

Appendix 1

Public Spaces Protection Orders.

Activity at Burnham Beeches for the period 1st April 2019 to 31st March 2020

Summary

At this Committee on the 11th September 2017 Members requested that annualised Public Spaces Protection Orders (PSPOs) figures are presented to the Committee each year.

The information contained in this report summarises the enforcement activity undertaken at Burnham Beeches in relation to PSPOs in a 12-month period 01/04/2019 to 31/03/2020.

During that period the number of recorded offences has declined by 16.2% when compared to the preceding 12 months, 2018/19, and almost 53% (52.9%) since records commenced in 2015/16. Changes vary across the individual PSPOs.

There has been no increase in the number of written warnings issued in 2019/20 when compared with 2018/19, albeit numbers remain low (ten).

In addition to formal warnings no Fixed Penalty Notices (FPNs) were issued in relation to breach of the PSPOs, 2019/20.

One unpaid Fixed penalty notice, issued in November 2018, resulted in a successful prosecution of the offender in the magistrate's court in June 2019

Background

1. At the July 2017 meeting of this Committee members resolved to extend the effect of the existing DCOs at Burnham Beeches, once they had become PSPOs, for three years from 1st December 2017 and to authorise the Comptroller and City Solicitor to make replacement orders.
2. At the September 2017 meeting of this committee Members also: set the value of Fixed Penalty Notices (FPN); approved the Dog Management Strategy and associated documents; and requested that annualised PSPO figures are presented to the committee.
3. The PSPOs came into effect on 20th October 2017, replacing the existing DCOs and were extended for a further 3 years on 1st December 2017.

- The PSPOs in place at Burnham Beeches are as described in appendix 1. The preceding DCOs covered the same issues. These include owners failing to clear up dog fouling, setting the maximum number of dogs that an individual can walk at Burnham Beeches, defining a small exclusion zone around the cafe area and areas where dogs must be kept on a lead.

Current Position

- Annualised PSPO figures for 2019/20 and 4 previous years.

Table 1

Incidents detail	15/16	16/17	17/18	18/19	19/20
Order 1 - Fouling	11	11	7	7	3
Order 2 - Dogs off lead in the on-lead area	453	329	285	264	213
Order 3 - Dogs not under effective control in the off-lead area	46	30	27	16	19
Order 4 - Dogs taken into the dog free area	4	16	15	1	7
Order 5 - More than 4 dogs/person	3	0	0	2	1
Total DCO/PSPO incidents	517	386	334	290	243
Number of incidents resulting in a formal report/investigation	8	15	15	16	14
Number of formal written warnings issued	2	8	9	10	10
Number of FPN issued	0	0	0	4	0
Number of prosecutions	0	0*	1*	0	1**

* Incident occurred in 16/17 – prosecution through magistrate court 2017/18

** Incident occurred in 18/19 prosecution through magistrate court 2019/20

Current visitor numbers estimate - approximately 488000 people visits/annum

- The figures in Table 1 indicate that the overall number of incidents dealt with is reducing year on year – but this is not consistently the case for all areas covered by the PSPOs.
- 10 people received formal written PSPO warnings in 2019/20. Thirty-eight individuals have received formal written warnings in the last 5 years. This number is likely to grow as repeat offenders are increasingly identified over time and as a result it is probable that the number of formal actions will increase in future.
- No individuals were issued with Fixed Penalty Notices in relation to breach of the PSPOs in 2019/20.
- An unpaid Fixed Penalty Notice, issued in November 2018, resulted in the successful prosecution of the offender in the magistrate’s court in June 2019.

10. The approved PSPO and preceding DCO enforcement protocols made it clear that when enforcing the Orders, the City will not take a zero-tolerance approach to DCO/PSPO breaches. This means that in the majority of incidents the person concerned is asked to put the matter right, clean up after their dog, put it on lead, remove it from the dog free area, and if they comply no further action is taken beyond logging of the incident detail. As a result, the vast majority of incidents dealt with require no more than visitors being given information and or guidance by the Ranger team. However, where a breach is by someone who is well aware of the rules, a repeat offender, or where the person is unable or unwilling to put the matter right these will result in more formal investigation and action including final written warning and or FPN/ prosecution.

Corporate & Strategic Implications

11. The activity supports the City's Corporate Plan 2018-23 as follows:

Shape outstanding environments

- Our spaces are secure, resilient and well maintained.

The proposals in this report also support the Open Spaces Department Business Plan:

A. Open spaces and historic sites are thriving and accessible.

1. Our open spaces, heritage and cultural assets are protected, conserved and enhanced
2. Our spaces are accessible, inclusive and safe

B. Spaces enrich people's lives.

3. People enjoy good health and wellbeing
4. People feel welcome and included
5. Nature, heritage and place are valued and understood

Public Relations implications

12. Whilst the number of visitors to the Beeches increased with the introduction of effective dog management control measures in 2015/16 and to date remain higher than that year the use of PSPOs remains unpopular with some dog walkers. As such, individuals or organisations may reiterate their views in local and national media. In addition, formal enforcement activity in relation to PSPOs may attract interest from the media.

Conclusion

13. The use of PSPOs remains a highly effective tool that continues to reduce the number of antisocial behaviour incidents related to irresponsible dog ownership thereby helping to making the site a safer and more enjoyable open space for the majority of visitors.

14. During the period 01/04/19 to 31/03/20 the number of recorded offences in relation to PSPOs at Burnham Beeches has declined by 16% when compared to the preceding 12 months 2018/19 and by 52.9% since records commenced in 2015/16. Changes vary across the individual Orders.
15. There has been no increase in the number of formal written warnings issued in 2019/20 when compared with 2018/19, and numbers remain low.
16. The number of recorded offences is likely to stabilise over the years as the issues become better understood by visitors. However, the number of formal actions may increase as further repeat offenders are identified over time.

Background Papers

- Dog Control Order proposals– Report to EFCC – September 2014
- Effectiveness of Dog Control Orders – Report to EFCC - January 2017
- Dog Control Order Review. Report to EFCC – January 2017
- Proposal to extend the use of DCOs as PSPOs at Burnham Beeches – Report to EFCC – July 2017
- Public Spaces Protection Orders – Dog Management Strategy, Enforcement Protocol, Authorisation of Officers, Level of Fixed Penalty and signage – Report to EFCC Sept 2017

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