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| 6Committee(s): Natural Environment Board – For decision | Dated: 19 February 2024 |
| Subject: Dog Control within City Gardens | Public |
| Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly? | 1, 2, 4, 10, 11 |
| Does this proposal require extra revenue and/or capital spending? | Y |
| If so, how much? | £7,500 per annum |
| What is the source of Funding? | Existing Local Risk Revenue Budgets |
| Has this Funding Source been agreed with the Chamberlain’s Department? | Y |
| Report of: Bob Roberts: Interim Executive Director Environment | For Decision |
| Report author: Jake Tibbetts – City Gardens Manager, Operations. | |

Summary

The report addresses challenges in City Gardens due to increased dog presence. Incidents, including safety concerns and antisocial behaviour, have become more frequent, prompting the need to consider more proactive measures.

After evaluating options, the report recommends creating a new "Keeper" role to enforce byelaws, initially focusing on Bunhill Fields. Anticipated costs of around £5,000 per year can be accommodated within existing local risk revenue budgets.

Additionally, the report suggests ongoing exploration of the use of Public Space Protection Orders (PSPOs) to promote responsible dog ownership, providing

enhanced enforcement powers, and regular reviews. These recommendations align with the Corporate Plan, ensuring effective management while considering financial, resource, legal, and risk implications. The measures aim to strike a balance between addressing current challenges and promoting responsible dog ownership for the continued enjoyment of all City Gardens users.

Recommendation(s)

Members are asked to:

- Endorse the creation of a new City Gardens Keeper role to enforce byelaws and legislation across the City Gardens sites, with an initial focus on Bunhill Fields.
- Endorse the exploration of PSPOs and use of enforcement powers across the City Garden sites to improve user experience.

Main Report

Background

1. Historically dogs have not presented an issue within City Gardens sites, as ownership by residents has been relatively low and the City has not been seen as a destination by dog walkers. The number of dogs within the City has grown as the number of residents has risen and dog ownership in general increased during the pandemic.
2. Whilst there are existing byelaws for many City Garden sites (including churchyards), which include byelaws requiring dogs to be on a leash, these have not been enforced in recent years. This appears to have been a responsibility that was omitted when City Gardens was outsourced and not reinstated when brought back in house.
3. Dogs in busy gardens have the potential to cause a number of issues including fouling and urination which pose a health and safety as well as environmental impact. When not kept on a lead and not properly controlled dogs can cause worry and/or intimidate other dogs and people, they can also damage plants. The presence of dogs can deter some users who may prefer to use dog free areas when visiting sites. Dogs also have the potential to cause physical harm.
4. There are also positive aspects to Dog ownership. The “Outdoor Recreation and Health in Wales report” (2012) identifies owning a dog to be one of two lifestyle

factors which makes the most significant positive difference to people's participation in outdoor recreation. Dog ownership has also been shown to improve human mental well-being through several possible pathways including providing their owners with social support and companionship and they may also act as catalysts for increased human social interactions.

Current Position

5. During the development of this report we have discussed current management practices with managers of green spaces both within the Natural Environment Division, other councils including Islington and Westminster as well as the Keep Britain Tidy Campaign.
6. City gardeners report issues with dogs through the use of a mobile app. In the last year there have been 191 reported incidents in total, of these:
 - a. 167 were dogs off of leads;
 - b. 22 were for dog mess;
 - c. 2 were for dogs digging holes.
7. The majority of these were in three sites: Bunhill Fields, Smithfield Rotunda and St Barts the Great. There were 22 incidents of dog mess in total. The following shows number of reported dogs off of leads in each of these three sites:

| | |
|-----------------------|----|
| a. Bunhill Fields | 94 |
| b. Smithfield Rotunda | 73 |
| c. St Barts the Great | 13 |
8. The true figure will be higher and following a push to record more accurately 23 incidents of dogs off of leads in Bunhill Fields were reported in January 24 alone.
9. In October a volunteer was working in Bunhill Fields when a dog off the lead ran into the flower bed they were working in. The volunteer shouted for the dog to leave the bed, this initiated anti-social behaviour by the dog owner towards the volunteer. There was one dog incident that occurred in 2021 of a dog attacking another dog in Bunhill Fields which was reported to the police.
10. It is clear that Bunhill Fields has the greatest issue when it comes to current dog related problems.

Available powers

Byelaws

11. The existing powers for enforcement vary across City Gardens sites. Not all sites have byelaws, but where they are in place, these can generally be enforced by nominated officers of the City of London Corporation and the City Police (where inside the City Boundary).
12. Bunhill Fields has byelaws, but the fact that it sits outside of the City Boundary and within the jurisdiction of the Metropolitan Police means that enforcement options differ and is why Parkguard can provide enforcement in Bunhill Fields but not within the City boundary (see paragraphs 22). Neither Smithfield Rotunda nor St Barts the Great, for example, have any Byelaws.
13. The existing Byelaw 9 for Bunhill Fields 9 states:

“No person shall cause or suffer any dog belonging to him or in his charge to enter or remain in the Burial Ground unless such dog be and continue to be led by a chain, leash or string and otherwise be under proper control”

14. Where no byelaws have been made in respect of a City Garden, there are currently no other directly applicable enforcement powers that could be used to promote responsible dog ownership. Officers propose to keep under review spaces which do not presently have byelaws, and look into enforcement options as necessary. To note that where byelaw making powers exist, new byelaws can be made (and existing byelaws amended and updated). However byelaw making powers are generally contained in, for example, the Corporation of London (Open Spaces) Act 1878); any new byelaws or amendments would need to be approved by the relevant Secretary of State, which can result in a lengthy and complex process. Most local authorities now favour the use of PSPOs over byelaws.

Public Space Protection Orders (PSPOs)

15. PSPOs were introduced by the Anti-social Behaviour, Crime, and Policing Act 2014 to address a range of issues affecting the quality of life in public spaces. In the context of dogs, a PSPO may be implemented to regulate behaviours such as dog fouling, off-leash activities or aggressive behaviour, ensuring responsible dog ownership and enhancing public safety.
16. PSPOs can be introduced in specific public areas where the local authority is satisfied on reasonable grounds that certain conditions have been met. The process of obtaining a PSPO typically involves consultation with the community and stakeholders and there needs to be a demonstratable problem affecting public safety or well-being. It is the severity of the issue which would justify the imposition of a PSPO. The making of PSPOs is a time-consuming process .

17. Considering the process that is required to implement PSPOs, City Gardens consider that enforcement of existing powers should be prioritised in the first instance. This would allow the City Corporation time to: gather further evidence of any existing problems; understand whether the existing measures are sufficient to address those problems; consider how best to employ the PSPO powers, and which sites and areas those powers should be applied to; and to establish the basis for the implementation of more stringent measures.
18. It would be appropriate to consider City wide PSPOs to require responsible dog ownership within the square mile and Bunhill Fields which could provide powers to promote good dog ownership by covering matters such as dog fouling and require that owners keep dogs under control.
19. Burnham Beeches and other councils that seek to promote responsible dog ownership through PSPOs take the approach that a dog off of a lead can be under control and does not necessarily need to be leashed and conversely a dog on a lead can still cause distress to people and other animals. Therefore, a mixed approach is employed, such as:
- Dog free areas;
 - Dogs on leads only areas; and
 - Areas where dogs must be leashed only if requested.

ENFORCEMENT

20. Regardless of the powers that are employed to restrict certain actions, in order for them to be effective there is a need to be able to enforce them.
21. Parkguard, who provide community safety services for local authorities across London, have previously been employed by City Gardens to target specific problems in Bunhill Fields when they arise. They have been used specifically in Bunhill Fields to tackle dogs off leads.
22. Parkguard can serve Anti-Social Behaviour warning Notices in Bunhill Fields as it is in Islington in which they have powers delegated to them by the Metropolitan Police approved by Islington Council to use those powers within their borough. They are unable to serve these notices within the square mile as it is within the jurisdiction of the City of London Police who currently do not delegate these powers.

23. Due to the costs associated with using Parkguard, we have only employed them on an infrequent basis, dependent on the scale of the problem.
24. In practice most dog walkers leash their dogs when they either see or are asked to by Parkguard. However, once the Parkguard staff leave the site, many allow their dogs to roam off leash again. The cost to have a dedicated presence from Parkguard at Bunhill Fields or other sites would be significant and unsustainable. They can, however, continue to provide an important role in helping tackle other forms of antisocial behaviour, helping train and develop our staff.
25. Existing and potential powers to enforce within and outside of the square mile differ, and these are all currently being explored by officers. However, it is clear that powers could be given to City Garden staff to enforce byelaws and PSPOs inside the square mile and in Bunhill Fields. An operative could start off enforcing Byelaws, but could also gather evidence to help ascertain whether the implementation of PSPOs could be justified. The operative could also enforce other byelaws such as the riding of bicycles in the gardens, as well as non-licenced activities, which would improve users experience of City Garden sites.
26. Currently none of the City Gardeners have any enforcement responsibilities or training. A new role could be created with specific responsibility for enforcing relevant legislation.

Other management approaches

27. Some local authorities have set up segregated areas for dogs within sites where they can be let off leads. If these areas are not particularly large they can have detrimental impacts including:
- The wear and tear caused by dog activity within these areas damages lawns and plants and often become areas of barren soil or mud if the area is not large enough.
 - The increased amount of urine and dog waste can make the area particularly unsightly and look very different from the rest of the site and can increase risk of illnesses such as kennel cough and parasites. As a result some dog owners can be deterred from using these areas.
28. Officers do not consider any of our sites are large enough to contain a segregated area for dogs within them.

Options

29. Create segregated areas for dogs at larger sites such Bunhill Fields. **Not recommended** due to the limited size of our sites and the resulting impact.

30. Use Parkguard to enforce legislation at Bunhill Fields. **Not recommended** as considered to be financially unsustainable due to the dedicated presence that would be required to be effective.
31. Create a keeper post to enforce relevant byelaws and legislation which could be financed through current revenue budgets. **Recommended** Considered to be the most proportionate and effective response to the issue.
32. Explore options to use PSPOs to encourage responsible dog ownership and report back to committee. **Recommended**

Proposals

33. **Create a New Keeper Role:** Establish a new role within City Gardens – the "City Gardens Keeper" – with responsibilities that include enforcement of relevant powers. Delete one of the vacant Gardener positions and replace with this new role. This role will initially focus on Bunhill Fields but can be deployed to other sites as needed. Anticipated costs; approximately £7,500 per year increased salary and on costs, which can be accommodated within existing local risk revenue budgets. In addition, a cost of £1100 - £1800 for legal fees for each case that was pursued to prosecution will need to be met through existing local risk budgets.
34. **Explore and Enhance Enforcement Powers:** Explore the options of using PSPOs to encourage responsible dog ownership in the City and at Bunhill Fields.
35. **Regular Review and Adaptation:** Regularly review the effectiveness of the new Keeper role and any implemented measures. Adapt strategies as needed based on ongoing feedback, changes in dog ownership trends, and the evolving landscape of City Gardens. Bring paper back to committee after keeper has been in post for a full year.

Corporate & Strategic Implications

Strategic implications –

36. This report aligns clearly with the following objectives:
 4. *Communities are cohesive and have the facilities they need.*
 11. *We have clean air, land and water and a thriving and sustainable natural environment.*
 12. *Our spaces are secure, resilient and well-maintained*

Financial implications

37. It is anticipated that the new post would be require a higher pay grade than a gardener. There are currently vacant Gardener roles that we are looking to fill by April. One of these roles would be expanded into the new role, the cost would therefore be the difference between a gardener post and the new post which has not yet be graded, but it is anticipated to be in the region of £7,500 per year which is justifiable within existing local risk revenue budgets, contributing to the effective management of City Gardens. In addition, a cost of £1100 - £1800 for legal fees for each case that was pursued to prosecution would need to be met through the local risk revenue budget, this could be offset through income from fines and successful prosecutions.

Resource implications

38. Utilise vacant Gardener roles for the creation of the new Keeper position, optimising existing staff resource levels.

Legal implications

Contained within the body of this report.

Risk implications

39. Mitigate potential risks through regular reviews, feedback mechanisms, and proactive adaptation of strategies.

Equalities implications – An EA test of relevance has been carried out and there is a small benefit to old and young people who may feel safer in areas where dogs are controlled. It was not deemed appropriate to carry out a full Equality Impact Assessment.

Climate implications

None

Security implications

None

Conclusion

40. The increasing presence of dogs in City Gardens, coupled with reported incidents of dog-related issues, presents a multifaceted challenge. While acknowledging the positive aspects of dog ownership, the negative impact on the environment, safety, and user experience necessitates proactive measures. Current enforcement mechanisms, including Byelaws and Public Space Protection Orders (PSPOs),

have limitations, but should be investigated further. A new “Keeper” post would enable us enforce existing Byelaws and new legislation that may be implemented.

Appendices

None

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