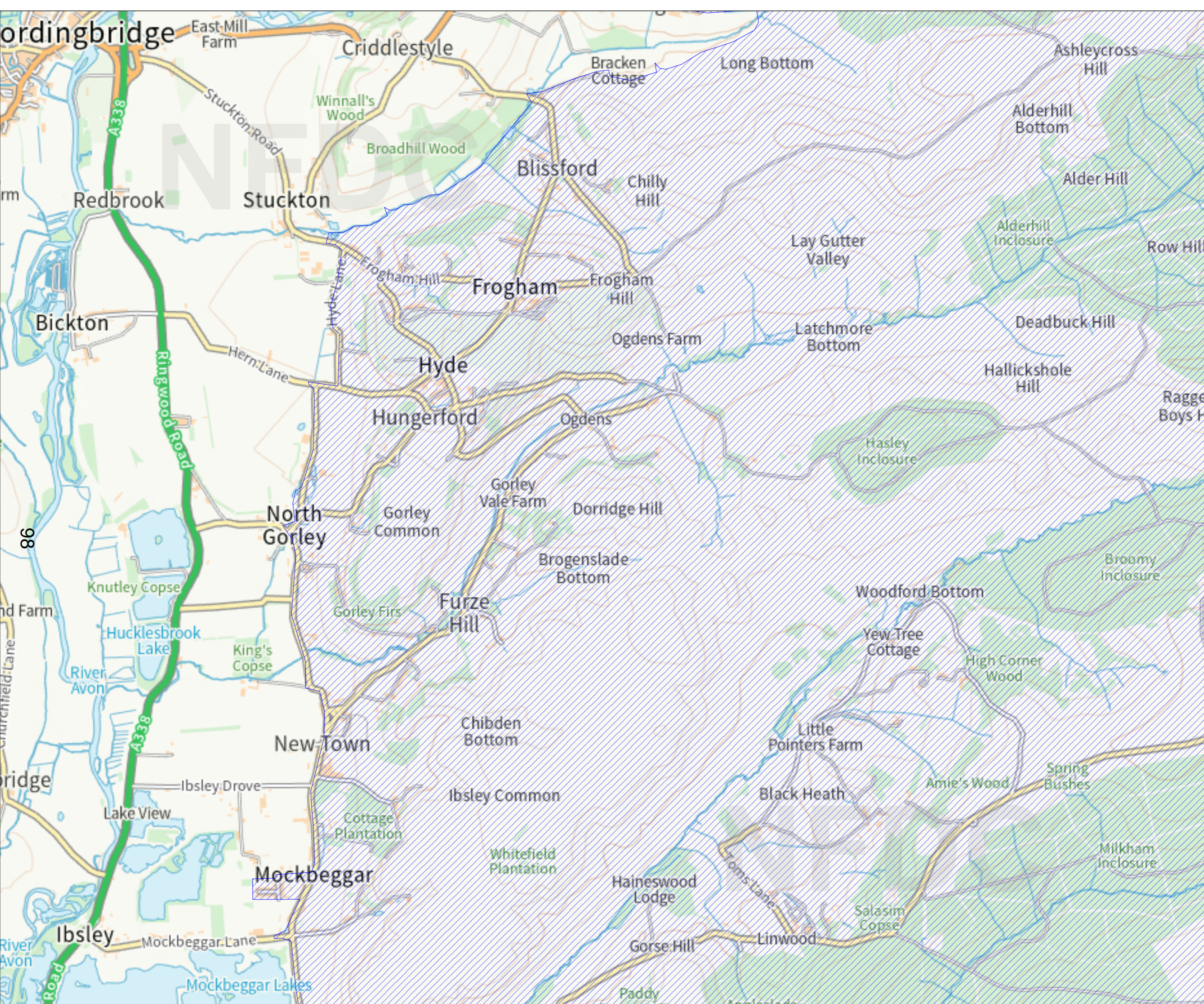
THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.2)

-  Restricted Area
-  District Boundary

Sheet: 4

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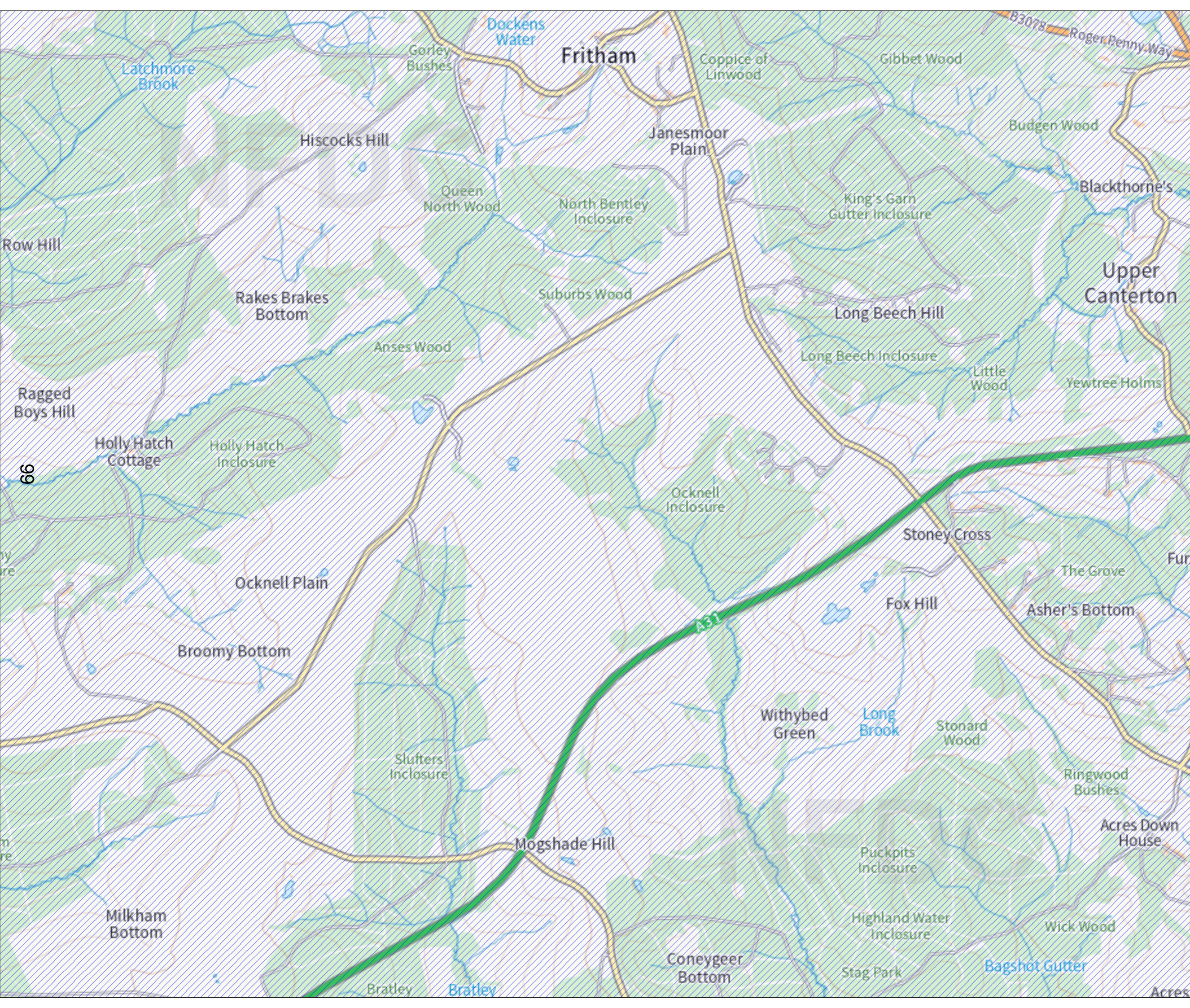
THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.2)

-  Restricted Area
-  District Boundary

Sheet: 5

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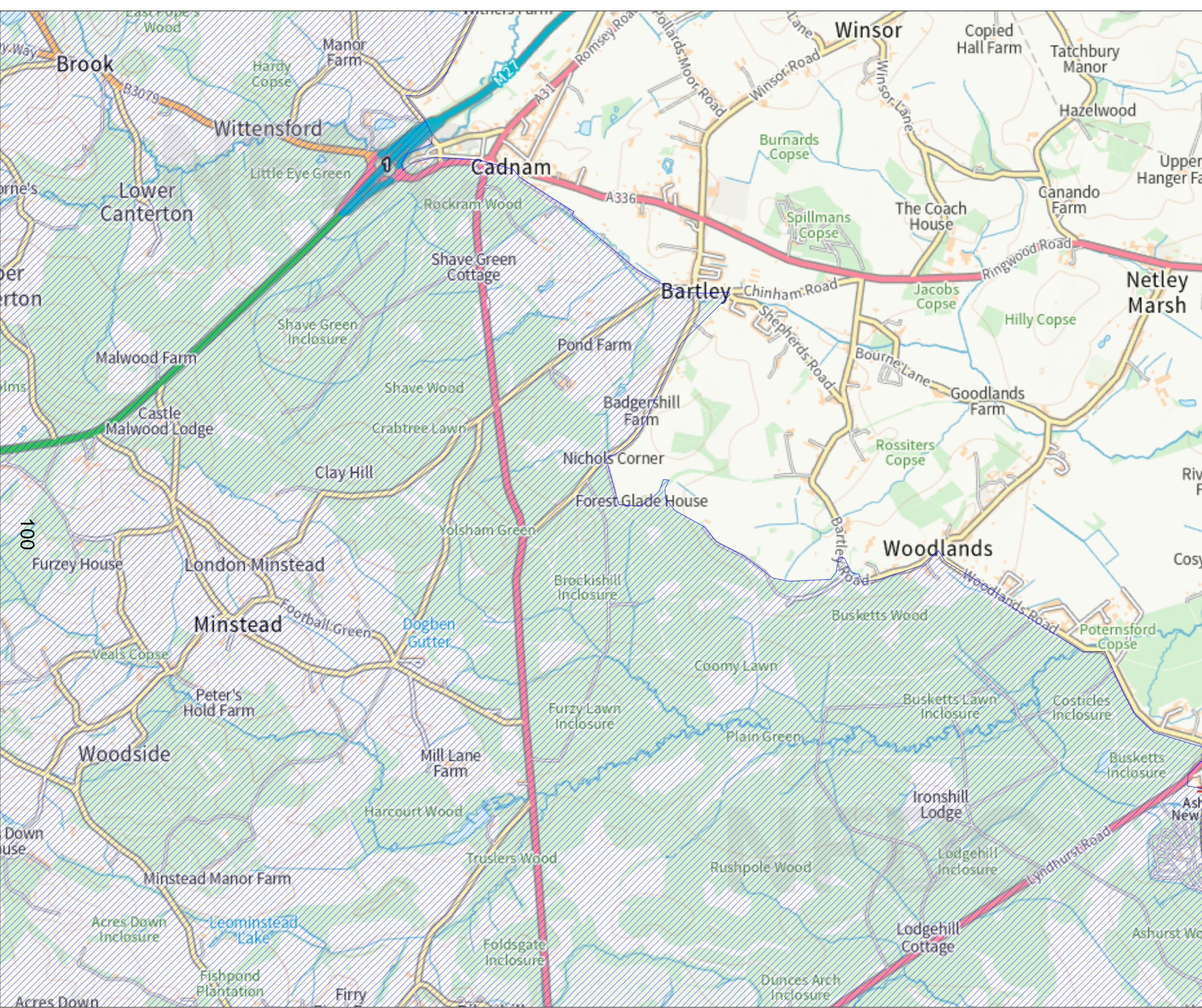
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-  Restricted Area
-  District Boundary

Sheet: 6



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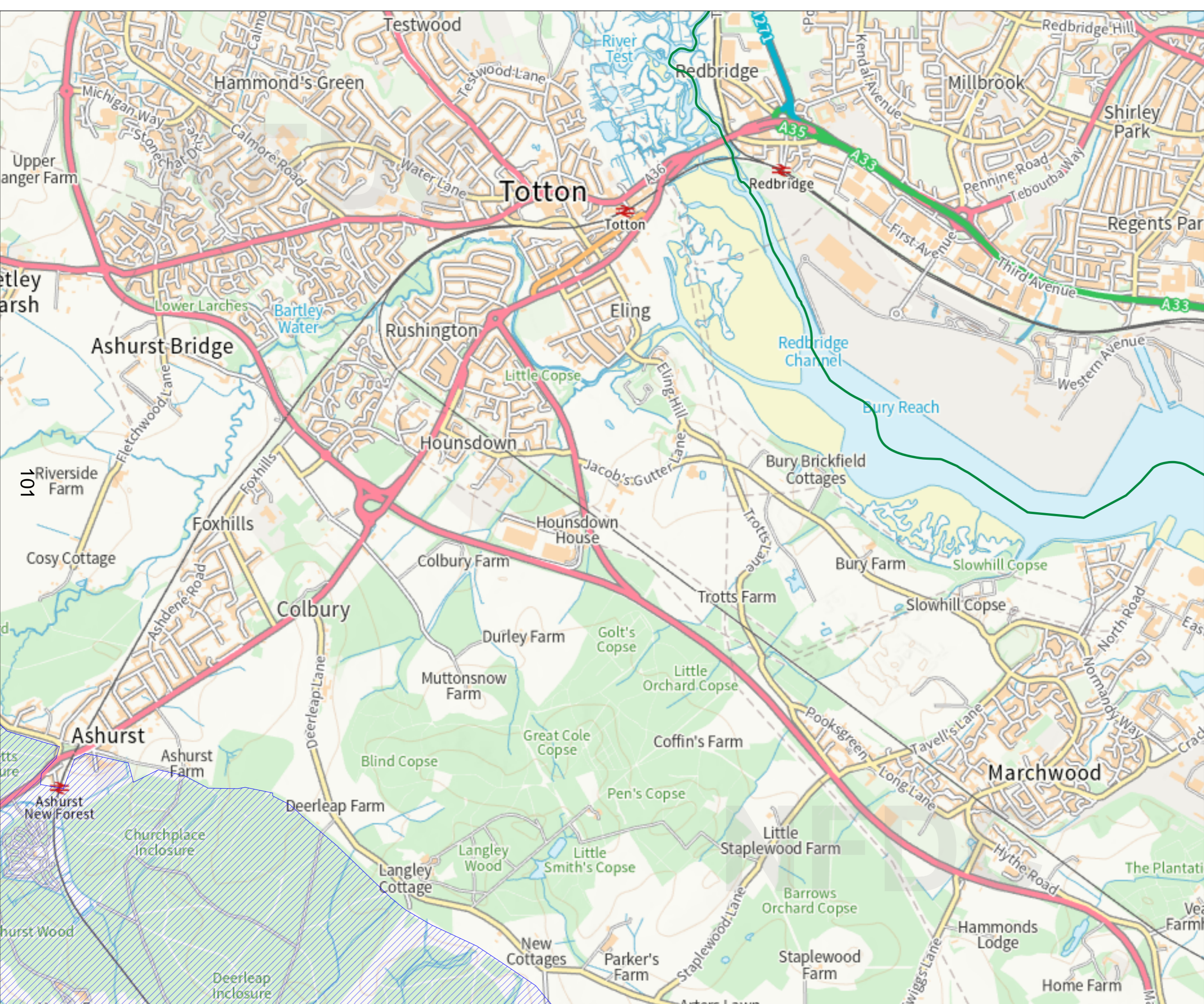
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-  Restricted Area
-  District Boundary

Sheet: 7



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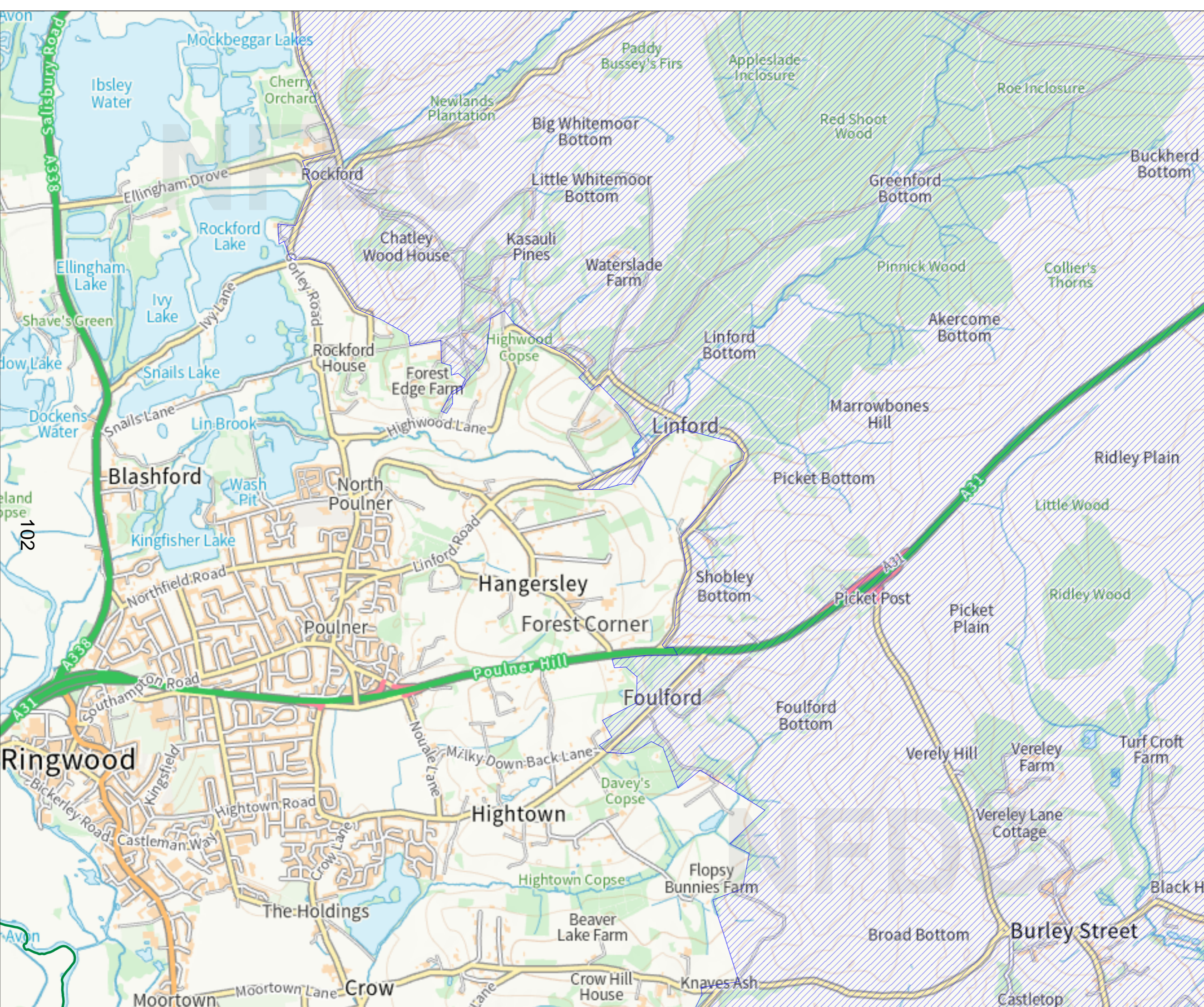
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THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.2)

-  Restricted Area
-  District Boundary

Sheet: 8





Scale 1:20000

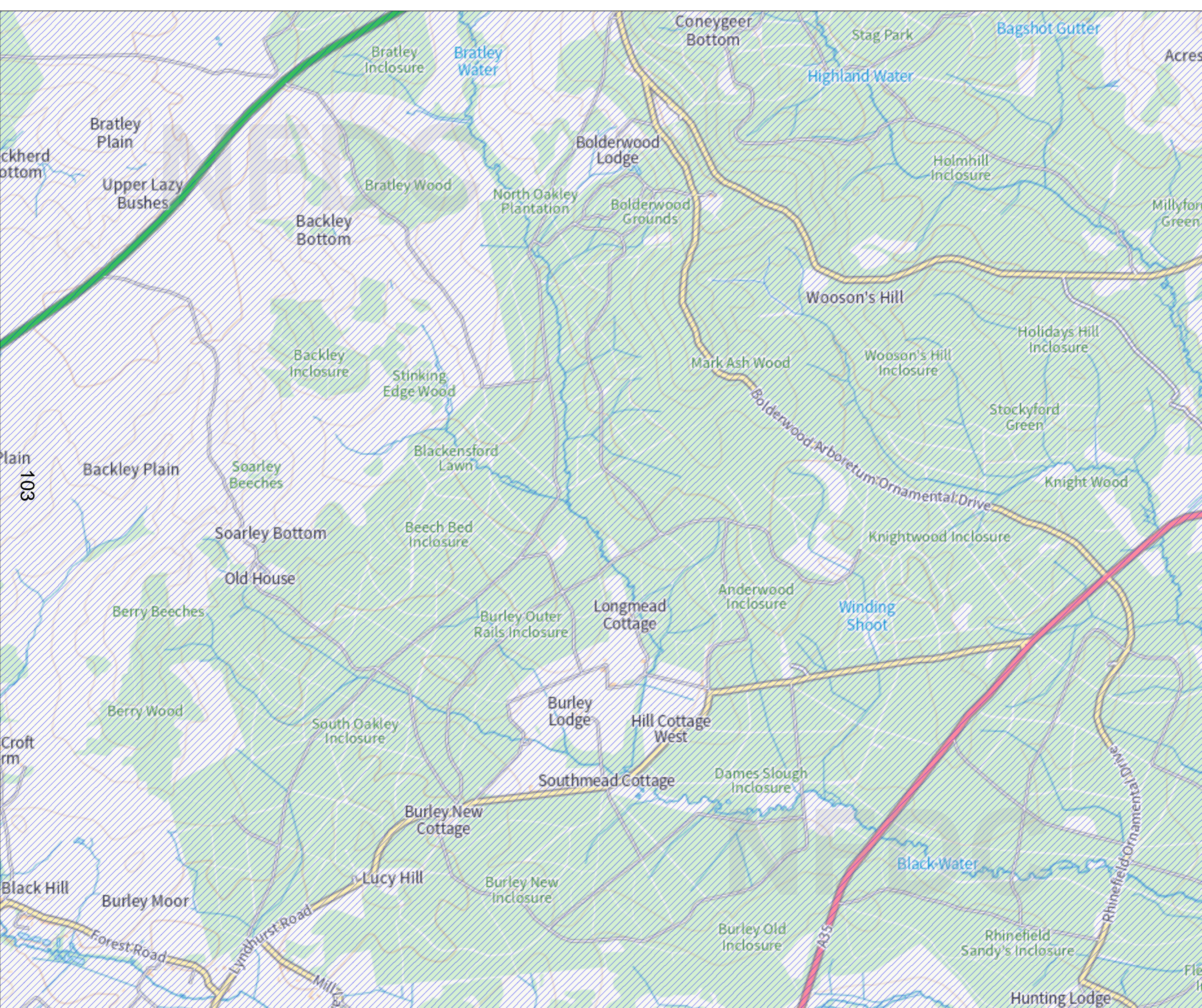
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ORDER 2023 (NO.2)

-  Restricted Area
-  District Boundary

Sheet: 9



Scale 1:20000





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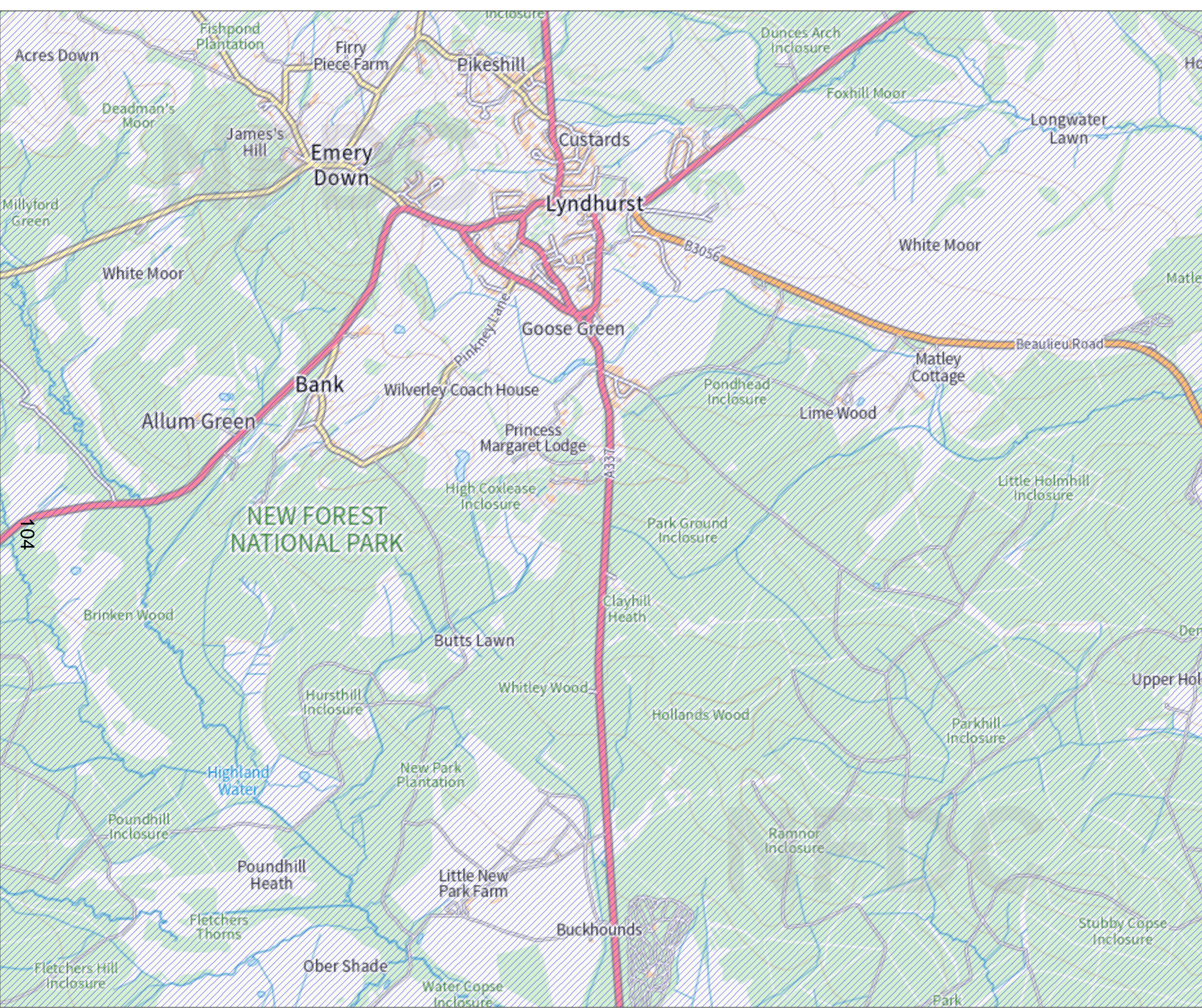
THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.2)

-  Restricted Area
-  District Boundary

Sheet: 10

Scale 1:20000

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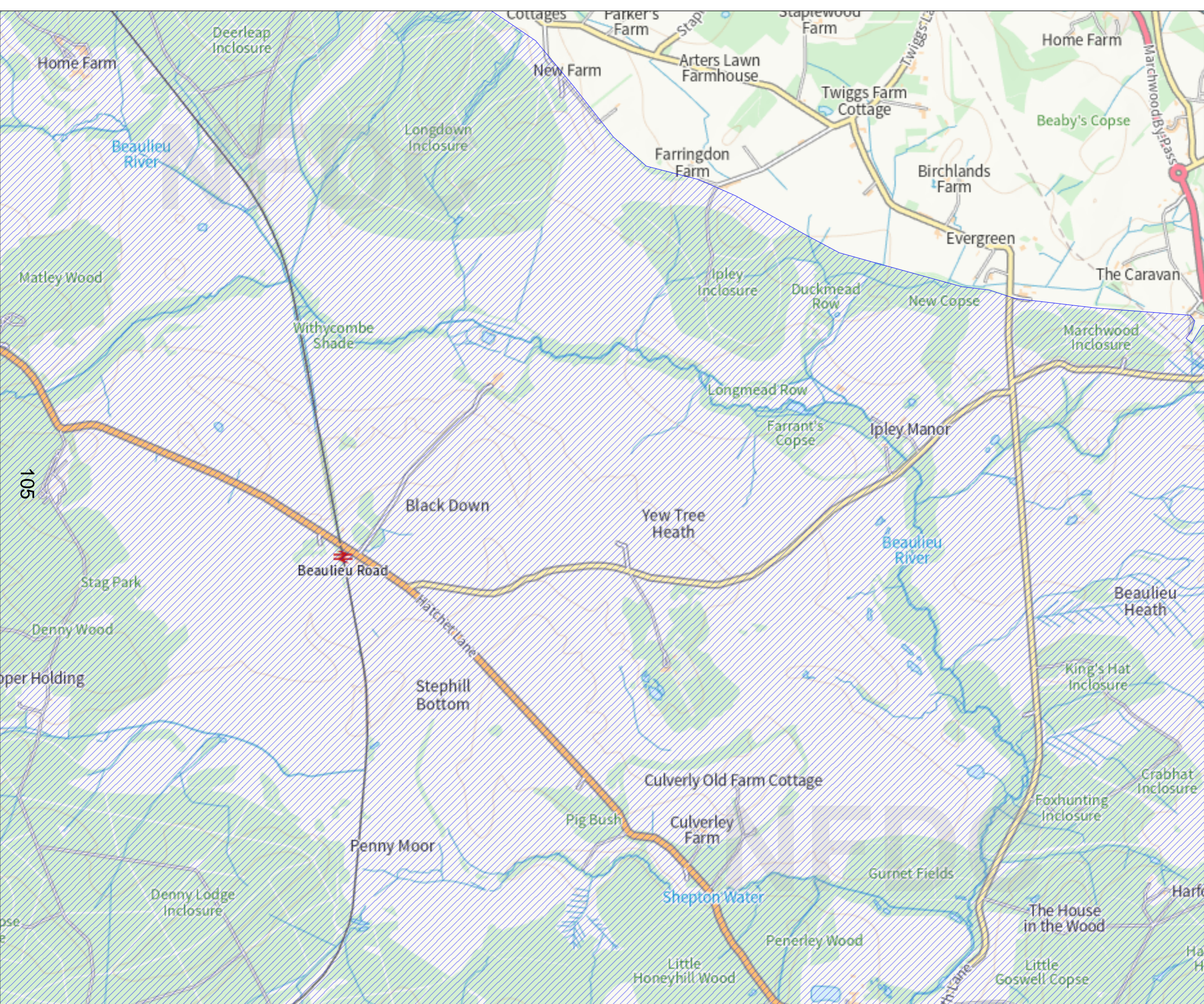
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THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.2)

-  Restricted Area
-  District Boundary

Sheet: 11





Scale 1:20000



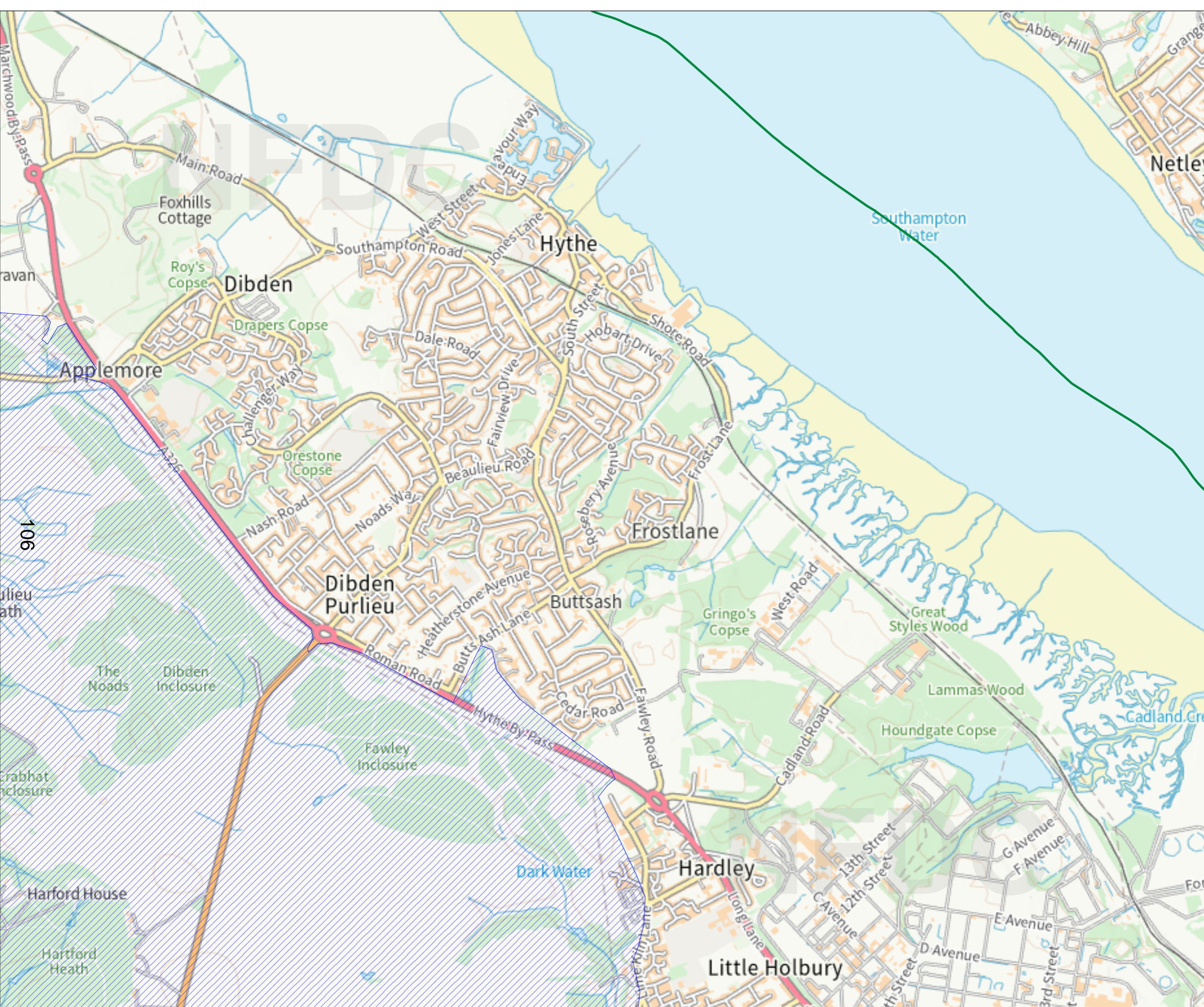
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THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2023 (NO.2)

-  Restricted Area
-  District Boundary

Sheet: 12





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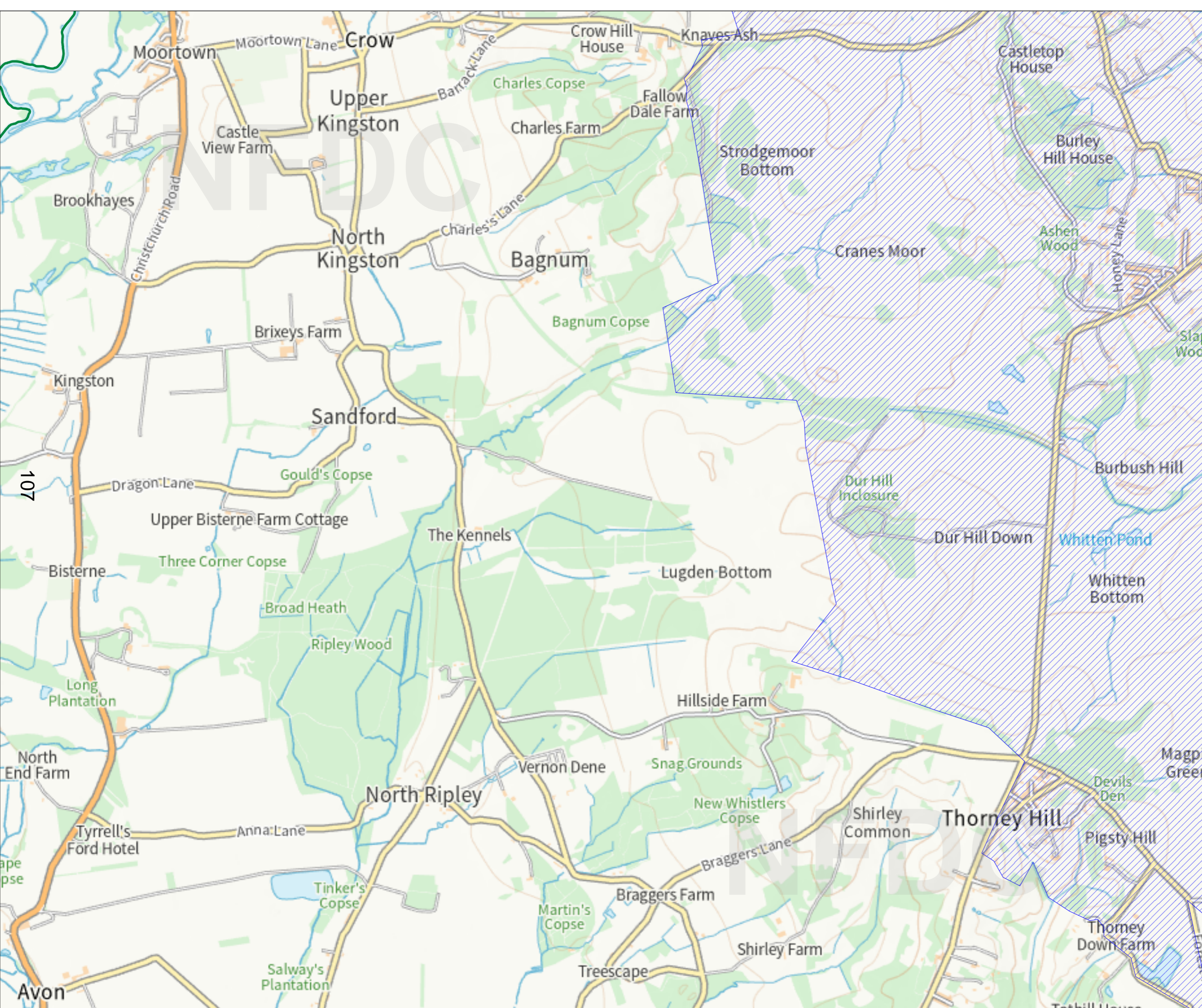
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THE NEW FOREST
PUBLIC SPACES PROTECTION
ORDER 2023 (NO.2)

-  Restricted Area
-  District Boundary

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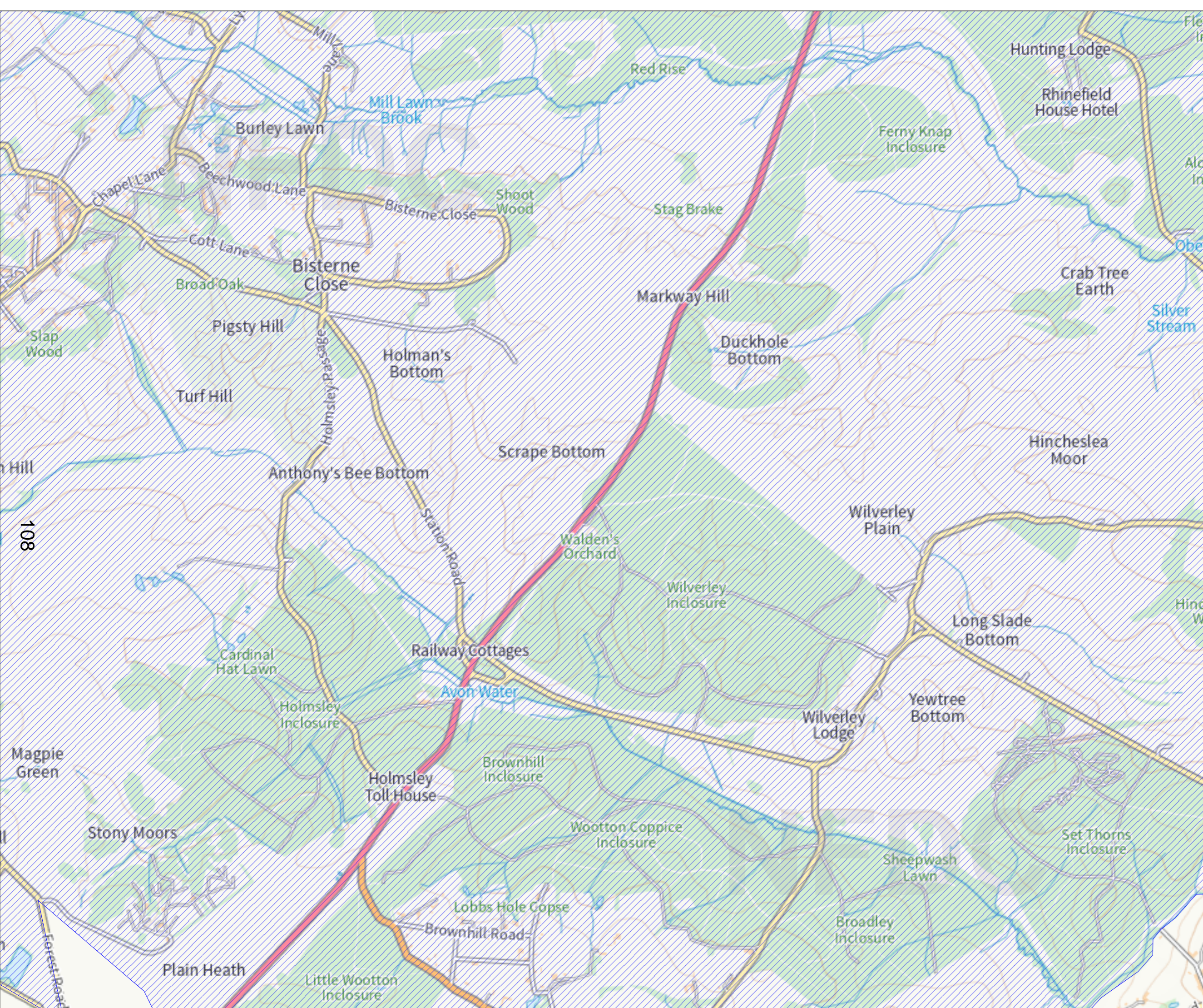
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- ~ District Boundary

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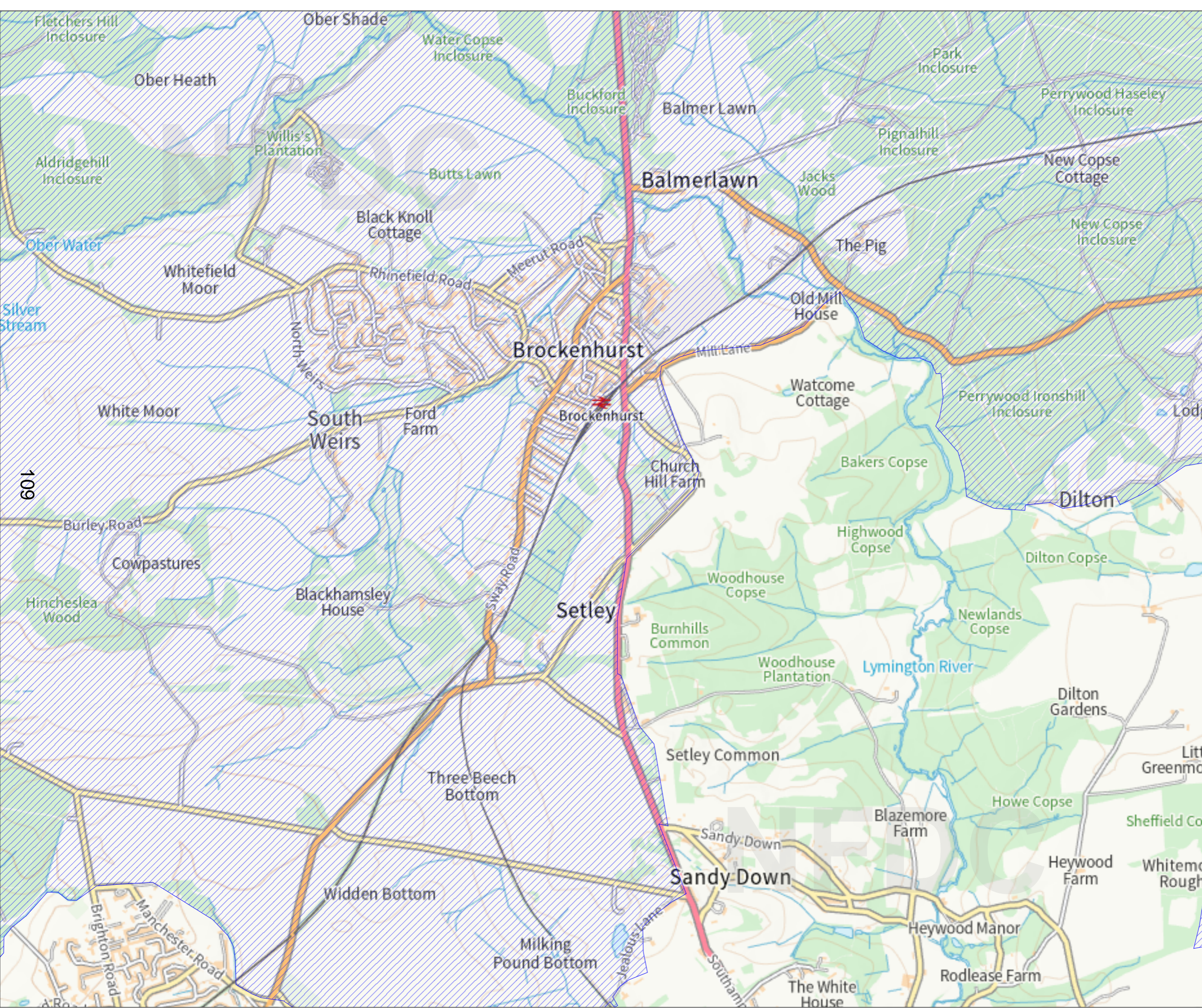
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-  Restricted Area
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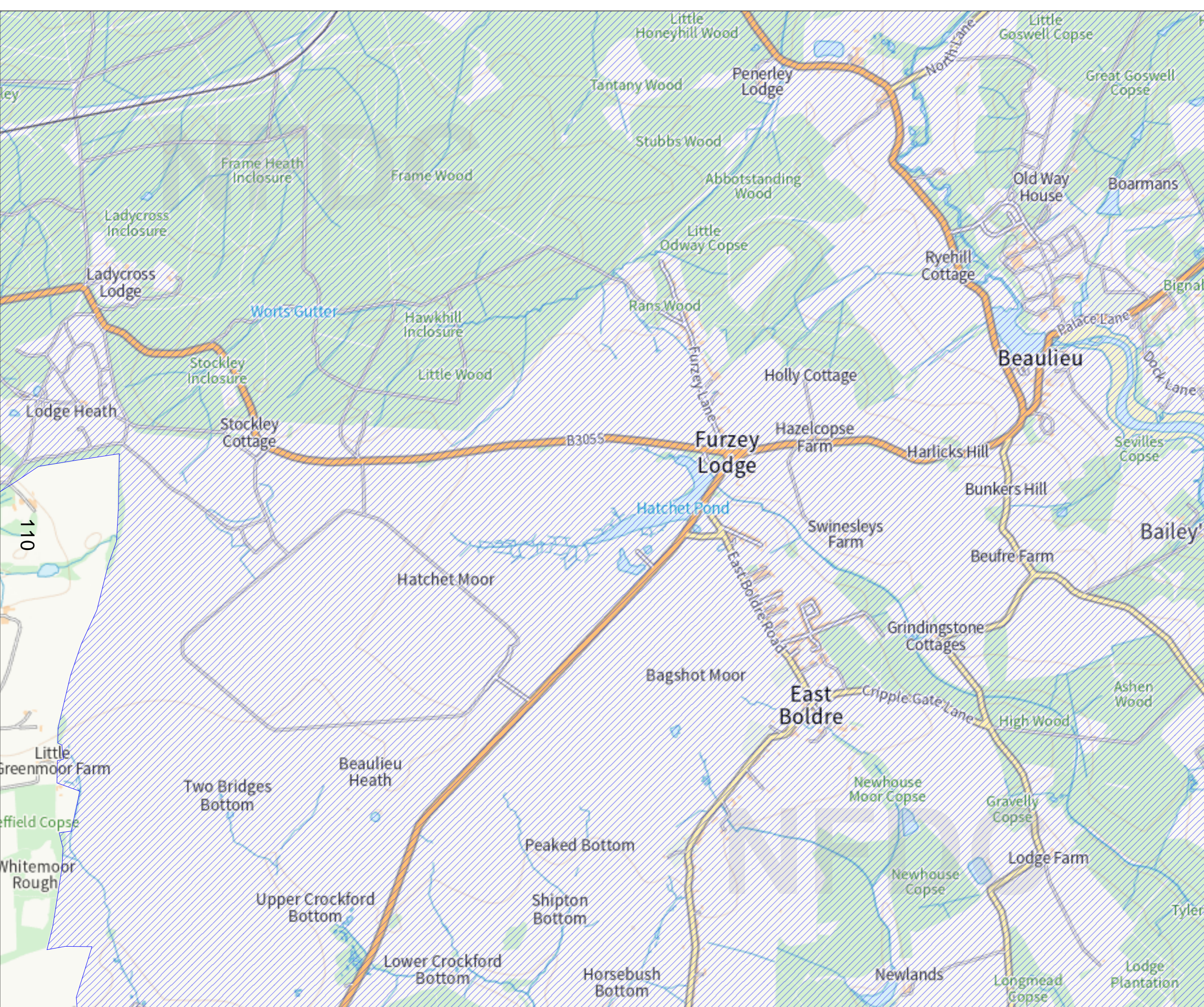
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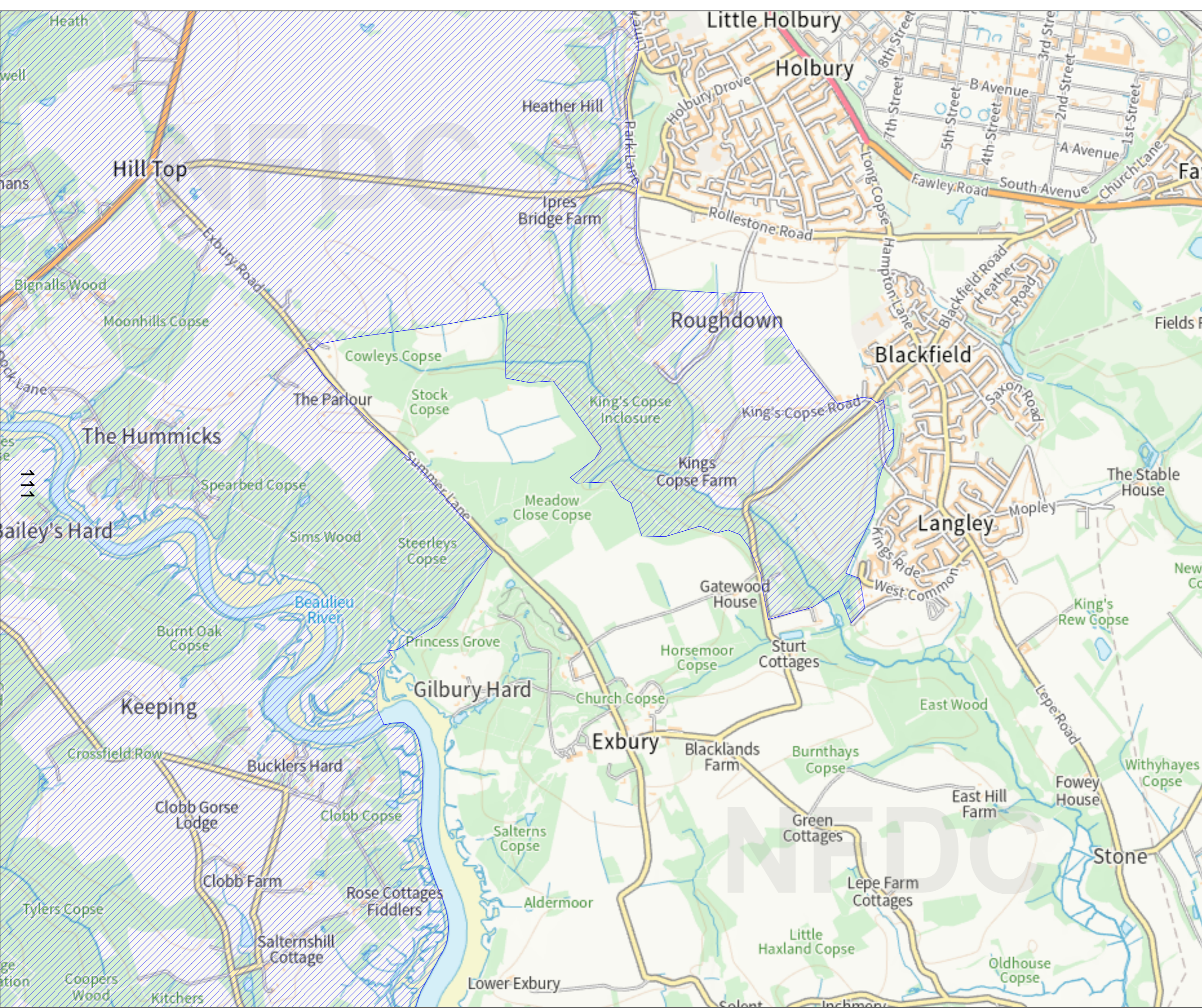
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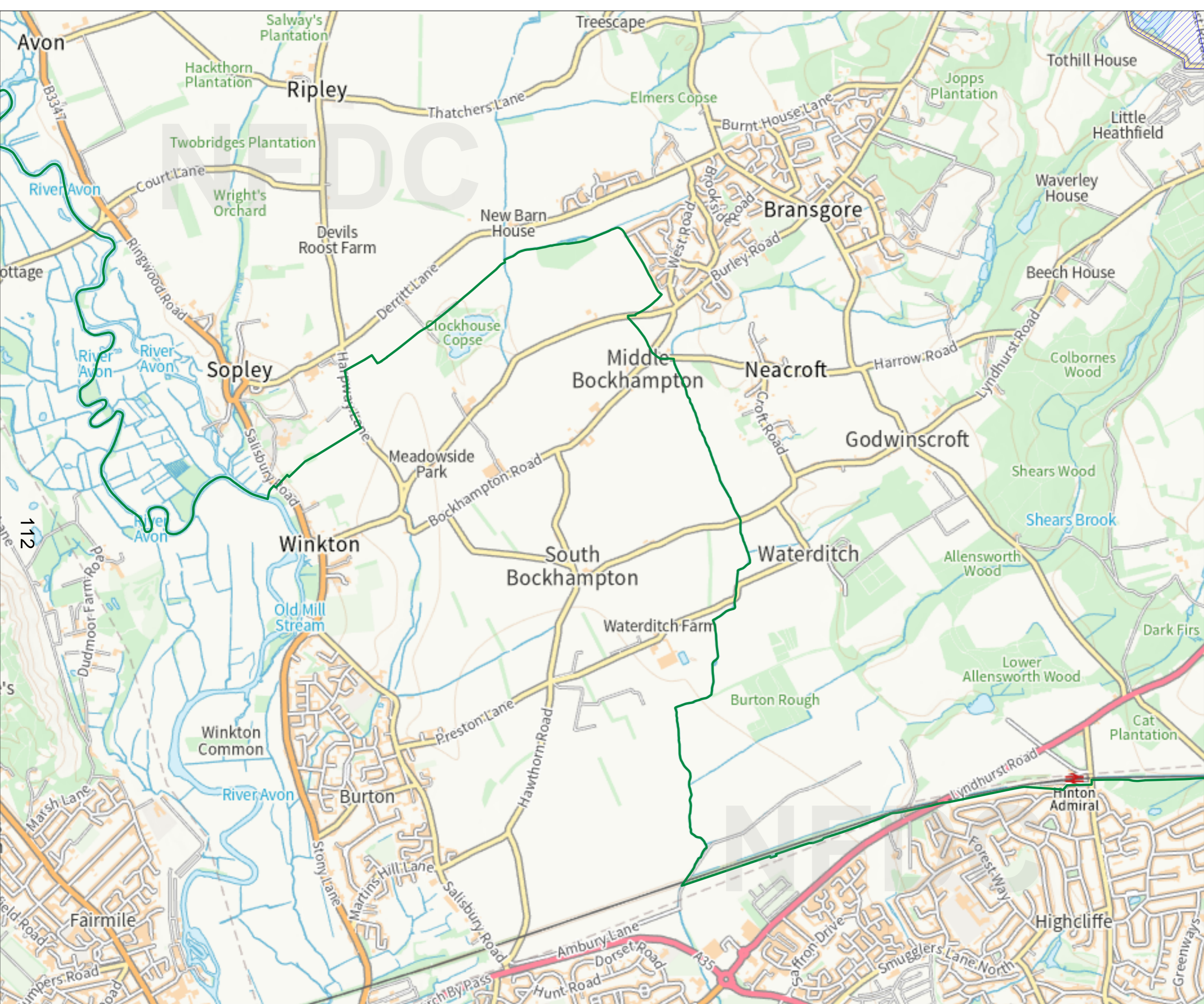
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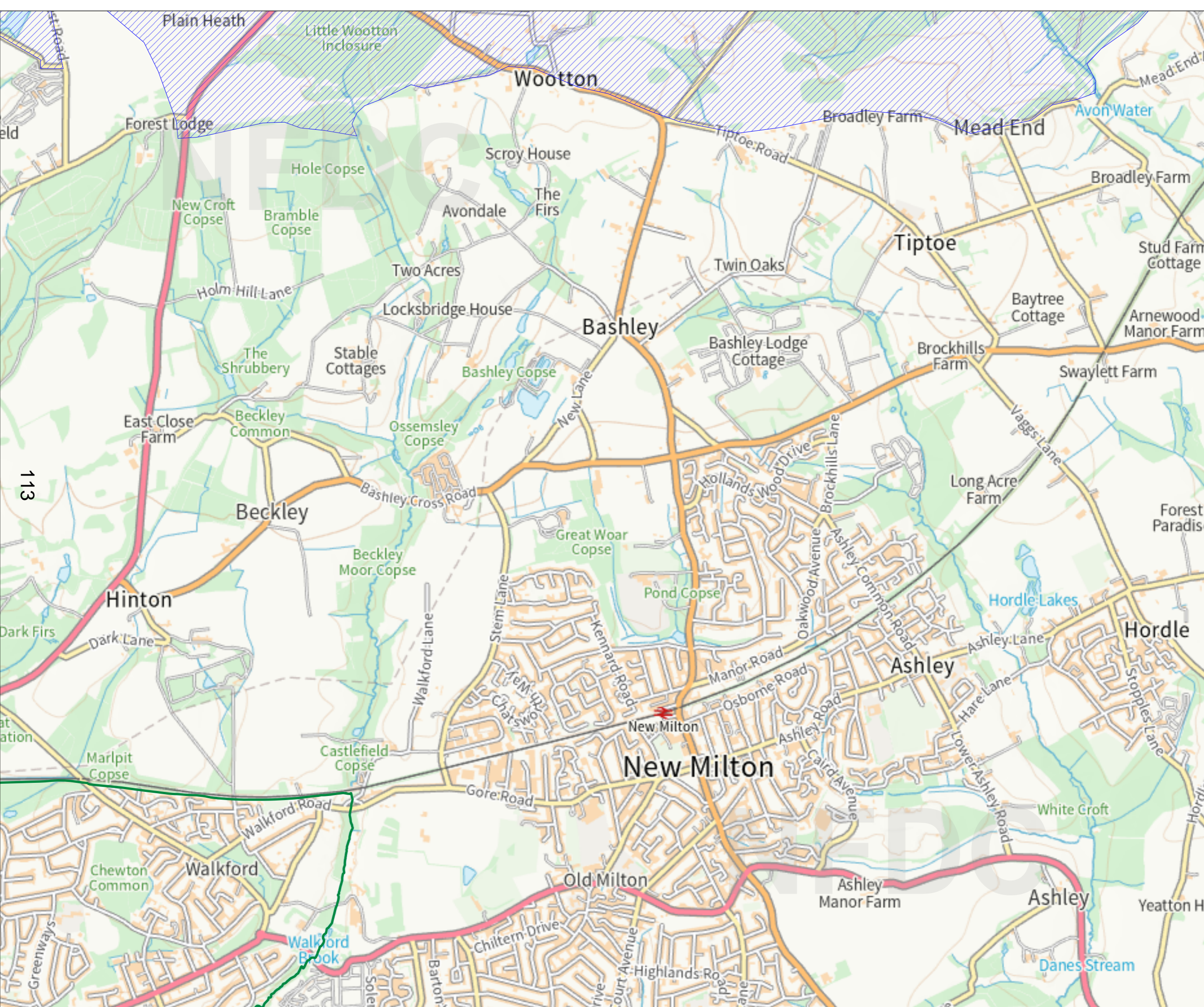




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-  Restricted Area
-  District Boundary

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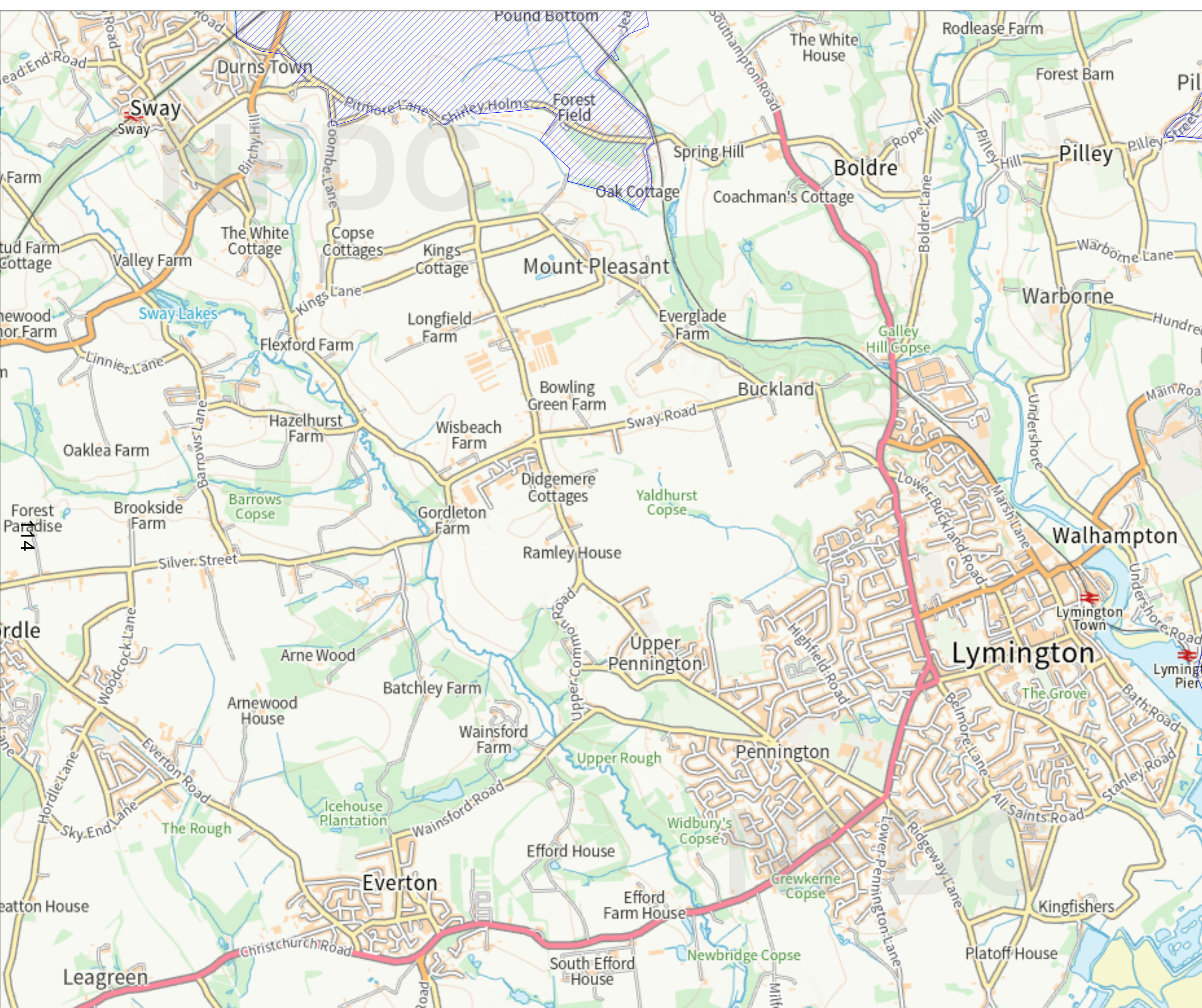
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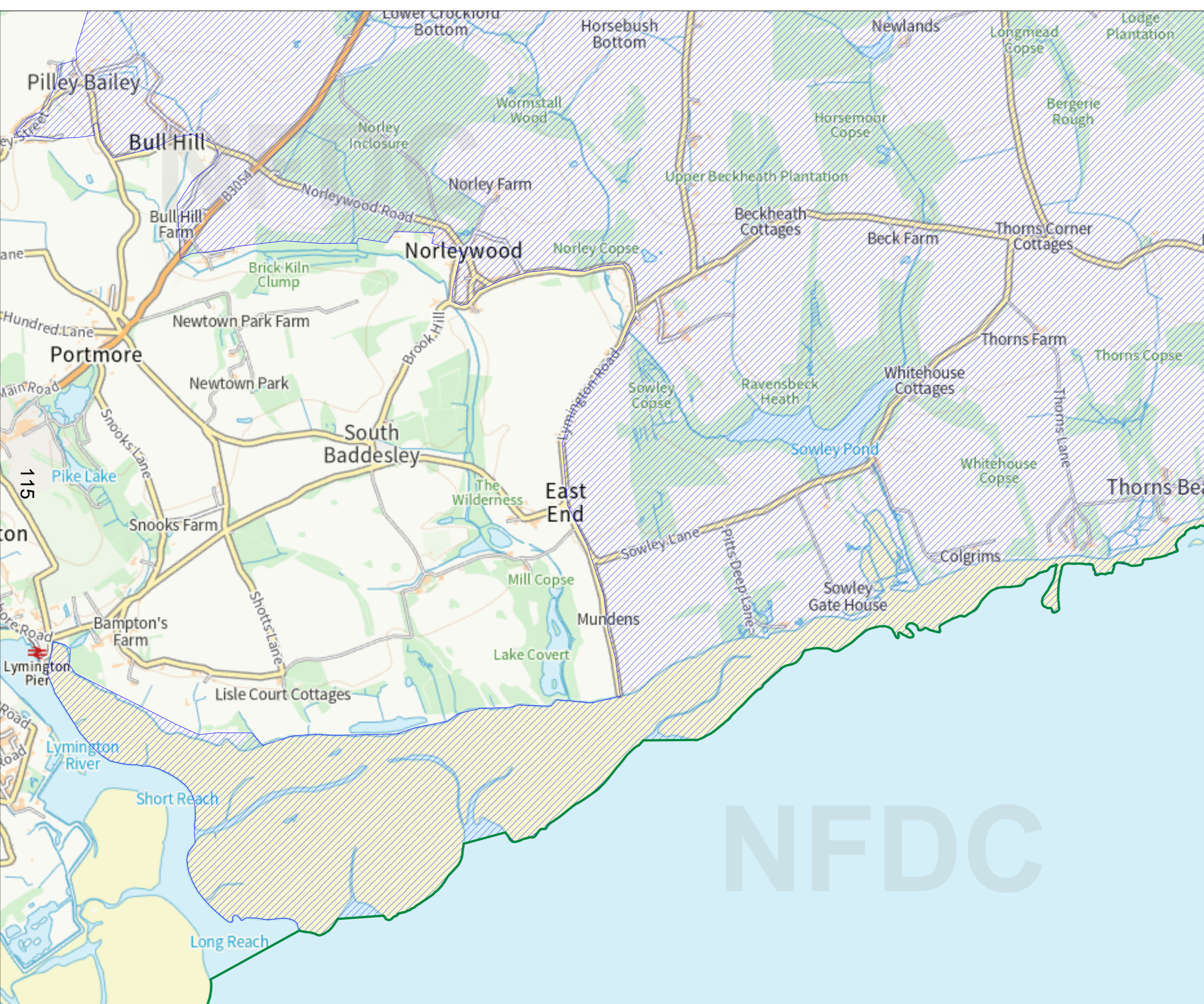
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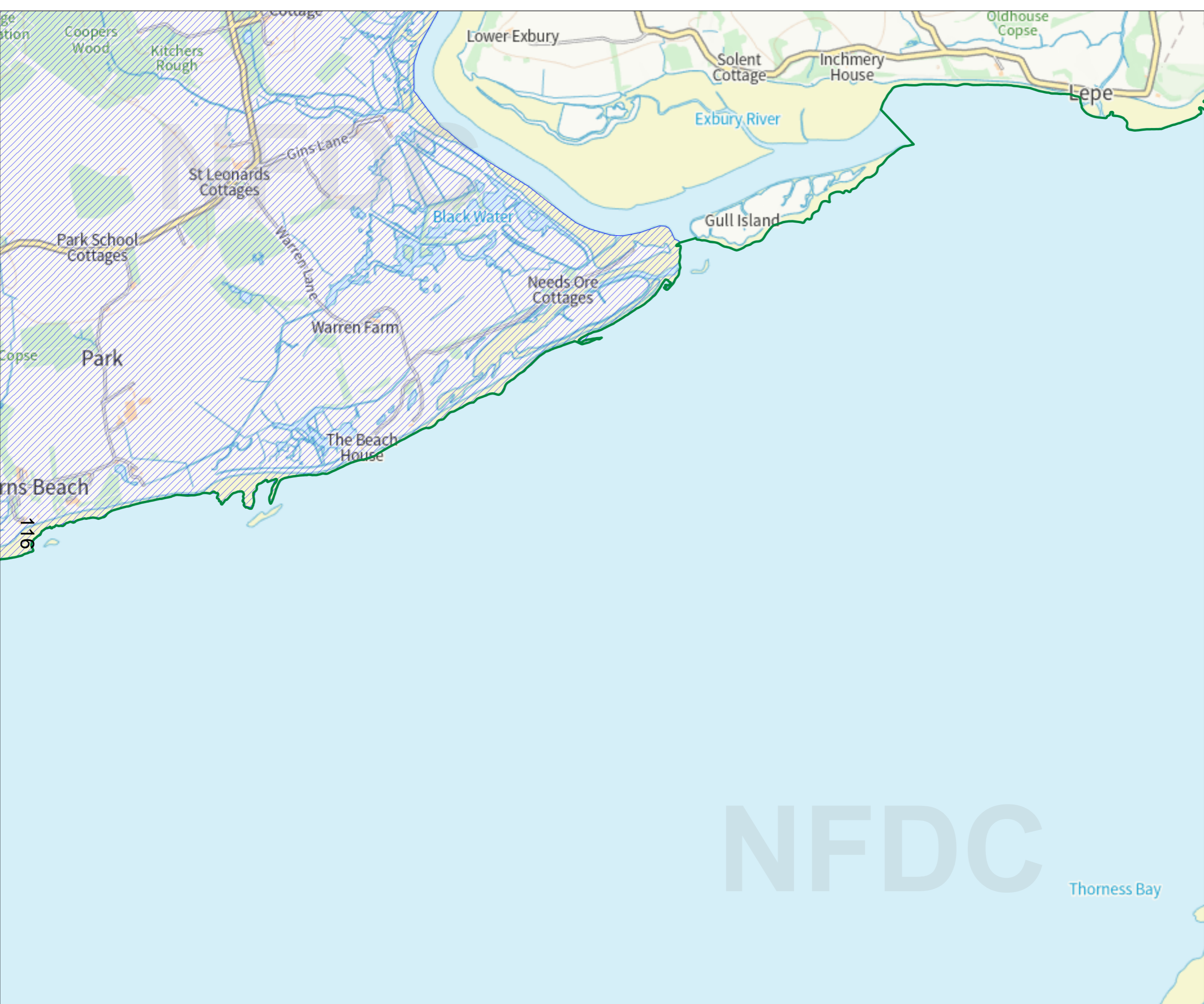
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AUTHORISED OFFICERS

The following is a list of job titles authorised by the Council to be authorised persons for the purposes of section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014, referred to in the PSPOs as Authorised Officers.

The current number of individuals that hold these job titles is included in brackets.

FORESTRY ENGLAND

Programme Manager (1)
New Forest Keeper (9)
Estates Officer (1)
Community Manager (1)

NEW FOREST NATIONAL PARK AUTHORITY

NPA Rangers (5)
Enforcement Officers (3)
Executive Director (Strategy & Planning) (1)

VERDERERS

Agisters (5)



Be Forest
Friendly!

Public Spaces Protection Order

It is an offence to:



Feed, provide or deposit food for consumption by any New Forest pony, horse, mule or donkey



Pet or touch any New Forest pony, horse, mule or donkey

Fail to terminate any of these activities or surrender any items used in conjunction when required by an Authorised Officer.

Failure to comply may result in a fixed penalty of £100 or being taken to court and a fine of up to £1,000.



To find out more, scan the QR code or visit newforest.gov.uk/PSPO

Public Spaces Protection Order



It is an offence to:



Light a fire or place, throw or drop items likely to cause a fire



Feed, provide or deposit food for consumption by any New Forest pony, horse, mule or donkey



Light a BBQ (including a disposable BBQ)



Pet or touch any New Forest pony, horse, mule or donkey

Fail to terminate any of these activities or surrender any items used in conjunction when required by an Authorised Officer.

Failure to comply may result in a fixed penalty of £100 or being taken to court and a fine of up to £1,000.



To find out more, scan the QR code or visit newforest.gov.uk/PSPO

Public Space Protection Order Signage Scheme

March 2023



PSPO Signage Scheme

Diagram 1. PSPO Signage - PSPO 1 & 2



Diagram 2. PSPO Signage - PSPO 2 Only



PSPO Signage Scheme

Signage Size

The signs will be portrait orientation as they will mount more effectively and robustly on a single post and will be produced at A4 size - approx. 30cm x 22 cm.

Signage Materials

The signs will be printed directly onto 3mm thick “dibond” composite aluminium plates and as a result don’t need additional support or backing boards. Dibond is an aluminium faced composite sheet with a polythene core making it very stable. It is extremely rigid yet lightweight is robust, long lasting and cost effective.

Signage Mounting Detail

The signs have been designed to be mounted on either a single wooded treated 75mmx75mm post at between 1m and 1.75m above the ground level or on a wooden “tombstone” type post of approx. 100cm above ground level x 300mm wide x 50mm thick

The tombstone type mount would be used where there is high likelihood of damage by stock as the design is more resistant to cattle and ponies rubbing on the signage.

At some locations the design of the sign gives the opportunity of directly mounting the signage on gates or fences although this is the less favoured option and will only be used where other options prove difficult to use. Examples of this are where people enter the perambulation on foot and there are gates/ stiles where it may be difficult to erect freestanding signage on other organisations land.

Locations

PSPO 1 & PSPO 2 - Forestry England Estate Only - approximately 200 locations.

Signage containing reference to both PSPO’s (diagram 1. On Page 2 of this document) will be erected in at least one location within each of the 130 formal Forestry England Car Parks within the Forestry England estate boundary as shown on the PSPO 1 Maps.

Additional locations on the Forestry England estate will be required where members of the public access the estate directly from the main towns and villages in the New Forest. An example of this would be at Boltons Bench, Lyndhurst where members of the public living, staying, or working in Lyndhurst Village might access the Forestry England estate directly from the High Street without having parked in a formal Forestry England car park. There

PSPO Signage Scheme

will be similar use cases in and around a number of the major villages adjacent to the Forestry England Estate.

There will also be a need to sign access points from the HCC fenced roads where the public either park in informal lay-bys to access the Forest such as on the A35 and the A337 cross from the Waterside conurbations on foot to use the Forest via the A326. In both situations it is intended to erect the signs on the gateway infrastructure to give notice to those using those access points.

It has also been agreed that PSPO signage for PSPO 1 and PSPO 2 will be displayed within those car parks operated by NFDC within the restricted area. The required number of signs of each type will be supplied to NFDC for them to install at their own cost within the locations. A record of the locations will be kept and included in any review.

PSPO 2 Only - Outside Forestry England Estate Within Perambulation - approx. 50 locations

Signage referencing only PSPO 2 - Animal Feeding/ Petting will be displayed at access points outside the Forestry England estate but within the New Forest Perambulation as shown on the PSPO 2 Maps.

Signage at these locations will be erected by other partners working with landowners to prioritise locations used by the public to access public open space outside the Forestry England estate but within the Perambulation.

The locations in this category will be more limited than on the Forestry England Estate and will target access points such as car parks, public rights of way, well used lay-bys and routes used to access the public open space directly from village and other honeypots or tourist attractions.

The National Park Ranger team will lead on this and liaise with the relevant landowners as necessary to ensure that the signs are erected in locations agreed with the relevant landowner.

It has also been agreed that PSPO signage for PSPO 2, where required will be displayed within those car parks operated by NFDC within the PSPO 2 restricted area. The required number of signs of each type will be supplied to NFDC for them to install at their own cost within the locations. A record of the locations will be kept and included in any review.

Co-ordination

Forestry England will procure and take delivery of all the required signage as well as procure and take delivery of associated woodwork for the signs on the Forestry England estate.

Signage for outside the Forestry England estate can be collected from Burley Yard by arrangement with Forestry England. Any timber required for locations outside the Forestry England estate are intended to be supplied by those erecting the signage. It may be possible for Forestry England to procure the relevant materials on behalf of partners at cost.

Installation

It is expected that Forestry England will take responsibility for installing and maintaining the signage that is to be erected on its estate.

It is expected that the National Park Ranger team will take the lead on arranging installation of signage and maintenance of the signage outside of the Forestry England Estate. This may be carried out directly or through other partners or landowners.

Mapping

It is not intended to supply a map prior to the roll out of the signage but all locations where signage is erected will be mapped on the Forestry England GIS System along with a photograph of the sign, details of mounting and the date on which it was erected. This information can be added to if we erect additional signage following modification or tweaking if necessary. The GIS layer can be shared with NFDC/ Partners as required.

Review

It is intended that signage requirements are subject to review following lessons learned in the management/ enforcement of the scheme during Summer 2023. It is likely that there will be a need to respond to feedback from those enforcing the scheme and to use this feedback to either add additional signs in hotspot locations or to modify the signage scheme in a limited way to make it as effective as possible.

EQUALITY IMPACT ASSESSMENT SCREENING – PUBLIC SPACES PROTECTION ORDERS

1. BACKGROUND

- 1.1. Section 149 of the Equality Act 2010 provides that ‘A public authority must, in the exercise of its functions, have due regard to the need to -
- (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
 - (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
 - (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it’.*
- 1.2. This is known as the Public Sector Equality Duty.
- 1.3. The relevant protected characteristics are:
- age;
 - disability;
 - gender reassignment;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex; and
 - sexual orientation.
- 1.4. An Equality Impact Assessment (‘EIA’) is a tool that helps ensure decisions, policies, projects or services within or made by the Council are fair and do not discriminate against those with a protected characteristic.
- 1.5. The first stage of the process is known as screening and is used to come to a decision about whether a full assessment is required.

2. SUBJECT OF THIS EIA SCREENING

- 2.1 This EIA screening considers the impact on equalities of the introduction of two Public Spaces Protection Orders (‘PSPOs’) in accordance with Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (‘the Act’). These PSPOs will be known as:
- The New Forest Public Spaces Protection Order 2023 (No. 1) (‘PSPO No 1’).
 - The New Forest Public Spaces Protection Order 2023 (No. 2) (‘PSPO No 2’).

3. WHAT IS THE OVERALL PURPOSE AND AIM OF THE DECISION/ POLICY/ PROJECT/ PRACTICE OR SERVICE?

- 3.1 Section 59 of the Act gives the Council the power to make a PSPO. PSPOs are intended to deal with a nuisance or problems in a particular area that is detrimental to the local community’s quality of life, by imposing conditions on the use of the area. They are

designed to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

- 3.2 The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- 3.3 The purpose of a PSPO is to stop individuals or groups committing anti-social behaviour in a public place, known as a Restricted Area. Councils can make a single PSPO or multiple PSPOs, if the evidence base exists to demonstrate the legal tests are met. PSPOs can have a duration of a maximum of 3 years and can be extended.
- 3.4 It is an offence under the Act to, without reasonable excuse, breach the terms of a PSPO. This can result in the following formal action:
 - Prosecution in the Magistrates' Court with a maximum fine of £1000; or
 - The issuing of a Fixed Penalty Notice ('FPN') with a maximum penalty of £100.
- 3.5 The background information and the reasons for the proposal to introduce PSPO No 1 and PSPO No 2 can be viewed here: [The Introduction of Public Space Protection Orders - Report to Cabinet, 2 November 2022.](#)
- 3.6 The aim of PSPO No 1 is to reduce the detrimental effect of the quality of life of those in the locality caused by the lighting of fires and the use of BBQs within the proposed Restricted Area, principally comprising land managed and controlled by Forestry England and the aim of PSPO No 2 is to reduce the detrimental effect of the quality of life of those in the locality caused by the feeding and petting of Forest animals within the proposed Restricted Area, the Perambulation of the New Forest.

4. WHAT CONSULTATION ON THE PROPOSALS HAS BEEN CARRIED OUT?

- 4.1 The Council was required to carry out a statutory consultation, publicity and notification in accordance with Section 72(3) of the Act. In relation to PSPO No 1 and PSPO No 2 the consultation period commenced on 5 December 2022 and ended on 27 January 2023.
- 4.2 The consultation included consulting with the Police and Crime Commissioner, Hampshire Constabulary, owners and occupiers of land within the Restricted Areas (where reasonably practicable to do so) and community representatives that it was considered appropriate to consult. Further, notice of the consultation was published on the Council's website and in two newspapers circulating in the district for 2 consecutive weeks.
- 4.3 Members of the public and the bodies/organisations that were required to be consulted/notified of the proposals were directed to two separate surveys (relating to PSPO No 1 and PSPO No 2) which were accessed through the Council's website. Paper copies were also available on request and a telephone number was provided to enable the public to speak to someone directly for assistance with completing the surveys.
- 4.4 A total of 771 responses were received about PSPO No 1 and a total of 769 responses were received about PSPO No 2.

5. RELEVANCE ASSESSMENT - WHICH GROUP(S) OF PEOPLE (IF ANY), DO YOU THINK WILL, OR POTENTIALLY CAN BE, AFFECTED BY THIS POLICY/PROJECT/PRACTICE OR SERVICE? PLEASE STATE YOUR REASONS.

5.1 Assessment of PSPO No 1 and PSPO No 2 on groups with protected characteristics:

Protected Characteristic	Positive Impact	Neutral Impact	Negative Impact	Comments
Age		x		It is not anticipated that the PSPOs will have a disproportionately negative or positive impact as they relate to this characteristic.
Disability		x		It is not anticipated that the PSPOs will have a disproportionately negative or positive impact as they relate to this characteristic.
Gender Reassignment		x		It is not anticipated that the PSPOs will have a disproportionately negative or positive impact as they relate to this characteristic.
Pregnancy and Maternity		x		It is not anticipated that the PSPOs will have a disproportionately negative or positive impact as they relate to this characteristic.
Race		x		It is not anticipated that the PSPOs will have a disproportionately negative or positive impact as they relate to this characteristic.
Religion or Belief		x		It is not anticipated that the PSPOs will have a disproportionately negative or positive impact as they relate to this characteristic.
Sex		x		It is not anticipated that the PSPOs will have a disproportionately negative or positive impact as they relate to this characteristic.

Protected Characteristic	Positive Impact	Neutral Impact	Negative Impact	Comments
Sexual Orientation		x		It is not anticipated that the PSPOs will have a disproportionately negative or positive impact as they relate to this characteristic.

5.2 The Statutory Guidance for frontline professionals on the anti-social behaviour powers contained in the Act, including PSPOs, states that *‘Consideration should be given to how the use of this power might impact on the most vulnerable in our society’*. The Authorised Officers, who have the ability to enforce the PSPOs, will have particular discretion over the issuing of FPNs and the Council will have discretion over the decision to prosecute breaches of the PSPOs. Decisions to issue FPNs or to instigate prosecution proceedings will be subject to careful and proportionate decision making.

5.3 Due regard has also been given to the Public Sector Equality Duty.

6. CONCLUSION

6.1 The PSPOs will affect all individuals who visit the Restricted Areas, including residents and visitors.

6.2 It is not considered that either PSPO No 1 or PSPO No 2 targets those with any of the protected characteristics and it is not considered that they will have a negative impact on those with protected characteristics.

6.3 Based on the EIA Screening, it is not considered that a full EIA Assessment is required.

CABINET - 5 APRIL 2023

PORTFOLIO: PARTNERING & WELLBEING

HEALTH AND WELLBEING ACTION PLAN

1. RECOMMENDATIONS

- 1.1 That the Cabinet recommend to Council that the Health and Wellbeing Action Plan is adopted.

2. INTRODUCTION

- 2.1 This report proposes a Health and Wellbeing Action Plan to support the wider Health and Wellbeing Plan, which was adopted by the Council in October 2022 – [Health and Wellbeing Plan](#).

3. BACKGROUND

- 3.1 New Forest District Council adopted a Health and Wellbeing Plan in October 2022 covering the District. This Plan is based on the 'Strategy for Health and Wellbeing in Hampshire 2019 - 2024', which was compiled on behalf of the Hampshire Health and Wellbeing Board.
- 3.2 The 'Strategy for Health and Wellbeing in Hampshire' used insight from the Joint Strategic Needs Assessment (JSNA), which assessed the current and future health needs of local communities. The JSNA has data available at each local authority level. The Council relied on this data in formulating its District wide Health and Wellbeing Plan.
- 3.3 The Council's Health and Wellbeing Plan sets out 3 key priorities to improve the health and wellbeing of residents in the District; these are:-
- Working in Partnership
 - Increasing Physical Activity
 - Improving Mental Wellbeing

At the time of adoption, it was anticipated that an Action Plan would be developed to further the objectives and ensure delivery at a local level. The draft Action Plan is attached at Appendix 1.

4. THE HEALTH AND WELLBEING ACTION PLAN

- 4.1 The Action Plan deals with specific actions, including the development of programmes and initiatives to support the health and wellbeing of our residents, with progress updates and timescales in respect of delivery.
- 4.2 It is proposed that the Action Plan is updated regularly and reviewed annually by the relevant Overview and Scrutiny Panel

5. FINANCIAL IMPLICATIONS

- 5.1 Delivery of the Action Plan will be met by existing resources, principally led by the Physical Activity and Partnerships Manager, drawing in other resources within the organisation, when required.

6. CRIME AND DISORDER IMPLICATIONS

- 6.1 Crime levels have been linked to poorer social and physical functioning and lower levels of subjective wellbeing. The proposed Action Plan will play a positive role to improve the health and wellbeing of our communities and in turn may have a beneficial impact crime and disorder issues in the District.

7. ENVIRONMENTAL IMPLICATIONS

- 7.1 Increasing outdoor activities is a positive way to experience the tranquillity and special nature of the District, especially within the National Park. There will be times when residents need to limit disturbance to rare breeding birds which nest on the ground. There are numerous walking routes around the District to enable the community to enjoy the natural environment of the District.

8. EQUALITY AND DIVERSITY IMPLICATIONS

- 8.1 The proposed Action Plan has a positive effect on equality and diversity, enabling a route for all to access the benefits of a diverse and multi-programmed approach to enhance health and wellbeing, catering for all in the community who wish to partake or are referred by social prescribers.

9. COMMUNITY, PARTNERSHIPS AND WELLBEING OVERVIEW AND SCRUTINY PANEL

- 9.1 The Panel, at their meeting on 14 March 2023, considered and supported the Health and Wellbeing Action Plan.

10. PORTFOLIO HOLDER COMMENTS

- 10.1 I very much welcome this first Health and Wellbeing Action Plan which identifies the good work being delivered across the New Forest, to give residents a greater opportunity to lead a healthy and active life. The Plan's priorities give a shared focus for the Council and partners to work together to reduce health inequalities and make a positive difference, improving the quality of life of our communities. I believe this Plan shows the contribution and commitment our services are delivering on health and wellbeing.

For further information contact:

Jamie Burton
Health and Partnerships Manager
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Background Papers:

Health and Wellbeing Plan 2022-2025

Joanne McClay
Environment and Regulation Service Manager
joanne.mcclay@nfdc.gov.uk

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Health and Wellbeing Plan 2022-2025

(Action plan reviewed and updated annually)

Priority No	Action	Lead Officer/Body	Progress	Timescales
PRIORITY NO 1 - WORKING IN PARTNERSHIP				
Establish a Healthier New Forest Partnership.	<p>Schedule quarterly meetings with key partners including Hampshire County Council, Energise Me, the Integrated Care Board Partnership, New Forest National Park Authority, and Community First.</p> <p>Draft and agree terms of reference for the group. Develop an Action plan to target priorities – agreed by the Partnership</p>	Joanne McClay Jamie Burton	<p>Scheduling of meetings is in progress.</p> <p>Terms of Reference drafted and ready to present to the partnership</p>	The Healthier New Forest Partnership met in March. Quarterly meetings agreed. Terms of Reference drafted Action planning started
Work with the New Forest National Park Authority and local health partners to deliver a Green Health Hub to maximise the health opportunities of the natural environment.	<p>Work in partnership with the New Forest National Park Authority (NFNPA) to develop a Green Health Hub bringing the benefits of being physically active outdoors to the community, and to promote programmes.</p> <p>Support the development of the Green Health Hub website hosted by the NFNPA for communities to access outdoor activity information.</p>	NFNPA Jamie Burton	The website, logo design and site details have been agreed. Testing underway by NFNPA.	Expected go live April 2023
Engage with the “Hampshire District and Borough Wellbeing Leads” meeting to ensure strong representation to the Health and Wellbeing Board’s local priorities.	<p>Ensure that NFDC are represented at meetings.</p> <p>Review the Group’s TOR in light of recent changes in the public health structures.</p>	Jamie Burton	The District Leads meetings are ongoing. NFDC chair meetings.	TOR have been reviewed and updated.

Health and Wellbeing Plan 2022-2025

(Action plan reviewed and updated annually)

<p>Support the reduction of anxiety linked to energy price increases through the Warmer Homes Collaboration.</p>	<p>Cost-of-living advice and support available from NFDC, along with signposting to support offered by other partners, is published on the Council's website.</p> <p>Proactively promote on the Council's website (and through work in the community) the Warmer Homes Grants initiative to ensure residents can access the two separate funds below to improve energy efficiency for their homes.</p> <p>1.Support residents in receiving Home Upgrade Grant (HUG) (a separate Government fund) to upgrade the energy efficiency of properties in the worst performing off gas grid homes.</p> <p>2.Support residents in receiving LAD3 funding for retrofit measures in private sector housing in the district.</p>	<p>Ryan Stevens</p> <p>Kirsty Farmer</p>	<p>Member of Portsmouth City Council led consortium for Hampshire residents. Funding received from Government - £15M To date, £197k spent on 29 properties, further 279 applications pending decision.</p> <p>Additional Consortium HUG funding secured for eligible residents - £16M. In New Forest to date, grant allocated to 19 properties amounting to £258K for floor and wall insulation.</p> <p>£408k received by NFDC area with 73 properties completed (cavity wall insulation and solar PVs).</p>	<p>Ongoing</p>
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Health and Wellbeing Plan 2022-2025

(Action plan reviewed and updated annually)

	As a housing authority, the council continues to receive social housing decarbonisation funding to support energy efficiency retrofit measures for council housing stock.		Council received £300k in 23/24 and has applied for a further £549k in 23/24.		
135	<p>Support the community safety outcomes for local residents through the Safer New Forest Partnership.</p> <p>Continue to play lead role in the Safer New Forest Partnership working collaboratively with partners to ensure the Partnership Plan priorities are in place, monitored and reviewed.</p> <p>Existing Plan can be viewed at: https://www.safer.newforest.gov.uk/article/2324/Safer-New-Forest-partnership</p> <p>The Plan for 23/24 will be published in April 23 and has the following priorities:</p> <ul style="list-style-type: none"> - Drug and alcohol related harm - Domestic abuse - Tackling crime and fear of crime through education, prevention, and enforcement. <p>Deliver training and awareness sessions to public sector partners to help tackle identified priorities.</p> <p>Engagement with youth groups on crime and antisocial behaviour in their area.</p>	Nikki Swift and Community Safety Team	<p>6 community engagement events in 22/23 engaging with 529 people.</p> <p>8 bike register events across the district.</p> <p>Visits to skate parks, the Handy Trust and Foodbanks to engage with youth groups.</p> <p>Safer New Forest Young Person Survey– 148 completed surveys. 96% very satisfied and satisfied with living in the New Forest.</p> <p>New Partnership Plan is in place.</p>	Ongoing	
	Work with community organisations and voluntary groups in order to tackle the causes and impact of health inequalities within identified communities	Work with Fawley Parish Council and MOD to tackle the issues of isolation within the Calshot community, its lack of facilities within the village, lack of transport from the village and the potential lack of integration between the two distinct communities. Improving the Council's engagement with the community to:	Jamie Burton Ryan Stevens CAB Housing team	Weekly youth group meeting established at St George's Hall. Food larder attending Calshot with Citizens Advice and NFDC.	Ongoing

Health and Wellbeing Plan 2022-2025

(Action plan reviewed and updated annually)

	<ul style="list-style-type: none"> - Develop a youth group to support young people and to develop relationship with families. - Bring the local community and the army community together to identify shared issues and understand how they may be tackled. - Ensure St Georges Hall is available to the community as an accessible venue. - Ensure there is a food larder presence in Calshot - To use this programme as a pilot for the delivery of support at other identified communities. 		Wrap around work rolled out at 5 food larder venues in Calshot, Pennington, Fordingbridge, Totton and New Milton.	
<p>Administer the Community Grants Scheme, supporting organisations that meet the Council's grant award criteria.</p> <p>Total budget of £130,000 (revenue) and £100,000 (capital).</p>	<p>To deliver the Council's annual Revenue and Capital Community Grants programme.</p> <p>Develop funding agreements for Capital Grant projects to ensure delivery.</p> <p>Monitor existing Capital Projects and award stage funding as appropriate.</p>	Ryan Stevens Jamie Burton	<p>Grants Panel has met and Cabinet have agreed the following:</p> <p>Awards of £129,600 (revenue) 92,000 (capital) recommended.</p> <p>Application value of £249,430 (revenue) and £161,040 (capital).</p> <p>27 applicants - 19 revenue 8 capital 19 successful awards recommended (13 revenue; 6 capital)</p>	Ongoing
Further develop information sharing and collaboration between services within the	A cross departmental officer group has been established, to respond to the cost-of-living crisis.	Ryan Stevens	Monthly meetings to ensure that information is shared effectively, and	In progress

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council to respond to the cost-of-living crisis.	Dedicated cost-of-living support page published on the Council's website and promoted by officers out in the community, to offer required support.		residents receive support.	
PRIORITY NO 2 – INCREASING PHYSICAL ACTIVITY				
Work with health care partners to ensure more residents with long term health conditions access the Active Lifestyles activity referral programme.	<p>Identify geographical locations and health conditions with fewer referrals from social prescribers.</p> <p>Continue to promote the Active Lifestyles scheme with local social prescribers in appropriate forums to increase uptake.</p> <p>Quarterly meetings with the Regional Manager and Healthy Communities Manager to identify areas to increase take up.</p>	Freedom Leisure Jamie Burton	Continue to meet with social prescribers and leisure partners to ensure increased take up	Ongoing
Increase in number of Active Lifestyles participants that complete the programme and continue to lead an active lifestyle.	To increase the number of end-of-programme assessments to ensure post programme retention.	Freedom Leisure Jamie Burton	32% increase in 2022 in retained numbers to date	In Progress
Work with the New Forest School Sports Partnership to increase activity in identified groups.	<p>Work with the New Forest School Sports Partnership to deliver a leadership academy with New Forest secondary schools.</p> <p>Train up to 30 young people with leadership skills and multi-sport qualification and qualifications to deliver netball, football, and rugby sessions.</p> <p>Partnership Development Manager to support the attendees to deliver the activity</p> <p>Young Leaders to support primary school festivals in 23/24 targeting less active pupils.</p>	Jamie Burton The Schools Sports Partnership		Spring/ Summer term 2023

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<p>Manage the Just Got Home (JGH) Scheme to ensure that residents leaving hospital are supported to be able to live an independent lifestyle.</p>	<p>Continue to work in partnership with New Forest Disability Information Service to ensure the JHG scheme supports residents.</p> <p>Continued support to residents released from Lymington hospital.</p> <p>The service has been extended to residents released from Fordingbridge hospital with effect from April 22.</p>	<p>Kirsty Farmer</p>	<p>To date (2022/23) there have been 221 referrals from Lymington and 79 from Fordingbridge</p>	<p>2022/2023</p>
<p>Deliver the healthy walks programme with Community First Wessex, growing the number of walkers, trained volunteer walk leaders and number of walks around the District.</p>	<p>Work with Community First Wessex and New Forest National Park Authority to deliver a Healthy Walks programme.</p> <p>Community First to run a Volunteer Walk Leader training event to train new walk leaders.</p> <p>Ensure a networking session is delivered to support volunteer walk leaders, ensuring training is up to date and volunteers are valued.</p> <p>Ensure that there is a Health Walks programme across the district.</p>	<p>Jamie Burton CFWessex NFNPA</p>	<p>Q1, Q2 and Q3 of 2022/23: 9 Walking Schemes delivered Walking hours – 4478 Volunteer Walk Leaders – 35 Volunteer Hours Recorded – 1655 Volunteer event – 18 leaders attended 16 Walk Leaders received certificated First Aid Training</p>	<p>Ongoing</p>
<p>Deliver programmes with partners to keep older people active and connected through sport such as walking football</p>	<p>Work with Applemore School, Hampshire FA and the Primary Care Network to set up walking football sessions at Applemore School Artificial Grass Pitch (AGP).</p>	<p>Jamie Burton</p>	<p>Walking football sessions running weekly at Applemore AGP. Up to 20 attendees</p>	<p>Ongoing</p>
<p>Administer NFDC disabled facility grants (DFG) adaptation grants and hospital discharge grants to support residents living independent lives for longer</p>	<p>Maximise the available DFG funding awarded through the Better Care Fund and the Council's own Housing Revenue Account to bring about adaptations in residents' homes to improve their quality of life.</p>	<p>Kirsty Farmer</p>	<p>Total Grant Spend (Better Care Fund) 22/23 - £900k (79 cases completed)</p>	<p>Ongoing</p>

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			Total Grant spend for HRA 22/23 - £1M (83 cases completed)	
139	<p>Work with and support sport and recreation partners to ensure the development of accessible sports facilities with appropriate development plans to increase participation within identified targeted groups.</p>	<p>Ensure that the Community Capital Grants funding agreements support the development of opportunities with targeted groups:</p> <p>Totton Rugby Club to develop greater female participation. Fawley Rugby Club to develop greater female participation. Gang Warily leisure centre to develop greater participation in key groups with their facilities development.</p> <p>Monitor the Community Use Agreement on Ringwood artificial grass pitch and pavilion development to ensure that programmes increase participation within targeted groups.</p> <p>To ensure the redevelopment of Burgate artificial grass pitch facility has a development plan which includes measures to support an increase in participation within identified targeted groups.</p>	<p>Jamie Burton</p> <p>Funding Agreement in place with: Fawley Rugby Club Tottonians Rugby Club Gang Warily Leisure Centre</p> <p>Monitor progress in developing greater female participation</p> <p>Ringwood AGP Facility completed February 23</p> <p>Burgate facility meetings are ongoing to ensure appropriate development plan</p>	
	<p>Support partners to deliver the Holiday Activity Fund to ensure families on Free School Meals can access activity and hot meals through the holidays.</p>	<p>Work with partners at Hampshire County Council, Local Children's Partnership (LCP) and Citizens Advice to ensure the Holiday Activity Fund (HAF) programme over the holidays has coverage across the district and targets areas with Free School Meals.</p>	<p>Jamie Burton</p> <p>Summer HAF ongoing 18 organisations delivered 7966 funded places to those eligible for Free School Meals.</p>	Ongoing

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	To map the applications to run activity, to identify gaps and to work with local community groups to ensure families can access activity.				
PRIORITY NO 3 – IMPROVING MENTAL WELLBEING					
140	<p>Play a leading role in supporting the cultural organisations and creative individuals to increase opportunities to connect our communities through the new Creative and Cultural Development Officer post (CCDO).</p>	<p>CCDO 3 year post in place until May 2025 funded by NFDC and Arts Council England (ACE).</p> <ol style="list-style-type: none"> 1) To increase participation and inclusive access to arts and cultural activities for the improvement of our communities physical and mental health and wellbeing. 2) To play a lead role in supporting arts and cultural organisations, creative practitioners and businesses to thrive, sustainably, ensuring a well-connected, resourced and inspired industry. 3) To improve our neighbourhoods, installing pride in place and establishing community cohesion. 4) Improving opportunities for young people to engage in creative education and develop creative careers. 5) Manage Folio Partners network to include organisations delivering community focused work in the district. 6) Create Folio Creatives to support local creatives to ensure a workforce to deliver local work. 7) Run network events to support the local cultural sector. 8) Improve communications between and with the creative and cultural sector within the District. 9) To develop a Cultural Strategy to deliver a sustainable arts and cultural programme in the New Forest. 	<p>Kealy Whenray</p>	<p>CCDO post in place. Quarterly Folio Partners network meeting – membership increased. Folio Creatives created >100 individuals signed up. Workshops on grant funding applications and how to reach new audiences. Developed relationship with Southampton University to identify how to increase young people’s engagement in Arts and Culture.</p>	<p>On going</p>
	<p>Support the delivery of the Culture in Common arts programme empowering targeted communities to co-design and deliver cultural activity locally.</p>	<p>Attend regular consortium meetings with Energise Me, New Forest National Park Authority, Folio and the Handy Trust. To train Community Anchors to empower identified people from local communities to support the programme. To deliver taster sessions to identified community groups to support the delivery of co-designing of programmes.</p>	<p>Energise Me. Jamie Burton</p>	<p>Community Anchors training course completed. Seven taster sessions completed.</p>	<p>2022-2025 Culture in Common programme</p> <p>Business Delivery Plan completed and returned to ACE.</p>

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				Initial projects identified
Work with the Local Children's Partnership to increase the levels of awareness and understanding of mental health issues and empower adults to have conversations about wellbeing through the Back-to-Basics programme.	<p>Support the Local Children's Partnership in piloting the Back-to-Basics programme developed by Solent Mind to encourage conversations on how basic steps such as getting enough sleep, eating well and being physically active can improve mental wellbeing and resilience.</p> <p>Support in developing the Back-to-Basics programme based on feedback from pilot.</p> <p>Roll the Back-to-Basics programme out to New Forest Schools</p>	Jamie Burton	Pilot programme completed.	<p>On going following review of the pilot.</p> <p>Funding application being submitted by the LCP to ensure the delivery of the project locally.</p>
Provide training for volunteers that support residents that are homeless.	Provide awareness training to organisations that may encounter homeless people to ensure an understanding of how best to support those at risk of homelessness.	Megan Ward	Homelessness training delivered to 6 organisations. Continue to communicate any updates to organisations	Ongoing
Work to support homeless people with employment support and mentorship.	Continue to support Beam, a social enterprise which specialises in supporting homeless people into employment, to offer tailored support and mentor any of our homeless clients into employment https://beam.org/ Continue the Homelessness Support delivered through the Council's Government funded Support Workers, including early intervention and multi-agency working to bring about solutions to get people back into work.	Megan Ward	Supporting 4 homeless people in to work	Ongoing
Work with the New Forest School Sports Partnership to support young people to maximise their resilience and	Work with New Forest Schools Sports Partnership to deliver a climbing project targeting less engaged students. Schools to identify up to 40 students that would benefit from confidence building and responsibility.	Jamie Burton	Schools identified Staff changes at climbing venue delayed the delivery of the programme.	Spring/Summer 2023

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capabilities.	Support the delivery of a leadership workshop to identified pupils.			
Operate a befriending scheme targeting those residents who are homeless.	Work in partnership with the Crossings to ensure a befriending service for those in temporary or settled accommodation and require support/assistance with tenancy sustainment	Megan Ward	Have supported 5 clients	Ongoing
Support identified groups to tackle the issues of poor mental health	Work with key partners, including Hampshire County Council (HCC), the Farming Community Network (FCN) and Hampshire Police to deliver a workshop targeting rural workers (farmers and commoners) and the causes of poor mental wellbeing in this group. Use the insight gathered from the Hampshire Farmers Wellbeing Survey, conducted by HCC and FCN to identify issues to focus on and to manage the workshop programme.	Jamie Burton	Programme developed.	The 'Yarn in a Barn' workshop was delivered with 60+ people in attendance.

CONSTITUTION REFRESH 2023

1. RECOMMENDATIONS

- 1.1 That the Cabinet endorses and recommends to Full Council that:-
- (a) the refreshed Constitution for New Forest District Council ([link](#)), be adopted for implementation with effect from Friday 5 May 2023; and
 - (b) authority be delegated to the Monitoring Officer, to make further minor editing changes, corrections and updates to the document prior to publication.
- 1.2 That the Cabinet authorise the Delegation of Executive functions as set out in the proposed Constitution.
- 1.3 That the Council authorise the Delegation of Non-Executive functions as set out in the proposed Constitution.

2. INTRODUCTION AND BACKGROUND DETAIL

- 2.1 At the Council meeting of 11 July 2022, the Council noted the significant programme of work underway to deliver the changes arising from the Electoral Review of the Council, including the introduction of new election legislation, the 2023 Elections and supporting governance arrangements.
- 2.2 One theme within the governance strand of the work programme is the Council Constitution. This report sets out the steps taken to refresh the Constitution for New Forest District Council and summarises the key changes.
- 2.3 As noted in the report to Council in July 2022, the review of the Constitution, alongside the other governance projects, is being led by the Council's three Statutory Officers, the Chief Executive, Monitoring Officer and Section 151 Officer, supported by the Service Manager for Democratic and Support Services.

3. SUMMARY OF PROPOSALS

- 3.1 The Constitution refresh delivers an updated format, based on the key components and all the necessary information required of a local authority Constitution. It contains the following seven parts:-
- 1) Contents, Summary and Explanation
 - 2) Responsibility for Functions
 - 3) Role Descriptions
 - 4) Procedure Rules
 - 5) Codes of Conduct
 - 6) Members' Allowances
 - 7) Protocols
- 3.2 The purpose of the Constitution is to ensure there is a clear governance framework and effective and accountable decision making; clarity as to the procedures to be followed in respect of meetings and decisions; provisions to enable Members and the public to engage and hold decision makers to account; and to contain rules and procedures relating to the financial management of the Council, and that standards are

promoted and maintained. There are numerous legal requirements as to procedure rules and provisions, which must be included. The proposed Constitution complies with these requirements.

3.3 It should be noted that the current Constitution and the procedures within it have served the Council very effectively for a number of years. However, with a new Council following the recent Electoral Review, a number of areas of the Constitution have been updated to provide a platform for the new Council to move forward from May 2023. Further review of a more fundamental nature can be taken forward by the new Council, should it wish to.

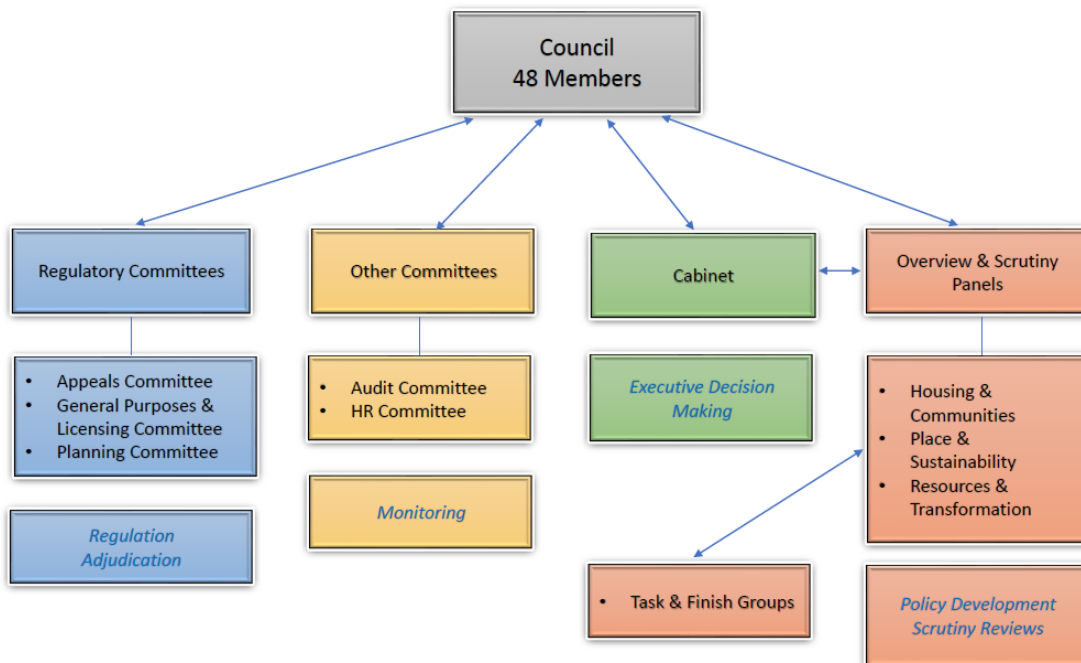
4. KEY CHANGES

4.1 The following section of the report details the proposed changes to the Constitution throughout the seven parts, including the rationale where change is recommended.

4.2 Contents, Summary and Explanation

4.2.1 This section brings together the current introductory chapters of the Constitution into one rationalised and user-friendly section, providing the key information for how the Council operates and is structured, the rights of citizens of the District and a basic description of the Council's political structures.

4.2.2 A new infographic structure is presented in this section, to provide councillors, officers and the public with a visual representation of the Council's main political structure, and can be seen below:-



4.3 Responsibility for Functions

4.3.1 General

The Constitution establishes a governance structure broadly consistent with that of the current Council. The Leader/Cabinet model of governance is retained, alongside the current committees namely the Appeals Committee; Audit Committee; General Purposes and Licensing Committee; HR Committee; and Planning Committee.

In reflection of the reduction of the Council size from 60 to 48 and the respective workloads of councillors, the number of seats on the Appeals Committee, General Purposes and Licensing Committee and Planning Committee are proposed to be 12, which is one quarter of the Full Council.

Benchmarking work and advice from the Local Government Association Planning Advisory Service (PAS) indicates that for decision making purposes, a smaller committee for planning functions is more effective. Whilst some committees are as small as five members, PAS advise that a maximum of 12 members is reasonable depending on the political balance, but that the optimum number is in the region of nine. Reflecting the size of the District and achieving the representation of one quarter of the Full Council, it is proposed that 12 is an appropriate size which the new Council can keep under review. For consistency, the remaining regularly committees are also proposed to have 12 seats.

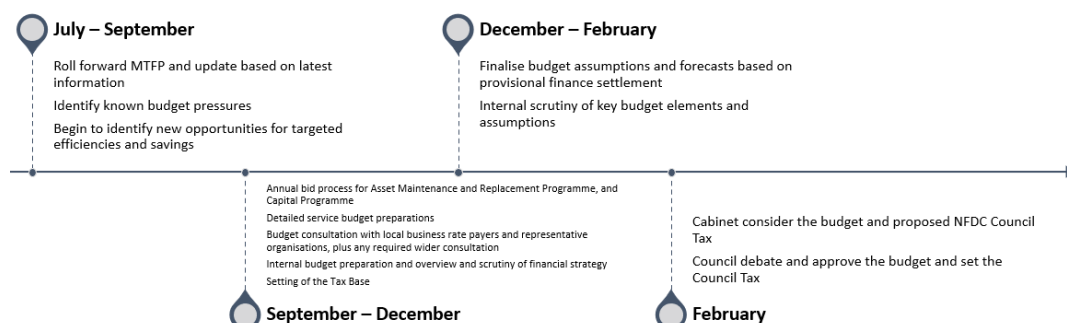
Three new Overview and Scrutiny Panels are proposed, with details contained at paragraph 4.3.5 below.

Minor changes proposed to specific functions are outlined in detail in the sections below.

4.3.2 Council

A Key Policy Framework is included, which provides the Council with clarity on the list of plans and strategies which are relevant to the Council's functions and are either required by law to be determined by the Council, or the Council has decided by local choice that it should be determined by the Council. The framework is organised into user friendly themes and will be updated by the new Council as it determines further strategic policies.

A document outlining how the Council undertakes its budget setting process is included, providing a clear and concise summary for ease of understanding. A summary infographic is included below which is in compliance with the Council's statutory obligations.



4.3.3 Cabinet

Terms of reference are included, to bring greater clarity to the general functions of the Council's Cabinet. Whilst the Council's current Constitution provides for the appropriate information on the discharge of executive functions, these terms of reference summarise for ease of understanding, the general work of the Cabinet, including making key decisions, recommending to Council as part of the Budget and Key Policy Framework, considering and responding to recommendations from Overview and Scrutiny and liaising with partners.

4.3.4 Committees

It is proposed that the responsibility for determining Tree Preservation Order (TPO) matters is moved from the Appeals Committee to the Planning Committee. Benchmarking against a range of local authorities indicates that the Council is currently out of step with standard practice in this area, whereby appeals against TPOs are dealt with as part of reporting to the committee responsible for planning matters. This would include the power to confirm, modify or not confirm TPOs.

4.3.5 Overview and Scrutiny

It is proposed that the number of Overview and Scrutiny Panels is reduced from four to three, aligned to the Council's leadership structure, as follows:-

- Housing and Communities Overview and Scrutiny Panel
- Place and Sustainability Overview and Scrutiny Panel
- Resources and Transformation Overview and Scrutiny Panel (including the functions directly reporting to the Chief Executive)

The proposed terms of reference of the Panels are set out in Section 2 of the Constitution. Aligning Panels to the leadership structure delivers the benefit of the support and guidance of a single senior responsible officer for each Directorate in the Council, provides clear lines of reporting and accountability for Council business and in particular the Council's strategic priorities. Additionally, a single 'Place' based Panel provides collective ownership for this area, when it has historically been split across two Panels, leading to duplicated Portfolio Holder attendance and an absence of a single point of accountability.

The new Council will be asked to consider an appropriate meeting schedule for these Panels, to ensure their responsibilities are discharged effectively and efficiently.

4.3.6 Officers

A document outlining the delegation of powers to officers is included. This sets out the extent to which powers are delegated, and general provisions for officer decision making.

The document provides clarity and ease of understanding for the general principles of officer decision making. It supplements the existing detailed Scheme of Delegation which remains in force in respect of all those individual powers the Council and Executive have previously delegated.

4.4 **Role Descriptions**

4.4.1 **General**

It is proposed that all of the role descriptions for councillors' special responsibilities are contained in one section of the Constitution, for ease of reference.

4.4.2 **Cabinet Members**

A Cabinet Member role description is included, to provide clarity and accountability on how Portfolio Holders are practically expected to undertake the executive functions delegated to them by the Leader of the Council. The role description identifies the importance of compliance with the agreed procedures of the Council; expectations for policy development and priorities; the relationship with Overview and Scrutiny; the public account of their individual functions; and the management of risk and resources.

4.5 **Procedure Rules**

4.5.1 **General**

The Council's range of procedure rules set out the key statutory requirements, including how the Council and its committees will run business and the rules of debate. They set out the rights for public participation in Council business and other specific procedures including the Council's Financial Regulations.

A single section for all procedure rules is proposed, for ease of reference.

4.5.2 **Standing Orders for Meetings**

A review has been undertaken to update the Council's Standing Orders for Meetings, to reflect the amendments made elsewhere in the Constitution, remove anomalies, to align with legislative requirements and provide for modern working and future arrangements i.e. electronic communication and voting. There are no fundamental changes being proposed to the operation of Council meetings and the key proposed changes can be summarised as follows:-

- (a) A new deadline of 12.00 noon, two clear working days for Questions under Standing Order 22. (In practice this will result in a deadline of 12.00 noon, the Wednesday prior to the Council meeting on a Monday). This ensures that adequate time is in place to allow preparation for informed responses to be given. It also provides the public with earlier notice of the subject of questions to be asked at Council meetings. It is also proposed that Standing Orders 22 and 22A are amalgamated to avoid duplication, as the former was a historic arrangement prior to executive decision making arrangements and the introduction of Portfolio Holders.
- (b) The introduction of the consideration of recommendations individually on the Council agenda by comprehensive officer reports, replacing the reports of the Cabinet, Committees and Panels. This aligns with good practice and provides for a clear understanding of the items on the Council agenda. It also provides for a vote after each recommendation to be considered by the Council, which has been the Council's preferred practice over time.
- (c) Permitting electronic voting at the discretion of the Chairman of the meeting and if the technology is available, to provide for future voting options. It is not

proposed that this is the default voting method from May 2023. However, the new Council may wish to consider future electronic voting provision.

- (d) The requirements for a discretionary recorded vote being updated to take into account the Council's new size of 48 Members. Any request to undertake a recorded vote would require the support of 12 Members (including the Member requesting). This promotes the principle of a quarter of the Council supporting any requests for a recorded vote. The requirements for recorded votes on key budget items such as the setting of Council tax are unaffected by this.

4.5.3 Procedure for Public Participation

It is proposed that the existing working practices of requiring members of the public to meet a deadline of two clear working days when registering to speak under the Council's public participation rules, is included within the Constitution. Deadlines are currently advertised consistent with this timeline and therefore bringing this formally into the procedure rules ensures this is transparent.

It is also proposed that any public participation on items not appearing on the agenda is dealt with under the public participation item on the agenda. The current procedure refers to a period of time 15 minutes prior to the meeting starting which in practice does not provide the public with the opportunity to address the meeting in public session. A period of 15 minutes will be maintained under this agenda item.

It should be noted that there are separate, specific procedures for public participation on regulatory matters such as planning and licensing. These remain unchanged.

4.6 Codes of Conduct

4.6.1 Code of Conduct for Members

The Council is obliged to adopt a Code of Conduct relating to standards of behaviour expected of councillors and adopt arrangements by which complaints can be made and dealt with. The Council's Code of Conduct is well established and the Council's Statutory Officers consider that it has served the Council very well. It remains under regular review but no changes are proposed at this time.

It is proposed that the procedure for how complaints are dealt with is brought into the Constitution in this section for ease of reference.

4.7 Members' Allowances

4.7.1 Scheme of Members' Allowances

It is proposed that for ease of reference, the Scheme of Members' Allowances is contained in a single section of the Constitution.

4.8 Protocols

4.8.1 General

A review of the Protocols required to be held in the Council's Constitution has been undertaken, alongside those that support the general administration of the Council. It should be noted that a number of the existing documents in this section have been moved in support of the new structure of the Constitution, e.g the Standing Orders being moved into the Procedure Rules. Whilst a number of the remaining protocols

will continue to be held on the Council's website and internally on the Council's intranet, they need not form part of the Council's Constitution and to maintain a concise and user friendly document, it is suggested that the following Protocols are included:-

- (a) Policy Statement – Access to Information
- (b) Indemnity of Members and Officers
- (c) Protocol on Filming, Recording and use of Social Media

4.9 No other changes are proposed other than the moving of existing relevant information into the revised structure of the proposed new Constitution.

5. CONSULTATION

5.1 Group Leaders were consulted in the Spring of 2022 on the scope of changes, supplemented by the Cabinet report of May 2022.

5.2 Further consultation was undertaken with the Leaders of the Political Groups throughout February and March 2023. Councillors not aligned to a political group were also offered the opportunity for a briefing during this period.

6. IMPLEMENTATION

6.1 It is proposed that the current Constitution serves the Council until the quadrennial District elections in May 2023, at which time the new Constitution takes effect, from Friday 5 May 2023.

7. FINANCIAL IMPLICATIONS

7.1 Whilst there are none arising directly from this report, the reduction in the number of the Council's Overview and Scrutiny Panels will lead to a saving in the special responsibility allowances of councillors. The implications of the Council's Scheme of Members' Allowances are dealt with by separate report to the Council annually.

8. CRIME & DISORDER IMPLICATIONS

8.1 There are none directly arising from this report.

9. ENVIRONMENTAL IMPLICATIONS

9.1 There are none directly arising from this report.

10. EQUALITY & DIVERSITY IMPLICATIONS

10.1 The Constitution provides a facility for public questions and engagement and the new Council will be recommended to promote engagement from all sections of the public and enable protected groups to engage with the Council and its decision making process in a positive and accessible way.

10.2 Provisions for public and access to information and meetings have taken account of the need to mitigate the impact of processes and procedures on particular groups within the community. The impact will be kept under review as part of routine review of the Constitution moving forward.

11. PORTFOLIO HOLDER COMMENTS

11.1 The Electoral Review of New Forest District Council establishes a new Council from May 2023, with 48 Councillors and 26 new wards. This Constitution refresh is part of a wider programme of work which provides the new Council with a solid platform to move forward from after the 2023 elections. I endorse the recommendations.

Appendices

Appendix 1 – [Link to new Council Constitution of New Forest District Council](#)

For further information contact:

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Background Papers:

[Cabinet report – May 2022](#)
Published documents

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