

Committee(s):	Date(s):	Item no.
Epping Forest and Commons	5 November 2012	
Subject: Enforcement of Epping Forest Byelaws: 1 March 2012 to 31 August 2012	Public	
Report of: Superintendent of Epping Forest SEF 32/12	For Information	
<p><u>Summary</u></p> <p>This report informs your Committee of the byelaw enforcement activity undertaken by Epping Forest Keepers using constabulary powers within Epping Forest during the 6 month period between 1 March 2012 to 31 August 2012.</p> <p>The report shows a continuing decrease in the levels of Byelaw enforcement during the period of 2005 to 2012, as a part of a conscious programme of informal education rather than formal prosecution or warning. This is evidenced by the 3,045 “Advisory conversations” conducted by Forest Keepers.</p> <p>While advisory conversations exceed last year’s figure of 2,750 for the same period, Byelaw enforcement has decreased, though this reporting period does not cover the busy autumn fungi picking season which usually results in a high number of Byelaw offences being reported.</p> <p>Recommendations</p> <p>I recommend that the report be received.</p>		

Main Report

Background

1. Epping Forest Keepers possess constabulary powers under section 43 of the Epping Forest Act 1878, for both the Essex and Metropolitan Police Districts. Forest Keepers have the power to enforce both the Epping Forest Byelaws and selected areas of relevant national legislation.

2. This biannual report provides information on the number of prosecutions and warning letters that have been issued by the Superintendent of Epping Forest during the 6 months between March 2012 and August 2012.
3. Section 26 of the Police Reform Act 2002 entitled “Forces maintained otherwise than by police authorities” states that bodies of Constables, such as Forest Keepers, can enter into a voluntary agreement with the Independent Police Complaints Commission (IPCC) , with regard to a national standard on behaviour and independent complaints investigation. Contrary to previous reports on this matter, a decision was taken not to enter into a formal agreement with the IPCC and to continue to use City of London disciplinary procedures and to seek advice from the City of London Police for any cases for which it was deemed necessary or appropriate.

Current position

4. There have been 2 prosecutions for byelaw offences during the period under report; both prosecutions were for a breach of Byelaw 3(26a) horse riding regulations. One for not displaying a current licence tag and the other for not registering for a licence. Details of the Prosecutions are shown in Table 1.
5. There have been 4 warning letter sent for byelaw offences during the period under report. They were for “Driving a vehicle on the Forest more than 45 metres from a highway”.
6. The level of Byelaw enforcement over the period 2005/2012 is shown in Tables 2&3. The tables show a clear fall in both the number of prosecutions and warning letters. This decrease in part reflects the reduction in the number of Forest Keepers from 19 prior to the 2007 Resources Review to a level of 8, and finally 12 under the 2009 Mounted Officer Review. However, much of that steady downward trend is the result of a conscious effort which is being made to educate those people found to be breaking the Byelaws, rather than resorting to a more formal approach.
7. The sharp rise in prosecutions for 2010 was as a result of the withdrawal of the “fungi picking licence scheme”, a decision taken by your Committee in November 2008 and the abundance of fungi in the Forest during the autumn of 2010.
8. The focus on educating Forest users is also part of the strategy of the 12 Forest Keepers who form the new Area teams launched in October 2009. To reflect this change Forest Keepers now record the number of “Advisory conversations” with Forest users as one of the Epping Forest Key

Performance Indicators (KPI) they are responsible for; details are shown on Table 4. Advisory conversations rose 10.7% from 2,750 for March – August 2011 to 3,045 for the current reporting period.

9. A prosecution will always be sought, where evidence allows, for all environmental crime and for any offences against a member of staff. All other cases are investigated on their own merit using the recommendations of those involved and the impact on the Forest.

Financial and Risk Implications

10. At the meeting of 9 May 2011 your Committee approved a 50% increase in costs requested and the addition of a standard fly tipping disposal charge. Court costs are based on the average number of hours that Forest Keepers and administration staff spend on a case. The standard fly tipping disposal charge is calculated on the running costs, including staff costs, of the compactor lorry used to remove the waste plus the cost per tonne for disposal. The charges are shown in Table 5.
11. The cost of taking a case to the local Magistrates' Court is initially covered by the local risk budget of Epping Forest in the form of staff costs. These monies are then put to the Court as "case costs" and can be recovered at the Magistrates' discretion using section 18 of the Prosecution of Offences Act 1985. The latest level of costs put to the Court at this time are as shown in Table 5 and are subject to review on a regular basis. If additional Court appearances are required then the costs are adjusted as necessary. Also shown in Table 5 is the level of costs requested for the disposal of dumped waste as a result of a Byelaw offence.
12. These costs are not always awarded in full, and are often unpaid by the guilty parties. It is the responsibility of the Courts to recover these monies and pass them on to the City of London. Payments to the City of London currently broadly reflect the national average fine collection rate of 63%.
13. The Domestic Violence, Crime and Victims Act 2004 introduced from 1st April 2007 a "Victims surcharge" of £15.00, which is levied in addition to the fine and is aimed at helping improve services for victims of crime.

Legal implications

14. Prosecutions are brought for breaches of the Epping Forest Byelaws under the Epping Forest Act 1878 (as amended). Prosecutions are also brought under section 33 of the Environmental Protection Act 1990 and other relevant legislation where appropriate.

15. Costs are awarded at the discretion of the Courts.

Strategic Implications

16. The City Together Strategy is directly supported by the enforcement of Byelaws within the City of London Open Spaces. In particular this strategy matches the *City Together* theme of “a World Class City which – protects, promotes and enhances our environment:

- To promote and enhance safe access to the City Of London Open Spaces
- To improve people’s health, safety and welfare within the City Of London Open Spaces environment through proactive and reactive advice and enforcement activities.
- To protect and enhance the City of London Open Spaces environment and public realm
- To conserve and enhance biodiversity within the City of London Open Spaces
- To continue to ensure the City of London Open Spaces are a safe place in which to do business, work, visit and live.

Conclusion

17. The enforcement of the Epping Forest Byelaws promotes the protection and enhancement of the Forest and assists with the safety and education of those who choose to use it. Byelaw enforcement is one of many tools available to manage the Forest, but is only used where appropriate and necessary, and increasingly as a last resort.

Background Papers

*Department for Constitutional Affairs ‘Fines Collections’ HMSO HC1049
25.05.06*

Contact:

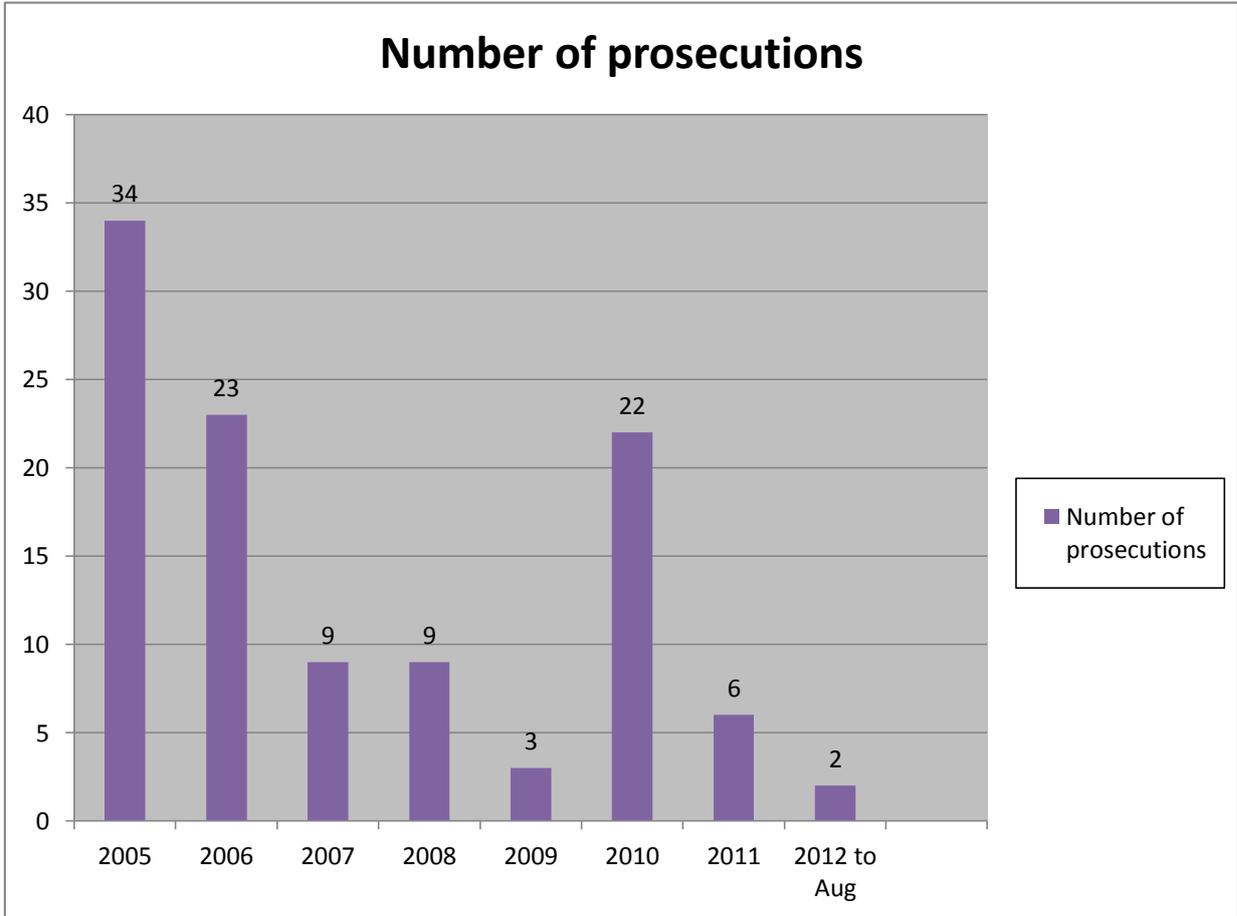
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Table 1: Epping Forest Byelaw Prosecutions:

March 2012 to August 2012

Byelaw offence(s)	Court	Outcome
Riding on the Forest not registered for a horse riding licence	Chelmsford	Fine £50.00 Costs £240.00 Surcharge £15.00
Riding on the Forest not displaying a current horse riding licence	Chelmsford	Fine £25.00 Costs £240.00 Surcharge £15.00

Table 2: Epping Forest Byelaw Prosecutions:
Years 2005-2012



**Table 3: Epping Forest Byelaw Warning letters:
Years 2005-2012**

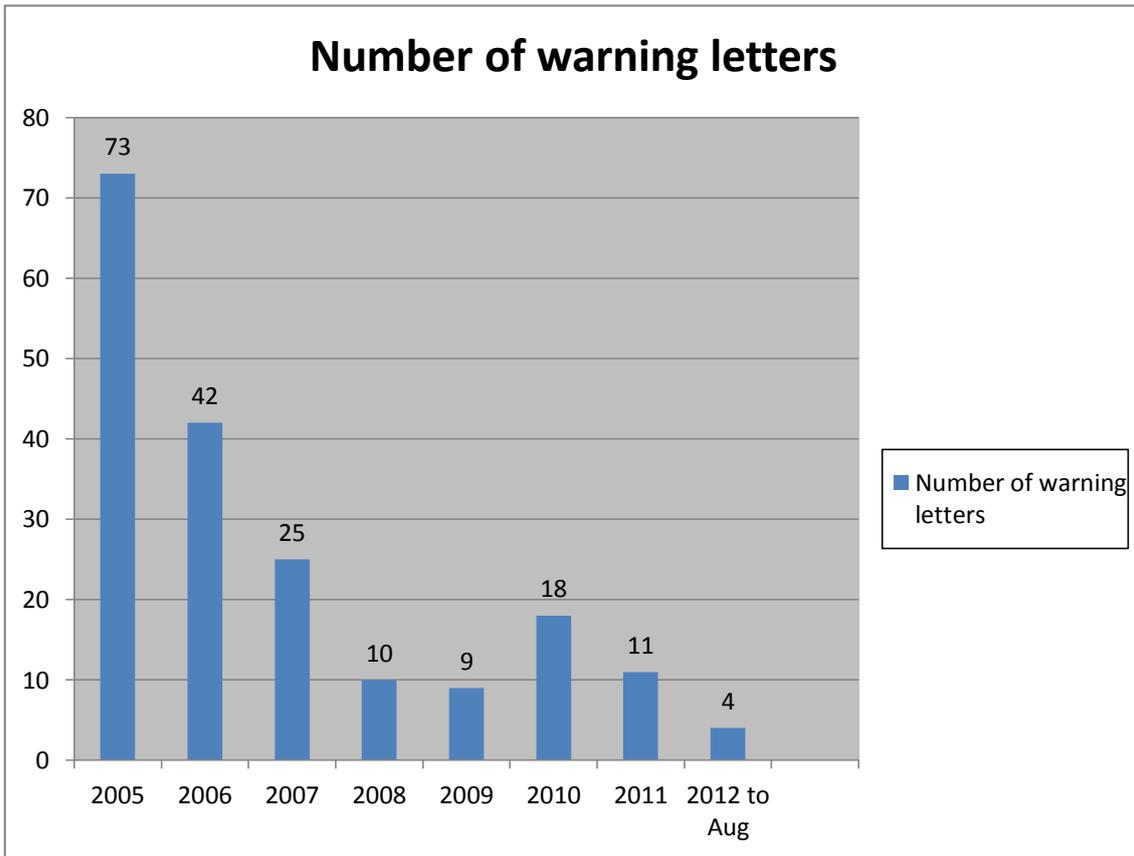


Table 4: Forest Keeper Advisory Conversations

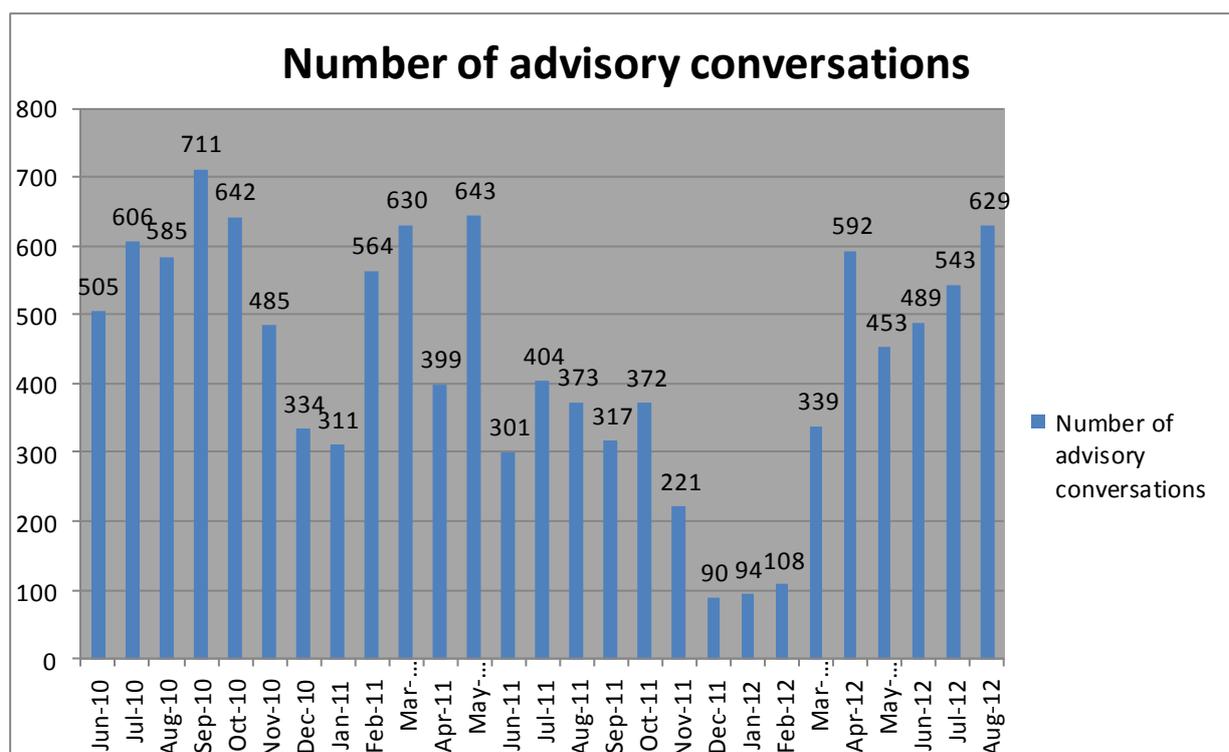


Table 5: Tariff of “Court Costs” requested at Magistrates Court

	2010/11	2011/12
Forest Keeper’s initial involvement, reports etc.	£40	£60
Office Administration	£40	£80
Forest Keeper’s Court appearance	£40	£80
Other costs, travel etc.	£40	£20
	£160	£240
Costs requested for disposal of dumped waste (minimum 1 tonne)	Nil	£128
+ each additional tonne	Nil	£97
Flytipping Reward Scheme	Up to £500	Up to £500