

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

Summary

Proposals to introduce Dog Control Orders at Burnham Beeches were approved by this Committee in Sept 2014.

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.

The report seeks delegated authority to the Director so that nominated Officers may be authorised to issue Fixed Penalty Notices.

The level of Fixed Penalty Notice for breach of a Dog Control Order also needs to be agreed.

Finally, Committee agreement is sought as to the design and frequency of DCO related site signage at Burnham Beeches.

Recommendations

Members are asked to:

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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