

<b>Committee(s):</b>	<b>Date(s):</b>
Epping Forest and Commons	13 January 2014
<b>Subject:</b> Annual update of dog incidents within Epping Forest and the Buffer lands, 1 January to 30 November 2013	<b>Public</b>
<b>Report of:</b> The Superintendent of Epping Forest	<b>For Information</b>

### **Summary**

This report informs your Committee of the level of dog-related incidents, which occurred on Epping Forest and the Buffer lands, that have been reported to the Conservators from January to November 2013 and the number of prosecutions for dog related offences. The report shows that there is a varied degree of increase or decline in the figures shown for the five types of incidents monitored and that further monitoring is necessary to pick up any trends.

There have been 482 reported incidents from 1 January 2013 to 31 November 2013 compared with 396 for the same period in 2012, an overall increase of 21.7%. The report also updates your Committee on the progress of the introduction of revised Dog Control Orders (DCOs) to be launched in January 2014 by the London Borough of Waltham Forest and plans to work with London Borough of Redbridge on the enforcement of their DCOs.

### **Recommendation(s)**

Members are asked to:

- Receive the report

### **Main Report**

### **Background**

1. Sections 7(1) and 9 of the Epping Forest Act 1878 extend a clear statutory right for the public to use Epping Forest as an open space for recreation and enjoyment. Dogs are generally accepted in law as a 'natural accompaniment' to walkers, provided they are kept under control. While the Epping Forest Act 1878 does not refer specifically to dogs, byelaws can (and have) been made under section 36 to control dogs on Forest Land.
2. The Epping Forest Visitor Surveys for 2010 and 2011 calculate that Epping Forest receives 860,000 or 20% of all visits by dog walkers each year, compared to overall visits totalling 4.3 million per year. This is lower than the

national average for dog walking visits to Open Spaces which accounts for 51% of all walks in open spaces (Forestry Commission 2012). This difference may reflect the general survey difficulties of intercepting visitors on such a large site and in particular the timings of the current Epping Forest survey work which may undercount early morning and late evening dog walking.

3. A number of surveys have also recognised that dog walking can have physical, psychological and social benefits for dog walkers and indeed dogs. There has been little companion research around the impact of the fear of harassment by uncontrolled dogs that may restrict public enjoyment of open spaces. Dogs were regularly cited in the 8% of nuisance related concerns raised by Epping Forest Visitor Survey questions, this figure is markedly lower than the 2010 figure of 20%
4. Dog walking can also conflict with Epping Forest's conservation management responsibilities. Epping Forest's conservation designation as a Site of Special Scientific Interest (4268.16 acres – 70%), and Special Area of Conservation (3964.35 acres – 65%) place responsibilities on the Conservators to positively manage the Forest for species and the habitat interest. Conversely, uncontrolled dog walking can disturb ground nesting birds; disturb wildlife especially deer, sometimes resulting in Deer Vehicle Collisions, while dog faeces and urine are a major source of nutrient enrichment in soils.
5. Your Committee of 10 May 2004 approved the Epping Forest Management Plan 2004 – 2010. That document sets out broad principles by which the Conservators intend to manage the sometimes contradictory pressures arising from its six statutory responsibilities and the conflicts that inevitably arise from shared public use of open spaces. Greater emphasis will be placed on the management of dog-related matters in the new Management Plan.
6. The continuing popularity of Epping Forest with dog walkers provides a real challenge in managing the impacts of dogs on Forest Land. In 2009 and following consultation with visitors, the site introduced a 'PAWS in the Forest' education-based scheme designed to promote responsible dog ownership in Epping Forest and a dedicated forum for dog walkers. More recently the Open Spaces Committee Dog Policy and Kennel Club Agreement, adopted by your Committee on 9 May 2011, has strengthened the City's overall commitment to healthy exercise and good behaviour for dogs and their owners.
7. The Clean Neighbourhoods and Environment Act 2005 introduced powers for Primary Authorities to make Dog Control Orders (DCOs). The Common Council of the City of London was designated as a Secondary Authority from 31st May 2012 in its open spaces outside the City. This enables it to make DCOs where the relevant Primary Authority has not already made an Order in respect of the same offence on the same land.
8. As outlined in Appendix 2 of a report to your Committee of 10 September 2012, a number of Primary Authorities have implemented DCOs affecting

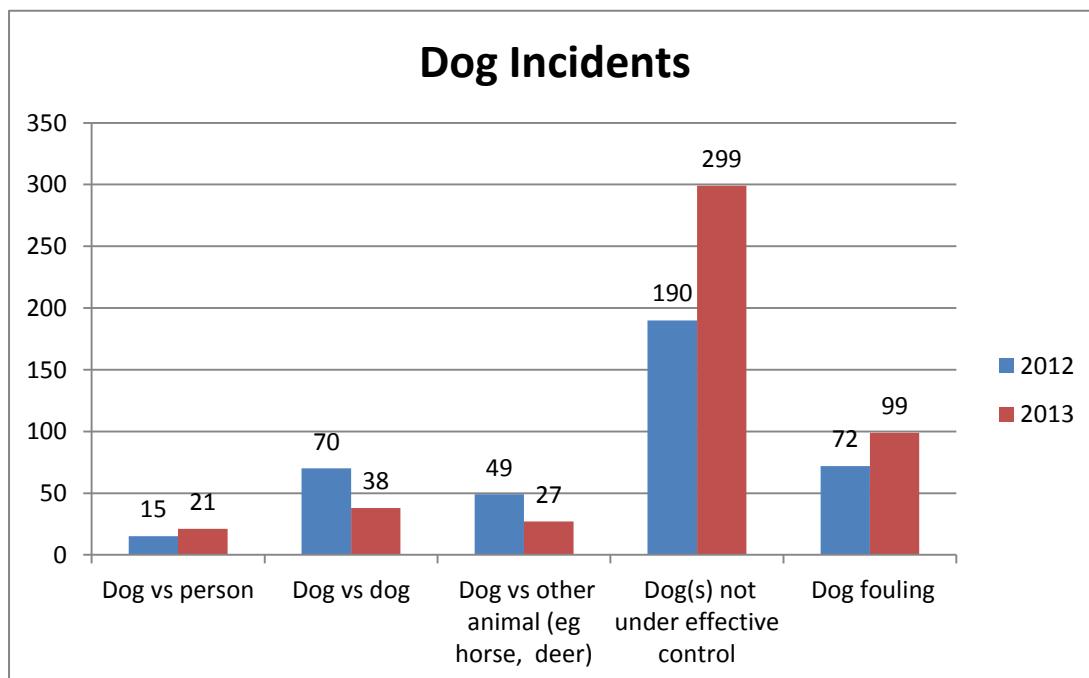
Forest Land. The London Boroughs of Newham (LBN), Redbridge (LBR) and Waltham Forest (LBWF) have all introduced DCOs for public open space in their jurisdiction. The LBN 2010 and 2011 DCOs cover Forest Land at Manor and Wanstead Flats, while the LBR 2010 DCOs include all Forest Land from Wanstead Flats to Woodford Green. The LBWF 2006 DCOs have traditionally interpreted their extent as not applying to Forest Land, even though their core 'public open space' description appears to include Epping Forest land.

9. In 2012 Epping Forest District Council (EFDC), after consultation with the Public and the City of London, introduced three DCOs to cover all land open to the public within the whole of the District including land owned by the City of London, as reported in the above mentioned report to your Committee. Agreement was also made for Epping Forest Keepers to be authorised to record breaches of the said DCOs and to carry out joint enforcement operations with EFDC officers.

### **Current Position**

10. There have been 482 dog-related incidents reported to the Epping Forest Conservators during the period 1 January to 30 November 2013 compared to 396 during the same period in 2012, an increase of 21.7%. This included 21 dog attacks on members of the public (up by 6 or 40%); 38 dog attacks on other dogs (down by 32 or 45.7%); 27 dog attacks on other animals, principally horses, together with a further 299 incidents of dogs not being under effective control (up 109 or 57.4%). See Table 1 below.

**Table 1**



11. There have been 4 successful prosecutions for dog-related offences. Forest Keepers have successfully prosecuted two dog owners for breaching the Byelaws during 2013 for not having their dog(s) under effective control. The Crown Prosecution Service (CPS) successfully prosecuted a dog owner under the “Dangerous Dogs Act 1991” for having a dog dangerously out of control on Forest land in the area of Lippets Hill. Officers from LBWF also prosecuted a dog owner under “section 2 of the Dogs Act 1871”, their dog attacked a woman walking her dog, this resulted in a fine plus an order that the dog must wear a harness and a muzzle at all times when in a public place or be destroyed. In 2012 there were no dog related prosecutions by Forest Keepers or by the CPS within the bounds of the Forest. LBWF officers carried out one successful prosecution for an incident on Forest Land.
12. Forest Keepers have carried out two joint operations with Enforcement Officers from EFDC, one in the Buckhurst Hill cricket pitch area and the other at Connaught Water. No Fixed Penalty Notices (FPNs) were issued on this occasion as the emphasis was on great public relations around the new orders. The operation was well received by the general public.
13. Following the 2013 Epping Forest Visitor Survey, dog numbers on the Forest can now be roughly estimated as we increase the level of data available on this subject year on year. Using the observation data for the three years of the survey so far, we can calculate that 18% of visits are by dog walkers. The large majority of dog walkers only take one dog, with a very small minority taking upwards of three dogs. Using the current overall visitor estimate of 4.2 million, we can estimate just over 1 million dog visits to Epping Forest each year.
14. The London Borough of Waltham Forest made a decision to review their DCOs and have undertaken a consultation with the Public and the City of London. The Superintendent of Epping Forest gained your agreement to respond to the consultation in favour of the inclusion of Forest land in their DCOs at your Committee meeting of 9 September 2013. LBWF Officers decided, after the consultation, not to amend their order specifying the maximum number of dogs a person may have under their control at any one time, it remains at six, but this can be enforced on Forest land within their boundary. The orders that will apply to Forest land within LBWF are:-
  - 14.1. failing to remove dog faeces;
  - 14.2. not putting, and keeping, a dog on a lead when directed to do so by an authorised officer;
  - 14.3. taking more than 6 dogs onto land (6).
15. LBWF members approved the revised DCOs on 12 November 2013 and also agreed that Epping Forest Keepers be authorised to record breaches of the

said DCOs and to carry out joint enforcement operations with LBWF Members. The DCOs will be launched on 6 January 2014.

16. Forest Keepers are currently in discussion with Officers from the London Borough of Redbridge in an effort to form a working partnership with them to carry out joint enforcement of their DCOs that include Forest land as outlined in 8. Above.

## **Corporate & Strategic Implications**

### **Financial and Risk Implications**

17. There are no immediate costs associated with the support of EFDC and LBWF DCOs. Epping Forest would expect to meet the costs of any training required to enable Forest Keepers to support LBWF Officers with enforcing their DCOs once they are launched. The income from FPNs would be received by the relevant local authority.

### **Legal Implications**

18. The Clean Neighbourhoods and Environment Act 2005 and associated regulations (Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2006 and the Dog Control Orders (Procedures) Regulations 2006) allow local authorities, parish councils and some other bodies to introduce DCOs. They provide for five offences to be prescribed in a Dog Control Order:
  - 18.2. failing to remove dog faeces;
  - 18.3. not keeping a dog on a lead;
  - 18.4. not putting, and keeping, a dog on a lead when directed to do so by an authorised officer;
  - 18.5. permitting a dog to enter land from which dogs are excluded;
  - 18.6. taking more than a specified number of dogs onto land.
19. Under regulation 3 of the Dog Control Orders (Procedures) Regulations 2006, LBWF is required to consult the City as a Secondary Authority for the area before making any DCOs. It must also publish a notice of its proposals in a local newspaper; this is scheduled for 16 December 2013.

### **HR Implications**

20. The Forest Keepers at Epping Forest currently issue summonses in the magistrates' court for offences under the Epping Forest byelaws and the Environmental Protection Act 1990. It is proposed that they will also enforce the DCOs through the issue of FPNs alongside Local Authority Enforcement Officers, Local Authority Dog Wardens and Local Neighbourhood Policing

Teams Police Community Support Officers. Training has already been given by EFDC and will also be given by LBWF once their DCOs are launched.

## **Conclusion**

21. Dog walking is undoubtedly an important pursuit for a substantial number of visitors to Epping Forest. While the benefits of dog walking to individual visitors are very clear, a lack of effective dog control and responsibility by owners can have a detrimental impact for other Forest visitors; their dogs; wildlife and the wider environment.
22. The introduction of DCOs with growing consistency across all public open space in Epping Forest District, including City of London Epping Forest land, is a good example of inter-Authority cooperation and offers a real opportunity to encourage consistent and responsible dog ownership which should benefit all visitors to Epping Forest and its wider environment.

## **Appendices**

- Appendix 1 - None

## **Background Papers:**

Epping Forest and Commons Committee 10 September 2012

SEF 25/12

Consultation by Epping Forest District Council on the introduction of three Dog Control Orders on public open space, currently including Epping Forest Land

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