

<b>Committee(s)</b>	<b>Dated:</b>
Epping Forest and Commons	15 05 2017
<b>Subject:</b> Changes to Dog Control Orders affecting Epping Forest	<b>Public</b>
<b>Report of:</b> Superintendent of Epping Forest SEF 11/17	<b>For Information</b>
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### Summary

The Clean Neighbourhoods and Environment Act 2005 (CN&EA 2005) gives Local Authorities the power to tackle irresponsible dog ownership and also replaced earlier legislation for dog fouling. In cooperation with partner Local Authorities' CN&EA has provided for 3 Dog Control Orders (DCOs) within Epping Forest (EF) land:

- Failing to clean up after your dog
- Putting a dog on a lead when asked to do so
- Restricting the number of dogs that can be walked at a time

The Anti-social Behaviour, Crime and Policing Act 2014 is repealing elements of the CN&EA 2005 and will replace Dog Control Orders with Public Space Protection Orders (PSPOs) DCOs which will automatically transfer to PSPOs in October 2017 and only need to be re-badged at that time, alongside various administrative changes, which will be made by each Local Authority (LA). The rebadging and administrative changes will be made by each of the four local authorities where the City of London Corporation has delegated powers:

All DCOs transitioning to PSPOs will be renewed in 2020 by each Local Authority. The procedures used at present in relation to DCOs and then PSPOs will not change and the powers delegated to Epping Forest Keepers will remain extant.

### Recommendation(s)

Members are asked to:

- approve the continued use of Local Authority DCO's to September 2017, then PSPO's after their transition in October 2017.

### 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.

2. While the Epping Forest Acts 1878 & 1880 do not refer specifically to dogs, byelaws can (and have) been made under section 36 to manage some aspects of dog behaviour on Forest Land, namely requirements on dog owners to:
  - keep dogs under effective control;
  - ensure their dogs wear a collar bearing a name and address;
  - the muzzling of sighthounds;
  - not undertake racing of dogs;
  - prevent dogs chasing birds or animals.
3. More recently the Department of the Environment, Food and Rural Affairs (DEFRA) has restricted the type and scope of byelaws to ensure that powers are only sought in areas not addressed by existing legislation. The City of London Corporation has therefore been unable to widen the existing byelaws around an obligation to collect and dispose of dog faeces; the number of dogs that may accompany a dog walker or the length of extendable leads.
4. Previously the Environment Protection Act 1990, the Litter (Animal Droppings) Act 1991 and The Dogs (Fouling of Land) Act 1996 have all sought to control fouling on public land.
5. The Clean Neighbourhoods and Environment Act 2005 (CN&EA 2005) repealed earlier legislation and introduced powers for Primary Authorities to make Dog Control Orders (DCOs). The Common Council of the City Corporation was designated as a Secondary Authority from 31 May 2012 in its open spaces outside the City. This enabled the City Corporation to make DCOs where the relevant Primary Authority has not already made an Order in respect of the same offence on the same land.
6. As outlined in Appendix 1, a number of Primary Authorities have implemented DCOs affecting Forest Land in cooperation with the City Corporation. 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 2014 byelaws cover all Epping Forest Land within the Borough. The 2014 Epping Forest District Council DCOs again cover all Forest Land within the District.

## Current Position

7. The CN&EA 2005 legislation relating to DCOs is in the process of being repealed by the Anti-social Behaviour, Crime and Policing Act 2014 (ASBCPA 2014) which introduces a new power to make potentially broader Public Space Protection Orders (PSPOs). As with the CN&EA 2005, the ASBCPA 2014 extends Secondary powers to the City Corporation via the Anti-social Behaviour (Designation of the City of London Corporation) Order 2015 to make PSPOs outside of its local authority area. The legislation allows for all DCOs to automatically convert to PSPOs in October 2017.

## Options

8. There are four options available to your Committee:
  - a. To solely rely on the Local Authorities to tackle irresponsible dog ownership on Forest Land. **Not recommended.**
  - b. To use the existing limited byelaws only to address some aspects of irresponsible dog ownership. **Not recommended.**
  - c. Continue to use byelaw and delegated powers under ASBCPA 2014 for PSPOs beyond October 2017 to tackle irresponsible dog ownership. **Recommended.**
  - d. Use secondary powers under ASBCPA 2014 to make dedicated PSPOs for Epping Forest. **Not recommended.**

## Proposal

9. It is proposed to maintain continuity with the current arrangements approved in September 2012 to use byelaw and delegated powers under ASBPCA 2014 for PSPOs to help address irresponsible dog ownership within Epping Forest. All Local Authorities will review their current arrangements across 2020, which will provide the City Corporation with an opportunity to review its position at that time.

## Corporate & Strategic Implications

10. The proposals support the City's key policy priorities as follows;
  - 10.1 KPP5. Increasing the outreach and impact of the City's cultural, heritage and leisure contribution to the life of London and the nation by:  
Developing and improving the physical environment around our key cultural attractions; and providing safe and accessible Open Spaces.
11. The proposals also support the Open Spaces Department objectives as follows:

- 11.1 Improve the health and wellbeing of the community through access to green space and recreation.

## **Implications**

12. **Financial:** There are no immediate costs associated with the introduction of PSPOs. By working in cooperation with partner Local Authorities the costs of converting DCOs to PSPOs are fully met by the four Local Authorities. Training extended to staff on DCOs will automatically transfer to PSPOs. The only additional cost will be rebadging of existing DCO signs on Forest Land. Although enforced on Epping Forest Land by Epping Forest staff all the income from all successful PSPO prosecutions will accrue to the relevant Local Authority.
13. **Legal:** The legal elements are addressed within the body of the report.

## **Conclusion**

14. The continued joint working arrangements and delegated powers under the PSPOs to tackle irresponsible dog ownership are recommended as the most effective approach for Epping Forest. These delegated powers will be used in conjunction with existing byelaws and will be subject to further review in 2020.

## **Appendices**

- Appendix 1 – Existing Primary Authority Dog Control Orders coinciding with Epping Forest

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