



Epping Forest & Commons Committee

Date: MONDAY, 3 NOVEMBER 2014

Time: 11.00 am

Venue: COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

Members: Alderman Gordon Haines (Chairman)
George Abrahams (Deputy Chairman)
Deputy Stanley Ginsburg
Deputy John Barker
Alderman Jeffrey Evans
Deputy Catherine McGuinness
Barbara Newman
Virginia Rounding
Ian Seaton
Verderer Peter Adams
Verderer Michael Chapman DL
Verderer Richard Morris
Verderer Dr. Joanna Thomas
Sylvia Moys
Deputy Alex Deane (Ex-Officio Member)
Alderman Ian Luder (Ex-Officio Member)

Enquiries: Natasha Dogra
Natasha.Dogra@cityoflondon.gov.uk

Lunch will be served in the Guildhall Club at the rising of the Committee

NB: Part of this meeting could be the subject of audio video recording

**John Barradell
Town Clerk and Chief Executive**

AGENDA

Agenda

Part 1 - Public Agenda

1. **APOLOGIES**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **MINUTES**
To agree the minutes of the previous meeting.

For Decision
(Pages 1 - 16)

4. **OPEN SPACES LEGISLATION**
Report of the Remembrancer and Director of Open Spaces

For Decision
(Pages 17 - 20)

Epping Forest

5. **SUPERINTENDENT'S UPDATE**
The Superintendent of Epping Forest to be heard.

For Information

6. **REVENUE & CAPITAL BUDGETS - EPPING FOREST 2014/15 & 2015/16**
Report of the Chamberlain and the Director of Open Spaces.

For Decision
(Pages 21 - 32)

Burnham Beeches, Stoke Common & City Commons

7. **SUPERINTENDENT'S UPDATE**
The Superintendent of Burnham Beeches, Stoke Common and City Commons to be heard.

For Information

8. **DOG MANAGEMENT STRATEGY - BURNHAM BEECHES**
Report of the Superintendent of Burnham Beeches, Stoke Common & City Commons.

For Decision
(Pages 33 - 60)

9. **REVENUE & CAPITAL BUDGETS - BURNHAM BEECHES, STOKE COMMON, & CITY COMMONS 2014/15 & 2015/16**
Report of the Chamberlain and the Director of Open Spaces.
For Decision
(Pages 61 - 70)
10. **UPDATE ON THE EXPANSION OF CONSERVATION GRAZING AT BURNHAM BEECHES**
Report of the Superintendent of Burnham Beeches, Stoke Common & City Commons.
For Decision
(Pages 71 - 78)
11. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
12. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

Part 2 - Non-Public Agenda

13. **EXCLUSION OF THE PUBLIC**
MOTION: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.
For Decision
14. **NON-PUBLIC MINUTES**
To agree the minutes of the previous meeting.
For Decision
(Pages 79 - 84)
15. **HIGH BEACH REFRESHMENT SITE**
Report to follow.
For Decision
16. **LAND AVAILABLE FOR ACQUISITION**
Report to follow.
For Decision
17. **NON PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
18. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

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EPPING FOREST & COMMONS COMMITTEE
Monday, 8 September 2014

Minutes of the meeting of the Epping Forest & Commons Committee held at
Committee Room - 2nd Floor West Wing, Guildhall on Monday, 8 September 2014 at
10.30 am

Present

Members:

Alderman Gordon Haines (Chairman)
George Abrahams (Deputy Chairman)
Deputy Stanley Ginsburg
Deputy John Barker
Alderman Jeffrey Evans
Barbara Newman
Virginia Rounding
Verderer Peter Adams
Verderer Michael Chapman DL
Verderer Richard Morris
Verderer Dr. Joanna Thomas
Sylvia Moys
Alderman Ian Luder (Ex-Officio Member)

Officers:

Natasha Dogra	Town Clerk's Department
Sue Ireland	Director of Open Spaces
Paul Thomson	Superintendent, Epping Forest
Andy Barnard	Superintendent, Burnham Beeches, Stoke Common & City Commons
Alison Elam	Chamberlain's Department
Roger Adams	City Surveyor's Department
Edward Wood	Comptroller and City Solicitor's Department
Jo Hurst	Epping Forest, Open Spaces Department
Martin Hartup	Burnham Beeches, Open Spaces Department
Helen Reed	Burnham Beeches Open Spaces Department
Andy Thwaites	Burnham Beeches Open Spaces Department

1. APOLOGIES

Apologies had been received from Deputy McGuinness, Ian Seaton and Deputy Deane.

2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA

An interest was declared by George Abrahams in respect of Orion Harriers Lease Renewal, discussed under 'any urgent non-public business'.

3. **MINUTES**

Resolved: That the minutes of the previous meeting be agreed as an accurate record.

4. **SUPERINTENDENT'S UPDATE**

The Committee received a verbal update from the Superintendent of Epping Forest and noted the following:

Staff Changes

A gardener and interim Project Officer had been newly recruited. Vacancies remain for 2 litter picker posts and a maintenance worker. A new herdsman had been recruited by our contract partner Wildlife and Countryside Services. Recruitment for the role of Head of Visitor Services had been unsuccessful and a national campaign would commence this September.

Weather

July was the sixth sunniest since 1929 with many warm days and only 86% of average rainfall. Fortunately, thunderstorms kept the Forest damp across this month. August was the coolest since 1993 ending a sequence of eight warmer than average months. Daily rainfall totals at Epping Forest were 156% higher than the 20 year average. In particular, ex-hurricane 'Bertha' passed over the Forest on 10th to 11th bringing an Essex high of 25mm of rain in 24 hours at High Beach.

Fire Severity Index

The damper weather had reduced the Fire Severity Index as measured by the Meteorological Office from 4 Very High, on a scale of 1 to 5 to 2 Low.

New Study in Journal Nature

Climate change had been identified as a key driver of 'forest disturbances' such as fires; storms; bark beetles and droughts.

Green Flag & Green Heritage Awards

Epping Forest had successfully retained both awards.

Football Season

The summer at Wanstead Flats had seen a record number of 18 school sports days, 3 football tournaments and 45 pre-season football friendly matches. A new Rounders League and Archery taster sessions had been introduced. The new season which commenced on 6th September would host 5 separate leagues with 150 teams incorporated, together with 35 clubs comprising of 45 teams.

Community Payback Scheme

Wanstead Flats hosted a new Serco-run Community Payback scheme from 18th August with participants litter picking and cleaning the pavilion.

Golf

The removal of the Red Rule and the new Max 680/500/125 loyalty schemes continued to prove to be very popular with golfers. Chingford Gold Club had reached the national finals of the National Association of Public Golf Course completion and will be travelling to Bristol having won their regional heat. The City's Golf PGA Fellow Professional Andy Traynor had been awarded Trackman Master Professional status, becoming only the 41st person in the world to achieve the honour.

Illyria Theatre Company

Illyria staged 3 profitable events for the City and the theatre company, comprising Shakespeare's Scottish play on 24th July with 169 tickets sold; Gilbert and Sullivan's 'Pirates of Penzance' on 3rd August with 195 tickets sold and Roald Dahl's 'George's Marvellous Medicine' on 13th August which recorded a sell-out 477 tickets.

City of London Festival at 'The View' 6th July

This successful event was run for a second year in partnership with the City of London Festival and attracted over 2,000 people for dog-related events, folk bands, beer tent, a hog roast and a summer art exhibition opening.

Music in the Park

This had been a successful event despite attendances being down on the previous year due to the poor weather forecast. The earlier closedown of 9pm together with additional security patrols led to a trouble-free event. The organisers, Aldersbrook Families Association, supported by a grant from the London Borough of Redbridge recorded a loss.

Public Park Research Report

The important report urged all involved to research the history and reassert the significance of urban parks and designed landscapes.

'Love Essex' Essex Anti-Littering Campaign

A partnership led by Braintree District Council and including the north of the Forest had been successfully launched.

Site of Special Scientific Interest (SSSI) Assessment – 15th July

Staff met with Natural England Officers to examine Forest SSSI compartments that remain in the 15% by area unfavourable condition category.

Oak Processionary Moth

Pheromone lures for Oak Processionary Moth were installed at 3 locations in the south of the Forest and at the adjacent City Cemetery and Crematorium and have recorded a total of 7 suspect male moths. Officers were awaiting positive identification of the moths from the Forestry Commission's research centre.

Invisible Fencing

An article of the Epping Forest Invisible Fencing Project appeared in Conservation Land Management magazine.

Green Arc – North East Quadrant

10 partner organisations met under the Chairmanship of the Director of Open Spaces met to agree a work plan for 2015.

City Bridge Trust Visit

Epping Forest hosted a visit for the Chief Grants Officer for City Bridge Trust.

Fatality at Wanstead Park Cycleway July

A cyclist died following leg injuries on the London Borough of Redbridge cycleway at Wanstead Park. Members of the public and an off-duty member of staff made a valiant attempt to save the injured woman's life before being joined by paramedics and the air ambulance.

Travellers

Further traveller trespass incidents were recorded at Mill Plain on 30th July and adjacent to the Forest at Debden House campsite on 7th August and Epping Forest District Council Playing Fields at Loughton.

Stolen Digger – 30th July

An excavator was stolen from the central reservation of the M25 before being driven through Buffer land towards the Wakes Arms roundabout. The digger broke through chain link deer fencing and 3 gates before being trapped in a culvert at the rear of the Miller and Carter restaurant.

Public indecency incident

A man had been charged with indecent exposure on Wanstead Flats following arrest by local Police.

Sexual Assault at Hollow Ponds

Police sought a 30 year old man following a sexual assault on a jogger at Leyton Flats.

Fly tipping

Provisional figures appeared to be continuing the 21% increase from 550 to 666 incidents recorded this year.

Rough Sleepers

Forest Keepers were continuing to clear Rough Sleeper encampments with 36 incidents since January.

Prosecutions

Quad Bike and fly tipping.

Possible Lyme Disease report at High Beach

A possible incident of Lyme Disease was being monitored following a report after a school visit to High Beach.

Advertising Encroachment at Woodford Green

The City had successfully removed the advertising hoarding erected without permission on Forest Land at Woodford Green. A byelaw prosecution was being pursued to recover the £1,500 removal costs.

Coast Guard Practice Event – 14th August

Following a real life emergency landing on Leyton Flats earlier this year, Forest Keepers supported a practice rescue involving Whipps Cross hospital's reserve Hyperbaric Treatment facility.

Countryfile

Further footage from the deer sanctuary was recently featured on BBC TV's 'Countryfile'.

Highams Park Lake desilting and dam strengthening works

Dam strengthening work by main contractor Balfour Beatty commenced on 8th September until 5th February 2015 and would include the removal of 5,000 M³ of silt.

Mallinson Park Wood

The London Borough of Waltham Forest had approved a public consultation on a project to improve public access to Mallinson Park Wood which would ideally like improvements at Highams Park Lake.

Scout 825

Four teams of 15 venture scouts undertook wood pasture restoration at Long Running and Cuckoo Pits; easy access trail improvements at High Beach and habitat improvements at Knighton Pond.

Practical Conservation Projects

For the past 3 years the Community Liaison Officer had been working with London Borough of Newham sixth form groups offering practical conservation tasks at Epping Forest including planting at Jubilee Pond this year.

Epping Forest 'Gateway'

A design by Bristol-based CodSteaks had been approved by the Chairman and Deputy Chairman for development to complete the 8 primary and 9 secondary Gateway commitment within the Branching Out Project.

Service Based Review

The Policy and Resources Committee considered proposals across the organisation for realising £23 million of cost efficiencies across 2015/16 to 2017/18. The Open Spaces Department was projected to save £2.189 million for this period with approximately £800,000 of savings being made at Epping Forest. A full report would be made to the November Committee meeting with proposals to:

- Improve the performance of Estate Assets especially buildings by £360,000
- Increase charges on current 'at cost' legal agreements £80,000
- Review and increase existing charging tariffs £10,000
- Introduce vehicle parking charges at specific sites £100,000

- Secure sponsorship for subsidised sport facilities £120,000
- Restore the operating surplus at Chingford Golf Course £80,000.

Members queried whether Officers knew if the rough sleepers were repeat offenders. Officers said they try to find a refuge or fare home for each case found and this was working so far as there were no repeat offenders.

Members queried whether the high rainfall in August affected Highams Park Dam. Officers said there was a reasonably high rainfall, but reservoir levels were low prior to the rain so there was no overtopping.

5. **EPPING FOREST TRUSTEE'S ANNUAL REPORT AND FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014**

Members noted the Trustee's Annual Report and Financial Statements for the Year Ended 31 March 2014 for Epping Forest.

6. **DEER MANAGEMENT OF THE SOUTH WEST ESSEX DEER HERD ON THE BUFFER LANDS AND EPPING FOREST.**

Members noted that the 2014 day time deer count recorded 505 Fallow and 44 Reeves Muntjac. This showed a 69% increase on the previous year's Fallow Deer figure of 299. 44 Reeves Muntjac were also recorded as opposed to 43 in 2013. The number of Deer Vehicle Collisions (DVCs) in the Forest locality, an area wider than the count area, also increased from 64 to 123 DVCs, an increase of 92%.

Members noted that year on year populations varied significantly due to variable factors such as weather, patterns of disturbance and the availability of winter food supplies. The more reliable five-year average for 2010-2014 (based on four counts) was 285 Fallow Deer, up 7% on the previous five-year average for 2009-2013 (based on four counts). This equated to an average population density of 5.5 deer per 100 acres. The proposed cull figures for the 2014/15 season recommended to your Committee are 105 Fallow Deer and as many Reeves Muntjac Deer as possible. The lower cull figures were set using data from the deer count, recommendations from the DMP and the experience of stalkers during the 2013/14 cull.

In response to a query from Members, Officers clarified that they would investigate the use of incentives to involve the land owners and local community more. Members noted that the number of deer around the forest had risen significantly and this may be due to a healthy diet available to the deer.

Members said that the deer were very beautiful but there were too many. Numbers were very significant so other arrangements for managing them needed to be identified. Officers said for this to be successful cooperation with neighbour landowners and tenants was crucial. Members asked Officers to identify ways to engage land owners, for example by inviting individuals to City Corporation events which may be of interest to them.

Discussions ensued regarding the commerciality of deer culling. Officers said they would seek to manage contracts in a more commercially viable way in future.

Officers informed Members that getting local landowners and stalkers to share their figures did prove difficult at times but was being worked on. The figures included in the report were just our own figures, not independent stalkers or Road Traffic Accidents.

Members queried the zero figures quoted in the report in years that still gave cull details. Officers said these indicated not that there were zero deer found, but that a count was not carried out in those years.

Members queried whether the farming of deer on buffer land was more effective than the cull. Officers said that option had not been considered as it would require a large infrastructure and may not work with the currently large migrant herd.

Resolved: That Members -

- Approved the cull figure of up to 105 Fallow deer and an unlimited cull of Reeves Muntjac, for the 2014/15 season in line with the Deer Management Plan.
- Approved a further meeting between the major estate owners for land within the South West Essex Deer Herd mediated by the Deer Initiative to encourage increased co-operation on the overall management of the Deer Herd.

7. **EPPING FOREST HISTORIC ENVIRONMENT POLICY**

Members were informed that the historic environment of Epping Forest and the heritage assets within it were a non-renewable resource that enabled us to understand the origins and significance of our landscapes. The Epping Forest Act of 1878 contained specific duties to preserve and maintain historic features. Research into the history of Epping Forest and the City of London Conservators responsibility under the 1878 Act was a continuing responsibility, which was addressed through conservation assessments, management plans, surveys and other processes.

Members noted that the need for the historic environment of Epping Forest to be prioritised was becoming increasingly apparent: Wanstead Park was included on the English Heritage (EH) Heritage At Risk Register; an independent request was made for EH to designate a site on Forest land; local groups have asked to undertake investigative work; and a new management plan for Epping Forest was being prepared which would cover the management of the historic environment.

In response to a query Members were informed that the Historic Environment Policy aimed to improve our understanding of the historic environment of Epping Forest in order to conserve and enhance it for the enjoyment of all, and to encourage visitors to value and care for it. The policy set out principles for

interacting with the historic environment of Epping Forest, rather than the Buffer Lands, whether by the City of London or by external bodies and individuals.

In response to a query, Members noted that in 2013-14, £5238 was spent on heritage research to feed into various projects. Further minor spends were anticipated in the next few years. The Visitor Services Section brought in £4869 in grants during 2010-14 to develop the museum collection, and further spends are anticipated to get the collection and archive store to accreditation standard.

Officers agreed that the final policy would list objectives that the City Corporation “will” achieve. A separate report regarding accreditation would be submitted to the Committee for consideration later in the year. Periodic reports including a heritage tracker would also be submitted to the Committee. Members advised that the list included on the tracker be updated as the objectives of the department evolved.

Members queried the value of gaining Museum Accreditation. Officers said that policy was intended to counterbalance some of our more defined/obvious duties as conservators. Accreditation would be dealt with as a separate report.

The Committee thanked all Officers and volunteers for all of their hard work.

Resolved: That Members resolved to adopt the Historic Environment.

8. **SUPERINTENDENT'S UPDATE**

The Committee received a verbal update from the Superintendent of Burnham Beeches and City Commons, and noted the following:

Awards

8 Green Flags had been received for the following areas:

- Burnham Beeches
- Ashtead Common
- Coulsdon Common
- Kenley Common
- Farthing Downs
- West Wickham Common
- Spring Park
- Riddlesdown

5 Heritage Flags had been received for the following areas:

- Burnham Beeches
- Ashtead Common
- Farthing Downs
- Kenley Common
- Riddlesdown

Service Based Reviews

Project lists were being readied for consideration by the Serviced Based Review project boards set up by the Director and are:

- Focussing on the core
- Operational efficiency
- Income Generation

Kenley Heritage Lottery Fund

A revised timetable for a March 2015 submission, rather than December 2014, has been necessitated by changes to the conservation philosophy being developed as part of the project. The Conservation Workshop held in June led to the concept of an interpretative zone as a focus for an enhanced level of conservation and interpretation compared with the rest of the site. This zone will help to better interpret the heritage and should enhance the chances of the bid being successful. However, additional time and money must be allocated to accommodate the extra design work required.

Coulsdon Commons

Hay cutting across five sites had begun and 80 bales had been retained for winter feed.

A request from Tesco in Caterham had been received to help with a focal point to aid their learning programme for primary school children.

Farthings Down

Travellers had arrived on the site but Officers had dealt with them in a swift and professional manner.

The weekly health walk was resulting in good numbers. Alternating weekly between Farthing Downs & Kenley, it was serving recovering cardiac patients, a stroke victim and a few individuals who felt uncomfortable to access the space alone.

The City Surveyor's Department was now making good progress with the relevant authorities over the repeat, post-storm flooding issue on Coulsdon Common.

Members thanked the Superintendent for a useful visit to Burnham Beeches. Members discussed the scattering of ashes across sites. It was suggested that Officers liaise with local Funeral Directors to inform of policy and promote legacy giving, as an alternative.

9. **BURNHAM BEECHES AND STOKE COMMON TRUSTEE'S ANNUAL REPORT AND FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014**

Members noted the Trustee's Annual Report and Financial Statements for the Year

Ended 31 March 2014 for Burnham Beeches and Stoke Common.

10. **CITY COMMONS TRUSTEE'S ANNUAL REPORT AND FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014**

Members noted the Trustee's Annual Report and Financial Statements for the Year

Ended 31 March 2014 for Ashtead Common and West Wickham Common and Spring Park Wood Coulsdon and Other Commons,

11. INTRODUCTION OF DOG CONTROL ORDERS AT BURNHAM BEECHES

Members were informed that Burnham Beeches agreed a voluntary “Dog Walkers code” with its local dog walking community in 2006. A review of the number of dog related incidents since that date revealed that they had not decreased.

Work to develop proposals to introduce Dog Control Orders (DCOs) at Burnham Beeches, based upon guidance provided by the Department of Environment, Food and Rural Affairs, received Committee approval in September 2012.

The Home Office had recently advised that the power to make Dog Control Orders was expected to cease on 20th October 2014 when the relevant provisions of the Anti-social Behaviour, Crime and Policing Act 2014 (ABC&P) come into force. Any Orders introduced after that date would be Public Space Protections Orders.

Formal public consultation on the DCO proposals had recently concluded with the majority of responses received from dog walkers.

A good level of support was received for the introduction of Schedules 1, 4 and 5. Schedules 2 and 3 received less support. Member decisions were sought on a range of options using the powers provided under Secondary Authority status.

The Chairman informed Members that Deputy Deane was unable to attend the meeting but had submitted a written statement which he read out, supporting rejection of the report recommendations.

The Superintendent informed Members that there were several typographical errors in the report as listed below:

- On P142 under Schedule 3 Option B had been labelled as option C
- On Page 143 in the text box there should be an 'and' between small roman numerals iii and iv and another 'and' between small roman numerals iv and v.
- Para 32 (page 150) It should be clarified to indicate that the BBCG supported 3 dogs as a maximum for Schedule 5 and that this matter was subsequently considered by your committee and the figure altered to a maximum of 4.
- Para 39 (page 151) should read a maximum of
- It was noted that the appendices had not been presented in the correct order.

Members attention was drawn to paragraphs 56 and 57 which highlighted additional initiatives flowing from the public consultation exercise i.e. some site

specific improvements and a proposal to seek a suitable candidate from the local dog walking community to join the Burnham Beeches Consultative Group.

Following publication of the report three issues had been raised by a Member.

Firstly, the report stated that the Dogs Trust supported the proposal for Schedule 5. This was incorrect - the Dogs Trust explicitly did not support Schedule 5. To rectify this error the text representing the Dogs Trust was amended to clearly state that they did not support Schedule 5. This amendment was needed in paragraph 36.iv and paragraph 78. The Superintendent had recently written to the Dogs Trust to apologise for this error.

Secondly the report was criticised for a possible and inadvertent discourtesy to the Primary Authority (SBDC). Officers clarified that this was not the intention of the report which attempted to portray a confused scenario at the very end of the consultation period. The SBDC Officer dealing with the matter gave a verbal indication that there would be no objection to the proposals, that position changed some five weeks later and on the very last day of the public consultation exercise. However, the final position was accurately recorded in SBDC's letter.

Thirdly, the Member referred to the feedback provided by Bucks County Council. BCC were not a statutory consultee albeit they had supported the position adopted by South Bucks District Council.

The Superintendent had reviewed the implications of all of the above on the statistics provided in the report. Members were assured that issues raised did not alter the figures presented for Schedules 1, 2, 3 and 4 and provide a 0.5% reduction in those agreeing with Schedule 5 balanced by a 0.5% increase in those disagreeing with schedule 5. A revised table was provided at the meeting, identifying these changes.

Members noted that the proposals were the result of extensive consultation that had included the general public, staff, external consultants and agencies, local authorities, BBCG members, Epping Forest and Commons Committee Members and others. The Kennel Club had been a key consultee and had commented extensively on the proposals at each stage in the development of the proposals. The proposals were submitted for formal public consultation based on those previously agreed by the BBCG and approved by this Committee.

The outcome of the public consultation was clear majority support for Schedules 1, 3, 4 and 5. There was less support for Schedule 2. The majority of responses were from local dog walkers.

Members were reminded that Officers were not proposing to ban dogs at Burnham Beeches. Schedule 2 required dog owners to put their pets on lead and let them off again at the appropriate moment. DEFRA provided clear guidance on the issue of proportionality and even-handedness.

In response to a query, the Chairman clarified that these Dog Control Orders were to be introduced at Burnham Beeches and not at Epping Forest. A report on the outcome will be presented to the other Open Spaces Committees.

Schedule 1. Pick up dog faeces

Members agreed that staff at Burnham Beeches should not have to pick up after people's dog faeces regardless of whether it was in a bag or not. Officers confirmed that there were a number of bins around the site which were regularly emptied.

Schedule 2. Dogs on leads at all times

Members said the areas where dogs could run freely and areas where they must be kept on a lead had been given careful thought by Officers. Most of the visitor car parks were on proposed Schedule 3 land, so that dogs could arrive at the site and exit vehicles without having to be on a lead. The demarcation between the proposed Schedule 2 and Schedule 3 areas, along the line of the road, was very clear and would be easily understood by site users. A very considerable 220 acres of land could still be used by dogs off leads and there were plenty of paths so that dog walkers would be able to double-back within this area. It was also noted that the topography of the two areas was very similar. Officers informed Members that the introduction of Schedule 2 was fully supported by the Burnham Beeches Consultation Group.

Schedule 3. Dogs on leads where requested

Members noted that Officers had experience of issuing fixed penalty notices following the introduction of parking fees at Burnham Beeches. Officers said an educational approach would be taken when dealing with offenders. Members noted that the issue of enforcement would be considered as part of the Dog Management Strategy by the Committee at the November meeting.

Schedule 4. Dog exclusion zones

Members agreed that the introduction of exclusion zones was a sensible way forward.

Schedule 5. Maximum number of dogs per responsible person

Members discussed the number of dogs per person, and agreed that this was not an exact science as the size and behaviour of each dog would vary. Members agreed that 4 should be the maximum number of dogs per person.

Members suggested that if Dog Control Orders were to be introduced at Burnham Beeches it would be beneficial for the Committee to receive an update from the Superintendent in July 2016 and a full review from the Superintendent in January 2017. Officers agreed to provide information relating to Dog Control Orders with their Annual Review of Dog Related Incidents. Officers confirmed that there was currently no statutory requirement to review Dog Control Orders. Officer also confirmed that any extant DCO's will automatically be converted into Public Spaces Protection Orders 3 years after the power to make PSPO's takes effect. It has subsequently been clarified that they will then need to be reviewed and a decision taken whether to extend them

every three years, under the arrangements for PSPO's that are due to come into force.

Resolved: Member approved the following:-

Schedule 1. Pick up dog faeces.

A. Resolve to make The Fouling of Land by Dogs (Burnham Beeches) Order 2014, to be applied as proposed, across the whole site.

Schedule 2. Dogs on leads at all times.

A. Resolve to make The Dogs on Leads (Burnham Beeches) Order 2014 to be applied as proposed.

Schedule 3. Dogs on leads where requested.

A. Resolve to make The Dogs on Leads by Direction (Burnham Beeches) Order 2014 to be applied as proposed.

Schedule 4. Dog exclusion zones.

A. Resolve to make The Dogs Exclusion (Burnham Beeches) Order 2014 as proposed. Dogs would be excluded from the area around the café, as currently applied.

Schedule 5. Maximum number of dogs per responsible person.

A. Resolve to make The Dogs (Specified Maximum) (Burnham Beeches) Order 2014 as proposed.

Further recommendations

- i. Members agreed that the Dog Control Orders should come into effect on 1 December 2014.
- ii. A further report would be submitted to this committee in November 2014 seeking approval for the Dog Management Strategy and associated authorisations relating to enforcement.
- iii. Members approved the principle of site improvements.
- iv. Members approved the principle of the appointment of a suitable candidate from the dog walking community to the Burnham Beeches Consultation Group. The Group would be consulted on this matter.
- v. Members resolved that the Committee would receive an update from the Superintendent in July 2016 and a full review from the Superintendent in January 2017.

12. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were no questions.

13. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There was no urgent business.

14. **EXCLUSION OF THE MOTION:** That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.
15. **NON-PUBLIC MINUTES**
Resolved: That the minutes of the previous meeting be agreed as an accurate record.
16. **HIGHAMS PARK LAKE - GATEWAY 5 APPROVAL REPORT**
The Committee considered the joint report of the Director of the Built Environment and Director of Open Spaces.
17. **GRANT OF LICENCE TO LONDON BOROUGH OF NEWHAM FOR A PUBLIC FIREWORKS DISPLAY**
The Committee considered the report of the Superintendent.
18. **LAND AVAILABLE FOR ACQUISITION AT EPPING FOREST**
The Committee considered the report of the Superintendent.
19. **WANSTEAD PARK REQUEST**
The Committee considered the report of the Superintendent.
20. **HIGH BEACH REFRESHMENT SITE**
The Committee considered the report of the Director of Open Spaces.
21. **NON PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
There were no non-public questions.
22. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**
There was one item of urgent business.
23. **REVIEW OF THE OPERATIONAL USE OF THE EPPING FOREST RESIDENTIAL ACCOMMODATION AND THE CALL-OUT ROTA**
The Committee considered the report of the Director of Open Spaces.

The meeting ended at 12.55 pm

Chairman

Contact Officer: Natasha Dogra
Natasha.Dogra@cityoflondon.gov.uk

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Committee:	Date:	Item no.
Open Spaces and City Gardens	13 th October	
West Ham Park	13 th October	
Epping Forest and Commons	3 rd November	
Hampstead Heath, Highgate Wood and Queen's Park	24 th November	
Subject: Open Spaces Legislation	Public	
Report of: Remembrancer Director of Open Spaces	For Decision	
<p><u>Summary</u></p> <p>This Report outlines officer discussions which have taken place concerning possible modifications to the legislation governing the Corporation's Open Spaces. The aims of the changes would be to clarify the management powers available to the Corporation, to increase opportunities to receive revenue for the benefit of the Open Spaces, and to strengthen enforcement powers against wrongdoers. If Members agree that such changes should be further considered, it is proposed that the views of local interest groups be canvassed. It is anticipated that more detailed proposals would then be drawn up for evaluation by Members with a view to the promotion of a City of London Bill (if appropriate) in the autumn of 2015.</p> <p>Recommendation:</p> <p>It is recommended that officers be instructed to test the views of local interest groups on possible modifications to the legislation, as described in this Report.</p>		

Report

1. The legislation governing the Corporation's Open Spaces has in most cases served its purpose well for many years. Its age and complexity mean,

however, that it is not always easy to operate in practice. Moreover, it arguably fails to reflect the full range of problems and opportunities which arise in the modern-day management and use of the spaces. Following preliminary internal discussions, officers have formed the view that there may be considerable merit in seeking amendments to the legislation. This could be achieved through the promotion of a private bill in Parliament, the usual method by which such changes are made. The bill would be directed to operational management of the Open Spaces rather than to constitutional issues relating to specific spaces.

2. Members will be aware that issues concerning the management of the Open Spaces can give rise to a range of keenly felt views. It is important, both in practice and as a matter of policy, to engage with local communities and interested parties at an early stage in any process of change. The approval of Members is therefore sought at this point to canvass views about the potential shape of the proposals from users of the Open Spaces and other local interest groups. Such parties would of course have a formal opportunity to put across their views on the detail of the eventual proposals as part of the parliamentary processes applicable to private bills, if such a bill were to be promoted.
3. The proposals as presently envisaged would be based upon three main objectives:
 - to provide a clearer and more consistent set of management powers applying across the Open Spaces, while putting on an express footing activities currently carried out in reliance on implied powers;
 - to increase the opportunities to receive revenue for the benefit of the Open Spaces from activities undertaken on them, provided that any such use is compatible with the preservation of the Open Spaces and their use for public recreation; and
 - to provide stronger enforcement powers to deal with those making illegal or harmful use of the Open Spaces.
4. Examples of potential measures under the first objective might include a general power of land husbandry (so as expressly to permit, for instance, the grazing of livestock and the control of vegetation); powers to enter into agreements with highway authorities (for instance for the provision of cattle-

grids or fencing) and utilities providers (so as to permit the installation of underground pipes and cables); and an express power to dispose of unlawfully abandoned objects (such as camping paraphernalia).

5. Examples of potential measures under the second objective might include greater flexibility to let buildings (so that, for instance, cafés could be let for more than three years and surplus staff lodges could be let as residential accommodation); an express power to provide facilities for private events (such as conferences and weddings); and the introduction of licensing schemes for commercial activities (such as fitness instruction and paid dog-walking).
6. Examples of potential measures under the third objective might include the adoption of the standard scale of fines for offences against byelaws; the introduction of fixed penalty notices; a power to exclude wrongdoers from the Open Spaces (currently applicable in Hampstead Heath but not elsewhere); and (subject to the work of the Land Registration Steering Group) bringing unregistered land contiguous to Epping Forest but for which no owner can be identified within the Epping Forest Acts.
7. Once local views had been sought and considered, officers would expect to draw up and present to the relevant Committees a detailed set of proposals. Members would then have a full opportunity to consider and decide on these proposals. The earliest date for depositing a bill in Parliament would be in November 2015.

Recommendation

8. It is recommended that officers be instructed to test the views of local interest groups on possible modifications to the legislation, as described in this Report.

Contact

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Committee(s):	Date(s):	Item no.
Epping Forest and Commons Committee	3 November 2014	
Subject: REVENUE & CAPITAL BUDGETS - EPPING FOREST 2014/15 & 2015/16		
Report of: The Chamberlain The Director of Open Spaces		Public For Decision

Summary

This report updates the Committee on Epping Forest's latest approved revenue budget for 2014/15 and seeks approval for a provisional revenue budget for 2015/16, for subsequent submission to the Finance Committee. The budgets have been prepared within the resources allocated to the Director and the table below summarises the position.

Summary of Table 1	Latest Approved Budget	Original Budget	Movement
	2014/15 £000	2015/16 £000	£000
Expenditure	5,891	5,737	(154)
Income	(2,123)	(1,774)	349
Support Services	1,002	1,012	10
Total Net Expenditure	4,770	4,975	205

Overall the provisional Original budget for 2015/16 totals £4,975, an increase of £205,000 compared with the latest approved budget for 2014/15. The main reasons for this increase are :-

An increase of £144,000 in the City Surveyor's Local Risk (of which £139,000 relates to Repairs & Maintenance), a decrease of £268,000 in Other Grants, Reimbursements and Contributions, off-set by a reduction of £102,000 in Premises Related expenditure, a reduction of £57,000 in Supplies & Services, and a reduction of £94,000 in Transfer to Reserves.

Recommendations

The Committee is requested to:

- Review the provisional 2015/16 revenue budget to ensure that it reflects the Committee's objectives and, if so, approve the budget for submission to the Finance Committee;
- Review and approve the draft Capital Budget;
- Authorise the Chamberlain, in consultation with the Director of Open Spaces, to revise these budgets to allow for any further implications arising from Corporate Projects, departmental reorganisations and other reviews, and changes to the Additional Works Programme.
- If specific service based review proposals included with this budget report are rejected by the Committee, or other Committees request that further proposals are pursued, that the substitution of other suitable proposals for a corresponding amount is delegated to the Town Clerk in discussion with the Chairman and Deputy Chairman of the relevant Committee. If the substituted saving is not considered to be straight forward in nature, then the Town Clerk shall also consult the Chairman and Deputy Chairmen of the Policy and Resources Committee prior to approving an alternative proposal(s).

Main Report

Introduction

1. The City of London Corporation owns and manages almost 11,000 acres of historic and natural Open Spaces for public recreation and enjoyment. This includes Epping Forest which is a registered charity and is funded from City's Cash. Epping is run at no cost to the communities that it serves as it is funded principally by the City, together with donations, sponsorship, grants and trading income.

2. This report sets out the proposed revenue budget and capital budgets for 2015/16. The Revenue Budget management arrangements are to:
 - Provide a clear distinction between local risk, central risk, and recharge budgets.
 - Place responsibility for budgetary control on departmental Chief Officers.
 - Apply a cash limit policy to Chief Officers' budgets.
3. The budget has been analysed by the service expenditure and compared with the latest approved budget for the current year.
4. The report also compares the current year's budget with the forecast outturn.

Business Planning Priorities

5. The key Projects for each Open Space for the next three years were included in the Open Spaces Department Business Plan for 2014-2017 which was approved in May 2014. These include :-
 - Completing of the Highams Park Dam strengthening works, and associated consultation with local residents and park users during disruption.
 - Continuation of the Grazing Expansion Plan, including completion of construction of new overwintering infrastructure at Great Gregories.
 - Detailed planning of savings, efficiencies and enhanced income as laid out in the CoL Service Based Review, with foundation work on known constraints, including drafting of a Various Powers Act

Proposed Revenue Budget for 2015/16

6. The proposed Revenue Budget for 2015/16 is shown in Table 1 analysed between:
 - Local Risk Budgets – these are budgets deemed to be largely within the Chief Officer's control.
 - Central Risk Budgets – these are budgets comprising specific items where a Chief Officer manages the underlying service, but where the eventual financial outturn can be strongly influenced by external factors outside of his/her control or are budgets of a corporate nature (e.g. interest on balances and rent incomes from investment properties).
 - Support Services and Capital Charges – these cover budgets for services provided by one activity to another. The control of these costs is exercised

at the point where the expenditure or income first arises as local or central risk. Further analysis can be found in Appendix 2.

7. The provisional 2015/16 budgets, under the control of the Director of Open Spaces being presented to your Committee, have been prepared in accordance with guidelines agreed by the Policy & Resources and Finance Committees. These include continuing the implementation of the required budget reductions across both local and central risks, as well as the proper control of transfers of non-staffing budgets to staffing budgets. As part of the Service Based Review a saving of £237,000 has been made in year one (2015/16), £135,000 in year two (16/17), and £120,000 in year three (17/18). The saving of £237,000 will be made through the ending of the City Bridge Trust grant for educational and volunteering activities. As part of the Service Based Review the educational activities of the department were judged to be suitable for funding from the Bridge House Estates charitable fund to support these activities and an application will be made through the City Bridge Trust before the start of the financial year. . The budget has been prepared within the resources allocated to the Director. Within these budgets it has been assumed that an application for long term grant funding at the same level as the current CBT grant will be successful. However, the results of any application will not be known until early in 2015. An allowance has also been given towards any potential pay and price increases of 2% in 2015/16.

TABLE 1 EPPING FOREST SUMMARY						
Analysis of Service Expenditure	Local or Central Risk	Actual 2013-14 £'000	Latest Approved Budget 2014-15 £'000	Original Budget 2015-16 £'000	Movement 2014-15 to 2015-16 £'000	Paragraph Reference
EXPENDITURE						
Employees	L	2,792	2,641	2,679	38	
Premises Related Expenses	L	614	645	543	(102)	10
R & M (City Surveyor's Local Risk including cleaning)	L	1,234	1,057	1,201	144	11
Transport Related Expenses	L	231	241	252	11	
Supplies & Services	L	699	595	538	(57)	12
Transfer to Reserves	L	118	168	74	(94)	13
Transfer to Reserves (To fund Capital Expenditure)	C	788	0	0	0	
Transfer to Reserves (Capital Charges)	C	326	544	450	(94)	14
Total Expenditure		6,802	5,891	5,737	(154)	
INCOME						
Government Grants	L	(323)	(247)	(247)	0	
Other Grants, Reimbursements and Contributions	L	(47)	(518)	(250)	268	15
Other Grants, Reimbursements and Contributions	C	(1,153)	0	0	0	
Customer, Client Receipts	L	(984)	(796)	(809)	(13)	
Investment Income	C	(7)	(18)	(18)	0	
Transfer from Reserves	L	(277)	0	0	0	
Transfer from Reserve (Capital Charges)	C	(326)	(544)	(450)	94	16
Total Income		(3,117)	(2,123)	(1,774)	349	
TOTAL EXPENDITURE/ (INCOME) BEFORE SUPPORT SERVICES		3,685	3,768	3,963	195	
SUPPORT SERVICES						
Central Support		848	829	829	0	
Recharges within Fund		131	159	168	9	
Recharges Across Funds		1	14	15	1	
Total Support Services		980	1,002	1,012	10	
TOTAL NET EXPENDITURE/(INCOME)		4,665	4,770	4,975	205	

8. Income and favourable variances are presented in brackets. An analysis of this Revenue Expenditure by Service Managed is provided in Appendix 1. Only significant variances (generally those greater than £50,000) have been commented on in the following paragraphs.
9. Overall there is an increase of £205,000 between the 2014/15 latest approved budget and the 2015/16 original budget. This movement is explained in the following paragraphs.
10. The decrease of £102,000 in Premises Related Expenses is mainly due to a reduction in client funded Repairs & Maintenance work across the Assets Team and Epping.
11. The 2014/15 Latest Approved Budget reflects the re-allocation of the full programme to reflect the expenditure that is anticipated will be incurred in the year.

The main reason for the £144,000 increase in the City Surveyor's Local Risk (including cleaning) is due to a budget movement of £139,000 for Repairs & Maintenance which relates to the phasing and level of new bids within the Additional Works Programme.

The 2015/16 Additional Works Programme is based on the bids detailed in the report to your Committee in May 2014. The final sum which was endorsed by the Corporate Asset Sub Committee in June 2014 totalled £450,500. The anticipated balance of remaining Additional Works Programme schemes of £491,000 has also been incorporated.

The basis on which costs are charged under the Building Repairs and Maintenance contract is being reviewed. The present costs, which are based on a square footage basis, are to be replaced by costs relating to the individual assets of each property. The outcome of the review is likely to result in variations to the budgets that have been submitted for 2014/15 and 2015/16. The City Surveyor will report separately on any significant changes.

A decision on the funding of the programme will be made by the Resource Allocation Sub Committee. It may therefore be necessary to adjust the budgets to reflect the Resource Allocation Sub Committee's decision.

TABLE 2 - CITY SURVEYOR LOCAL RISK	Latest Approved Budget 2014/15 £'000	Original Budget 2015/16 £'000
Repairs & Maintenance (including cleaning)		
Additional Works Programme		
Epping Forest	796	942
	796	942
Planned & Reactive Works (Breakdown & Servicing)		
Epping Forest	204	197
	204	197
Cleaning		
Epping Forest	57	62
	57	62
Total City Surveyor	1,057	1,201

12. The £57,000 reduction in Supplies and Services in Local Risk is mainly due to a reduction in Professional Fees associated with HLF as the project has come to an end.
13. The £94,000 reduction in Transfer to Reserves is due to the ending of the HLF project which required Epping to make a contribution from Local Risk.
14. The net decrease of £94,000 in Central Risk Transfer to Reserves between the 2014/15 Latest Approved Budget and the 2015/16 original estimate relates mainly to the fall-out of a one-off charge of £160,000 to write-out the cost of the model yacht pond work partially off-set by increase in charges for the anticipated works to Higham's Park Lake and the cattle overwintering facilities at Great Gregories Farm.
15. The £268,000 reduction in other Grants, reimbursements and Contributions in Local Risk is mainly due to the fallout of the HLF Lottery Funding contribution as the project has come to an end, and the fallout of the Gifford Wood Grant.
16. The decrease of £94,000 in transfer from reserves is due to the reduction in capital charges reflected in paragraph 14.

17. Analysis of the movement in manpower and related staff costs are shown in Table 3 below.

Table 3 - Manpower statement	Latest Approved Budget 2014/15		Original Budget 2015/16	
	Manpower Full-time equivalent	Estimated cost £000	Manpower Full-time Equivalent	Estimated cost £000
Epping, Wanstead, Chingford, HLF, CBT	74.28	2,641	72.80	2,679
TOTAL EPPING	74.28	2,641	72.80	2,679

The reduction in manpower numbers is due to the HLF Branching Out Project finishing in 2014/15. The increase in costs is due to an allowance for pay increases and the filling of vacant posts.

Larger Variances in Services Managed (Appendix 1)

18. The £209,000 increase in the Epping division of service is mainly due to an increase in Repairs & Maintenance within the City Surveyor's Local Risk, an increase in local Risk employee costs, off-set by a reduction in non-Government Grant income due to the ending of the Gifford Wood Appeal.

Potential Further Budget Developments

19. The provisional nature of the 2015/16 revenue budget recognises that further revisions may be required, including in relation to:
- budget reductions to capture savings arising from the on-going PP2P and Service Based Reviews;
 - decisions on funding of the Additional Work Programme by the Resource Allocation Sub Committee.
 - The basis on which costs are charged under the Building Repairs and Maintenance contract is being reviewed. The present costs, which are based on a square footage basis, are to be replaced by costs relating to the individual assets of each property. The outcome of the review is likely to result in variations to the budgets that have been submitted for 2014/15 and 2015/16. The City Surveyor will report separately on any significant changes.
 - If specific service based review proposals included with this budget report are rejected by the Committee, or other Committees request that further proposals are pursued, that the substitution of other suitable

proposals for a corresponding amount is delegated to the Town Clerk in discussion with the Chairman and Deputy Chairman of the relevant Committee. If the substituted saving is not considered to be straight forward in nature, then the Town Clerk shall also consult the Chairman and Deputy Chairmen of the Policy and Resources Committee prior to approving an alternative proposal(s).

Revenue Budget 2014/15

20. The forecast outturn for the current year is in line with the latest approved budget of £4.770M.

Draft Capital and Supplementary Revenue Budgets

21. The latest estimated costs for the Committee's draft capital and supplementary revenue projects are summarised in the tables below.

Service Managed	Project	Exp. Pre 01/04/14	2014/15	Later Years	Total
		£'000	£'000	£'000	£'000
<u>Pre-implementation</u>					
Epping Forest	Baldwins & Deer Sanctuary Ponds		12		12
<u>Authority to start work granted</u>					
Epping Forest	Branching Out	4,307	297		4,604
Epping Forest	Highams Park Lake	106	1,740		1,846
Epping Forest	Great Gregories Farm overwintering of cattle	16	219		235
TOTAL EPPING FOREST		4,429	2,256	0	6,685

22. Pre-implementation costs comprise feasibility/option appraisal expenditure which have been approved in accordance with the project procedure, prior to authority to start work.
23. Implementation phases of the Baldwin's & Deer Sanctuary Ponds project are planned to be carried out in 2015/16.
24. The remaining schemes have received authority to start work and are in progress.
25. The latest Capital and Supplementary Revenue Project budgets will be presented to the Court of Common Council for approval in March 2015.

Contact Officer: Mark Jarvis (1221) or Alison Elam (1081)

APPENDIX 1

Analysis by Service Managed	Actual 2013-14 £'000	Latest Approved Budget 2014-15 £'000	Original Budget 2015-16 £'000	Movement 2014-15 to 2015-16 £'000	Paragraph(s) Reference
<u>CITY CASH</u>					
Epping Forest	4,538	4,657	4,866	209	18
CBT*	0	0	0	0	
HLF	13	7	0	(7)	
Chingford Golf Course	(22)	(47)	(45)	2	
Wanstead Flats	136	153	154	1	
Woodredon & Warlies**	0	0	0	0	
TOTAL	4,665	4,770	4,975	205	

* City Bridge Trust (CBT) is a restricted fund which nets to zero.

** Any shortfall or surplus from Woodredon & Warlies is transferred to City Fund and therefore nets to zero.

APPENDIX 2

Support Services from/to Epping Forest	Actual 2013-14 £'000	Latest Approved Budget 2014-15 £'000	Original Budget 2015-16 £'000	Movement 2014-15 to 2015-16 £'000	Paragraph Reference
<u>Support Services</u>					
Central Recharges-					
City Surveyor's Employee Recharge	274	272	287	15	
Insurance	70	71	72	1	
I.S.Recharges – Chamberlain	95	81	73	(8)	
Support Services-					
Chamberlain (inc CLPS recharges)	124	110	113	3	
Comptroller and City Solicitor	69	71	68	(3)	
Town Clerk	108	110	106	(4)	
City Surveyor	87	92	92	0	
Other Services*	21	22	18	(4)	
Total Support Services	848	829	829	0	
<u>Recharges Within Fund</u>					
Directorate Recharges	169	197	206	9	
Corporate and Democratic Core	(38)	(38)	(38)	0	
Total Recharges Within Fund	131	159	168	9	
<u>Recharges Across Funds</u>					
Woodredon & Warlies	1	14	15	1	
Total Recharges Across Funds	1	14	15	1	
Total Support Services	980	1,002	1,012	10	

* Various services including central heating, corporate printing, occupational health, union costs, environmental and sustainability section.

Committee(s):	Date(s):
Epping Forest and Commons Committee	3 November 2014
Subject: Dog Management Strategy – Burnham Beeches	Public
Report of: Superintendent of Burnham Beeches, Stoke and City Commons	For Decision
<p>Summary</p> <p>Proposals to introduce Dog Control Orders at Burnham Beeches were approved by this Committee in Sept 2014.</p> <p>This report introduces, for approval, the Dog Management Strategy to be used to guide the enforcement, administration and monitoring of Dog Control Orders at Burnham Beeches.</p> <p>The report seeks delegated authority to the Director so that nominated Officers may be authorised to issue Fixed Penalty Notices.</p> <p>The level of Fixed Penalty Notice for breach of a Dog Control Order also needs to be agreed.</p> <p>Finally, Committee agreement is sought as to the design and frequency of DCO related site signage at Burnham Beeches.</p> <p>Recommendations</p> <p>Members are asked to:</p> <ol style="list-style-type: none"> 1. Approve the Dog Management Strategy for Burnham Beeches so that it may be advertised according to DEFRA requirements and used to guide the administration of Dog Control Orders on the site. 2. Provide delegated authority to the Director of Open Spaces to authorise officers at Burnham Beeches for the purpose of issuing Fixed Penalty Notices. 3. Approve the level of Fixed Penalty for breach of a Dog Control Order at £80 with a reduction to £50 if paid within 10 days. 4. Approve site signage and frequency. 	

Main Report

Background

1. A report proposing to introduce Dog Control Orders (DCO's) on 1st December 2014 at Burnham Beeches, was approved by this Committee in September 2014.
2. That report also outlined the need for a Dog Management Strategy (DMS) for approval by this Committee in November 2014.
3. The need for a DMS arises from guidance provided by the Department of Environment Food and Rural Affairs (DEFRA) - albeit they refer to it as an 'Enforcement Strategy'.
4. DEFRA guidance also states that, if provided, such documents should be approved and made available to the public prior to the implementation of DCO's.
5. DCO's are enforced by the use of Fixed Penalty Notices (FPN's) and/or through the Magistrates Court. FPN's can only be issued by officers who have been appropriately authorised.
6. Site signage and maps will need to be modified to inform visitors of the various DCO's applying to the site.

Current Position

7. DEFRA guidance states: *There is no requirement for a secondary authority to produce an Enforcement Strategy, yet given the implications, for community and financially, a secondary authority would be ill advised not to.*
8. The Superintendent has produced the Enforcement Strategy to demonstrate your Committee's commitment to 'good practice'. However, as mentioned above it is more positively called a 'Dog Management Strategy' (DMS).
9. The DMS follows DEFRA's guidance for such documents and is presented for consideration and approval by this Committee. **Appendix 1.**
10. An important element of the DMS is the Enforcement Protocol. **Appendix 2.** i.e. a description of the circumstances when FPN's will be issued, of any exemptions and the process by which prosecutions will be handled should the need arise. This document, along with the DMS, once approved, will be made publicly available prior to commencement of enforcement of DCO's on 1st Dec 2014.
11. It is necessary to authorise officers in writing for the purpose of issuing FPN's. In this instance the officers authorised will be the eight Burnham Beeches Rangers. However it is proposed that the Director of Open Spaces have delegated authority to authorise additional officers as and when necessary, for example following any change of staff.
12. The Rangers along with all other staff at Burnham Beeches have recently undertaken the relevant, 'DEFRA approved' training. This has ensured that all team members irrespective of their involvement in the enforcement of

DCO's benefit from a detailed understanding of the issues. This again demonstrates your Committee's commitment to 'good practice'.

13. It is also necessary to set the level of 'fixed penalty' for breach of a Dog Control Order. Primary and secondary authorities may specify the amount of a fixed penalty as well as providing for discounts for early payment.
14. Site signage to describe how the separate orders apply 'on the ground' will be of the 'pictogram style'. **Appendix 3.** This style is familiar to the visiting public at Burnham Beeches. Signs will generally be made from foamex which is easily replaced and cheap to produce whilst ensuring a high quality product. Signs will be placed 'as far as reasonably practicable' at regular intervals on the boundaries of the different DCO's. They will be mounted on existing posts, gates, etc wherever possible.
15. Maps showing the schedules across the site are being designed and will be produced as a sticky vinyl overlay. **Map 1.** Again this is a commonly used technique at Burnham Beeches and on other open spaces and ensures a relatively cheap, effective, high quality replacement should damage occur. These 'overlays' will be used on all existing site signs that currently contain a map.

Proposals

16. Having received committee approval to introduce DCO's at Burnham Beeches it is now proposed to:
 - a. Use and publicise the DMS and associated Enforcement Protocol to guide the enforcement and administration of DCO's at Burnham Beeches.
 - b. Authorise the Burnham Beeches Rangers team to enforce DCO's via the issuing of FPN's.
 - c. Set the amount of a fixed penalty for breach of the orders at £80 - reduced to £50 if paid within 10 days.
 - d. Introduce appropriate site signage, including maps, during the latter part of November 2014.

Corporate & Strategic Implications

17. The proposals support the Strategic aims of the City and Open Spaces Department by:
 1. **Quality.** Providing, safe, secure and accessible Open Spaces and services on behalf of London and the nation.
 2. **Inclusion.** Involving communities and partners in developing a sense of place through the care and management of our sites.
 3. **Environment.** Delivering sustainable working practices to promote the variety of life and protect the Open Spaces for the enjoyment of future generations.
 4. **Promotion.** Promote opportunities to value and enjoy the outdoors for recreation, learning and healthy living

5. People. Manage, develop and empower a capable and motivated work force to achieve high standards of safety and performance.

Legal Implications

18. The five dog control orders that your Committee resolved to make on 8 September 2014 were duly made in the form prescribed by the Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations 2006 on 16 October 2014, and will come into force on 1 December 2014.
19. There are additional formalities which must be observed under regulation 3(3) of the Dog Control Orders (Procedures) Regulations 2006, not less than seven days before the dog control orders come into force, including publishing a further notice in a local newspaper, and online, and notifying the other primary and secondary authorities for the area. These matters are being progressed by officers.
20. The City must also, where practicable, place signs summarising the orders in conspicuous positions on or near the land to which they apply. However the DEFRA guidance makes it clear that the intention is not to see whole areas of land plastered with signs, but to see that common sense is applied. In practice, this means placing signs at entry points to parks and open spaces, for example on notice boards.
21. Under section 59 of the Clean Neighbourhoods and Environment Act 2005 a fixed penalty notice must be issued by an authorised officer. This means either: an employee of the City who is authorised in writing by the City for the purpose of giving notices under this section; any person who, in pursuance of arrangements made with the City, has the function of giving such notices and is authorised by the City to perform that function; and any employee of such a person who is authorised in writing by the City for the purpose of giving such notices.
22. Under regulations 6 of the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2007 all authorised officers must have successfully completed a course of training approved by the Secretary of State and provided by a training provider recognised by the Secretary of State.
23. Under section 60 of the Clean Neighbourhoods and Environment Act 2005 and regulations 2 and 3 of the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2007 the City can specify the amount of a fixed penalty, provided that it is not less than £50 and not more than £80. If no amount is specified, the amount of a fixed penalty is £75. The City can make provision for a lesser amount to be paid before the end of a specified period, provided that this is not less than £50.

Financial Implications

58. The cost of the DCO consultation and enforcement design process is estimated at £38,000 including officer time, training, consultation costs and the provision of appropriate signage and other materials. This is an

increase of £3,000 on the previously supplied estimate and reflects the additional cost of publishing the notice in a range of local newspapers. These costs are being met from local risk budgets and are set out in Table 1 below:

Table 1.

Activity	Cost
Research and informal Consultation (Footprint Ecology)	£7,000
Management time (estimated at 30 days)	£7,500
Staff Training (est)	£2,000
Administration (set up)	£4,500
Public Consultation – Advertising costs	£7,000
Staff costs	£10,000
Total estimated costs	£38,000

HR implications

24. The rangers at Burnham Beeches have undertaken the DEFRA approved 'DCO training course'. The Rangers currently enforce car park charges by use of similar penalty notices.

Public Relations implications

25. The introduction of Dog Control Orders is not universally popular at Burnham Beeches and there is a risk of bad publicity. Individuals or bodies such as the Kennel Club may reiterate their views in local and national media.

Conclusion

26. The Dog Management Strategy has been produced, staff nominated as Authorised Officers and a rate for Fixed Penalty notice concluded.
27. Site signage and mapping issues are nearing completion and approval of the approach outlined in this report is also sought.
28. Various Committee approvals are now sought for each of the above issues.

Appendices

- Appendix 1 – Dog Management Strategy for Burnham Beeches
- Appendix 2 – Enforcement Protocol
- Appendix 3 – Signage/Pictograms

- Map 1 - DCO's across Burnham Beeches.

Background Papers:

- Report to Epping Forest and Commons Committee September 2014. The introduction of Dog Control orders at Burnham Beeches.

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APPENDIX 1.



A Dog Management Strategy for Burnham Beeches Achieving a balance for all site visitors

Section 1. Statement of intent

In September 2014, following the granting of Secondary Authority status in 2012 (Clean Neighbourhood and Environment Act, 2005), the City of London's Epping Forest and Commons Committee approved the use of Dog Control Orders (DCO's) at Burnham Beeches National Nature Reserve (NNR). This document sets out how the City of London will enforce DCO's at Burnham Beeches, commencing 1st December 2014.

Section 2. Aim

The aim of introducing DCO's at Burnham Beeches is to encourage responsible dog ownership and thereby:

- i. Ensure a fair and proportionate balance between the needs of visitors so that all can enjoy the site
- ii. Reduce the number of dog related incidents and complaints recorded each year
- iii. Reduce the impact of dog control management on the resources available to manage the site
- iv. Assist the City of London to meet its obligation under the Open Spaces Act, 1878, Natural Environment and Rural Communities Act, 2006, and other legislation.

Section 3. Background.

The 540 acres known as Burnham Beeches was acquired 'in perpetuity' by the City of London between 1880 and 1990 under the City of London Open Spaces Act, 1878. The site is highly valued and protected as a public open space and for the extraordinary range of rare habitats and species found within its boundaries. The Beeches was declared a Site of Special Scientific Interest in 1951, a National Nature Reserve in 1993 and a Special Area of Conservation (EU Habitats Directive, 1992) in 2005.

Burnham Beeches welcomes around 585,000 visits each year. Visits to the site are currently increasing by around 4,000 per annum and are likely to continue to do so for the foreseeable future. Dog walking is a popular pastime at the Beeches with around 220,000 dog visits to the site each year. This equates to approximately 1,000 dog visits for each hectare of the Reserve. The City of London Corporation, as owners 'in perpetuity', is required to maintain a balance between the needs of the various site users, thereby helping to ensure enjoyment by all.

The City of London recognises the benefits of dog walking particularly as a healthy activity that encourages physical and mental wellbeing. Dog walkers also contribute to the site via income generated through weekend car park charges and site donations.

To accommodate the prevalence of dog walking on the site the City of London to date has:

- Consulted upon and introduced a local dog walking code including agreement on the definition of 'effective control'
- Consulted upon and produced an overarching Open Spaces 'Dog Walking Policy'
- Enforced the site's byelaws when dog walking has led to serious incidents such as harm to people, other dogs, wildlife and livestock
- Conducted site surveys to investigate the impact of dog walking on the site and its users

- Determined an accurate measure of the number of dog visits to the site each year
- Recorded the number of dog related complaints and incidents each year
- Concluded a survey to establish visitor attitudes to the introduction of DCO's at Burnham Beeches

Section 4. The current situation and evidence of need.

The number of dog walkers at Burnham Beeches has increased steadily over the years and is thought to be due to increased local housing provision and perhaps most significantly, that other local open spaces of similar amenity value charge for car parking throughout the week.

The 2013 survey indicates that around 44% of visits to the Nature Reserve are made to walk dogs. It is important to note that many dog walkers visit the site several times per day and when viewed in terms of numbers of individual visitors to the site, dog walkers represent about 2% of the annual total. It is clear that this group of regular site users has the potential to cause a disproportionate impact on other site users. Irresponsible dog ownership within this group is the largest single source of incident at the Beeches and represents a significant drain on its manpower and finances.

The Burnham Beeches Ranger Service proactively encourages good behavior by visitors, be it dog walking or any other of the wide range of activities that occur. The City of London accepts that many dog walkers strive to meet the standards required by the site's dog walking code. However, local evidence suggests that a significant minority struggle to meet these standards.

The Beeches accommodates the needs of dog walkers by advertising the local dog walking code via its website, in newsletters and on public notice boards, providing free leaflets (including a site specific dog walkers 'Fact Sheet'), organizing dog friendly events and by providing and maintaining a specific dog friendly seating area at the Beeches Café. In addition, The City of London provides a dog waste removal service, including dog waste bins and bags, at no cost to visitors.

Each year the site's Rangers record and deal with between 175 – 250 dog related incidents. It is important to note that this data does not provide an absolute number of incidents occurring on the site each year, simply a standardized, measurable and repeatable record that can be compared over the years.

Poor dog behavior heads the list of formal complaints from site users. Generally, these relate to a visit that has been spoilt in some way. Incidents fall into the following categories:

- Dog faeces found on site (bagged or un-bagged and despite the availability of bins).
- Dogs seen running loose around the site without the owner in sight
- Dogs approaching visitors and causing nuisance
- Dogs being seen to chase (and sometimes kill) wildlife and livestock
- Physical harm caused to people such as bites or broken limbs
- Harm caused to private property such as clothing and personal equipment
- Dogs attacking other dogs and causing harm
- Excessive barking
- Dogs stealing food from picnics
- Poor control of dogs by their owners
- Dogs being killed or injured on the public roads that run through the site
- Aggressive responses from dog owners when their pet's behavior is challenged
- Large groups of dogs being walked by a small number of owners (this includes professional dog walkers using the site for business purposes)

There is persistent anecdotal evidence to suggest that some visitors no longer come to Burnham Beeches because of the scale and nature of poor dog behavior.

Visitor Access Strategy

Given the City's permanent and dual role to ensure the enjoyment of the site by visitors and to protect its natural aspect it is necessary to do all that is reasonably possible to reduce the risk of long-term harm. In recent years the site's Access Strategy has mitigated these impacts as far as possible by concentrating visitor activity to the most robust parts of the site thereby providing an area elsewhere on the Beeches for people and wildlife to co-exist. This has been achieved by closing two miles of internal roads (once used as part of the public road network) and repositioning and improving facilities such as car parks, site café, toilets and information point near the Main Common. The DCO zones set out later in this document build on this extensive body of work and represent the last major element in the management of visitor activity.

The impact of 'urban effects' (housing development etc) and potential links to the decline in quality of several habitats at Burnham Beeches also remains a concern with particular reference to dog fouling and the levels of phosphorous and nitrogen deposited on to otherwise nutrient poor soils. Other issues also have an impact when considered in combination to the aforementioned such as the background stress of climate change, increased drought, changes to air quality, disruptions to site hydrology trampling and soil compaction. All of these factors give added relevance to having an effective visitor access strategy

Correctly delivered and as part of the wider visitor access strategy, the use of Dog Control Orders will help to minimise the occurrence of the dangerous and nuisance dog related incidents, improve the visitor experience and may also help to reduce negative impacts on biodiversity.

Section 5. Summary of consultations with the community.

Management Plan Consultation 2009. The site has been managed according to an approved management plan since 1990. In 2009, site visitors were consulted on the development of the current site management plan (2010-2020). Over 800 site visitors (including many dog walkers) attended the 3 day consultation event. The final version of the management plan was approved by the Burnham Beeches Consultation Group and the City of London's Epping Forest and Commons Committee in 2010. The plan states that the City of London 'will ensure that all visitors feel welcome, valued and safe'. The approved plan includes the following dog management targets:

- *Limit as far as possible the negative impacts of dogs on other visitors*
- *Carry out research and consultation to keep up to date with best practice and legislation*
- *Enforce and regularly review the site's dog strategy – providing and servicing bins, encouraging responsible ownership, implementing new initiatives and considering new dog free areas.*
- *Review legislation concerning dog fouling*
- *Survey and monitor progress.*

The management plan also states that 'the management of dog walking will be a 'Priority 1' activity for staff during the period 2012 – 2020'.

Several data sets concerning dog walking activities have been collected in recent years:

Dog Survey 2003. 681 visitors responded to a dog specific survey. The data set indicated that:

- 42% were dog walkers
- 22% stated that only a few dog walkers have effective control of their dogs.
- 22% of visitors recorded that dog walking hindered their enjoyment of the site.
- 72% felt that there should be areas where dogs are allowed only when on a lead
- 56% felt that there should be a dog free zone at Burnham Beeches
- 80% of non-dog walkers do not like to be approached by a dog that they don't know.
- 95% of visitors stated that they were aware of the availability of dog bins on the site
- 86% of all visitors feel that not clearing up after a dog is unacceptable
- 95 % of dog walkers claim to pick up after their dogs at all times
- An observation study demonstrated that only 30% of dog walkers actually cleared up after their dog across the majority of the site.

Visitor Numbers Site Survey - 2012. Indicated that:

- 585,000 visits to the Beeches take place each year.
- 220,00 dog visits to the Beeches occur each year (over 600 dog visits each day)
- 35% of all visits to the Beeches are made to walk dogs.

Dog Control Order Survey 2013. 365 face to face interviews:

The purpose of the 2013 visitor survey was to inform the final delivery of DCO's across the site and ensure that they are demonstrably proportionate to need whilst achieving the objectives set out in Section 2 of this document.

- 44% of daily visits to the Nature Reserve are made to walk dogs
- **Schedule 1. Dog Waste.** 99% felt that dog owners should be required to pick up and dispose of their dog's waste correctly on parts of the site. Of those 87% felt that this should apply across the whole site.
- **Schedule 2. Dogs on leads at all times.** 54% of visitors felt that areas should be designated where dogs must be kept on leads at all times and owners required to comply. 7% had no opinion on the matter and 39% felt that no area should be assigned for this purpose. Of those that held a view 12% felt that whole site should be designated, 82% felt that at least part of the site should be so designated. 0% felt that none of the site should be designated.

Visitors' definition of how much of the site Schedule 2 should apply showed that 61.5% favoured less than half the site and 38.5% favoured more than half of the site. 50% of the site was the most common response

- **Schedule 3. Dogs on leads when asked to do so.** 82% felt that areas should be designated where dogs must be put on a lead if requested and owners required to comply. 4% had no opinion. Of those that held a view 43% felt it should apply to the entire site, 52% to at least part of the site, 5% were unsure and 0% felt that it should apply to none of the site.

Visitors' definition of how much of the site this Schedule 3 should apply showed that 47% favoured less than half the site and 53% favoured more than half of the site.

- **Schedule 4. Dog Exclusion Zones.** 37% of visitors felt that areas should be designated at Burnham Beeches where dogs are not allowed at all. 59% felt that there should be no additional areas at Burnham Beeches. 4% were unsure.
- **Schedule 5. Maximum limit of dogs per owner.** 67% of visitors felt that there should be a maximum number of dogs that an individual dog walker can walk. 24% felt that there should be no limit and 9% were unsure. 93% felt that this should be applied across the whole site. 4% across part of the site, 3% were unsure and 0% felt that it should apply across none of the site. The most frequent response to the maximum number to be walked by an individual dog walker was 3-4.

Section 6. Existing bylaws.

Burnham Beeches has its own bylaws and these are enforced under the Local Government Act, 1972. As far as dog walking is concerned the site's bylaws are limited requiring only that:

- Dogs wear a collar and ID tag
- Dogs do not chase wildlife or livestock
- Dogs are kept under 'effective control'

The definition of the latter is difficult to define in law and it is for this reason that the local dog walking policy agreed (through public consultation) effective control as being 'within sight at all times and returning to the owner immediately when called or be kept on a lead'.

The enforcement of the sites bylaws relies solely upon on prosecution at magistrates' court. This is a time consuming, expensive and complex option and for this reason prosecution for bylaw offences have tended

to be used only for the most severe instances. There have been several dog related prosecutions and/or incidents requiring police involvement at Burnham Beeches in recent years generally for offences such as killing deer, livestock and attacks on visitors.

Section 7. Description of powers to be used.

The Clean Neighbourhood and Environment Act, 2005 provides Primary and Secondary Authorities with powers to tackle litter, graffiti, flyposting and to introduce Dog Control Orders. Dog Control Orders cover a wide range of common dog walking related issues and offer the offender the opportunity to avoid an appearance at magistrates' court by the acceptance of a Fixed Penalty Notice (FPN). Should that opportunity be declined by the offender (either at the time of the offence or by failure to pay the fixed penalty notice) then the matter will be taken to magistrates court where a fine of up to £1000 is possible plus costs. Under the legislation the City of London's site Rangers will be authorised to require the name and address of a person to whom they wish to issue with a Fixed Penalty Notice.

Section 8. Areas for Dog Control Orders at Burnham Beeches.

Having consulted the wider public, the Burnham Beeches Consultation Group and others and received the approval of the Epping Forest and Commons Committee in September 2014, the City made the following orders for implementation on 1st December 2014. **Map 1.**

Schedule 1. Fail to remove dog faeces. Will apply to 100% of the site

Schedule 2. Not keeping a dog on a lead (max length of lead 5m) will apply in the hatched area marked 2 on the map (and marked 2 on café the inset). NB. A review of the effectiveness of Schedule 2 will be carried out 18 months from the date of implementation.

Schedule 3. Not putting and keeping a dog on a lead when directed (told) to do so by an authorized officer. Will apply in area marked 3 on the map. Maximum lead length of 5m.

Schedule 4. Permitting a dog to enter land from which dogs are excluded (excluded). Will apply in areas marked 4 on the map (see café inset) i.e. the immediate vicinity of Burnham Beeches café.

Schedule 5. Take more than the specified (allowed) number of dogs (which a person may take) onto land. The specified number of dogs will be a maximum of 4 and will apply to 100% of the site

Section 9. When the powers will be used.

The Act allows the City of London to prosecute in the magistrates' court, those that are suspected of an offence against a Dog Control Order. As an alternative to prosecution in the magistrates' court, the Act gives the power to the City of London to authorize staff to issue fixed penalty notices (FPN's) to alleged offenders as an alternative to prosecution. The City of London intends that the Dog Control Orders described above will apply throughout the year.

Section 10. Setting the levels of fixed penalty and payment options

The City of London may specify the amount of a Fixed Penalty for orders it has made. It may also decide to provide a discount for early payment (subject to constraints under the relevant Regulations 2006). This Dog Management Strategy defines those amounts as follows:

1. The amount for each offence will be £80.
2. The amount payable shall be reduced to £50 in each instance if paid within 10 days of the offence.

Section 11. Ensuring equity

The need for proportionality is the major influence when considering where to apply the various Dog Control Orders and the City of London is sensitive of the need to ensure that the powers are used in a fair, even handed and consistent manner. It will use as a minimum standard, the guidance provided by DEFRA – **Appendix 1.** The City will continue to inform visitors of the importance and legal status/requirements of the site in terms of recreation and nature conservation and the need to improve and then maintain the balance

between all visitor activity and wildlife. The City will actively promote the existence of DCO's and the areas within which they apply. It will also continue to promote the Burnham Beeches dog walkers code to provide a clear definition of the expected standards of behavior when walking dogs on the nature reserve.

Appendix 2.

Staff and training - The sites' staff are professional, highly trained individuals with a high degree of experience in dealing with members of the public and the challenges that occur when promoting difficult messages e.g. byelaw enforcement and Parking Charge Notices. The City will continue to fulfill its statutory obligation under the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2006, to provide regular training of staff whose role it will be to enforce FPN's.

Enforcement Protocol - The site will also adopt and publish a standard enforcement protocol to ensure appropriate use of FPN's. **Appendix 3.**

Visitors with disabilities and Assistance Dogs - Under normal circumstances 'trained' assistance dogs and disabled dog owners will be excluded from the sites' Dog Control Orders. There are notable exceptions to this under the law e.g. a deaf person may still be issued with an FPN for failing to clear up after their dog has fouled.

Juveniles - The City of London will also have due regard to its obligations when the offence is committed by a juvenile i.e. under the age of 17.

Site signage – Regulation 3(4)a of the Dog Control Orders (Procedures) Regulations provides the legal requirement that, 'where practicable, signs must be placed summarising the order on land to which a new order applies, thereby informing the public that the land is 'subject to an order.' This information will be permanently presented to the public at all gated site entrances. Due to the nature of the site, signage will also be erected at appropriate intervals where practicable.

Other methods of presenting DCO's to the public – The Dog Control Orders and other relevant information such as this Dog Management Strategy, the sites' Enforcement Protocol and DCO map will be made available to all site users via the Burnham Beeches web site and by other local means such as site fact sheets, newsletter and public notice boards. The site's Ranger Service will raise awareness of DCO's as part of their normal duties.

Section 12. Budget

The site is managed as a registered charity (number 232987) and the City of London is its sole Trustee. Each year the City provides in the region of £500,000 from its private funds (City's Cash) to ensure the adequate maintenance of the site. In recent years and to accommodate cuts in funding the site has had to rely increasingly on self-generated income, generally in the form of charges, grants and donations, to meet annual costs. This 'twin approach' to funding ensures that the site continues to maintain a dedicated management team and ranger service to deliver the management plan and deal with the complex range of day to day issues that arise on public open spaces.

The current annual cost of Dog management at Burnham Beeches is estimated as:

Staff time	£10,000
Waste Management and provision of information	£6,000
Replacement of infrastructure (bins, dispensers etc)	£1,000
Total annual cost	£17,000

Income generated by Fixed Penalty Notices

It is difficult to estimate the number of FPN's that will be distributed in any given year but a figure of around 1-3 per week is currently thought to be a reasonable assumption. The table below sets out the

estimated income and costs associated with this estimate on the assumption that all FPN's are paid within the 10 day initial period:

1. Existing cost of dog management	£17,000
2. Estimated income from FPN's	£12,800
3. Payments to Enforcement Agency (40% of FPN)	£5,120
4. VAT cost to City of London	£1280
5. Final Income after agency payments and VAT(2-3-4)	£6,400
6. Final annual cost of dog management (1-5)	£10,600

NB there will be additional set up costs in year one for, site signage, development of administration systems and purchase of miscellaneous equipment.

Section 13. Monitoring the effectiveness of Dog Control Orders

To ensure the effectiveness of DCO's it will be necessary to identify and monitor suitable indicators e.g:

1. The number of FPN's issued each year.
2. The degree of compliance (payment).
3. The number of dog related incidents each year that do not receive FPN's.
4. The number of dog related complaints each year.
5. The number of dogs being brought to the site.
6. The number of cases that reach magistrates' court each year.

Other indicators may be developed to inform the general update requested by members in July 2016 and the overall review in January 2017.

Section 14. Staffing, enforcement roles and maintenance of records

The Burnham Beeches team consists of 13 full and part time staff all of whom may deal with dog related issues in the course of their everyday activities. Each section of the team will play a role in the management of Dog Control Orders and associated Fixed Penalty Notices – **Appendix 4**.

Section 15. Enforcing through the magistrates' court

There are several reasons why offences under the Dog Control Orders may be taken to magistrates' court, these include:

1. The incident is deemed to be of a serious enough nature (including first offences) that the City of London may choose not to issue an FPN but take the matter straight to magistrates' court
2. An individual refuses to give the personal details (name, address etc.) to an authorised officer. In this instance the original offence under the DCO will be considered, as too will the separate offence of refusal to provide the correct details.
3. An individual refuses to pay a FPN or otherwise elects to challenge the DCO offence for which the FPN was issued.
4. Repeat breaches of the Dog Control Orders by an individual
5. An individual refuses to accept an FPN and/or disputes the offence

Under such circumstances the City Solicitor will provide guidance and expert advice to the Superintendent and Ranger Service to ensure the proper presentation of evidence at magistrates' court (attending as required).

Section 16. Use of receipts.

The City of London intends to use the income (receipts) generated by the enforcement of Dog Control Orders to support the overall cost of dog management at Burnham Beeches.

Section 17. Reporting - locally and to government

The City of London recognises its duty to maintain and make available to the Secretary of State records concerning the administration of Dog Control Orders including:

- The number of FPN's issued
- The number of FPN's pursued through the courts and the costs awarded.
- Receipts and their use

This information will also be made available via public reports to the Epping Forest and Commons Committee and the Burnham Beeches Consultation Group and may also be publicised on site.

Section 18. The review process. Members of the Epping Forest and Commons Committee will be provided with a general 'DCO issues' update in July 2016. A full review of DCO matters at BB will be considered by the Epping Forest and Commons Committee in January 2017.

Section 19. Who has been consulted on these proposals (See also section 5 for other consultation details).

The formal public consultation exercise commenced 12 June 2014 and ended 10th July 2014. The public response (**Appendix 5**) was considered and a final report put before the Epping Forest and Commons Committee in Sept 2014 for their consideration .

The City of London consulted the following Statutory Authorities concerning the City's status as a Secondary Authority and of its intention to introduce of DCO's at Burnham Beeches:

The Primary Authority – South Bucks District Council (SBDC). SBDC have:

- In the informal consultation period SBDC confirmed that they do not intend to introduce Dog Control Orders under the Clean Neighbourhood Act, 2005, rather they will continue to manage dog related issues under the Dogs Fouling of Land Act, 1996 for the foreseeable future. SBDC tentatively expressed an interest in working in partnership with the City, perhaps sharing administrative functions for the enforcement of Dog Control Orders at some later date should that be of benefit to both parties.
- SBDC responded to the formal consultation giving their support to Schedules 1,3, 4 and urging for flexibility on Schedule 5. They did not support the proposals for Schedule 2 stating their belief that *it will adversely affect local people who have been reasonably walking their dogs at Burnham Beeches for many years and that it will put more pressure on other sites for dog walkers displaced because of restrictions placed on them.*

The Secondary Authorities – Farnham Royal and Burnham Parish Councils.

- i. Informal consultation.
Neither Parish Council responded to the City's informal consultation letter of June 2012.
- ii. Formal Consultation
Farnham Royal Parish Council expressed their support for the proposals as set out in the statutory consultation process
Burnham Parish Council did not respond.

Natural England (NE)

- NE accept that 'the City of London has consulted widely to obtain a public view on the matter and that this is reflected in the proposal'. Their current position is that 'there is insufficient evidence to support the proposals in terms of protection of the SSSI features'. NE also acknowledge the City of London's right as a landowner and secondary authority to introduce Dog Control Orders for access management reasons.

The City of London also consulted the following non statutory organisations:

- A. Thames Valley Police As well as informing them of the City's intention to introduce DCO's at Burnham Beeches this letter also asked TVP to comment upon the idea of committing Community Support Officers to their enforcement. TVP did not respond.
- B. Burnham Beeches Consultation Group (BBCG). This is the formal group that comments upon and influences the main management activities at the Beeches. The group consists of up to 25 members representing a wide range of site users and interests. Many are regular dog walkers at the site. Members also include representatives from the Primary and Secondary Authorities. The BBCG formed part of the formal reporting procedure to the Epping Forest and Commons Committee and helped to design and agree the Schedules approved by that Committee in September 2014.
- C. The Kennel Club are broadly supportive of the proposals concerning Schedule 1, 4. They urged the use of 6 dogs as a maximum under Schedule 5 albeit they indicated some flexibility in this view at a late stage. They were opposed to proposals for Schedules 2 and 3 in terms of relative areas covered by each i.e. that Schedule 2 area is too large and Schedule 3 area consequently too small. In February 2014 the issues raised by the Kennel Club were reviewed by a working group comprising 3 members and one Verderer of the Epping Forest and Commons Committee. The majority remained supportive of the Schedules as described in this document

Other organisations that responded to the Statutory Public Consultation were:

- The Dogs Trust
- The Open Spaces Society
- The British Horse Society
- Buckinghamshire County Council (as a non statutory consultee)




20. Conclusion

Having considered various design options, visited the site to review issues and considered the responses made during the consultation period, the Epping Forest and Commons Committee approved the introduction of DCO's at Burnham Beeches on 1st December 2014.

Map 1

Map showing proposed areas for Dog Control Order schedules

Key:

-  Boundary of site within which the Dog Control Orders apply. Schedules 1 & 5 apply in all areas, schedules 2, 3 & 4 in the areas shown below.
-  Boundary between areas for schedules 2 & 3
-  Shaded section shows area covered by schedule 2

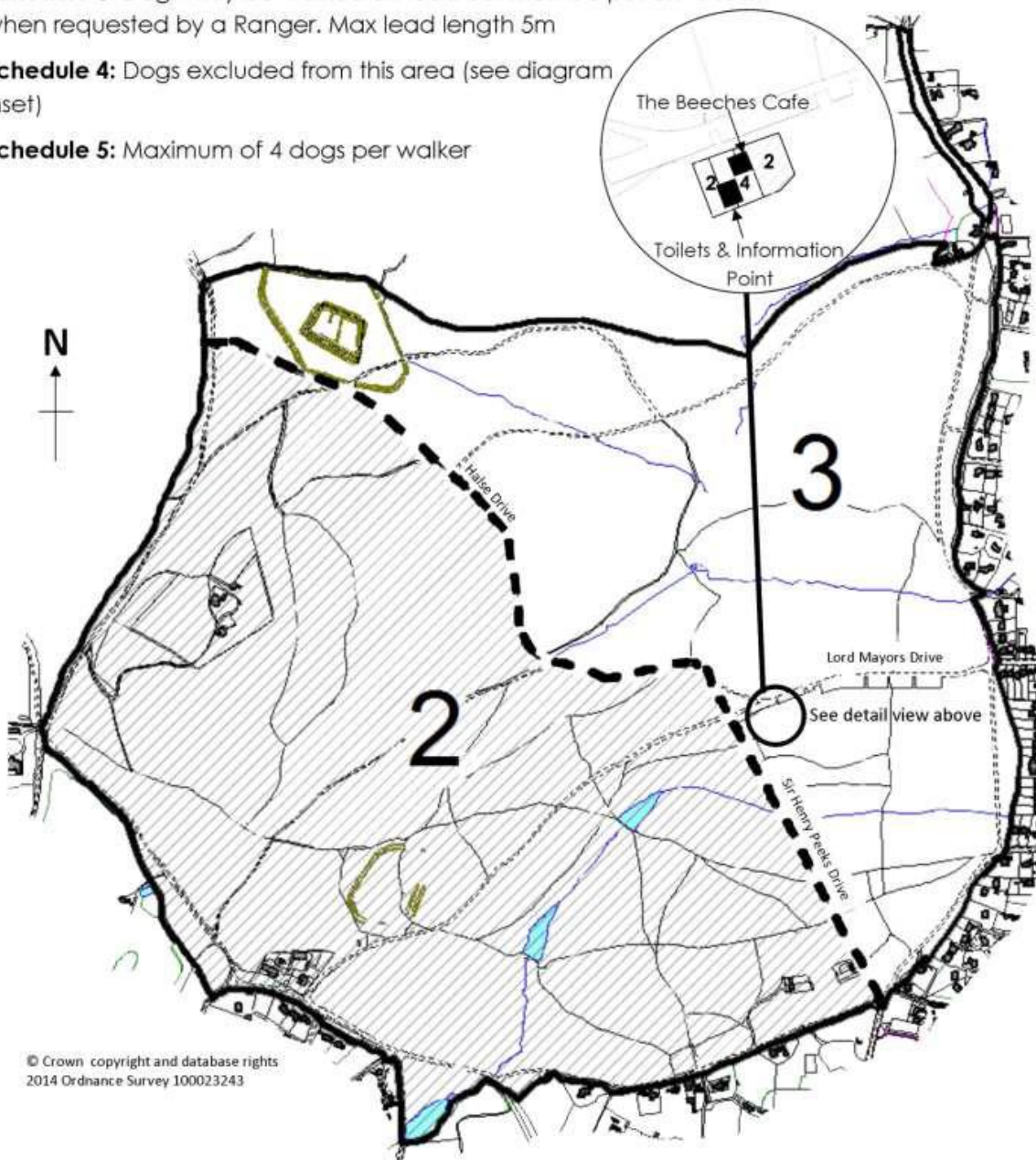
Schedule 1: You must remove from the site, any faeces deposited by dog(s) for which you are responsible

Schedule 2: Dogs on leads at all times in this area. Max lead length 5m

Schedule 3: Dogs may be walked off lead but must be put on a lead when requested by a Ranger. Max lead length 5m

Schedule 4: Dogs excluded from this area (see diagram inset)

Schedule 5: Maximum of 4 dogs per walker



Appendix 1 - Guidance for the introduction of DCO's – DEFRA

Appendix 2. The BB Dog Walkers code

Appendix 3. Enforcement Protocol

Appendix 4. Staff roles and administration responsibilities

Appendix 5. Formal consultation results

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Burnham Beeches Enforcement Protocol for Dog Control Orders (“DCO”)

The purpose of this protocol is to establish and promote a standardised approach to DCO enforcement at Burnham Beeches including the procedure to be followed by those with powers to issue fixed penalties, with guidance as to the circumstances in which they should be issued.

All officers will ensure they defer to this protocol when making enforcement decisions. Application of this protocol should be in conjunction with the Dog Management Strategy (DMS) for Burnham Beeches.

In carrying out any enforcement activity the City of London will abide and be informed by the principles of:

- **Enforcement** - based around firm and fair regulation
- **Proportionality** - degree of the risk of harm caused (precautionary principal)
- **Consistency** - a similar approach in similar cases to achieve similar outcomes within which a degree of discretion is available
- **Transparency** - helping people to comprehend what is required of them to include details of any rights of appeal
- **Targeting** - directing regulatory effort effectively using a risk based approach

The following Dog Control Orders (DCO’s) shown in table 1, come into force at Burnham Beeches on the 1st December 2014 under section s.59(2) of the Clean Neighbourhoods and Environment Act (CNEA) 2005. **The maximum fine on conviction in Magistrates’ Court is level 3 on the standard scale (currently up to £1000) per offence.**

Table 1

s.59(2) Clean Neighbourhoods and Environment Act 2005		
Description of Offence	Who enforces DCOs and can issue FPN	FPN Amount
Schedule 1 – Failure to remove dog faeces from anywhere at Burnham Beeches.	Local Authority authorised officers – i.e. Trained and authorised City Of London Staff in this case Site Rangers Police Support accredited under Police Reform Act 2000	£80
Schedule 2 – Not keeping a dog on lead (max length 5m) in specified areas.		
Schedule 3 - Not putting, and keeping, a dog on a lead (max length 5m) when directed to do so by an authorised officer (Ranger); in a specified area .		
Schedule 4 Permitting a dog to enter land from which dogs are excluded. Small specified area around the café.		
Schedule 5 Taking more than 4 dogs onto land. Applies anywhere on Burnham Beeches.		

Fixed penalty notices (referred to as FPNs) can be issued by site Rangers at Burnham Beeches in relation to the offences listed in Table 1 above. These notices provide a quick, visible and effective way of dealing with the Offence under CNEA and an alternative to prosecution.

A fixed penalty is not a fine. Payment of the penalty by the recipients discharges their liability to prosecution for the offence for which the FPN was issued. It does not constitute an admission of guilt, but removes the possibility of the creation of a criminal conviction.

When the powers will be used?

The Clean Neighbourhoods and Environment Act 2005 (CNEA) empowers the City of London to prosecute in the Magistrates' court, those that are suspected of an offence against a Dog Control Order. As an alternative to prosecution in the Magistrates' Court, the Act gives the power to the City of London to authorise staff to issue fixed penalty notices (FPN's) to alleged offenders as an alternative to prosecution. The collection of f FPN payments will be undertaken by District Enforcement Limited on behalf of the City of London. All prosecutions in the Magistrates' Court will be undertaken by the City of London's own Solicitors.

When do the powers apply?

Dog Control Orders at Burnham Beeches apply throughout the year, 24hrs a day.

When do the Powers come into force?

Dog Control Orders come into force on 1st December 2014. However, as per DEFRA guidance the City of London Corporation will allow and publicise a lead in period of just over one month i.e. 1st December 2014 – 3rd January 2015, before any notices are issued. During this time when an offence is committed enforcement officers, should not issue any fixed penalties rather a warning will be issued that in future similar offences may lead to FPN or prosecution within or outside of the lead in period. However, if the offence is so serious so as to merit more severe action they should report the offender with a view to prosecution under the Burnham Beeches Byelaws.

Levels of fixed penalty and payment options.

The City of London has set the amount of a Fixed Penalty for each offence against the orders it has made at £80. The amount payable shall be reduced to £50 in each instance if paid within 10 days of the date of issue of the FPN.

Guidance on enforcing all 5 Schedules of DCO at Burnham Beeches including for issuing an FPN.

The City of London will not immediately seek to prosecute/issue a FPN for any DCO offence witnessed by authorised enforcement officers i.e. it will not adopt a zero tolerance approach to enforcing DCOs at Burnham Beeches. Anyone seen contravening any DCO at Burnham Beeches will be approached and, where reasonably practicable, given the opportunity to put the matter right unless the infringement is so serious that formal enforcement is merited or the individual has persistently infringed the DCO in the past.

Schedule 1 - Offence

A person in charge of a dog is seen to fail to remove faeces anywhere on Burnham Beeches

Exceptions – a person is not guilty of an offence if that person :-

- Is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948: or
- Has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, **in respect of a dog trained by a prescribed charity* and upon which he relies for assistance, or**
- Has a reasonable excuse for failing to clear up – if in any doubt as to validity of any reasonable excuse Officers will issue a FPN and advise recipients of the appeal process if they feel they may have a reasonable excuse. or
- Has permission of the City of London, as landowner, not to clear up the dog faeces.

Examples of things that are not considered to constitute a “reasonable excuse”

Unaware dog had fouled

Having no means to clear up the foul (i.e. no bag)

Being unaware DCOs are in place

Not being the owner of the dog but simply walking it on behalf of another person

Schedule 2 – Offence

A person in charge of a dog allows it to be off lead in the dogs on lead areas or on a lead longer than 5m in length.

Exceptions – a person is not guilty of an offence if that person ::

- has a reasonable excuse for not having have the dog on a lead – if in any doubt as to validity of any reasonable excuse Officers will issue a FPN and advise recipients of the appeal process if they feel they have a reasonable excuse, or
- has permission of City of London, as land owner, not to have a dog on a lead.

Examples of things that are not a reasonable excuses

Not having a lead with them to put the dog on

Being unaware DCOs are in place

Not being the owner of the dog but simply walking it on behalf of another person

Schedule 3 – Offence

A person in charge of a dog does not comply with a direction given to him by a Ranger to put his dog on a lead of not more than 5 metres in length if reasonably necessary to prevent nuisance or behaviour by the dog to cause annoyance or disturbance to any other person or the worrying or disturbance of any animal or bird.

In effect we will ask for dogs to be put on a lead if they are not under effective control as defined by the current dog code – i.e. when off a lead dogs must be in the owner's sight at all times, return when called and not be allowed to disturb/chase/worry any other visitors, wildlife or livestock.

Exceptions – a person is not guilty of an offence if that person :-

- has a reasonable excuse for not having have the dog on a lead – if in any doubt as to validity of any reasonable excuse Officers will issue a FPN and advise recipients of the appeal process if they fell they have a reasonable excuse, or
- has permission of City of London, as landowner, not to have a dog on a lead.

Example of things that are not a reasonable excuses

Not having a lead with them to put the dog on

Being unaware DCOs are in place

Not being the owner of the dog but simply walking it for another person

Schedule 4 – Offence

A dog is taken into the small dog exclusion zone at the café (i.e. the area where dogs are excluded)

Exceptions – a person is not guilty of an offence if that person :-

- is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948: or
- is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
- has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, **in respect of a dog trained by a prescribed charity* and upon which he relies for assistance, or**
- has a reasonable excuse for bringing the dog into the exclusion zone – if in any doubt as to validity of any reasonable excuse Officers will issue a FPN and advise recipients of the appeal process if they fell they have a reasonable excuse, or
- has permission of City of London, as land owner, to bring the dog into the exclusion zone.

Example of things that are not a reasonable excuse

Unaware that dogs are not allowed in this area –only way in is through gates with signs
Being unaware DCOs are in place
Having no lead to tie it up outside
Only popping in for a coffee/food etc.
Not being the owner of the dog but simply walking it for another person

Schedule 5 – Offence

An individual is walking 5 or more dogs anywhere at Burnham Beeches

Exceptions – a person is not guilty of an offence if that person :-

- has a reasonable excuse for walking 5 or more dogs – if in any doubt as to validity of any reasonable excuse Officers will issue a FPN and advise recipients of the appeal process if they feel they have a reasonable excuse, or
- has permission of City of London, as land owner, to walk 5 or more dogs at Burnham Beeches.

Example of things that are not a reasonable excuses

Not being aware DCOs are in place
Not being the owner of the dogs but simply walking them on behalf of another person

**Each of the following is a Prescribed charity - Dogs for the Disabled (registered charity number 700454), Support Dogs (registered charity number 1088281) , Canine Partners for Independence (registered charity number 803680)*

Where a visitor complies with a Ranger's request to carry out an action, pick up/remove faeces, put dog on lead etc. no further action will be taken – unless the offender is someone who is being repeatedly asked to put a matter right and is clearly only complying with a DCO when challenged by a Ranger. If a request with an individual is recorded 3 times they will no longer be given the opportunity to put matters right should they commit an offence in the future and an FPN will be issued/matter prosecuted if FPN not accepted or matter is so serious so as to merit prosecution.

Rangers will record all instances where someone is approached and asked to comply with a DCO and responds positively to that request.

Where a visitor refuses or is unable to comply with any request to abide by a DCO for any of the 5 schedules, an FPN will normally be issued or evidence recorded for prosecution where an FPN is not an appropriate way forward.

A FPN will not be an appropriate way forward where the matter is so serious so as to merit prosecution and or where the offender has been issued a number of FPNs previously.

The City of London will also have due regard to its obligations when the offence is committed by a juvenile i.e. under the age of 17.

Appeals Process

Though not a statutory requirement the enforcement procedures for DCOs at Burnham Beeches will include an appeal process to allow the opportunity for anyone issued an FPN, who believes that they meet one of the exceptions, to appeal against that FPN.

Should anyone wish to appeal against the issuing of an FPN they must make representations in writing or by email within 14 days of issue to DCO appeals, PO Box 3487, Stafford, ST16 9PR or appeals@district-enforcement.co.uk. Appeals will be granted where there is evidence of an exemption applicable to the offence committed. Appeals based on a 'reasonable excuse' will be dealt with on a case by case basis but will not include:

- Not knowing a DCO was in force
- Not my dog
- Was going to come back to remove faeces
- Didn't have any bags
- Didn't have a lead with me

Appeals will also be allowed where appellant has permission of the City Of London.

Where any appeal is refused the appellant will be notified, and of the reasons for refusal, in writing/or by email and given a further 14 days to pay the FPN from the date of refusal and including being able to pay the reduced rate within 10 days. The appellant will also be notified in writing/by email where an appeal is upheld. All adjudications will be made and notified within 28 days of receipt.

The decision to allow or refuse an appeal will ultimately be determined by the Superintendent.

What is a serious incident?

There could be many examples. But generally it is where as a result of not abiding by the DCO there has been a more serious incident that would otherwise have been avoided by the dog walker complying with DCO. For example; in an area where dogs must be kept on a lead by failing to keep their dog on lead an owner allows their dog to attack another dog/wildlife /livestock or even another visitor. In such a case it would not be appropriate to issue an FPN but to deal with all such matters by prosecution – and gather evidence accordingly.

Where an offender refuses to give details when requested

If an authorised officer of a primary or secondary authority proposes to give a person a notice under section 59, the officer may require the person to give him his name and address. It is an offence not to provide an authorised enforcement officer with name and address on request – under section 61 CNEA with a fine of up to £1000 on conviction.

Active Review

This document will be reviewed and updated every six months – to reflect as required any further site specific guidance required as enforcement action is carried out at Burnham Beeches.

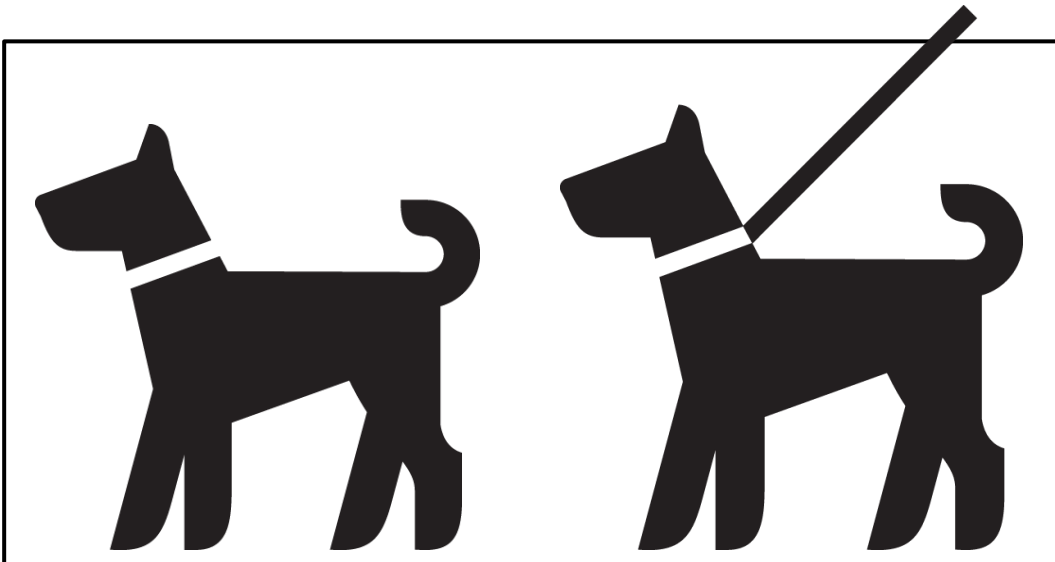
Appendix 3. Examples Pictograms



Schedule 1. Remove faeces



Schedule 2. Dogs on leads at all times



Schedule 3. Dogs on lead by direction



Schedule 4. Dog exclusion area






Schedule 5. Max number of dogs

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Map showing proposed areas for Dog Control Order Schedules

Key:

-  Boundary of site within which the Dog Control Order applies. Schedules 1 & 5 apply in all areas, schedules 2, 3 & 4 in the areas shown below.
-  Boundary between areas for schedules 2 & 3
-  Shaded section shows area covered by schedule 2

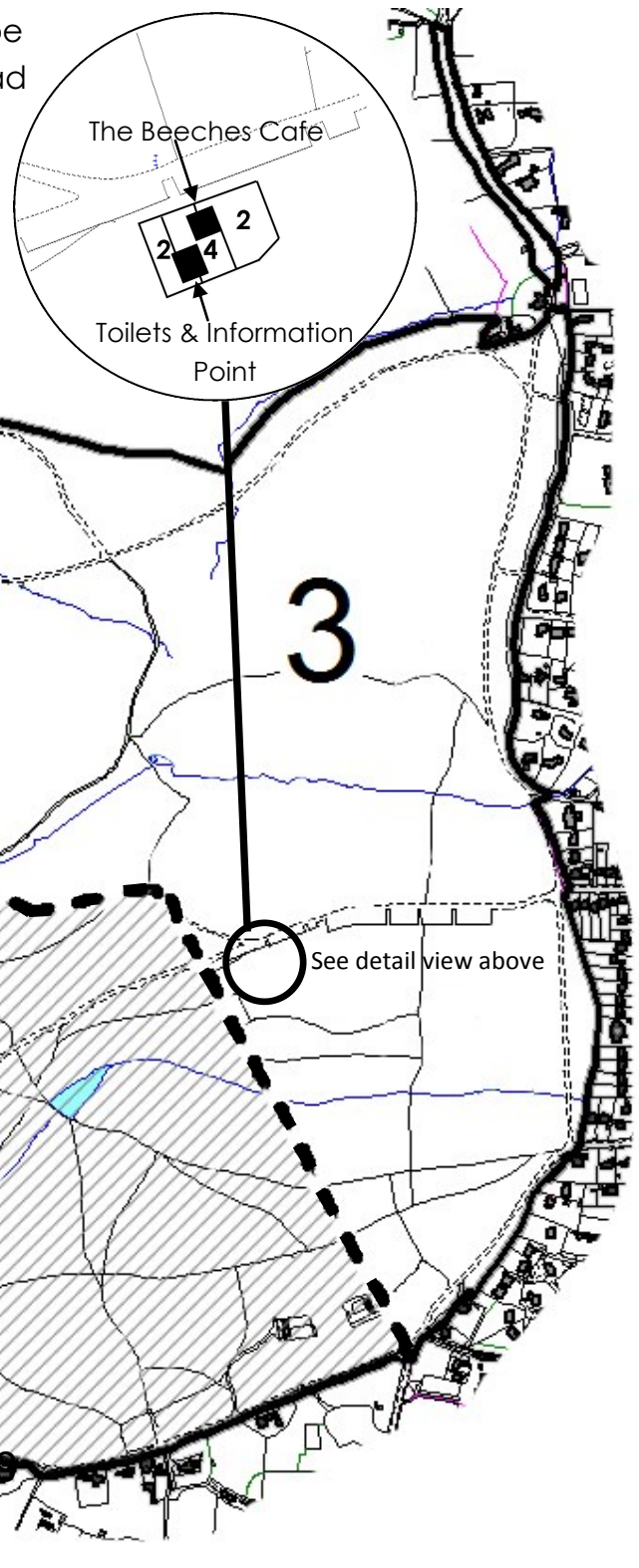
Schedule 1: You must remove from the site, any faeces deposited by dog(s) for which you are responsible

Schedule 2: Dogs on leads at all times in this area. Max lead length 5m

Schedule 3: Dogs may be walked off lead but must be put on a lead when requested by a Ranger. Max lead length 5m

Schedule 4: Dogs excluded from this area

Schedule 5: Maximum of 4 dogs per walker



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Committee(s):	Date(s):	Item no.
Epping Forest and Commons Committee	3 November 2014	
Subject:		
REVENUE & CAPITAL BUDGETS - BURNHAM BEECHES, STOKE COMMON, & CITY COMMONS 2014/15 & 2015/16		
Report of:		Public
The Chamberlain The Director of Open Spaces		For Decision

Summary

This report updates the Committee on its latest approved revenue budget for 2014/15 and seeks approval for a provisional revenue budget for 2015/16, for subsequent submission to the Finance Committee. The budgets have been prepared within the resources allocated to the Director and the table below summarises the position.

Summary of Table 2	Latest Approved Budget	Original Budget	Movement
	2014/15 £000	2015/16 £000	£000
Expenditure	2,223	2,251	28
Income	(366)	(370)	(4)
Support Services	350	350	0
Total Net Expenditure	2,207	2,231	24

Overall the provisional Original budget for 2015/16 totals £2,231M, an increase of £24,000 compared with the latest approved budget for 2014/15. The main reasons for this increase are:-

A £53,000 increase in employee costs, an increase of £64,000 in the City Surveyor's Repairs & Maintenance, off-set by a £58,000 decrease in Premises related expenditure.

Recommendations

The Committee is requested to:

- Review the provisional 2015/16 revenue budget to ensure that it reflects the Committee's objectives and, if so, approve the budget for submission to the Finance Committee;
- Authorise the Chamberlain, in consultation with the Director of Open Spaces, to revise these budgets to allow for any further implications arising from Corporate Projects, departmental reorganisations and other reviews, and changes to the Additional Works Programme.
- If specific service based review proposals included with this budget report are rejected by the Committee, or other Committees request that further proposals are pursued, that the substitution of other suitable proposals for a corresponding amount is delegated to the Town Clerk in discussion with the Chairman and Deputy Chairman of the relevant Committee. If the substituted saving is not considered to be straight forward in nature, then the Town Clerk shall also consult the Chairman and Deputy Chairmen of the Policy and Resources Committee prior to approving an alternative proposal(s).

Main Report

Introduction

1. The City of London Corporation owns and manages almost 11,000 acres of historic and natural Open Spaces for public recreation and enjoyment. This includes Ashted Common & West Wickham (City Commons), and Burnham Beeches & Stoke Common which are registered charities and are funded from City's Cash. They are run at no cost to the communities that they serve, as they are funded principally by the City, together with donations, sponsorship, and grants.
2. This report sets out the proposed revenue budget for 2015/16. The Revenue Budget management arrangements are to:

- Provide a clear distinction between local risk, central risk, and recharge budgets.
 - Place responsibility for budgetary control on departmental Chief Officers.
 - Apply a cash limit policy to Chief Officers' budgets.
3. The budget has been analysed by the service expenditure and compared with the latest approved budget for the current year.
 4. The report also compares the current year's budget with the forecast outturn.

Business Planning Priorities

5. The key Projects for each Open Space for the next three years were included in the Open Spaces Department Business Plan for 2014-2017 which was approved in May 2014. These include :-
 - **Kenley revival project.** Develop the Kenley Revival Project and submit detailed proposals for a Stage 2 Heritage Lottery fund bid.
 - **City Commons and Burnham Beeches management arrangements.** Develop and Deliver the new structure at City Commons and integrate management with Burnham Beeches and Stoke Common under a single Superintendent.
 - **Grazing project.** Expansion of grazing at Burnham Beeches. Installation of hard and invisible fencing (*timings dependent upon trials of new equipment*).

Proposed Revenue Budget for 2015/16

6. The proposed Revenue Budget for 2015/16 is shown in Table 2 analysed between:
 - Local Risk Budgets – these are budgets deemed to be largely within the Chief Officer's control.
 - Central Risk Budgets – these are budgets comprising specific items where a Chief Officer manages the underlying service, but where the eventual financial outturn can be strongly influenced by external factors outside of his/her control or are budgets of a corporate nature (e.g. interest on balances and rent incomes from investment properties).
 - Support Services and Capital Charges – these cover budgets for services provided by one activity to another. The control of these costs is exercised at the point where the expenditure or income first arises as local or central risk. Further analysis can be found in Appendix 2.

7. Table 1 below summarises the budgets per chief officer.

Table 1	Original Budget 2014/15 £000	Latest Approved Budget 2014/15 £000	Original Budget 2015/16 £000
Local Risk			
Director of Open Spaces	1,607	1,543	1,503
City Surveyor	461	314	378
Total Local Risk	2,068	1,857	1,881
Central Risk	(18)	0	0
Recharges	396	350	350
Total Net Expenditure	2,446	2,207	2,231

The 2014/15 latest approved budget includes the reduction in employee costs due to the secondment of the Superintendent of Burnham Beeches & Stoke Common taking responsibility for managing City Commons where the Superintendent has been seconded to Hampstead Heath. The budget savings have been transferred to the Directorate to raise funding in respect of the Service Based Review to initiate three project boards and enable support from external resources as and when required.

The provisional 2015/16 budgets, under the control of the Director of Open Spaces being presented to your Committee, have been prepared in accordance with guidelines agreed by the Policy & Resources and Finance Committees. These include continuing the implementation of the required budget reductions across both local and central risks, as well as the proper control of transfers of non-staffing budgets to staffing budgets. A saving of £72,000 has been made in 2015/16 in preparation for the Service Based review. The savings (when comparing the original 2014/15 with the original 2015/16 budgets) will be achieved through small staffing restructures, changes to staff working hours, reductions in overtime, reduced use of consultants and more efficient use of fleet. Savings of £27,000 will be offered in year one (2015/16), the balance (£45,000) being deferred so that the Director can utilise this money to fund consultancy to support future savings in fleet management and staff restructures in 2015/16. The £45,000 is included in the £68,000 offered in year two (16/17), with a further £23,000 offered in year three (17/18). An allowance was given towards any

potential pay and price increases of 2% in 2015/16. The budget has been prepared within the resources allocated to the Director.

TABLE 2 BURNHAM BEECHES, STOKE COMMON & CITY COMMONS SUMMARY – ALL FUNDS						
Analysis of Service Expenditure	Local or Central Risk	Actual 2013-14 £'000	Latest Approved Budget 2014-15 £'000	Original Budget 2015-16 £'000	Movement 2014-15 to 2015-16 £'000	Paragraph Reference
EXPENDITURE						
Employees	L	1,182	1,138	1,191	53	10
Premises Related Expenses	L	408	431	373	(58)	11
R & M (City Surveyor's Local Risk inc cleaning)	L	162	314	378	64	12
Transport Related Expenses	L	98	103	92	(11)	
Supplies & Services	L	229	184	164	(20)	
Third Party Payments	L	31	35	35	0	
Transfer to Reserves	L	24	0	0	0	
Transfer to Reserves	C	12	0	0	0	
Capital Charges	C	18	18	18	0	
Total Expenditure		2,164	2,223	2,251	28	
INCOME						
Government Grants	L	(219)	(199)	(199)	0	
Other Grants, Reimbursements and Contributions	L	(30)	(15)	(15)	0	
Other Grants, Reimbursements and Contributions	C	(12)	0	0	0	
Customer, Client Receipts	L	(155)	(134)	(138)	(4)	
Investment Income	L	(1)	0	0	0	
Transfer from Reserves	L	(33)	0	0	0	
Transfer from Reserve (To fund Capital Charges)	C	(18)	(18)	(18)	0	
Total Income		(468)	(366)	(370)	(4)	
TOTAL EXPENDITURE/ (INCOME) BEFORE SUPPORT SERVICES		1,696	1,857	1,881	24	
SUPPORT SERVICES						
Central Support		297	281	276	(5)	
Recharges within Fund		75	69	74	5	
Total Support Services		372	350	350	0	
TOTAL NET EXPENDITURE/(INCOME)		2,068	2,207	2,231	24	

8. Income and favourable variances are presented in brackets. An analysis of this Revenue Expenditure by Service Managed is provided in Appendix 1. Only significant variances (generally those greater than £50,000) have been commented on in the following paragraphs.
9. Overall there is an increase of £24,000 between the 2014/15 latest approved budget and the 2015/16 original budget. This movement is explained in the following paragraphs.
10. The main reason for the increase of £53,000 in employees is due to an allowance of 2% towards any potential pay and price increases and filling of posts that have been vacant for part of 2014/15.
11. The decrease of £58,000 in Premises related expenditure is mainly due to a reduction (£39,000) in Grounds Maintenance at West Wickham and a reduction (£18,000) in Client requested minor improvements at Ashted Common.
12. The 2014/15 Latest Approved Budget reflects the re-allocation of the full programme to reflect the expenditure that is anticipated will be incurred in the year.

The main reason for the £64,000 increase in the City Surveyor's Local Risk (including cleaning) is due to a budget movement of £63,000 for Repairs & Maintenance which relates to the phasing and level of new bids within the Additional Works Programme.

The 2015/16 Additional Works Programme is based on the bids detailed in the report to your Committee in May 2014. The final sum which was endorsed by the Corporate Asset Sub Committee in June 2014 totalled £205,000. The anticipated balance of remaining Additional Works Programme schemes of £125,000 has also been incorporated.

The basis on which costs are charged under the Building Repairs and Maintenance contract is being reviewed. The present costs, which are based on a square footage basis, are to be replaced by costs relating to the individual assets of each property. The outcome of the review is likely to result in variations to the budgets that have been submitted for 2014/15 and 2015/16. The City Surveyor will report separately on any significant changes.

A decision on the funding of the programme will be made by the Resource Allocation Sub Committee. It may therefore be necessary to adjust the budgets to reflect the Resource Allocation Sub Committee's decision.

TABLE 3 - CITY SURVEYOR LOCAL RISK	Latest Approved Budget 2014/15 £'000	Original Budget 2015/16 £'000
Repairs and Maintenance (including cleaning)		
Additional Works Programme		
City Commons	216	241
Burnham Beeches	51	89
	267	330
Planned & Reactive Works (Breakdown & Servicing)		
City Commons	31	31
Burnham Beeches	3	3
	34	34
Cleaning		
City Commons	11	11
Burnham Beeches	2	3
	13	14
Total City Surveyor	314	378

13. Analysis of the movement in manpower and related staff costs are shown in Table 4 below.

Table 4 - Manpower statement	Latest Approved Budget 2014/15		Original Budget 2015/16	
	Manpower Full-time equivalent	Estimated cost £000	Manpower Full-time equivalent	Estimated cost £000
Burnham Beeches/Stoke Common	12.95	440	13.06	448
City Commons	19.80	698	19.55	743
TOTAL BURNHAM & CITY COMMONS	32.75	1,138	32.61	1,191

Potential Further Budget Developments

14. The provisional nature of the 2015/16 revenue budget recognises that further revisions may be required, including in relation to:
- budget reductions to capture savings arising from the on-going PP2P and Service Based Reviews;
 - decisions on funding of the Additional Work Programme by the Resource Allocation Sub Committee.
 - The basis on which costs are charged under the Building Repairs and Maintenance contract is being reviewed. The present costs, which are based on a square footage basis, are to be replaced by costs relating to the individual assets of each property. The outcome of the review is likely to result in variations to the budgets that have been submitted for 2014/15 and 2015/16. The City Surveyor will report separately on any significant changes
 - If specific service based review proposals included with this budget report are rejected by the Committee, or other Committees request that further proposals are pursued, that the substitution of other suitable proposals for a corresponding amount is delegated to the Town Clerk in discussion with the Chairman and Deputy Chairman of the relevant Committee. If the substituted saving is not considered to be straight forward in nature, then the Town Clerk shall also consult the Chairman and Deputy Chairmen of the Policy and Resources Committee prior to approving an alternative proposal(s).

Revenue Budget 2014/15

15. The forecast outturn for the current year is in line with the latest approved budget of £2,207M.

Draft Capital and Supplementary Budgets

16. The latest estimated costs for the Committee's draft capital and supplementary revenue projects are summarised in the Table below.

Table 5 Capital & Supplementary Revenue projects - latest estimated costs					
Service Managed	Project	Exp. Pre 01/04/14	2014/15	Later Years	Total
		£'000	£'000	£'000	£'000
Pre-implementation					
City Commons	Kenley Revival	12	77		89
TOTAL CITY COMMONS		12	77	0	89

17. Pre-implementation costs comprise detailed design development being undertaken in preparation for a second-round HLF application, which are largely funded by HLF grant.
18. Subject to HLF approval, implementation phases of the Kenley Revival project are due to begin in 2015/16.
19. Other schemes in the pipeline include the Reservoirs project and the Pond Embankments scheme.
20. The latest Capital and Supplementary Revenue Project budgets will be presented to the Court of Common Council for formal approval in March 2015.

Contact Officer: Mark Jarvis (1221) or Alison Elam (1081)

APPENDIX 1

Analysis by Service Managed	Actual 2013-14 £'000	Latest Approved Budget 2014-15 £'000	Original Budget 2015-16 £'000	Movement 2014-15 to 2015-16 £'000	Paragraph(s) Reference
<u>CITY CASH</u>					
Burnham Beeches	648	581	621	40	
Stoke Common	14	22	22	0	
City Commons	1,406	1,604	1,588	(16)	
TOTAL	2,068	2,207	2,231	24	

APPENDIX 2

Support Services from/to Burnham Beeches, Stoke Common, & City Commons	Actual 2013-14 £'000	Latest Approved Budget 2014-15 £'000	Original Budget 2015-16 £'000	Movement 2014-15 to 2015-16 £'000	Paragraph Reference
<u>Support Services</u>					
Central Recharges-					
City Surveyor's Employee Recharge	35	36	38	2	
Insurance	15	14	14	0	
I.S.Recharges - Chamberlain	46	40	36	(4)	
Support Services-					
Chamberlain (inc CLPS recharges)	61	52	54	2	
Comptroller and City Solicitor	34	34	32	(2)	
Town Clerk	53	52	50	(2)	
City Surveyor	43	43	43	0	
Other Services*	10	10	9	(1)	
Total Support Services	297	281	276	(5)	
<u>Recharges Within Fund</u>					
Directorate Recharges	93	87	92	5	
Corporate and Democratic Core	(18)	(18)	(18)	0	
Total Recharges Within Fund	75	69	74	5	
Total Support Services	372	350	350	0	

* Various services including central heating, corporate printing, occupational health, union costs, environmental and sustainability section.

Committee(s):	Date(s):
Epping Forest and Commons Committee	3 rd November 2014
Subject: Update on the expansion of conservation grazing at Burnham Beeches	Public
Report of: Superintendent of Burnham Beeches Stoke and City Commons	For Decision

Summary

Previous reports have outlined the need to graze Burnham Beeches and provided details of trials using ‘invisible fencing’.

Trials of new equipment at Epping Forest have continued throughout 2014 although some equipment (for shorter loops) was not provided by the manufacturer as anticipated.

The 2014 Burnham Beeches trials, using the ‘original’ invisible fence equipment, has reinforced the view that it provides a safe and reliable method of containing livestock at Burnham Beeches. However, from the recent Epping Forest trials it is clear that the technology still has some way to go before it has matured and becomes available to the point that it can provide the best and most cost effective solution for Burnham Beeches.

If approved, this report describes a short term and pragmatic solution to the expansion of conservation grazing across Burnham Beeches using invisible fencing alongside the existing traditional stock and temporary electric fencing.

This approach has the twin benefits of ensuring the expansion of conservation grazing across new areas of the site continues, whilst retaining the ability to make the most of any technological improvements as they become commercially available.

The aim of reducing reliance on traditional wire and/or electric stock fencing remains.

Recommendations.

Members are asked to:

- Approve the continued and expanding use of invisible fences at Burnham Beeches as technology allows.
- Approve the retention of existing traditional stock and temporary electric fencing until such time as reliance on them can be satisfactorily reduced by use of invisible fences.

Main Report

Background

1. The re-introduction of grazing at Burnham Beeches commenced in 1992 with a small post and rail enclosure of approximately 7ha. Since that time this fenced enclosure has expanded so that 43ha are now grazed by cattle and ponies (and in the past, pigs) each year. In addition, conventional temporary electric fences are occasionally used for small plots both within the fence to increase grazing pressure and external to it.
2. The conservation grazing scheme at Burnham Beeches has the approved aim of grazing up to 95% of the site. This is considered to be essential for the management of the nature reserve by Natural England and is reflected in the Higher Level Stewardship agreement. Initially it was anticipated that cattle grids and several kilometres of fencing and myriad gateways would be necessary to prevent the livestock from roaming from the reserve on the arterial roads.
3. The Epping Forest team then identified the option of invisible fencing that presented an alternative method of achieving grazing across large areas. This approach was adopted at Burnham Beeches to greatly reduce the cost of the grazing expansion project.
4. In May 2012 your Committee approved a report that set out a phased trial of invisible fencing across Burnham Beeches. In November 2013 Members were updated on the progress of the various trial areas.

Current Position

5. The principal of grazing as much of Burnham Beeches as possible continues to be the primary management aim, accepting that there are small areas for which grazing is either undesirable (major car parks) or where the invisible fences and virtual cattle grids allow the reduction of risk by excluding roads and where desirable, some very narrow wooded verges.
6. Currently a mix of fencing types are used on the site i.e. post and wire fences, conventional electric fencing and more recently, invisible fencing. Each achieves the aim of containing livestock in different ways and all have benefits as well as disadvantages.
7. Retaining some of the physical fencing, in the short term, would provide a secure area for stock if required (for example in the event of invisible fence failures) and is secure for ponies and pigs for which invisible fencing is currently unsuitable. Conventional electric fences remain useful to seasonally increase the grazing pressure of small areas if necessary.
8. In 2014 invisible fence trial areas 1 and 2 (see Map 1) were again grazed with cattle. In addition a new loop was installed (area 3) surrounding 10.24ha and grazed. Thus in 2014 40ha has been grazed using invisible fencing, bringing the total area grazed within invisible fences and traditional fencing to 83ha (38% of Burnham Beeches).
9. During this period staff have gained greater experience of and confidence in the invisible fencing equipment currently available. In addition the local

highways authority now accepts its use as 'virtual cattle grids' as the norm on some of the public roads.

10. Trials of various technical improvements to the invisible fence equipment took place at Epping Forest in 2014. When commercially available these will widen the options for its use. This includes the ability to use both longer and shorter loops as well as lighter boxes for the collars.
11. Longer loops have the potential to increase reliability and reduce costs whilst shorter loops may provide further options re the use of 'virtual cattle grids'. Both are necessary at Burnham Beeches to ensure the safest, most cost effective use of the technology.
12. Lighter collar boxes could lead to the use of ponies and pigs within invisible fence enclosures, something that is highly desirable at Burnham Beeches and is needed to reduce much of the post and wire fencing currently found on site.
13. The 2014 Epping Forest trials show that good progress has been made with longer loops and lighter collar units. However the equipment is not yet readily available. Progress concerning shorter loops is awaited.
14. To accommodate this situation a short-term, modified approach is now proposed at Burnham Beeches.

Options

15. Trials continue to indicate that virtual fencing is a reliable method of achieving grazing throughout Burnham Beeches. Its use greatly reduce costs and adds flexibility beyond that which could be achieved using cattle grids and traditional fencing. This indicates that the aim of achieving grazing across much of the 220 ha of the nature reserve is a realistic one.
16. Continued use of all three types of fencing i.e. invisible fences, existing post and wire fences and small, temporary electric fence enclosures would provide a good, short term option and allows time for further development and if necessary, testing of new invisible fence equipment. It would also accommodate a period awaiting wider availability.

Proposals

17. Expansion of the grazing scheme should continue by installing additional loops of invisible fences where use of the original technology allows.
18. Longer loops and/or shorter loops and lighter collars will be used as the equipment is made more widely available.
19. In the meantime a mixture of invisible fences, conventional electric fences and physical barriers would continue to be used. The proportion of each of these will vary over time as more invisible fences are installed, reducing but probably not totally eliminating the need for the other types.

Corporate & Strategic Implications

The production of the management plan supports the 'Protect, promote and enhance the environment' and 'Support Communities' elements of the 'City Together Strategy'.

The plan to expand conservation grazing across Burnham Beeches is a key project within the Departmental Business plan. The provision of conservation grazing across Burnham Beeches will assist the City to:

Economic Prepare for and adapt to the likely impacts of climate change.
Support local workforces, SME's and community activities.

Environment Encourage best environmental practice in service delivery by the City Corporation, its stakeholders and contractors.
Encourage walking, cycling and the use of public transport.
Improve or create habitats for wildlife.

Social Enhance and encourage preventative health services, activities and education.
Consult, inform and engage the community in decision making.
Reduce crime and fear of crime.

An Equality Impact Assessment has been produced for this project and has concluded 'no negative impacts' to the relevant groups.

Legal Implications

20. The installation of the Boviguard invisible fence system required the City of London Corporation to obtain a street works licence from the local highway authority under the New Roads and Street Works Act 1991. This was a largely administrative cost with some legal costs payable to the grantor of the licence. The licence for each highway location is required to enable the laying of cable apparatus in the public highway.
21. An agreement between the City of London and Buckinghamshire County Council has been entered into in respect of the road markings installed in connection with the "virtual grids" and following consultation with relevant Buckinghamshire County Council officers about the proposals.

Property Implications

22. The Superintendent remains responsible for ensuring that the implementation and use of the invisible fencing along with the subsequent animal grazing continues to be appropriate for the conservation of Burnham Beeches. In addition the operation of the trial should take place with minimal impact on any existing infrastructure or buildings located at the Beeches.

Financial Implications

23. The original estimate for this project was £60,000 (May 2012) including livestock purchases. This estimate was reduced to the range £35,000 - £50,000 (Nov 2013). The Superintendent is confident that the final project costs remains within that range and will be dependent upon the final balance in use of invisible and traditional fencing.
24. The Superintendent will apply for 80% capital funding from Natural England's Higher Level Stewardship (HLS) scheme to fund the cost of installing the invisible fencing and virtual grids. The remaining 20% will be provided from local risk budgets.

HR Implications

25. The expansion of the grazing herd (estimated at between 10 and 15 livestock units when up to 95% of the Beeches is grazed) will alter the emphasis of this element of our work.
26. The Superintendent has liaised closely with the Director of Open Spaces and the Human Resources Department to accommodate this change by minor adjustments to the current staff structure and individual responsibilities.

Conclusion

27. Further invisible fencing trials have been conducted at Burnham Beeches in 2014 without major incident and have been shown it to be a reliable method for containing livestock. Grazing the majority of Burnham Beeches is now a realistic target.
28. Trials held at Epping Forest of new invisible fencing equipment have made good progress but some elements await development and/or wider availability.
29. The Superintendent proposes to continue the expansion of conservation grazing across Burnham Beeches using invisible fencing, including longer or shorter loops and lighter collar as appropriate and when they become commercially available.
30. In the meantime, the Superintendent also proposes to continue using existing traditional fences and small electric fence enclosures to maintain the use of Exmoor Ponies. These 'traditional' fences will be removed as expansion of and improvements to invisible fencing allow.

Appendices

- Appendix 1 – Map showing invisible fence trial areas

Background Papers:

Report to EFCC - May 2012

Report to EFCC – November 2013

Andy Barnard

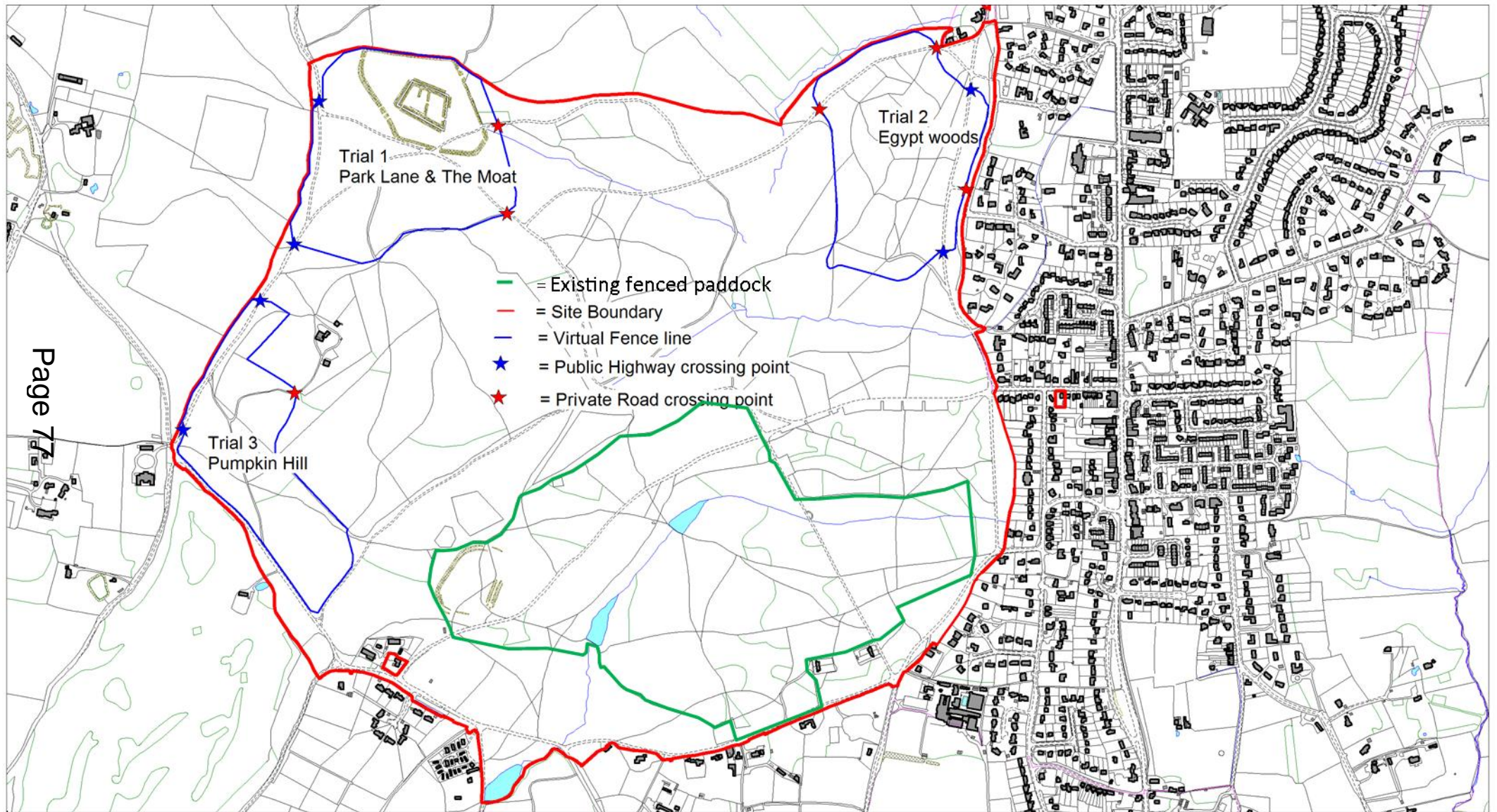
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Map 1



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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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