



Epping Forest & Commons Committee (Late Supplementary Pack)

Date: THURSDAY, 14 SEPTEMBER 2023
Time: 11.00 am
Venue: COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

Part 1 - Public Agenda

The Commons

11. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

- a) Proposal to vary and extend the duration of Public Spaces Protection Orders at Burnham Beeches – Outcome of the public consultation process

Report of the Interim Executive Director Environment.

(For Decision)
(Pages 3 - 40)

This page is intentionally left blank

Committee(s): Epping Forest and Commons Committee	Dated: 14/09/2023
Subject: Proposal to vary and extend the duration of Public Spaces Protection Orders at Burnham Beeches – Outcome of the public consultation process	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	2,11,12
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	NA
What is the source of Funding?	NA
Has this Funding Source been agreed with the Chamberlain’s Department?	NA
Report of: Bob Roberts, Interim Executive Director Environment	For Decision
Report author: Geoff Sinclair, Assistant Director, The Commons /Martin Hartup Head Ranger The Commons	

Summary

Five Dog Control Orders (DCOs) were introduced by your Committee at Burnham Beeches Special Area of Conservation (SAC) and National Nature Reserve (NNR) on 1st December 2014. These subsequently became Public Spaces Protection Orders (PSPOs) and their effect was extended by your Committee for further three-year periods from 1st December 2017 and 1st December 2020. They are concerned solely with the reduction of antisocial dog behaviour.

The Executive Director of Environment requested approval to consult on the extension of the 5 PSPOs at Burnham Beeches for a further three years, commencing 1st December 2023, in a report to this Committee dated 16th March 2023. The proposal included a minor amendment to Order 3.

Approval was granted for the Assistant Director to carry out the necessary consultation, publicity and notification which commenced on 17th May 2023 and ended on 30th June 2023. The outcome is that there is very strong support for continuing with the current arrangements, but a further minor amendment to Order 4 is proposed following the comments received.

This report seeks your Committee’s decision concerning the extension of the five existing PSPOs with these two minor variations. Officers advise that there are reasonable grounds to conclude that these PSPOs will continue to prevent the recurrence of the detrimental activities prohibited by them.

Recommendation(s)

Members are asked to:

- 1 Approve Option 1 – extend the effect of the existing PSPOs at Burnham Beeches for a further three years from 1st December 2023, with two minor modifications.
- 2 Authorise the Comptroller and City Solicitor to make the necessary Orders.
- 3 Delegate authority to the Executive Director of Environment to authorise officers and agents of the City Corporation to issue Fixed Penalty Notices and otherwise act as ‘authorised persons’ in relation to the PSPOs at Burnham Beeches.
- 4 Maintain the fixed penalty for breach of a PSPO at Burnham Beeches at £80 with a reduction to £50 if paid within 10 days.
- 5 Delegate authority to the Executive Director of Environment to update the Dog Management Strategy and the Enforcement Protocol for Burnham Beeches.

Main Report

Background

1. Five Dog Control Orders (DCOs) were introduced by your Committee at Burnham Beeches Special Area of Conservation (SAC) and National Nature Reserve (NNR) on 1st December 2014. These subsequently became Public Spaces Protection Orders (PSPOs) and their effect was extended by your Committee for a further three-year period from 1st December 2017 and again from 1st December 2020. They are concerned solely with the reduction of antisocial dog behaviour.
2. The Executive Director of Environment requested approval to consult on the extension of the five PSPOs at Burnham Beeches for a further three years, commencing 1st December 2023, in a report to this Committee dated 16th March 2023. The proposal included a minor amendment to Order 3, which would allow any authorised person to direct that a dog be put and kept on a lead where reasonably necessary, rather than just an authorised officer of the City Corporation. Members will recall that this was intended to reflect the current arrangements on site whereby external contractors supplement the enforcement activity of the Rangers.
3. Approval was granted for the Assistant Director for The Commons to carry out the necessary consultation, publicity and notification, which commenced on 17th May 2023 and ended on 30th June 2023, a period of 45 days.

Current Position

4. The PSPOs currently operating at Burnham Beeches are shown on **Map 1** and are as follows:

Order 1. Failing to remove dog faeces. Applies to 100% of the site.

Order 2. Not keeping a dog on a lead (max length of lead 5m). Applies to the area **marked 2** on the map.

Order 3. Not putting and keeping a dog on a lead when directed (told) to do so by an authorised officer. Applies in the area **marked 3** on the map.

Order 4. Permitting a dog to enter land from which dogs are excluded. This applies to the area **marked 4** on the map (the immediate vicinity of the Burnham Beeches café).

Order 5. Taking more than the specified (allowed) number of dogs (which a person may take) onto the land. The specified number of dogs previously approved by this Committee is a maximum of 4 and applies to 100% of the site.

5. 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 in the Magistrates' Court to a fine not exceeding level 3 on the standard scale (£1,000).
6. The Dog Management Strategy describes in detail the background to the introduction of PSPOs, their aims, evidence of need, visitor access strategy, summary of all consultations up until the last PSPO review and a description of the powers to be used and to which parts of the site they apply. The Enforcement Protocol ensures a fair and consistent approach to enforcement. The current versions of both of these documents were appended to the previous report in March 2023.

Relevant Considerations

7. Before introducing DCOs at Burnham Beeches in 2014, your Committee had to be satisfied that this was a necessary and proportionate response to problems caused by the activities of dogs and those in charge of them. Your Committee also had to balance the interests of those in charge of dogs against the interests of those affected by the activities of dogs.
8. The test for making a PSPO is set out in section 59 of the Anti-social Behaviour, Crime and Policing Act 2014. The City Corporation may make a PSPO if satisfied on reasonable grounds that activities carried out in a public place are having, have had or will have a detrimental effect on the quality of life of those in the locality, and those activities are or are likely to be persistent, unreasonable and justify the restrictions imposed. The only prohibitions or requirements that may be imposed are ones that are reasonable to prevent or reduce the detrimental effect of the activity.
9. Under section 60 of the Anti-social Behavior, Crime and Policing Act 2014, PSPOs must be reviewed every three years to ensure that they are still necessary. If the City Corporation is satisfied on reasonable grounds that a

PSPO will continue to prevent the occurrence or recurrence of the detrimental activities identified in that order, or an increase in the frequency or seriousness of those activities, the PSPO can be extended for up to three years. There is no limit to the number of times that a PSPO can be reviewed or extended.

10. In deciding whether to extend the period for which a PSPO has effect, and if so for how long, the City Corporation must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights – although it is not considered that the PSPOs at Burnham Beeches infringe upon those rights in any significant way.
11. DEFRA guidance also states that local authorities should look to provide other suitable dog walking areas in the locality, where restrictions are in place, although dog walkers are not banned from the ‘dogs on leads’ area. They are simply required to put their pets on a lead that may extend to up to 5 metres in length, whilst in this area. Access is available to them as for all visitors, to all other areas of Burnham Beeches excluding a very small enclosure around the café. The City Corporation also provides 220 acres at Burnham Beeches and a further 200 acres at Stoke Common where dogs can be off leads. This more than adequately meets both the guidance and animal welfare requirements.
12. Evidence of the need for, and effectiveness of, the existing PSPOs at Burnham Beeches in maintaining a reduction in the seriousness and frequency of associated antisocial activities has been reported to this Committee on an annual basis.

Fixed Penalty Notices

13. Under section 68 of the Anti-social Behaviour, Crime and Policing Act 2014, a constable or authorised person may issue a Fixed Penalty Notice (FPN) to anyone that they have reason to believe has committed an offence, offering that person the opportunity to discharge any liability to conviction by payment of a fixed penalty. It is proposed that the authorised persons will continue to be the Burnham Beeches Rangers and authorised external agents who are currently responsible for enforcement of the PSPOs, as per the Enforcement Protocol.
14. It is recommended that the Executive Director of Environment is given delegated authority to authorise officers and external agents as and when necessary, for example following any change of personnel or agency staff. Your Committee has previously granted such a delegation in 2014, 2017 and 2020. However, for the avoidance of doubt, your Committee is asked to confirm this delegation again. The new resolution reflects the restructuring of the Environment Department, combines the separate authorisations given in respect of officers and agents in 2020, and incorporates the full range of actions that may now be carried out by authorised persons.
15. The Rangers, along with all other staff at Burnham Beeches, will receive relevant training to maintain their detailed understanding of legal and operational issues. The same training will be expected of any external agents used for enforcement of the PSPOs.
16. It is also necessary to set the level of the fixed penalty for breach of a PSPO and any discount for early payment. In September 2017 your Committee originally set

the fixed penalty for breach of a PSPO at Burnham Beeches at £80 with a reduction to £50 if paid within 10 days and it is recommended that these amounts are maintained for the time being.

Outcome of the Public Consultation exercise

17. Section 72 of the Anti-social Behaviour, Crime and Policing Act 2014 requires the necessary consultation, publicity and notification to be carried out prior to making a decision.
18. There were 5 elements to the notification and public consultation exercise:
 - i. Farnham Royal Parish Council and Burnham Parish Council were formally notified of the proposal and their opinions sought.
 - ii. Buckinghamshire Council, The Chief of Police for Thames Valley and the Police and Crime Commissioner were engaged and their opinions sought.
 - iii. The Burnham Beeches and Stoke Common Consultative group were engaged and their opinions sought as to the proposal.
 - iv. A wide range of statutory and non-statutory organisations, social activity groups, animal welfare specialists, local schools and businesses were actively engaged and their opinions sought as to the proposal.
 - v. The general public, local communities and visitors were actively engaged and their opinions sought.
19. The necessary publicity and additional methods of engagement included:
 - vi. Public notices in the local press (2 newspapers).
 - vii. Emails to relevant individuals and organisations setting out the proposal and appropriate background information (repeated at the halfway stage of the consultation period as required).
 - viii. Posters advertising the consultation exercise on site based notice boards and in surrounding villages.
 - ix. Website links to all documentation.
 - x. Active promotion on social media including Facebook and Twitter.
 - xi. Burnham Beeches and Consultative Group meeting to discuss the consultation outcome.

Consultation results

20. Seventeen individual or organisational responses to the consultation exercise were received. A summary sheet and the full text of each of the responses is included in **Appendix 1**. A breakdown of those responses is also shown below:

Order 1 - 100% support to extend the PSPO for a further three years
Order 2 – 88% support to extend the PSPO for a further three years
Order 3 – 100% support to extend the PSPO for a further three years
Order 4 - 94% support to extend the PSPO for a further three years
Order 5 – 94% support to extend the PSPO for a further three years

21. The following organisations supported the proposals to extend all 5 current PSPOS for a further three years:
 - i Thames Valley Police
 - ii The Burnham Beeches and Stoke Common Consultative Group

- iii Herts Orienteers
- iv Berkshire College of Agriculture

22. Individual members of the BBSC Consultative Group were consulted on the proposal and a meeting was held with the Group on 12th July where the outcome was discussed. Whilst there were some minor differences of opinion about whether the Order 2 (dogs on lead) area should be expanded or reduced, the Consultative Group members ultimately confirmed 100% support for all five Orders to be extended for a further three years.
23. One member of the public expressed a desire to walk their dog off lead in the Order 2 area due to being elderly and finding the Order 3 (dogs on lead by direction) area too hilly. Your Committee considered a request to reverse the two areas in 2017 and 2020 but it is felt that this would cause more problems than it solves. Apart from that, there was full support from the members of the public who responded for the extension of all 5 PSPOs.
24. The Kennel Club provided a generic response rather than commenting on the specific proposals. They state that they strongly welcome 'dogs on lead by direction' Orders. Their response is also considered to be supportive of 'dog fouling' Orders, where sufficient bins are provided and additional education is provided, as at Burnham Beeches.
25. The Kennel Club state that they do not normally oppose 'dog exclusion' Orders in relation to enclosed recreational facilities, etc. which is the case with the small exclusion zone around the café, so this has been recorded as a neutral response. They also state that they can support reasonable 'dogs on lead' Orders, when used in a proportionate and evidence-based way. Officers consider this to be the case here, taking into account the environment of Burnham Beeches and the needs of all users, but as the Kennel Club do not offer a specific view, this has also been recorded as a neutral response. However it should be noted that the current proposal arguably goes beyond the illustrative examples provided by the Kennel Club, and they have previously (in 2017) stated that Order 2 is overly restrictive and cannot be justified within the PSPO framework.
26. Finally, the Kennel Club state that imposing an arbitrary maximum number of dogs that a person can walk is an inappropriate approach to dog control. Whilst officers would argue that the four-dog limit is not arbitrary, but is a longstanding policy that is supported by previous detailed surveys and consultations, and appropriate to the Burnham Beeches environment, this has been recorded as a negative response.

Assistance dogs

27. One additional matter raised by the Kennel Club relates to assistance dogs. Two of the current PSPOs contain exemptions for disabled people. Order 1 (dog fouling) has an exemption for blind people, and physically disabled people in respect of a dog trained by a specified charity. Order 4 (dog exclusion) additionally has an exemption for deaf people, in respect of a dog trained by a specified charity. These provisions date back to the original DCOs, in which the

wording was prescribed. With PSPOs there is more flexibility to provide for additional exemptions, where this is considered to be appropriate.

28. The Kennel Club refer to guidance from the Equality and Human Rights Commission for businesses and service providers to make the point that there are a number of other disabilities under the Equality Act 2010 where an assistance dog may play a role in carrying out a variety of practical tasks or supporting their owner's independence and confidence, and in such cases the assistance dog may be obtained from an alternative source, such as a registered member of Assistance Dogs (UK), or may even be owner trained.
29. It is not considered necessary to make any additional provision in relation to Order 1. In relation to Order 4, the enforcement practice would already be sympathetic in such circumstances. Officers are not aware of any issues arising from the current wording, which already makes provision for reasonable excuse and consent, where appropriate. However, it is acknowledged that additional provision could be made to allow those with any physical or mental disability within the meaning of the Equality Act 2010, who in the reasonable opinion of an authorised person rely upon an assistance dog, to fully access the café facilities with that animal. A minor amendment has therefore been made to the draft of the proposed Order 4 to reflect this.

Options

30. The consultation exercise that has been carried out exceeds the statutory requirements. It demonstrates that the consultees support the proposal for all existing PSPOs at Burnham Beeches to be extended for a further three years. No objection has been received to the previously proposed minor variation to Order 3 and, following the consultation, a further minor variation to Order 4 should be considered.

31. Members are asked to consider the following options:

Option 1.

Based on the outcome of the recent notification, publication and consultation exercise, extend the existing PSPOs at Burnham Beeches for a further three year period from 1st December 2023, with the two minor amendments to Order 3 and Order 4 as set out in **Appendix 2**.

Or

Option 2. Do nothing.

- a) If Members decide to do nothing, then the PSPOs will expire on 30th November 2023. The site would revert to the pre 2014 situation at Burnham Beeches whereby the Orders listed in paragraph 5 would no longer apply and officers would have to rely upon local byelaws for enforcement at Magistrates Court. The current byelaws require only that a dog:
 - i. Must have a collar and tag.
 - ii. Must be kept under effective control.

- iii. Must not worry or chase birds or animals in and around the ponds.
- b) All other anti-social behaviour by dogs and their owners would be governed by a dog walker's voluntary code of conduct, which had, over many years, proven ineffective and extremely difficult to enforce.
- c) As a result, it may be reasonably assumed that there would be a substantial increase in dog nuisance issues that the PSPOs have effectively helped to manage, with the accompanying negative impacts on other users and the flora and fauna of Burnham Beeches, which is a National Nature Reserve. This option is not recommended.

Proposals

32. As reported to your Committee on 16 March, the effectiveness of the PSPOs has been continually monitored and the results of the monitoring have been reported annually. The monitoring has indicated a dramatic, long-term, reduction in dog-related incidents. Members are asked to take these findings into account. In respect of Orders 1-5, there are therefore considered to be reasonable grounds to conclude that the detrimental activities prohibited by the PSPOs would recur, or increase in frequency or seriousness, if the restrictions were no longer in effect. As the need for the PSPOs is perceived to be ongoing, and as nothing in the responses to the necessary notification, publicity and consultation indicates otherwise, and as the responses strongly support the continuation of the existing PSPOs then **Option 1 is the recommended approach**. If Members adopt this approach then the Dog Management Strategy and the Enforcement Protocol will need to be updated accordingly.

Key data

27. Summary of PSPO consultation results 2017 – 2023 in **Table 1**

Table 1 – Summary of 2017, 2020 & 2023 consultation results – showing the level of public support for the PSPOs.

PSPO	2017	2020	2023
1. Fouling	95% (2%)	100%	100%
2. On lead areas	57% (32%)	94%	88%
3. On lead on Request area	91% (4%)	100%	100%
4. Dog exclusion area	80% (9%)	100%	94%
5. Maximum number	91% (2%)	100%	94%

(2017 figures in brackets) =% against any proposal in 2017

Corporate & Strategic Implications –

Strategic implications

28. City of London Corporate plan 2018-2023: (2) people enjoy good health and well-being (11) We have clean air, land and water and a thriving and sustainable natural environment; (12) Our spaces are secure, resilient and well maintained.
33. The proposal meets the Natural Environment division’s objectives of ‘Open Spaces and historic sites are thriving and accessible’.

Financial & Resource implications

34. **Table 2** outline costs to deliver the necessary PSPO notification, publicity and consultation at £5,500 i.e. £2500 less than the estimate provided in the March report to this Committee. All costs will be met from local risk budgets.

Table 2 – Costs.

Activity	Cost
Advertising (Public Notices)	£3000
Management time	£1,500
Administration (set up)	£1,000
Total estimated costs	£5,500

Legal implications

35. Contained within the body of this report.

Risk implications

The introduction of Public Spaces Protection orders at Burnham Beeches is not universally popular and there is always a risk of adverse publicity.

Climate implications

36. None

Security Implications

37. None

Charity Implications

38. Burnham Beeches and Stoke Common is a registered charity (number 23987). Charity law obliges members to ensure that the decision's they take in relation to the charity must be taken in the best interests of the Charity.

Equalities implications

39. The existing PSPOs provide exemptions for people with disabilities and assistance dogs and it is proposed that these arrangements will continue and be expanded in relation to the exclusion area around the café. A test of relevance has been carried out and is included at **Appendix 3**. The Enforcement Protocol also addresses these issues and will be updated to reflect any changes.

Conclusion

40. It is considered that there are reasonable grounds to conclude that extending the duration of the PSPOs will continue to prevent the recurrence of the detrimental activities that they prohibit. The results of the formal consultation exercises indicate a high level of support for the City's proposals to extend the existing PSPOs for a further three years. It is proposed to make a very minor amendment to Order 3 to assist with enforcement and another very minor amendment to Order 4 to allow more flexibility in relation to assistance dogs.

Appendices

- Map 1.
- Appendix 1 – Collated Consultation Responses
- Appendix 2 – Draft PSPOs to come into force on 1st December 2023
- Appendix 3 – Test of Relevance

Background Papers

- March 2023 EFCC 'Decision report' Extension of existing PSPOs at Burnham Beeches – approval to consult






Geoff Sinclair

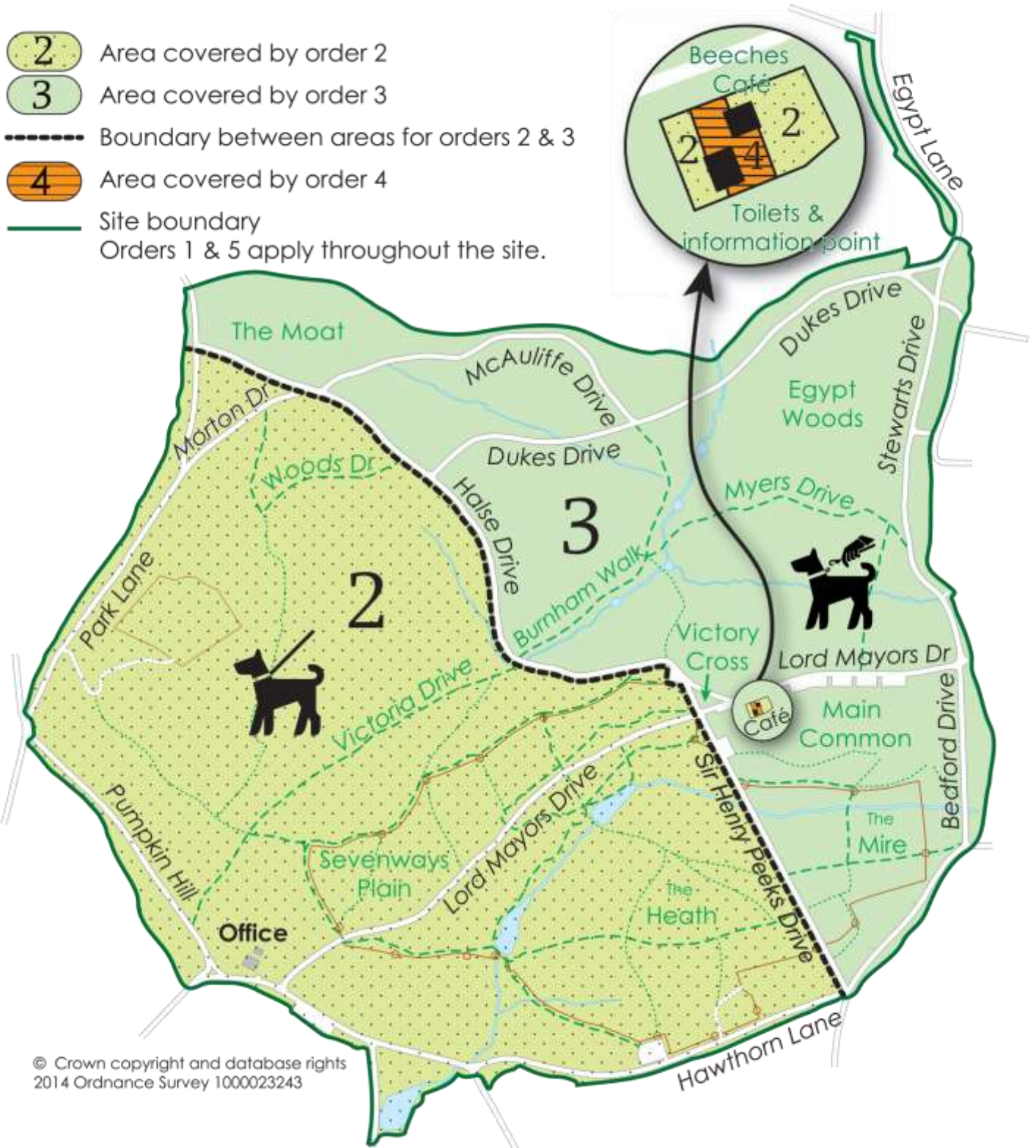
Assistant Director, The Commons

T: 01753 647358

E: geoff.sinclair@cityoflondon.gov.uk

Burnham Beeches Public Spaces Protection Orders map

-  Area covered by order 2
-  Area covered by order 3
-  Boundary between areas for orders 2 & 3
-  Area covered by order 4
-  Site boundary
Orders 1 & 5 apply throughout the site.



© Crown copyright and database rights
2014 Ordnance Survey 1000023243

This page is intentionally left blank

Appendix 1. PSPO CONSULTATION RESPONSES 2023

Comments from – required Audience. (Buckinghamshire Council, Police and Crime commissioner, Thames valley police + Farnham Royal and Burnham Parish Councils)	Order 1	Order 2	Order 3	Order 4	Order 5
Chief of Police Thames Valley Police					
Police and Crime Commissioner					
Buckinghamshire Council					
Farnham Royal Parish Council					
Burnham Parish Council					
<i>Thames valley Police - Commended PSPO use at BB as an example of good practice</i>					
Comments from Appropriate Audience (55 groups/organisations) directly engaged					
BCA					
Herts Orienteers					
Kennel Club					
Open Spaces Society					
British Horse Society					
Ramblers Association					
BBOWT					
National Trust					
Caldicott					
Fc Infant & Junior Schools					
Dair House School					
Dropmore School					
Claycotts School					
Burnham Grammar School					
Priory School					
Stoke Poges School					
Ecole Jeanine Mauel School					
Cippenham Primary					
Western House Academy					
Khalsa School					
Claire's Court					
Godolphin And Latymer School					
West Drayton Mbc					
Beaconsfield Cycling Club					
Stoke Poges And Gerrards Cross Cycling Club					
Burnham Lions Club					
Burnham Joggers					
Burnham Health Promotion Trust					
Rotary Club Of Burnham Beeches					
Chilterns Nordic Walkers					
Bucks Bird Club					
Berkshire Vision					
Burnham Access Group					
Lent Rise Scouts					
1st Burnham And Hitcham Scouts					
Hedgerely Scouts					
1st Cippenham Cubs					
1st Cookham Cubs					
Photography licence holder					
Loddon District Scouts					

Richmond Upon Thames Dist Scouts					
Taichi licence holder					
Bucks Search And Rescue Dogs					
Bucks Fungus Group					
Vets4pets					
Family Friendly Vets					
The Beeches Veterinary Hospital					
Penstone Veterinary Group					
Cippenham (Slough)Dog Training Group					
Buckinghamshire Canine Society					
Maidenhead And District Canine Society					
Rspca Bucks South Branch					
Dogs Trust					
Snowball Farm					
Leys Farm					
Comments from BBSCCG – collated /anonymised	7	7	7	7	7
<i>It should be noted that 2 BBSCCG members, whilst supporting PSPO renewal, suggested that on lead areas should be expanded. Also 1 member, whilst supporting PSPO renewal, suggested the on lead areas could be reduced – however these 3 members were present at BBSCCG meeting on the 12/07/23 (14 members present) and supported the PSPO extension, as consulted on, for a further 3 years.</i>					
Comments from Individuals anonymised					
Identity removed for public use					
Identity removed for public use					
Identity removed for public use					
Identity removed for public use					
TOTAL % Support/neutral response	100%	94%	100%	100%	94%
17 responses in total					
Key					
Support	100%	88%	100%	94%	94%
Neutral		6%		6%	
Against		6%			6%

Appropriate audience - additional comments

Herts Orienteers - commented on how helpful it was to have the dogs on lead area at BB for their events.

Details of all consultation responses received

1) Thames Valley Police chief constable – received 18/05/23

Thank you for providing documents to the Chief Constable's office, regarding the proposed extension and revision of existing PSPO powers for Burnham Beeches: I have been tasked with responding on behalf of Thames Valley Police, and the local policing area. I consider the existing arrangements to have proven effective in managing dog-related issues, and regard the small variation as both prudent and uncontentious. We have no representations to offer.

In comparison with other local parks, the proactive stance adopted by these provisions has seemingly averted virtually all reported incidents of dangerous dog behaviour and resulting injuries. I would regard them as an example of good practice and have shared them with Community Safety colleagues at Buckinghamshire Council, for their consideration.

Kind Regards,

James Ellis | Neighbourhood Inspector | [Amersham and Taplow](#)

2) Burnham Beeches and Stoke Common Consultative Group (BBSCCG) Member – 18/05/23

I am in agreement that the PSPOs should be extended for a further three years as per the email from Martin Hartup.

Regards

3) Member of Public (MOP) – 26/05/23

Hello

First of all, I'd like to thank the Rangers, and volunteers, for keeping Burnham Beeches as a welcoming and pleasant place to visit.

However, as a dog owner, my wife and I miss the opportunity to walk in the parts of Zone 2 (in the map above) between Victoria Drive and Sir Henry Peeks Drive, with our dog off lead. We are ageing and find large parts of Zone 3 rather too hilly for a relaxed walk; we would very much appreciate the opportunity, once again, to be able to walk in the parts Zone 2 described above.

I hope that the wishes of your older visitors will be given sufficient weight when deciding whether to re-introduce PSPOs again.

With best regards

4) BBSCCG Member 31/05/23

I am responding to the PSPO consultation.

I fully support the proposed extension of the five public spaces protection orders at Burnham Beeches from 1 December 2023 for a further three year period and support the one minor variation to Order 3.

5) BBSCCG member 02/06/23

To whom it my concern.

I would like to give my feedback on the PSPO consultation 2023.

After receiving and digesting all the relevant documents, I am in full support of the extension of the PSPO's for a further three years.

I am also in support of the slight variation to the dogs on leads by direction order.

Kind regards

6) BBSCCG member – 13/06/23

I have been through the documents and fully support the proposal to continue the PSPO for the next period.

7) BBSCCG member 14/06/23

I offer the following comments:

The justification for seeking an extension to the current PSPOs is very strong and I completely agree with its continuation under the proposed new measures.

However, I feel that your document entitled 'Dog Management Strategy for Burnham Beeches' which is offered to support the extension of the PSPOs and which is subtitled 'Achieving a balance for all site visitors' is unfocused when the entitlements of Burnham Beeches own wildlife habitats are accounted for. I appreciate that my observation goes some way beyond the scope of the current PSPO initiative but I will argue that your dog management strategy falls short of the unique status which the Beeches enjoys both nationally and internationally.

The said document is very persuasive in its efforts to manage the undoubtedly detrimental effects of dog fouling, its aim being, and I quote, 'To help balance the needs of dog walkers with those of other visitors'. Therefore the document appears, in its thrust, to principally balance intra-human demands, that is dog owners with others, at the expense of the multifaceted human - wildlife interface which should be your principal focus. Of course, much evidence can be furnished using other Beeches' management strategies in defence of my assertion, not least in the said document's statement, and I quote, '...the principle (*sic*) aim of the management of Burnham Beeches has been to protect the site from the growing impact of urbanisation at its fringes...'. However, the current public consultation on PSPOs throws into stark relief, in my opinion, a certain conflict in achieving what is best for maintaining and improving the Beeches biodiversity and what is best to balance the needs of visitors to the reserve. I am of the mind that the majority of dog owners visit the beeches principally to exercise their pets and in doing so enjoy the Beeches for what it is and for what it offers, including the EcoCafe. This is to their advantage to be sure but their purpose is, I would argue, one step removed from the principal purpose of the Beeches. I'd find it hard to imagine that a dog owner when intending to visit the Beeches to immerse themselves in the wonder of its biodiversity, then brings along their uninterested pet.

Here is the broader issue: dog faeces and dog urine in no way contribute to maintaining and improving the amazing biodiversity in the Beeches. Their faeces and urine contains high levels of nitrogen and phosphorous which fertilise the soil and contribute towards the diminution of biodiversity. In many nature reserves the management is specifically directed towards lowering soil nutrient levels to enhance plant and animal biodiversity. In your own FAQ document which accompanies the present consultation, clause 12 admits that soil nutrification contributes to the decline in the health of the beech trees. Therefore, knowingly allowing such nutrification via dog fouling is extremely difficult to defend however much your dog management strategy seeks to limit

its effects. I concede that the PSPOs and the earlier DCOs recognised these impacts on the Beeches and sought to minimise them in accordance with the obligations in being SSSI, NNR and SAC designated reserves, but in the longer term the measures set out in the present PSPOs may prove inadequate.

The hard question remains: How to devise a management strategy that balances public access with conservation obligations. When the current PSPO was being offered for public consultation 3-4 years ago I submitted a document proposing that Burnham Beeches becomes, in time, a totally dog-free nature reserve. The proposal offered a step-wise plan (in five year periods) starting with requiring all dogs to be on leads at all times in permitted areas, through to prohibition of dogs in certain areas, culminating in prohibition of dogs entirely in the Beeches excepting for assistance companion dogs. The strategy required intense public engagement in understanding the need for such a strategy and cooperation with other public amenities where dog exercising is permitted.

In closing, and mindful of the length of this missive, I want to also offer short term suggestions to assist in reminding dog owners of the measures in the proposed PSPOs:

>More signage informing the requirements of dog control measures, placed at frequent intervals along pathways e.g. every 50-100 yards on Lord Mayors. I believe that if such signage was evident it would assist dog owners in compliance and assist concerned visitors to engage with dog owners where the owner was not compliant.

>Larger signs and symbols at information notice boards and at gates were dog control measures change. Current symbols are insignificantly small and do not sufficiently convey the importance of dog control in the designated areas.

I think that's it.

8) BCA – 19/06/23

I would like to see that the Extension of Public Spaces Protection Orders at Burnham Beeches continue. It is a great benefit for all areas of the Woods in looks and maintenance helping to keep the open space clean and hazard free. The Public enjoy the facilities who visit for recreation, exercise and pleasure as well as walking their dogs. All dogs must always be under control on a lead in a safe manner period. May it continue to be a joy for all who visit, not having to worry about stepping onto dog mess.

I look forward knowing a protection is in place continuing a high standard for those that work, live and volunteer at Burnham Beeches in a safer environment.

Yours Sincerely

9) BBSCCG member 20/06/23

I am writing in response to your recent email inviting feedback on the extension and variation of the PSPOs relating to:

Fouling of Land by Dogs Order

Dogs on Leads Order

Dogs on Leads by Direction Order

Dogs Exclusion Order

Dogs (Specified Maximum) Order.

Having reviewed your documentation and based on my personal experiences of visiting Burnham Beeches I am very happy to support your proposals. They seem to work well in practice and are necessary for safety and public health.

If you need any further information or comments from me please get in touch.

Kind regards.

10) BBSCCG member 23/06/23

I agree with maintaining all of the current PSPO guidelines, except for one proposed change.

I propose that the off-lead area be expanded to include the area between Victoria Drive and Park Lane. This would keep the child-friendly and easy walking areas on-lead and expand the off-lead areas, reducing the traffic on the other paths.

Kind regards,

11) Herts Orienteers 25/06/23

I have read the details of the proposed "extension of four of the five existing Public Spaces Protection Orders (PSPOs) at Burnham Beeches" and as representative of Herts Orienteering Club , I support the proposals.

Orienteering events at Burnham Beeches and other location, include courses for children aged 10 up to veterans, and involve running along paths or through the woods or open areas, so incidents with dogs are a known risk. At best it's not enjoyable to be chased or jumped up at by a dog who judges a runner / walker is novel and needs to be challenged

Consequently to know in which part of Burnham dogs have to be kept on a lead is very useful, as that will help reduce the risk of dog related events.

Kind Regards

Herts Orienteering Event Co-Ordinator

12) BBSCCG member 25/06/23

I agree with the proposed extension of all 5 schedules of the PSPO's at Burnham Beeches. In addition I would like to see an extension of the schedules so that dogs are on leads across the entire nature reserve.

Also, I would like to see dogs on leads at Stoke Common, at least during the bird nesting season, so perhaps consideration could be given to this proposal.

Thank you for all your hard work on the PSPOs.

Regards

13) MOP 27/06/23 – letter by post

Dear Sir or Madam

I visit Burnham Beeches every day with my dog. I love the park very much and all the hard work you wonderful people put in Thanks. My sad days are when dogs are not under orders running everywhere, people should show respect to you and others.

Confirmed support of PSPO in telephone call to BB office of 29/06/23

14) MOP 30/06/23

As a dog walker I fully support the extension of the PSPOs at Burnham Beeches for a further 3yrs.

These orders help all visitors to enjoy the area that we are so lucky to have.

Kind regards

15) MOP 30/06/23

Dear team, my name is xxxxxx and I am an active South Buckinghamshire Birdwatcher (member of Bucks Bird Club) who has the pleasure of regularly visiting Stoke Common. Firstly I would like to thank you for your ongoing management of this fantastic health land common (quite rare in Buckinghamshire).

As you and your team are aware this relatively small common is home to locally and nationally rare flora and fauna including rare ground (low to ground) breeding birds (xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx).

However, I am sad to report I have witnessed a number of incidents that put success of these breeding birds at risk. At the beginning of June I have had to approach a local photographer who was using flash photography to capture flight shots of xxxxxx (this clearly has the potential for courtship disturbance and therefore breeding disturbance).

I have also encountered on numerous occasions Dogs running off paths across the Heathland. When approaching owners to say the dog should be on its leads (during breeding) they have said they are not aware of such a ruling.

I have forwarded them onto your signage (see attached). I wondered if there is a way for the signage to be clearer. "Under control" leaves too much ambiguity for some dog owners who claim their dog running in and out of the Gorse is "under control". I also wonder if setting a date (ie April-August) might also set a clearer message. I am sure myself /the Bucks bird Club would also be more than happy to help with temporary seasonal signs.

Finally, I have noticed you are applying to extend the PSPO for Burnham Beeches (which is great news!!). I am therefore staggered to find out that Stoke Common has no such order? I am sure Buck Bird Club would be more than happy to help your team with historical bird records for the site in the application for PSPO. It's smaller more intimate SSSI reserves such as Stoke Common that massively benefit from such orders.

I hope you understand my concerns. And hope we can find away to better protect this increasingly rare habitat.

16) BBSCCG member 30/06/23

Just to note that I am in support of the continuation of the PSPOs that are currently in place for the next period.

Thanks

17) Kennel Club 23/06/23

Formal Response to City of London's Public Spaces Protection Order Consultation Submitted on 23rd June 2023 by: The Kennel Club, Clarges Street, Piccadilly, London W1J 8AB, email: kcdog@thekennelclub.org.uk

The Kennel Club is the largest organisation in the UK devoted to dog health, welfare, and training. Our objective is to ensure that dogs live healthy, happy lives with responsible owners. We campaign for and advocate on behalf of dogs and their owners and, as part of our external affairs activities, engage with local authorities on issues such as Public Spaces Protection Orders (PSPOs).

The Kennel Club is the only national organisation named by the UK Government as a body that local authorities should consult prior to introducing restrictions on dog walkers and is considered the leading canine authority on dog access. As such, we would like to highlight the importance of ensuring that PSPOs are necessary and proportionate responses to problems caused by dogs and irresponsible owners. We also believe that it is essential for authorities to balance the interests of dog owners with the interests of other access users.

Response to proposed measures

Dog fouling

The Kennel Club strongly promotes responsible dog ownership, and believes that dog owners should always pick up after their dogs wherever they are, including fields and woods in the wider countryside, and especially where farm animals graze to reduce the risk of passing Neospora and Sarcocystosis to cattle and sheep respectively. We would like to take this opportunity to encourage the local authority to employ further proactive measures to help promote responsible dog ownership throughout the local area in addition to introducing Orders in this respect. These proactive measures can include: increasing the number of bins available for dog owners to use; communicating to local dog owners that bagged dog faeces can be disposed of in normal litter bins; running responsible ownership and training events; or using poster campaigns to encourage dog owners to pick up after their dog.

On lead

We can support reasonable 'dogs on lead' Orders which can, when used in a proportionate and evidence-based way, include areas such as cemeteries, picnic areas, or on pavements in proximity to cars and other road traffic.

On lead by direction

The Kennel Club strongly welcomes 'On lead by direction' Orders. These allow responsible dog owners to exercise their dogs off lead without restriction providing their dogs are under kcdog@thekennelclub.org.uk control, whilst simultaneously giving the local authority powers to restrict dogs not under control. We recommend that the authorised officer enforcing the Order is familiar with dog behaviour in order to determine whether restraint is necessary. There exists the possibility that a dog, through no fault of its own, could be considered a 'nuisance' or 'annoyance' to someone who simply does not like dogs. We encourage local authorities to make use of more flexible and targeted measures at their disposal, including Acceptable Behavioural Contracts and Community Protection Notices. Kennel Club Good Citizen Training Clubs and our accredited trainers can assist owners whose dogs run out of control due to them not having the ability to train a reliable recall.

Exclusions

We do not normally oppose Orders to exclude dogs from playgrounds or enclosed recreational facilities such as tennis courts or skate parks. It is important that alternative provisions are made for

dog walkers in the vicinity to avoid displacement or the intensification of problems in nearby areas. However, we will oppose PSPOs which introduce blanket restrictions on dog walkers accessing public open spaces without specific and reasonable justification. Dog owners are required to provide their dogs with appropriate daily exercise, including “regular opportunities to walk and run” – in most cases, this will be off the lead while still under control. When seeking to restrict access to playing fields, local authorities should consider whether or not it is absolutely necessary. When they are not in use, they can be a vital resource for dog owners to ensure that their dogs get their required daily exercise. As such, time and/or seasonal restrictions may be more appropriate than a continuous exclusion order.

Displacement

A common unintended consequence of restrictions is displacement onto other pieces of land, resulting in new conflicts being created. It can be difficult to predict the effects of displacement, and so the council should consider whether alternative sites for dog walkers are suitable and can support an increase in the number of dog walkers using them.

The All-Parliamentary Group for Animal Welfare (AGPAW) published a report which provides guidance to local authorities considering PSPOs, highlighting the increased risk to livestock if dog walkers are displaced to farmland.

“When reviewing Public Spaces Protection Orders (PSPOs), local authorities should be careful to consider the availability of open space for use by dogs off lead. To restrict such areas or remove them via a PSPO may increase the risk to livestock in the countryside as more owners and walkers find that location as the only alternative. APGAW believes that local kcdog@thekennelclub.org.uk authorities should carefully consider alternative locations for dog owners and walkers to take their dogs when looking at issuing PSPOs and other measures such as introducing car parking charges and conservation grazing.

Given that there is a dog in around a quarter of all homes, as normal good practice, local authorities should seek to ensure adequate provision of green space for dog walkers during planning applications for new developments to avoid adjacent farmland becoming in effect local public amenity areas. Good practice already exists in the provision of such green space when planning to minimize any impacts on sensitive wildlife areas adjacent to new homes arising from dog walking.” (Tackling livestock worrying and encouraging responsible dog ownership, 2017 Page 6 - <http://www.apgaw.org/wp-content/uploads/2017/11/APGAWLivestock-Worrying-Report-2017.pdf>)

Maximum number of dogs

An arbitrary maximum number of dogs that a person can walk is an inappropriate approach to dog control that will often displace and intensify problems in other areas. The maximum number of dogs a person can walk in a controlled manner depends on a number of factors relating to the dog walker, the dogs being walked, whether leads are used, time of day and the location where the walking is taking place.

As such we advise against the use of arbitrary numerical limits. Instead we suggest that the behaviour of individual commercial dog walkers is considered on a case by case basis, with Community Protection Notices used to tackle those behaving in anti-social manner.

If a maximum number of dogs measure is being considered due to issues arising from commercial dog walkers, we instead suggest that councils look at accreditation schemes – as seen in places such as the East Lothian Council area. These can be far more effective than numerical limits as they can promote good practice, rather than just curb the excesses of one aspect of dog walking. Accreditation can also ensure that dog walkers are properly insured – which will typically cap the number of dogs that they can walk at any one time – and act as advocates for good behaviour by other dog owners.

Government guidance has been relatively consistent that the maximum number of dogs being walked should not exceed six dogs. ^{1,2} This is in line with typical limits imposed by insurance companies, for which annual dog walking insurance for walking up to six dogs on or off lead, is readily available for under £100 per annum. Councils should be clear as to what behaviour they're aiming to address when introducing PSPOs to regulate the behaviour of commercial dog walkers. As there is a high chance rogue operators will make a financial calculation that the risk of being caught and maximum fine under a PSPO, is outweighed by the income generated by exceeding the numerical limit set out in the PSPO. Or indeed, it may encourage multiple dog walkers to share a single vehicle and walk in groups, resulting in larger groups of dogs being walked together.

Appropriate signage

It is important to note that in relation to PSPOs, The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 makes it a legal requirement for local authorities to –

“cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to –

- (i) the fact that the order has been made, extended or varied (as the case may be);
- and
- (ii) the effect of that order being made, extended or varied (as the case may be).”

Regarding dog access restrictions, such as a ‘Dogs on Lead’ Order, on-site signage should clearly state where such restrictions begin and end. This can be achieved with signs that say on one side, for example, ‘You are entering [type of area]’ and ‘You are leaving [type of area]’ on the reverse. While all dog walkers should be aware of their requirement to pick up after their dog, signage must be erected for the PSPO to be compliant with the legislation.

Assistance dogs

We urge the Council to review the Equality and Human Rights Commission’s guidance for businesses and service providers when providing any exemptions for those who rely on assistance dogs. The guidance can be viewed here: <https://www.equalityhumanrights.com/sites/default/files/assistance-dogs-a-guide-for-all-businesses.pdf>

We would therefore encourage the Council to allow for some flexibility when considering whether a disabled person’s dog is acting as an assistance dog. The Council could consider adopting the definitions of assistance dogs used by Mole Valley District Council, which can be found below from their 2020 PSPO which included the following exemption provisions on dog control:

Nothing in this Order shall apply to a person who

- a) is registered as a blind person on a register compiled under section 29 of the National Assistance Act 1948; or
- b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
- c) has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities, in respect of a dog trained by any current or future members of Assistance Dogs UK or any other charity registered in the UK with a purpose of training assistance dogs and upon which he relies for assistance
- d) has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities and in the reasonable opinion of the Council that person relies upon the assistance of the dog in connection with their disability. or that of Northumberland County Council:

“(4) The term “Assistance Dog” shall mean a dog which has been trained to assist a person with a disability.

(5) The expression “disability” shall have the meaning prescribed in section 6 of the Equality Act 2010 or as may be defined in any subsequent amendment or re-enactment of that legislation”

1. Defra / Welsh Government - Dealing with irresponsible dog ownership, Practitioner's manual, October 2014
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/373429/dog-ownershippractitioners-manual-201411.pdf

2. Animal activities licensing: statutory guidance for local authorities March 2023 -
<https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities/home-boarding-for-dogslicensing-statutory-guidance-for-local-authorities>,
<https://www.gov.uk/government/publications/animal-activities-licensingguidance-for-local-authorities/dog-day-care-licensing-statutory-guidance-for-local-authorities> and
<https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities/dog-kennel-boardinglicensing-statutory-guidance-for-local-authorities>
kcdog@thekennelclub.org.uk

This page is intentionally left blank

The Fouling of Land by Dogs (Burnham Beeches) Order 2023

The Common Council of the City of London hereby makes the following Public Spaces Protection Order:

- 1 This Order comes into force on 1 December 2023. It supersedes and extends the effect of The Fouling of Land by Dogs (Burnham Beeches) Order 2020 for a further three years.
- 2 This Order applies to the land specified in the Schedule.

Offence

- 3 (1) If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless--
 - (a) he has a reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) Nothing in this article applies to a person who--
 - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - (b) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.
- (3) For the purposes of this article--
 - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
 - (b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
 - (c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
 - (d) each of the following is a "prescribed charity"--
 - (i) Dogs for the Disabled (registered charity number 700454);
 - (ii) Support Dogs (registered charity number 1088281);
 - (iii) Canine Partners for Independence (registered charity number 803680).

Penalty

- 4 A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

[] November 2023

THE COMMON SEAL of THE MAYOR AND
COMMONALTY AND CITIZENS OF THE CITY
OF LONDON was hereunto affixed in the presence of:-

Assistant City Solicitor

SCHEDULE

This Order applies to the whole of Burnham Beeches.

References to Burnham Beeches are to that area of land known as Burnham Beeches in the Parishes of Farnham Royal and Burnham owned by the Mayor and Commonalty and Citizens of the City of London which is open to the air (including land that is covered but open to the air on at least one side) and to which the public are entitled or permitted to have access with or without payment and including all roads, highways and other rights of way over that land.

The Anti-social Behaviour, Crime and Policing Act 2014

The Dogs on Leads (Burnham Beeches) Order 2023

The Common Council of the City of London hereby makes the following Public Spaces Protection Order:

- 1 This Order comes into force on 1 December 2023. It supersedes and extends the effect of The Dogs on Leads (Burnham Beeches) Order 2020 for a further three years.
- 2 This Order applies to the land specified in the Schedule.

Offence

- 3 (1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies he does not keep the dog on a lead of not more than five metres in length, unless--
 - (a) he has a reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) For the purposes of this article a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

Penalty

- 4 A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

[] November 2023

THE COMMON SEAL of THE MAYOR AND
COMMONALTY AND CITIZENS OF THE CITY
OF LONDON was hereunto affixed in the presence of:-

Assistant City Solicitor

SCHEDULE

This Order applies to that part of Burnham Beeches to the west of Sir Henry Peeks Drive and Halse Drive and to the two enclosed areas of approximately 319 square metres and 221 square metres adjoining the café enclosure at Burnham Beeches.

References to Burnham Beeches are to that area of land known as Burnham Beeches in the Parishes of Farnham Royal and Burnham owned by the Mayor and Commonalty and Citizens of the City of London which is open to the air (including land that is covered but open to the air on at least one side) and to which the public are entitled or permitted to have access with or without payment and including all roads, highways and other rights of way over that land.

The Dogs on Leads by Direction (Burnham Beeches) Order 2023

The Common Council of the City of London (in this Order called "the Authority") hereby makes the following Public Spaces Protection Order:

- 1 This Order comes into force on 1 December 2023. It supersedes and extends the effect of The Dogs on Leads by Direction (Burnham Beeches) Order 2020 as varied for a further three years.
- 2 This Order applies to the land specified in the Schedule.
- 3 In this Order "an authorised person" means a person authorised by the Authority for the purpose of giving directions under this Order.

Offence

- 4 (1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies, he does not comply with a direction given him by an authorised person to put and keep the dog on a lead of not more than five metres in length, unless--
 - (a) he has a reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) For the purposes of this article--
 - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
 - (b) an authorised person may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person on any land to which this Order applies or the worrying or disturbance of any animal or bird.

Penalty

- 5 A person who is guilty of an offence under article 4 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

[] November 2023

THE COMMON SEAL of THE MAYOR AND
COMMONALTY AND CITIZENS OF THE CITY
OF LONDON was hereunto affixed in the presence of:-

Assistant City Solicitor

SCHEDULE

This Order applies to that part of Burnham Beeches to the east of and including Sir Henry Peeks Drive and Halse Drive but excluding those enclosed areas to which The Dogs on Leads (Burnham Beeches) Order 2023 and The Dogs Exclusion (Burnham Beeches) Order 2023 apply.

References to Burnham Beeches are to that area of land known as Burnham Beeches in the Parishes of Farnham Royal and Burnham owned by the Mayor and Commonalty and Citizens of the City of London which is open to the air (including land that is covered but open to the air on at least one side) and to which the public are entitled or permitted to have access with or without payment and including all roads, highways and other rights of way over that land.

DRAFT

The Dogs Exclusion (Burnham Beeches) Order 2023

The Common Council of the City of London (in this Order called "the Authority") hereby makes the following Public Spaces Protection Order:

- 1 This Order comes into force on 1 December 2023. It supersedes and extends the effect of The Dogs Exclusion (Burnham Beeches) Order 2020 as varied for a further three years.
- 2 This Order applies to the land specified in the Schedule.
- 3 In this Order "an authorised person" means a person authorised by the Authority for the purpose of enforcing the provisions of this Order.

Offence

- 4 (1) A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land to which this Order applies unless--
 - (a) he has a reasonable excuse for doing so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.
- (2) Nothing in this article applies to a person who--
 - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
 - (c) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance; or
 - (d) has a disability, in respect of--
 - (i) a dog trained by a prescribed organisation and upon which he relies for assistance; or
 - (ii) a dog which, in the reasonable opinion of an authorised person, he relies upon for assistance in connection with his disability.
- (3) For the purposes of this article--
 - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
 - (b) each of the following is a "prescribed charity"--
 - (i) Dogs for the Disabled (registered charity number 700454);

- (ii) Support Dogs (registered charity number 1088281);
- (iii) Canine Partners for Independence (registered charity number 803680);
- (c) a “prescribed organisation” means an organisation which is a registered member of Assistance Dogs (UK) (registered charity number 1119538);
- (d) the term “disability” has the same meaning as in section 6 of the Equality Act 2010.

Penalty

5 A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

[] November 2023

THE COMMON SEAL of THE MAYOR AND
COMMONALTY AND CITIZENS OF THE CITY
OF LONDON was hereunto affixed in the presence of:-

Assistant City Solicitor

SCHEDULE

This Order applies to the café enclosure of approximately 245 square metres at Burnham Beeches.

References to Burnham Beeches are to that area of land known as Burnham Beeches in the Parishes of Farnham Royal and Burnham owned by the Mayor and Commonalty and Citizens of the City of London which is open to the air (including land that is covered but open to the air on at least one side) and to which the public are entitled or permitted to have access with or without payment.

The Anti-social Behaviour, Crime and Policing Act 2014

The Dogs (Specified Maximum) (Burnham Beeches) Order 2023

The Common Council of the City of London hereby makes the following Public Spaces Protection Order:

- 1 This Order comes into force on 1 December 2023. It supersedes and extends the effect of The Dogs (Specified Maximum) (Burnham Beeches) Order 2020 for a further three years.
- 2 This Order applies to the land specified in the Schedule.
- 3 On land to which this Order applies, the maximum number of dogs which a person may take onto that land is four.

Offence

- 4 (1) A person in charge of more than one dog shall be guilty of an offence if, at any time, he takes onto any land in respect of which this Order applies more than the maximum number of dogs specified in article 3 of this Order, unless--
 - (a) he has a reasonable excuse for doing so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.
- (2) For the purposes of this article a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

Penalty

- 5 A person who is guilty of an offence under article 4 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

[] November 2023

THE COMMON SEAL of THE MAYOR AND
COMMONALTY AND CITIZENS OF THE CITY
OF LONDON was hereunto affixed in the presence of:-

Assistant City Solicitor

SCHEDULE

This Order applies to the whole of Burnham Beeches.

References to Burnham Beeches are to that area of land known as Burnham Beeches in the Parishes of Farnham Royal and Burnham owned by the Mayor and Commonalty and Citizens of the City of London which is open to the air (including land that is covered but open to the air on at least one side) and to which the public are entitled or permitted to have access with or without payment and including all roads, highways and other rights of way over that land.



TEST OF RELEVANCE: EQUALITY ANALYSIS (EA)

The screening process of using the Test of Relevance template aims to assist in determining whether a full Equality Analysis (EA) is required. The EA template and guidance plus information on the Equality Act and the Public Sector Equality Duty (PSED) can be found on City of London Intranet at: [Equality and Inclusion](#)

Introduction

The Public Sector Equality Duty (PSED) is set out in the Equality Act 2010 (s.149).

This requires public authorities, in the exercise of their functions, to have

statutory 'due regard' to the need to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity between people who share a protected characteristic and those who do not, and
- Foster good relations between people who share a protected characteristic and those who do not.

The characteristics protected by the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sexual orientation

It is also Corporation policy to give voluntary (non-statutory) 'due regard' to the PSED when acting in its other capacities and to the impact upon Social Mobility

What is due regard?

- Statutorily, it involves considering the aims of the duty in a way that is proportionate to the issue at hand.
- Ensuring that real consideration is given to the aims and the impact of policies with rigour and with an open mind in such a way that it influences the final decision.
- Due regard should be given before and during policy formation and when a decision is taken including cross cutting ones as the impact can be cumulative.

The general equality duty does not specify how public authorities should analyse the effect of their business activities on different groups of people. However, case law has established that equality analysis is an important way public authorities can demonstrate that they are meeting the requirements.

Even in cases where it is considered that there are no implications of proposed policy and decision making on the PSED it is good practice to record the reasons why and to include these in reports to committees where decisions are being taken.

It is also good practice to consider the duty in relation to current policies, services and procedures, even if there is no plan to change them.

The Corporation has also adopted a voluntary (non-statutory) due regard of the impact upon social mobility issues. This should be considered generally and, more specifically, against the aims/objectives in the Social Mobility Strategy, 2018-28.

How to demonstrate compliance

Case law has established the following principles apply to the PSED:

- **Knowledge** – the need to be aware of the requirements of the Equality Duty with a conscious approach and state of mind.
- **Sufficient Information** – must be made available to the decision maker.
- **Timeliness** – the Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken not after it has been taken.
- **Real consideration** – consideration must form an integral part of the decision making process. It is not a matter of box-ticking; it must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- **Sufficient Information** - The decision maker must consider what information he or she has and what further information may be needed in order to give proper consideration to the Equality Duty
- **No delegation** - public bodies are responsible for ensuring that any third parties which exercise functions on their behalf are capable of complying with the Equality Duty, are required to comply with it, and that they do so in practice. It is a duty that cannot be delegated.
- **Review** – the duty is continuing applying when a policy is developed and decided upon, but also when it is implemented and reviewed.

However, there is no requirement to:

- Produce equality analysis or an equality impact assessment
- Indiscriminately collect diversity data where equalities issues are not significant
- Publish lengthy documents to show compliance
- Treat everyone the same. Rather, it requires public bodies to think about people's different needs and how these can be met
- Make services homogeneous or to try to remove or ignore differences between people.

The key points about demonstrating compliance with the duty are to:

- Collate sufficient evidence to determine whether changes being considered will have a potential impact on different groups
- Ensure decision makers are aware of the analysis that has been undertaken and what conclusions have been reached on the possible implications
- Keep adequate records of the full decision making process

Test of Relevance screening

The Test of relevance screening is a short exercise that involves looking at the overall proposal and deciding if it is relevant to the PSED.

Note: If the proposal is of a significant nature and it is apparent from the outset that a full equality analysis will be required, then it is not necessary to complete the Test of Relevance screening template and the full equality analysis must be completed.

The questions in the Test of Relevance Screening Template to help decide if the proposal is equality relevant and whether a detailed equality analysis is required. The key question is whether the proposal is likely to be relevant to any of the protected characteristics.

Quite often, the answer may not be so obvious and service-user or provider information will need to be considered to make a preliminary judgment. For example, in considering licensing arrangements, the location of the premises in question and the demographics of the area could affect whether section 149 considerations come into play.

There is no one size fits all approach but the screening process is designed to help fully consider the circumstances.

What to do

In general, the following questions all feed into whether an equality analysis is required:

- How many people is the proposal likely to affect?
- How significant is its impact?
- Does it relate to an area where there are known inequalities?

At this initial screening stage, the point is to try to assess obvious negative or positive impact.

If a negative/adverse impact has been identified (actual or potential) during completion of the screening tool, a full equality analysis must be undertaken.

If no negative / adverse impacts arising from the proposal it is not necessary to undertake a full equality analysis.

On completion of the Test of Relevance screening, officers should:

- Ensure they have fully completed and the Director has signed off the Test of Relevance Screening Template.
- Store the screening template safely so that it can be retrieved if for example, Members request to see it, or there is a freedom of information request or there is a legal challenge.
- If the outcome of the Test of Relevance Screening identifies no or minimal impact refer to it in the Implications section of the report and include references to it in the Background Papers when reporting to the Committee or other decision making process.

1. Proposal / Project Title:

The extension of Public Spaces Protection Orders at Burnham Beeches

2. Brief summary (include main aims, proposed outcomes, recommendations / decisions sought):

Five Public Spaces Protection Orders (PSPOs) have been in place at Burnham Beeches since the 20th of October 2017. They replaced Dog Control Orders (DCOs) at that time that had been in place since the 1st December 2014. The PSPOs were extended for a further three years from the 1st of December 2017 and again 1st December 2020. The original DCOs and replacement PSPOs have created areas at Burnham Beeches where dog fouling must be removed, where dogs are required to be on leads at all times, where dog walkers can be instructed to put dogs on leads, where dogs, other than assistance dogs, are excluded (i.e. a small area directly around the café servery, there are still areas at the café available for dog walkers to use) and where the number of dogs that can be walked by any individual is limited. It is proposed that they are extended for a further three years from the 1st of December 2023. A stage one EQIA concerning the introduction of the original DCO's was carried out in 2014 and the changes were found to have a neutral impact on protected characteristics. A test of relevance equality analysis was undertaken in 2017 when the DCOs changed to PSPOs, and again in 2020 when they were extended. This latest proposal simply extends the existing PSPOs with two minor amendments. The proposed change to Order 3 (dogs on lead on request) is just in relation to who can enforce it, with no other changes that might additionally impact on people with protected characteristics. The proposed change to Order 4 (dog exclusion) actually expands the definition of assistance dogs to include a wider range of animals.

3. Considering the equality aims (eliminate unlawful discrimination; advance equality of opportunity; foster good relations), indicate for each protected group whether there may be a positive impact, negative (adverse) impact or no impact arising from the proposal:

Protected Characteristic (Equality Group)	Positive Impact	Negative Impact	No Impact	Briefly explain your answer. Consider evidence, data and any consultation.
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Access at Burnham Beeches remains unrestricted for people across the site. Possible benefits for young children or the less mobile who may continue to choose whether to visit the dogs on lead or dogs off lead areas.
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Access at Burnham Beeches remains unrestricted for people across the site. Appropriate exemptions exist for disabled dog walkers and the current proposal expands the definition of assistance dogs. Possible benefits for disabled users as they continue to be able choose to use parts of the site where dogs must be kept either on or can be kept off or on lead.
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Access at Burnham Beeches remains unrestricted for people across the site
Marriage and Civil Partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Access at Burnham Beeches remains unrestricted for people across the site

Pregnancy and Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Access at Burnham Beeches remains unrestricted for people across the site. Possible benefits for pregnant/ maternity users as they continue to be able choose to use parts of the site where dogs must be kept either on or can be kept off or on lead.
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Access at Burnham Beeches remains unrestricted for people across the site. Possible benefits for some cultural groups who may not wish to have close contact with dogs and can continue to be able choose to use parts of the site where dogs must be kept either on or can be kept off or on lead.
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Access at Burnham Beeches remains unrestricted for people across the site
Sex (i.e. gender)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Access at Burnham Beeches remains unrestricted for people across the site
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Access at Burnham Beeches remains unrestricted for people across the site

4. **Are there any potential social mobility or wider issues?** Please check appropriate box

Yes

No

Briefly explain your answer:

Access at Burnham Beeches remains unrestricted for people across the site

5. **There are no negative / adverse impact(s)** Please briefly explain and provide evidence to support this decision:

The existing PSPOs (formerly DCOs) have been in place for 9 years. The stage 1 EQIA, carried out prior to that introduction (2014) and subsequent test of relevance equality analysis (2017 and 2020) found them to have a neutral impact. No material equality issues have been identified since their introduction. As there are no changes proposed, other than the two minor amendments set out above, it is considered that the proposals will continue to have neutral impacts. Some dog walkers choose to walk mainly in the dogs off lead area but that is a personal decision and access across the whole site remains open to them with the use of a lead were required. Appropriate exemptions are and will continue to be made for visitors who use Assistance Dogs.

6. **Are there positive impacts of the proposal on any equality groups or Social Mobility?** Please briefly explain how these are in line with the equality aims or social mobility strategy:

Potential gains for all user groups who do not wish to have close contact with dogs. Although it is not necessarily aligned to any of the protected characteristics, there may be some benefit for example for young children, the less mobile, those unfamiliar with/ disliking of dogs. The PSPO's include provisions which allow continued access for Assistance Dogs

7. **As a result of this screening, is a full EA necessary?** Please check appropriate box

Yes

No

Briefly explain your answer:

The site rules established by the existing Public Spaces Protection Orders have been in place for nine years. The previous stage 1 EQIA and two subsequent Test of Relevance, Equality Analysis carried out found them to have a neutral impact. No material issues have been identified since their introduction. As there are no changes to the nature of the PSPOs proposed, other than the two minor amendments set out above, it is considered that the proposals will continue to have a neutral impact. Some dog walkers

choose to walk mainly in the dogs off lead area but that is a personal decision and access across the whole site remains open to them with the use of a lead where required. Appropriate exemptions are and will continue to be made with for visitors who use Assistance Dogs.

8. Name of Lead Officer: Martin Hartup

Job title: Head Ranger The Commons

Date of completion: 06/08/2023

Signed off by Department Director:

Name:

Date: