

**To: City Executive Board**

**Date: 17 March 2016**

**Report of: Scrutiny Committee**

**Title of Report: Oxford Waterways Public Spaces Protection Order consultation**

## **Summary and Recommendations**

**Purpose of report:** To present recommendations of the Scrutiny Committee on the Oxford Waterways Public Spaces Protection Order consultation

**Scrutiny Lead Member:** Councillor Craig Simmons

**Executive lead member:** Councillor Dee Sinclair, Board Member for Crime, Community Safety and Licensing

**Recommendation** of the Scrutiny Committee to the City Executive Board:

**That the City Executive Board states whether it agrees or disagrees with the recommendation set out in the body of this report.**

## **Introduction**

1. The Scrutiny Committee pre-scrutinised the Oxford Waterways Public Spaces Protection Order (PSPO) consultation decision at its meeting on 7 March 2016. The meeting was held in public and the Committee would like to thank all those who attended. In particular the Committee would like to thank the Board Member Councillor Dee Sinclair and Council Officers who presented this item, Simon Manton and Jeremy Franklin, as well as five members of the public and one Councillor who addressed the Committee. All these contributions informed the Committee's deliberations.

## **Summary of the discussion**

2. The Executive Board Member for Crime, Community Safety and Licensing and the Community Response Team Supervisor presented the report. They said that the draft PSPO was intended to promote appropriate behaviours on the City

waterways and to improve the overall environment for the boating community, residents and all visitors and users of the waterways.

3. The Committee then heard from five public speakers and one Councillor.
4. The Committee recognised that there are a number of issues affecting the Oxford waterways and users of the waterways that should be addressed.
5. The Committee expressed a number of concerns about the proposed consultation, including but not limited to:
  - The need for early engagement with key stakeholders, such as multiple landowners, in order to seek their views prior to a public consultation.
  - Whether some issues could be resolved if a more collaborative approach was taken to addressing these with interested parties such asUMBEG (Unlawfully Moored Boat Enforcement Group) and NBTA (National Bargee Travellers Association).
  - The need to provide more context and explanation as to why a PSPO is being considered and what difference it could make, including a preamble to the consultation.
  - The need for sufficient time to identify and engage with people who may be affected by the proposed PSPO, including land owners, and for officers to hand-deliver consultation letters to people who may move in and out of accommodation on the waterways and in and out of the city.
  - The need to allow sufficient time after the consultation to reflect on responses received.

The Committee also expressed reservations about the robustness of the evidence presented in Appendix 1. These included:

- The age and relevance of some of the instances presented, some of which may have been resolved.
  - The rationale and justification for the proposed boundaries. For example, there may be a lack of evidence to justify including some specific Oxford waterways, such as the river Cherwell, in the proposed restricted area.
6. The Committee also expressed concerns about the wording of the draft PSPO, in particular but not limited to:
    - That the wording of part c) 'no person shall store items...or erect structures' had significant implications for the homeless population.
    - That the wording of part d) 'no person shall create smoke...causing annoyance to others' could potentially include boat owners burning wood fuel to heat their boats, which should be treated differently from, for example, diesel fumes being emitted for a long period of time from stationary vessels. The Committee enquired whether smoke nuisance issues could be dealt with using existing environmental powers.
    - That the wording of part e) 'No person shall tamper with the waterways habitats' is too unclear given that many habitats require active management and conservation.
    - That the wording of part g) 'in charge of more than four dogs' could potentially include 'the lady with several small poodles'.

7. There was also some discussion about whether the proposed PSPO, if introduced in its current form, could be legally challenged.
8. In conclusion the Committee reflected as to whether the issues and concerns raised should be picked up during the proposed consultation or addressed before the start of the proposed consultation. The Committee then voted on which of the following two proposals to support:
  1. Proceed with the consultation as planned with the existing documentation and PSPO as currently drafted.
  2. Revise the documentation, draft PSPO and consultation proposals in collaboration with interested parties before consulting on an improved proposal for an Oxford waterways PSPO.
9. By majority vote the second proposal was agreed.

**Recommendation – That the Council should revise the documentation, draft Public Spaces Protection Order (PSPO) and consultation proposals in collaboration with interested parties before consulting on an improved proposal for an Oxford Waterways PSPO.**

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