

Committee(s):	Date(s):
Epping Forest and Commons Committee	11 th September 2017
Subject: Public Spaces Protection Orders at Burnham Beeches. Dog Management Strategy, Enforcement Protocol, Authorisation of Officers, Level of Fixed Penalty and Signage.	Public
Report of: Superintendent of The Commons	For Decision

Summary

The Dog Control Orders at Burnham Beeches will automatically be treated as Public Spaces Protection Orders (PSPOs) from 20th October 2017.

Proposals to extend the PSPOs at Burnham Beeches for a further three years from 1st December 2017 were approved by this Committee in July 2017.

This report introduces, for approval, the updated Dog Management Strategy and Enforcement Protocol to be used to guide the enforcement, administration and monitoring of PSPOs.

The report seeks delegated authority to the Director so that nominated officers may be authorised to issue Fixed Penalty Notices in relation to PSPOs. The amount of the fixed penalty for breach of a PSPO also needs to be agreed.

This report additionally provides an update for your Committee on publicity and signage.

Recommendations

Members are asked to:

1. Approve the updated Dog Management Strategy and Enforcement Protocol for Burnham Beeches with effect from 20th October 2017.
2. Delegate authority to the Director of Open Spaces to authorise officers at Burnham Beeches for the purpose of issuing Fixed Penalty Notices in relation to Public Spaces Protection Orders.
3. Set the fixed penalty for breach of a Public Spaces Protection Order at Burnham Beeches at £80 with a reduction to £50 if paid within 10 days.
4. Approve the site signage arrangements.

Main Report

Background

1. Your Committee has received several previous reports advising that the existing Dog Control Orders (DCOs) at Burnham Beeches are in the process of being phased out and replaced by Public Spaces Protection Orders (PSPOs). Remaining DCOs will automatically be treated as PSPOs from 20th October 2017.
2. A report proposing to extend the use of PSPOs at Burnham Beeches from 1st December 2017 until 30th November 2020 was additionally approved by this Committee in July 2017.
3. That same report also outlined the need for your Committee to agree various matters relating to the enforcement of PSPOs, including authorisations for officers, the amount of any fixed penalty and an updated Dog Management Strategy (DMS).

Dog Management Strategy and Enforcement Protocol

4. The DMS currently guides the City's enforcement and administration of DCOs and will in future guide the enforcement and administration of the replacement PSPOs.
5. The Superintendent has reviewed and updated the DMS to demonstrate the City's commitment to good practice and this document is presented for consideration and approval by this Committee (Appendix 1).
6. An important element of the DMS is the Enforcement Protocol (Appendix 2) i.e. a description of the circumstances when FPNs will be issued, of any exemptions and the process by which prosecutions will be handled should the need arise.
7. The updated DMS and Enforcement Protocol, once approved, will be made publicly available prior to coming into effect on 20th October 2017.

Fixed Penalty Notices

8. PSPOs are enforced by the use of Fixed Penalty Notices (FPNs) and/or through the Magistrates' Court. FPNs can only be issued by officers who have been appropriately authorised. It is proposed that the officers authorised will be the eight Burnham Beeches Rangers who are currently responsible for enforcement of the DCOs.
9. It is recommended that the Director of Open Spaces is given delegated authority to authorise officers as and when necessary, for example following any change of staff. Your Committee granted such a delegation prior to the introduction of DCOs, in November 2014. However, for the avoidance of doubt, your Committee is asked to confirm that this delegation includes the new PSPO arrangements.
10. The Rangers, along with all other staff at Burnham Beeches, will undertake relevant training to maintain their detailed understanding of legal and operational issues. This again demonstrates your Committee's commitment to good practice.

11. It is also necessary to set the level of the fixed penalty for breach of a PSPO and any discount for early payment. It is recommended that the amount of the fixed penalty for breach of a PSPO is set at £80 - reduced to £50 if paid within 10 days. This reflects the current position for DCOs.

Signage

12. Site signage to describe how the separate orders apply 'on the ground' is currently of the pictogram style. This style is familiar to the visiting public at Burnham Beeches and it is proposed to retain it (Appendix 3). The existing signs additionally provide varying amounts of written information about the relevant offences and penalties involved. However they all make reference to the current DCOs and will therefore have to be updated. Signs are generally made from foamex which is easily replaced and cheap to produce whilst ensuring a high quality product. Signs are placed at regular intervals (as far as reasonably practicable) on the boundaries between the different orders, and are mounted on existing posts, gates, etc. wherever possible.
13. Existing maps showing the areas covered by the different orders across the site also make reference to the current DCOs and will therefore need to be updated. The new design is included in the DMS and will be produced as a sticky vinyl overlay. 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.

Corporate & Strategic Implications

14. The proposals support the Strategic aims of the City and Open Spaces Department by:
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, secure and accessible Open Spaces.

The proposals support the Open Spaces Departmental Objectives as follows:
Improve the health and wellbeing of the community through access to green space and recreation.

Legal Implications

15. Replacement orders will be made once the DCOs at Burnham Beeches 'convert' to PSPOs on 20th October 2017, but before they expire on 30th November 2017, extending their effect for a further three years from 1st December 2017.
16. Under regulation 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 the City must publish a PSPO that it has made, extended or varied on its website. It must also cause to be erected on or adjacent to the public place to which the PSPO relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to the fact that the PSPO has been made, extended or varied, and its effect.

17. Previous DEFRA guidance for DCOs made 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.
18. Under section 67 of the Anti-social Behaviour, Crime and Policing Act 2014 it is an offence for a person without reasonable excuse to do anything that they are prohibited from doing by a PSPO, or to fail to comply with a requirement to which they are subject under a PSPO. A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).
19. Under section 68 of the Anti-social Behaviour, Crime and Policing Act 2014 a constable or an authorised person may issue an FPN to anyone he or she has reason to believe has committed an offence in relation to a PSPO. An FPN is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.
20. 'Authorised person' means a person authorised for the purposes of that section by the authority that made the order, or a community support officer. The fixed penalty specified in the FPN must not be more than £100. An FPN may also specify two amounts and state that, if the lower of those amounts is paid within a specified period (of less than 14 days), that is the amount of the fixed penalty.

Financial Implications

21. The cost of updating all foamex & vinyl signs (over 200 signs) will be around £1700.
22. Adaptations to the maps displayed on site to reflect changes in legislation from DCOs to PSPOs will be in the region of £600.
23. All costs outlined in this report will be met from local risk budgets.

HR implications

24. Staff at Burnham Beeches will undertake a PSPO training course in the coming weeks to support their already extensive experience of enforcement matters.

Public Relations implications

25. The introduction of PSPOs remains unpopular at Burnham Beeches amongst a minority of site visitors and there is a risk of bad publicity. Individuals or organisations may reiterate their views in local and national media.

Conclusion

26. The Dog Management Strategy and Enforcement Protocol have been reviewed and updated to reflect the change from DCOs to PSPOs. It is proposed that the existing arrangements for issuing FPNs, and the amount of any fixed penalty, should remain unchanged following the transition. It is also

proposed that the existing signage arrangements on site should remain the same, apart from the installation of new maps using the updated terminology. Various Committee approvals are now sought for each of these issues.

Appendices

- Appendix 1 – Dog Management Strategy for Burnham Beeches
- Appendix 2 – Enforcement Protocol
- Appendix 3 – Pictogram style signage

Background Papers:

- The introduction of Dog Control orders at Burnham Beeches - Sept 2014
- Effectiveness of Dog Control Orders - January 2017
- Dog Control Order review – January 2017
- Proposed Introduction of PSPOs, results of public consultation – July 2017

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